

## **STOW PLANNING COMMISSION**

Minutes of the Stow Planning Commission meeting held on Tuesday, March 13, 2018 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

**PRESS REPRESENTATIVE:** Stow Sentry

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Mr. Brauer called the meeting of the Planning Commission to order at 6:00 p.m. and asked the audience to stand and say the Pledge of Allegiance. Roll call was taken.

### **APPROVAL OF MINUTES:**

Mrs. Harrison moved and Mr. Ross seconded the motion to approve the minutes of the February 13, 2018, meeting. The minutes were approved as submitted.

### **BUSINESS ITEMS:**

#### **P.C. 2018-006 – REDEMPTION CHAPEL ADDITION – SITE PLAN & CONDITIONAL ZONING CERTIFICATE; 3900 KENT ROAD**

Mr. Rick McKee, Mr. Marc Benedict and Mr. Joe Carter were present to represent this item and were sworn in or affirmed by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Mr. Rick McKee of the Redemption Chapel, for the Planning Commission's approval of a Conditional Zoning Certificate and Site Plan to permit the construction of an addition to the existing Redemption Chapel located at 3900 Kent Road. The church was originally approved in 2012 (P.C. 2012-024 & Res. 2012-151).

The applicant is proposing to construct an addition onto the south end of the building that will be approximately 18,000 square feet in area which will be utilized for the main worship center. The proposed addition will extend approximately 160 feet within the existing rear parking lot, and then the parking lot is proposed to be enlarged which will create a total of 389 parking spaces on the site. The applicant is also proposing to widen the existing entrance drive at Kent Road to create 3 lanes: right-in/left-in; left-out; and a right-out/straight lane. The existing storm water detention basin will be removed and a larger one will be constructed south of the new parking lot.

The exterior of the structure will match the existing materials including pre-finished metal panels and split-face block.

[Pointing to the screen] The existing building here is in yellow; the proposed addition is in blue; this represents the new parking lot; and storm water detention is here.

There are a couple issues for consideration. The proposed development would have to comply with the storm water management regulations by the City Engineering Department.

In terms of landscaping there are a couple of areas that staff is recommending to consider. In the interior landscaping of the new parking lot we would recommend they at least meet the 5% minimum. When I say interior landscaping, these are landscape islands within the parking lot.

Secondly, Planning would recommend some landscaping buffering along the west property line in this area here [pointing to the screen] particularly.

The Fire Department has indicated that at least one additional fire hydrant on site would be required.

A lighting plan would need to be approved by the Planning Department prior to construction.

There were two conditions from the previous legislation that probably still apply; that the parking lot lighting be shut off at 10 p.m.; and the applicant provide traffic control during peak activity periods (i.e., Sunday mornings) when necessary as determined by the City. These conditions were in the 2012 legislation and I would recommend that or something like it be brought forward to this approval.

There was a slight modification to the front parking lot I think is important to point out. [Pointing to the screen.] This is the proposed new entrance and this is the additional lane. The concern Engineering had was this [pointing to the screen] landscape island here presented somewhat of a potential congestion. We recommended this island [pointing to the screen] either be eliminated or modified so it opens this lane up so there is a smoother entrance.

Mr. Sprungle: There are no variances required, this is just for conditional approval?

Mr. Kurtz: There are no variances associated with this but it does require a Conditional Zoning Certificate and site plan approval because it is in a Residential District.

Mr. Brauer: Was there provisions for screening of the light onto the property?

Mr. Kurtz: We didn't have those specific requirements but that would be appropriate. When we review the photometric plans we will review the intensity of the light itself and if there are cutoff shields necessary. We don't have that specific language but that could be part of the language to make sure the cutoff shields are in place particularly adjacent to residential.

Mr. Ross: Has there been any complaints relative to that?

Mr. Kurtz: I don't recall any lighting complaints.

Mr. Ross: Can you give me a little background on why the Fire Department wants the additional hydrant? Is it because they don't have access to the building within their 150 feet?

Mr. Kurtz: I think it is because of the distance.

Mr. Ross: They are asking for one on the property.

Mr. Kurtz: I think there is one already on the property, it must have been because of the distance. It is near the dumpster and I think it is because of the distance that the Fire Marshall recommended another one.

Mr. Ross: They had no issue with turning around on the site?

Mr. Kurtz: No, there was plenty of access to the building.

Mr. Brauer: The island you are referring to in the first parking lot, just the one island or are they moving both of them?

Mr. Ross: That is what I was wondering.

Mr. Sprungle: I would expect that you would need to move both and push them in a little.

Mr. Kurtz: There could be a portion of the second one as well. We'll leave that open. The middle should be eliminated and the second one may need to be modified. I think Engineering was pushing for that but frankly, I didn't want to eliminate any more landscaping.

Mr. Sprungle: I agree with your point, but instead of eliminating, you could move it in.

Mr. Kurtz: Maybe they could shift it and lose a space, exactly.

Mr. Sprungle: It doesn't give you as much parking right up front but it's clear to the parking in the back.

Mr. Kurtz: I think it is a valid concern on Engineering's part. You don't want to cause congestion at the entrance and exit, since there is only one. That presents its challenges when there is only one entrance and exit.

Mr. Ross: Your recommendation for landscaping on the west property line was a recommendation as opposed to a requirement?

Mr. Kurtz: I'm sure in our conditional standards we require some sort of landscaping considering the size of that building; to provide some buffer in terms of sound; to break up the appearance of that large wall and it is zoned Residential next door. That is where the recommendation came from.

Mr. Ross: So it is a recommendation, not a requirement.

Mr. Kurtz: Yes.

Mr. Sprungle: We can make that a requirement, couldn't we?

Mr. Kurtz: You could make it a condition of approval, that is in your power.

Mr. Ross: It is refreshing to see a well-designed building in Stow. Congratulations to whoever is responsible. It is not often we get to say that, so thank you.

Mr. Miller: Could you tell me what the distance is from the southern-most corner of the building to the property line behind it? [Pointing to the screen] From the corner of the building here going to the property line on this side.

Mr. Kurtz: It is 30 feet. The minimum side setback required is 30 feet.

Mr. Miller: I honestly don't know what the requirement is for handicap parking spaces. I only see nine spaces and you say there is going to be over 300 parking spaces. What is the ratio supposed to be for handicap parking?

Mr. Kurtz: That is not a zoning coded requirement. It is an ADA or a building code requirement so I don't what that is. That is something the Building Department will check.

Mr. Ross: You do have a required exit door at the back of the building exiting to the West. Is that correct? I assume that is a required exit and will require a sidewalk.

Mr. Benedict: We have not done the full calculations on exit travel.

Mr. Ross: To answer my question, if that is a required exist to get to the public way, there is nothing showing here on the site plan that would indicate paving or anything.

Mr. Benedict: Correct.

Mr. Ross: So is there a sidewalk going all the way to the front parking lot.

Mr. Benedict: If that becomes one of the required exits then certainly, yes, we would connect with an accessible pathway.

Mr. Ross: I'm looking at your drawing and it is a required exit. So you have some stuff that is not shown.

Mr. McKee: Would it be appropriate for me to ask questions on two of the points that were raised.

Mr. Brauer: Yes.

Mr. McKee: Rob was talking about moving the island at the entrance over. Like most parking lots obviously we have two lanes, one in each direction. So at some point it is going to go from two lanes to three lanes to get the extra turn lane. Is it an issue of distance? It is going to go from two to three at some point. Do they want a longer run there?

Mr. Kurtz: Right now it is two lanes and you are widening out to here [pointing to the screen]. The issue is that this becomes a pinch point because you are entering here [pointing to the screen] so this island in particular may cause a pinch point in congestion with people slowing down because they will be pushed out of that lane.

Mr. McKee: I completely understand that. All I'm suggesting is eventually there is a pinch point. We're putting in a turn lane at the entrance.

Mr. Kurtz: It's a matter of elongating the pinch point.

Mr. McKee: So they want a longer run. That I understand, because at some point it will go from three to two in the parking lot.

Mr. Kurtz: Right. There are two lanes here [pointing to the screen] and we're not suggesting, right.

Mr. McKee: So you are comfortable with it being pinched just a little further down eliminating that one island. That makes sense.

Mr. Brauer: Are we also using this as a drive to drop people off at the front of the church.

Mr. Kurtz: Not any more.

Mr. Brauer: You're moving the main entrance door.

Mr. McKee: It all depends. On a Sunday morning, the larger worship space that we'd be putting in which is the addition to the south would be a main entrance. But we do have parking all the way around so people can still come in what is today our front/main entrance to the north. Both would be main entrances.

[Pointing to the screen.] Where you see the three cars there is an entrance. This [pointing to the screen] would be a main entrance on Sunday morning; this [pointing to the screen] is a lot of Children's Ministry; and there is parking out over here [pointing to the screen]. A lot of entrance would be there on Sunday morning. There is not a ton of drop off. Mainly people park and walk, but the main drop off on Sunday morning would be in that [pointing to the screen] area.

Mr. Ross: Is there any surface-mounted HVAC equipment?

Mr. Benedict: It is unlikely. Most of it would be rooftop.

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

Mr. Benedict: We don't know yet. I would be very surprised if there is. If it is designed similar to the existing system, I wouldn't see any.

Mr. Ross: Which is roof-top units.

Mr. Benedict: Correct.

Mr. McKee: It would not be our preference to put it on the surface level.

Mr. Ross: The reason I would be curious, if it would be ground mounted more than likely it is going to be on the west side which means that's a great soundboard for noise migrating to the property on west. If it's roof mounted I can support it. If it's not, I would be somewhat concerned.

Mr. Benedict: We can make sure that's so and I don't see any reason there would be any surface mounted. If I may just clarify from a moment earlier regarding exiting, the only thing I was mentioning was some of this area is still in the design process. There is a possibility that we may cut in a required exit elsewhere where it would be more of a convenience. There is a

possibility that we would cover required exits directly off the south end, for instance. Then that might just be a tertiary exit where we would just have a landing and an area of refuge.

In the current configuration it would indeed have the hard escape tied back to the parking.

Mr. Ross: Looking at your plan, that's a dead-end corridor so it's going to be a required exit one way or the other.

Mr. Benedict: Correct.

Mr. Ross: So you will have a sidewalk going back to the public way or the parking lot.

Mr. Benedict: True.

Mr. Ross: Are all the polls lights at the perimeter of the parking lot? It's kind of difficult to read the small drawing.

Mr. Kurtz: They are here [pointing to the screen].

Mr. Ross: Okay.

Mr. Benedict: It is worth noting with this plan the orientation of the parking actually rotates 90 degrees from the current configuration. As you see the dash line along the right edge [pointing to the screen] that denotes the back edge of the parking. As you can somewhat tell from the shape of that, the parking is actually situated in a 90 degree turn from that. The two-way traffic is actually running east and west as opposed to the new situation where it would run north and south.

So those light fixtures we are talking about would be relocated and centered on the new common line of that parking.

Mr. Sprungle: I do not understand, what is shown on the drawing is not going to be the orientation of the parking?

Mr. Benedict: What's shown on the drawing will be the orientation of the parking. The parking that exists in the back today is rotated 90 degrees.

Mr. Sprungle: I see.

Mr. Ross: What's the proposal, as far as you know, to increase the landscaping within the new parking.

Mr. Benedict: Combining these islands [pointing to the screen], these hatched islands [pointing to the screen], and a small island there [pointing to the screen] would equate to 3.4%. So to reach 5% we would likely split the parking and put another double island in these four locations [pointing to the screen] and that would get us up to the 5%.

Based on the calculations we've done so far by adding four landscape islands that would get us up to 4.8%. So it would probably take just another small island to the east and west to get us at least to the 5%.

Mr. Ross: Do we have the exact number of parking spaces required?

Mr. Kurtz: They are required to have one for every four, so they exceed the minimum parking.

Mr. Benedict: I believe all the calculations are on the bottom right-hand corner of the page.

Mr. Kurtz: I think you showed one for every three. It's actually one for every four.

Mr. Sprungle: So you can lose a couple of parking spaces.

Mr. Kurtz: It wouldn't hurt them.

Mr. Ross: I know your congregation is growing, clearly. To what extent do you anticipate having full occupancy in the parking lot?

Mr. Benedict: The parking as it is shown now really is intended to accommodate the ratio that we are saying we will need with the size of the worship center the number of seats we have in there versus the ratios we tend to see occupied.

We're finding the ratio that the church needs far exceeds that one to four and the one to three area. It's not necessarily intended to accommodate growth it is intended to accommodate a full worship center.

Mr. Ross: You're saying if I go by a year from now, every spot is going to be filled on Sunday?

Mr. Benedict: It is quite possible, yes. Right now we're parking down the street and off site.

Mr. Ross: You can't land bank any parking?

Mr. Benedict: Any spaces that we lose through landscaping we would probably tag right onto the back end.

Mr. McKee: Clearly, putting in parking is expensive, so we don't want to do it willy-nilly. As we add those spaces and spend the church's money, we do so because we need to. We need those spaces.

Mr. Ross: I was going trying to save you some money by land banking.

Mr. McKee: And I greatly appreciate that. If I could, I would.

Mrs. Harrison: What is the property to the west?

Mr. Kurtz: It is a single-family residence.

Mr. McKee: If I could speak to the screening on that. Most of the things spoken about I'm more than happy to do. We love the City and we are really grateful for your time and consideration. Adding some trees is probably the least expensive thing to come out of this; so if we have to add some trees we will add some trees.

My concern with it is the property to the west. Rob if you remember one discussion sometime back, they by their own election when they put that in, bulldozed all the screening on the

property line. It shocked me to death. I'm thinking if I put in a house that nice I wouldn't have done that. But by their election, they eliminated all the screening on the property line.

Right now, this right here [pointing to the screen] you can see a lot of trailers back there and commercial equipment and construction equipment. It looks like a junk yard right there.

Mrs. Harrison: That is why I asked if it was residential.

Mr. McKee: He's put kind of a road back here. There is zero landscaping around his property. Toward the front of the property there is an outbuilding or a garage that remains from when it was purchased, before he built. They use that occasionally for trailers. He has a plumbing business and has stuff there. There are piles of broken up asphalt.

My point is our property is taken care of, it's neat, tidy and aesthetically pleasing. My concern would not be standing on their property looking at ours. After he has bulldozed all the screening and then to require us to put trees on the backside here is a little bit of a struggle. Again, if that's a deal breaker it's probably the least expensive thing on the list and I'm not going to get sideway with you over some trees.

Mr. Sprungle: It is a good point. The property looks better from his side looking onto your end, then your end looking onto his.

Mr. McKee: That's the thing. If I want to put in trees, I want to put them in here so we don't have to look at the junk yard, not back here so he doesn't have to look at the back of our building.

Mr. Brauer: Would it make better sense to remove the islands in the parking lot and put them along that line?

Mr. Sprungle: Then it would not be interior landscaping.

Mr. Kurtz: That is really two separate requirements. One is interior landscaping and one is buffering. Despite what goes on at the neighboring residential property it's still a church, which is not a residential use. So that is why the recommendation for screening. I understand pastor's comments and they are not inaccurate, but it is still a conditional use and that is where that requirement came from.

Mr. Ross: The only concern I've ever had or heard, and I don't know how you address it; I'm sure you probably can't. It occurs in other locations as well. If you're trying to go down Kent Road or Graham Road on a Sunday morning as church is letting out, you grow a beard before you get to wherever you're going because the traffic is trying to exit. I'm sure the extra lanes will help but is it still going to require assistance to stop traffic on Kent Road?

Mr. McKee: Absolutely, I believe Rob put that in as a condition for approval. It was a condition of approval last time and he suggested carrying that forward. Anytime the City requires it, specifically on Sunday mornings, we do pay a City of Stow officer to direct traffic on Kent Road. We are more than willing to do that. It not only meets the City's need it also meets our need. We are glad to do it and we do it already electively and we will continue to; for sure.

Mr. Benedict: One thing that might help in a small regard on that, and Pastor Rick mentioned it just before the meeting started as we were speaking. When we talk about the new lanes exiting

with a straight and right lane and a left-turn only lane. It may actually make sense for us to do a right-turn only to relieve some more of that traffic and have the new center lane be left-turn and straight traffic.

Mr. Ross: I'm sure that would help.

Mr. Brauer stated there was an email received from a resident and asked Mrs. Daerr to read it into the minutes.

Mrs. Daerr:

*Stow Planning commission:*

*We are the residence that reside at 3878 Kent Rd, Jeffrey and Melissa Huffman. We received a letter yesterday evening in regards to the proposed addition and meeting tonight at 6pm for Redemption Chapel at 3900 Kent Rd. We are not able to attend because of such a late notice. We do however want to voice our concerns as I have discussed with Robert Kurtz today with noise of building, traffic, noise boundary buffering. When we built next door Church was operating a 2-3 day a week schedule, it now is a 7 day a week operation - business running early Monday morning through late Sunday evening.*

*We are excited with the church growth but not with the lot so narrow that it doesn't allow for sound buffering and traffic needs.*

*We are open to a meeting with the pastor or their council at any time.*

*Sincerely,  
Jeffrey and Melissa Huffman*

Mr. Ross: Is the concern the noise emanating from within the church or the parking lot?

Mr. Kurtz: It doesn't say.

Mr. Brauer: It states building, traffic, noise boundary buffering.

Mr. Miller: You mean the one they ripped down. I want to be sure I understand. They are complaining about the noise buffering they ripped out.

Mr. Sprungle: Well it was on their property.

Mr. McKee: It was on the property line. Their dozer actually came over into our swale. So, you are correct. If I may also add, obviously we want to bless our neighbors and we want to love our neighbors. We have grown as a congregation. On Sunday morning during our three services there are more people coming but we are as active in there and as busy, as far as times and days of the week as we always were. He only built his home about two years ago.

Mr. Kurtz: I think it was since 2014.

Mr. McKee: Our building usage has not changed in the last two years, since when he built.

Mr. Ross: Given the configuration of the lot, there's not much you can do for sound buffering. It's kind of a moot point in my case.

Mr. Brauer: Do we have staff support?

Mr. Kurtz: Yes, based on the conditions presented to Planning Commission.

Mr. Miller: I wanted to point out one other thing on the lighting. I know that sometimes there might be evening events at the church where lighting being turned off at 10:00 p.m. could be an issue. You can also use motion detection for security or otherwise so lighting can come on after 10:00 p.m. if there is a motion detection device connected to them.

Mr. Brauer moved and Mr. Sprungle seconded to approved PC 2018-006. **Planning Commission recommended approval subject to: 1) Engineering Department review and approval storm water management plans; 2) City Arborist approval of landscape plan including the objectives of adding landscaping (evergreen) along the west property line and providing additional interior landscaped area within the parking lot possibly utilizing the end of the aisles currently shown on the site plan as striped; 3) Fire Department including providing at least one additional on-site fire hydrant; 4) Building & Engineering approval of construction plans; 5) Planning Department approval of a lighting plan including the objective of shielding lighting sources from adjacent residential property; 6) Parking lot lighting being shut off at 10:00 pm; 7) Applicant providing traffic control during peak activity periods (i.e. Sunday mornings) when necessary as determined by the City; and 8) modifying the landscape island in the front parking lot to reduce potential congestion.**

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

Nay: None. The motion carried 5-0.

#### **P.C. 2017-018 – CITY FARMS CLUSTER DEVELOPMENT-SITE PLAN AND CONDITIONAL ZONING CERTIFICATE; GILBERT ROAD**

Mr. Paul Zuravel was present to represent this item and was sworn in by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Mr. Paul Zuravel, property owner, for the Planning Commission's approval of Conditional Zoning Certificate and a site plan to permit the construction of a cluster development on his property located at 3720 Gilbert Road.

The property is zoned R-3 and cluster developments are conditionally permitted in this district. The applicant is proposing to construct 11 new dwelling units and retain an existing two-family dwelling on the property for a total of 13 dwelling units. The development will consist of one main drive from Gilbert Road and a secondary drive extending north of the main drive.

The applicant is requesting a variance from Section 1165.02(a) to locate a Cluster Development on Gilbert Road.

[Pointing to the screen]. Here is Gilbert Road, the main entrance drive, the existing dwelling, an accessory building, and this is the secondary drive. This is the same cluster plan we reviewed a couple of meeting ago.

The issues to consider, as with any other site plan, are:

1. Storm water management to be reviewed and approved by the Engineering Department.
2. City Arborist approval of a landscape plan. One note would be we recommend landscaping primarily deciduous trees along Gilbert Road. Taking into account any existing trees there. There is one large hardwood that is worth saving if that still works with the development.
3. Fire Department had recommended at full build-out that there needs to be an adequate turn around area here [pointing to the screen]. Fire department had a couple alternatives that could work. At full build-out at least one additional fire hydrant would also be needed.
4. In terms on the variance the cluster development on this location, in my opinion, is consistent with the updated Comprehensive Plan in which the Gilbert Road area indicated that multi-family housing or mixed density was the land-use policy for this area.

Adjacent to this we have two single-family homes here [pointing to the screen] and around it is the condominium development that was approved in 2016.

Mr. Zuravel has submitted typical elevations for the homes that are in your packet.

Mr. Sprungle: From a cluster perspective, how similar or what are the differences between this and what we approved behind it.

Mr. Kurtz: Behind it were much larger footprints and there were many two-family. There were either two or four units together. These are individual with probably a little more open space and smaller footprints.

Mr. Sprungle: So less density here than there?

Mr. Kurtz: It's probably about the same. The overall density of Quail Creek was probably only 2.2 units per acre. This is 13 units on 4.5 acres, which is 2.8 units per acre. So it is slightly denser.

Mr. Ross: Don't we only have 12 units?

Mr. Kurtz: This unit here [pointing to the screen] is technically a two-family structure. I'm not sure if it is used that way but that is the structure and there are 11 new units, so that is 13 units. The density is within the R-3 requirements.

Mr. Ross: Where is the proposal for the Fire Department turn around because you cannot turn around on gravel?

Mr. Kurtz: No. It's not shown on this plan. What we have done, and what we could do is make that a condition of approval and then put it on the final construction drawings. As long as it's acceptable to Engineering and the Fire Department then that would work too. There seems to be enough room for it.

Mr. Ross: I'm reluctant to approve anything until I know what kind of surface we have, what kind of turn around. I don't see any sidewalks on the property what so ever.

Mr. Kurtz: There are no sidewalks shown. I assume the road surface is asphalt and the applicant can speak to that.

Mr. Ross: Do we have a central mail drop off or will the mail go to the individual homes?

Mr. Kurtz: The post office will dictate that and they even dictated how the mail will be distributed at Baker's Glen. They required them to have a common mailbox area.

Mr. Ross: That's what I'm assuming is going to happen but I don't see it.

Mr. Kurtz: Correct, that is not shown. Maybe in this area here [pointing to the screen].

Mrs. Harrison: Are there sidewalks along Gilbert Road?

Mr. Kurtz: There are on the east side. I don't believe there are any sidewalks on the west side. Certainly not anywhere north or south of the old Gilbert Lane.

Mr. Miller: I'm not saying this is a requirement but out of curiosity, guest parking?

Mr. Kurtz: That's a fair question. There are two cars in the garage and then two spaces here [pointing to the screen]. So there aren't any guest parking spaces shown here. I don't know if the applicant wants to weigh in on that. It is a relatively small development.

We have another one of similar size on Fishcreek and they may have a couple of spaces.

Mr. Miller: So just on-street parking.

Mr. Kurtz: No, they wouldn't be allowed to park on the street. Because this [pointing to the screen] would be a fire lane.

Mr. Ross: That becomes a problem if you don't have guest parking. I'm reluctant to do that.

Mr. Brauer: Look at number 4, 5 and 6 doesn't leave a whole lot of room for any type of depth reduction, with a 30-foot rear yard setback.

Mr. Kurtz: There's no interior setback lines. There's plenty of room for a deck there.

Mr. Ross: But there's not on lots 1, 2, and 3.

Mr. Sprungle: On lots 1, 2, and 3 there would be no opportunity for decks.

Mr. Kurtz: That's correct. Maybe the whole thing could get shifted a little to the west.

Mr. Ross: Having served on the Board of Zoning and Appeals as Chris and I both have, we were highly frustrated by the fact that when they platted new properties, they did exactly this and we saw every single house that came before us wanting a deck on the back of their house. If you look at the floor plan you know a deck is going to be there and every one of them had to have a variance. I'm highly reluctant to go down that path again.

Mr. Brauer: I agree. I think this will be in front of them.

Mr. Ross: It will be, we just virtually created at least two variance requests.

Mr. Sprungle: I'm concerned with the driveway. Guest parking is going to be a critical issue. I'm not so concerned with sidewalks if you have asphalt driveways or concrete roadways. You are going to need to have some type of guest parking.

I agree with you on the decks. I think if you could shift that whole front section over, you wouldn't have to come back for variances. You know people are going to want variances for a deck on the back of those houses.

Mr. Brauer: I believe that is part of our job to recognize that.

Mr. Sprungle: On the front end.

Mr. Ross: Are we looking at both parcels, or is it going to be consolidated and do we have to provide approval or disapproval for one parcel or both.

Mr. Kurtz: I was looking at them together.

Mr. Ross: Is that legitimate?

Mr. Kurtz: If they are combined, it's perfectly legal.

Mr. Ross: But they're not.

Mr. Kurtz: They are not combined now.

Mr. Ross: Is having them consolidated a condition we need to add for approval?

Mr. Kurtz: Yes, that should be a condition.

Mr. Ross: I'm in favor of tabling this until we get some resolution or more definition to some of the concerns we've expressed here. I know the gravel drive is the least expensive and for normal things it would work but not for Fire Department access. They have very specific specifications for load limits and dimensions, etc. which he can't do back there and it's expensive.

Mr. Sprungle: Then that leaves open the driveways to the homes. Would those be gravel driveways or concrete. I would expect a hard surface, but it's not specified.

Mr. Zuravel: As far as the decks go, the code doesn't require for a concrete patio. It can go within the setback line. Theoretically, if someone wanted to concrete their whole yard they could without a permit. A concrete patio wouldn't have to be inside the setback.

Mr. Brauer: You're right; as long as that's communicated. If it's not communicated to them I will not support this.

Mr. Zuravel: Right. I would communicate that to the buyer. If they came into get a variance, then they would have to be told it's a patio only. I think they can go up to 2 feet high with a raised stone patio or paver patio within the setback. I could push that forward a little bit but I don't intend on putting decks back there.

As far as the guest parking, I think I could work in some guest parking over here [pointing to the screen]. With Lowe's being across the street, if you ever had an abundance of people there, they would probably park over there. If you have one or two people, they are going to park in your driveway.

Mr. Brauer: That's doable, parking in your driveway but I think it is a little inconvenient if you have a birthday party and you have six cars and you ask the people to park across the street at Lowe's.

Mr. Zuravel: What did I do on Leewood Drive. I had two parking spaces and if we had people there, they had to park on the street. Then they had people complaining about the hill there. Every one of these developments like this, even Stillwood Development...

Mr. Sprungle: Paul, you're right, you have to make accommodation but normally when you anticipate those, what you do is put the parking spots in. There are a lot of small cluster developments and every so many houses, they have a small row of parking spots.

Mr. Zuravel: Right.

Mr. Sprungle: I think that's what we're talking about here. If we saw a plan that had that, it would be a little bit more palatable.

Mr. Zuravel: But is it a necessary thing.

Mr. Ross: Yes it is.

Mr. Sprungle: Yes, I think it is.

Mr. Zuravel: It doesn't exist everywhere. It doesn't even exist at the Universal development.

Mr. Sprungle: I'm not saying it exists everywhere.

Mr. Zuravel: Universal put in 250 units.

Mr. Brauer: Your challenge is you have to work with us.

Mr. Zuravel: I get that but don't put burdens on me that haven't been required of others.

Mr. Kurtz: There is off street parking at Gilbert.

Mr. Zuravel: At the community center.

Mr. Kurtz: At Quail Creek.

Mr. Zuravel: At the community center they have extra parking.

Mr. Kurtz: I believe there is parking elsewhere.

Mr. Zuravel: Whatever you guys think as far a requirement. What do you think? For these 6 units how many?

Mr. Kurtz: Cross Creek, the development off of Fishcreek Road probably has three spaces.

Mr. Sprungle: The one off of Norton Road by Giant Eagle have that exact situation and there are common parking spots.

Mr. Kurtz: I don't think we are talking about more than three or four.

Mr. Sprungle: You have two different sections and if they each had 3 or 4 spots, it would be great.

Mr. Kurtz: So you could put three here maybe [pointing to the screen].

Mr. Sprungle: Yes and then maybe over between the existing building and number nine.

Mr. Zuravel: I don't think that's something I couldn't overcome.

Mrs. Harrison: That would be a good spot too if you have to put in a central mail drop off. Put it right there [pointing to the screen] with a couple parking spots.

Mr. Sprungle: People can park their car and get out to check their mailbox.

Mrs. Harrison: Then they are not going to be in the way of other people coming and going and they would get used that way.

Mr. Zuravel: That's true.

Mr. Kurtz: It makes sense.

Mr. Zuravel: That can be worked in.

Mr. Sprungle: How about the, you call them a driveway but they are really roads? Are you planning on keeping them gravel and then the driveways...?

Mr. Zuravel: This is already asphalt [pointing to the screen]. It's going to be repaired. I really don't mind the gravel. Anymore, with the storm water everybody is getting away, no hard surface.

Mr. Brauer: But it's not a good surface in the middle of the winter time to plow.

Mr. Zuravel: Yes, But I do it now.

Mr. Brauer: That's you, but the new homeowners may not feel the same.

Mr. Ross: It is required for Fire Department access. You simply cannot do gravel.

Mr. Zuravel: That's fine. It's asphalt now.

Mr. Sprungle: The driveways going up to the homes will be what?

Mr. Zuravel: They will be asphalt.

Mr. Ross: You do recognize there are two completely different specifications for the roadway for Fire Department access as opposed to the little stub road that goes to the six house.

Mr. Zuravel: Road specification, yes. The Fire Department has been up here. If they had to get to a fire at my house now, they could get there. I would put two fire trucks on that drive way and they wouldn't get stuck.

Mr. Brauer: You are going to consolidate this as one property, correct?

Mr. Zuravel: Right, but I have the option of making these individual lots under the cluster regulations.

Mr. Brauer: If that's the case, should we be reviewing this?

Mr. Zuravel: You don't have to show it on your plan. That's why you're reviewing it. You don't have to show it. It's an optional thing for the developer. It's in the code. If you don't want to approve it, just tell me now.

Mr. Brauer: Paul, it's in review.

Mr. Zuravel: When you say that...

Mr. Brauer: You've come here long enough. You've been a part of these meetings. We ask a lot of questions.

Mr. Zuravel: I get that, but don't make a comment like, why are we reviewing this, when it's allowed to be presented like this as a site plan.

Mr. Brauer: Paul, we are allowed to ask any questions we want.

Mr. Zuravel: But don't make statements that aren't true.

Mr. Brauer: Paul, again, I'm going to say this to you and I'm going to make myself clear, we are here to help. You come in and if you constantly challenge us, it's not going to go well.

Mr. Zuravel: I'm not challenging you, I'm saying that the site plan presented is legal. Right Rob?

Mr. Kurtz: It is possible for Planning Commission to make a recommendation that these lots are consolidated as part of this approved cluster development. At a later time, when it comes to build it, he would be permitted to subdivide into fee-simple lots. That is within his prevue if that's the way he wants to develop it.

We are talking about two separate things. We are talking about the cluster development plan which is what we have in front of us. Then later a subdivision, that doesn't necessarily have to go back to Planning Commission and Council because it is allowed within the development.

In my opinion, the key is reviewing this plan as one. Later it can be subdivided in various ways as long as it is still consistent with the approved plan. He could not subdivide this and change all the footprints and change what you have approved.

Mrs. Harrison: So it can stay like this as one consolidated large lot, or it could be subdivided later and we would have no knowledge or we wouldn't have to approve anything as long as the plan stays the way it is.

Mr. Kurtz: That's correct.

Mr. Sprungle: So you recommend that we consolidate these lots for this purpose, right now?

Mr. Kurtz: For the purpose of this cluster plan, that is appropriate.

Mr. Brauer: Thank you for the clarification.

Mr. Sprungle: Paul, here are the issues I have. I would prefer to see units 1 through 6 moved over so the possibility of a deck could go on those houses. I would like to see some open parking spots for guests. I would like to see a hard surface designated for all the roads, drives and driveways.

Mr. Zuravel: We can make the hard surface a condition. As far as moving the units back, if I go further back I get closer to the retention pond. With the ability to put the concrete patios in, I don't see it necessary to move those back, just to accommodate a deck that may or may not go in; when a concrete patio is allowed.

I see your point, but at the same time, the concrete patios are allowed and the further I go back I get closer to that retention pond.

Mr. Sprungle: It's hard to visualize and know exactly how much space is there.

Mr. Kurtz: Are these 50 foot footprints?

Mr. Zuravel: Yes, unless I go to a smaller footprint. They are 50 feet deep.

Mr. Kurtz: Are your buildings going to be that deep?

Mr. Zuravel: Yes.

Mr. Sprungle: I guess that is one point I can ease up on but I hate to see people come back later.

Mrs. Harrison: How far back does a deck have to be from the setback?

Mr. Kurtz: It can go up to the setback. If it is part of the structure, then it's the same thing as the principal building.

Mr. Zuravel: Right, but a concrete patio can go within the setback.

Mr. Kurtz: Yes, in the yard.

Mr. Zuravel: If you want to concrete your whole yard you can. They can't stop you from doing that.

Mr. Kurtz: Sure we can.

Mr. Zuravel: You think so.

Mr. Kurtz: There's language that says you can have a driveway but otherwise it needs to be landscaped.

Mr. Zuravel: Then I might have to make that a smaller footprint. How far back from the setback would you like it to be Rich?

Mr. Sprungle: If you gave somebody the ability to at least have a ten-foot deck.

Mr. Zuravel: Okay. We can make that a condition. It would either be a smaller footprint or by moving the buildings back. If that makes you comfortable.

Mr. Sprungle: That does help.

Mr. Zuravel: The other thing I wanted to ask Rob was because it's a 40-foot setback now and there's 15 feet from the curb, you're literally 55 feet from the street. I thought about asking for that variance to 30 feet on the setback versus 40 feet. In an R-3 I think that's what the front yard setback is, isn't it?

Mr. Kurtz: It's 40 feet. It starts to get low here [pointing to the screen], we could consider a variance to allow a deck or a patio on the front.

Mr. Zuravel: There's probably a couple feet there already.

Mr. Kurtz: You're talking about 8 foot.

Mr. Zuravel: Yes, an 8-foot variance if you wanted to go that route. It wouldn't be uncommon.

Mr. Sprungle: What would the Fire Department require in terms of a turn around? Should that be shown at this point or would it have to meet Fire.

Mr. Kurtz: I would be comfortable as long as it meets their approval because there are alternatives. You can do a T-bone or a Y. I don't think they need a giant cul-de-sac. I hope he can avoid that because its monstrous. I think the Y would be better because it takes up less pavement.

Mr. Sprungle: So in other words with approval of the Fire Department.

Mr. Ross: Why are we approving things like that, when we can't see them? It's part of what we do. Why don't we give him a chance to address some of these issues in the best way that makes sense for him and some of our concerns and come back.

Mr. Zuravel: In actuality, as far as the Fire Department goes, if I had a fire at my house right now, would they refuse to come back here because that turnaround is not there?

Mr. Ross: You might want to ask the Fire Department that but my suspicion is they are not going to want to get stuck in the mud.

Mr. Zuravel: It's asphalt back there. They can turn around.

Mr. Ross: You've called it out as gravel in your plan.

Mr. Zuravel: The engineer put that on the drawing. This is asphalt all the way back here [pointing to the screen]. I didn't catch that when he sent me the drawing.

Mr. Brauer: Paul, you understand some of the concerns, right?

Mr. Zuravel: I don't understand why it couldn't be approved with certain conditions.

Mr. Brauer: I don't think we feel comfortable doing that.

Mr. Zuravel: I figured as much. Go ahead and make your decision.

Mr. Ross: I would like to recommend we table this and give Paul a chance to address some of these things and bring it back before we vote. It's just a recommendation I put before the Commission. I don't know if Paul is amenable to that, but if he is, that we consider it.

Mr. Zuravel: Is there any way to approve the six units on the front? Are you happy with the six on the front?

Mr. Sprungle: There are still some issues with that. One is additional parking spots and one is you're showing a gravel driveway. If you're looking for approval, I can give approval with some pretty rigorous conditions, but if you would show us the way it's really going to look.

Mr. Zuravel: Like I said that was a mistake on my part, the asphalt. The other drive has asphalt here [pointing to the screen]. There wasn't any requirement for guest parking, I don't think, that I saw, that's why I didn't. Do people put it in, sure they do, but I didn't see it as a requirement for a site plan. Is it a requirement Rob or is it something that people do?

Mr. Kurtz: It's not called out specifically but in cluster...

Mr. Zuravel: In practice it's done but it's not specifically in the code and it's not a requirement for a site plan.

Mr. Kurtz: It is a conditional use. In terms of circulation and the use of it, it is not an unreasonable condition because private drives do not allow parking in the street.

Mr. Sprungle: It's not a cluster development anyway. I mean we're making it one.

Mr. Kurtz: No, it is a cluster development.

Mr. Sprungle: We're turning it into one.

Mr. Kurtz: Can we review the specific questions that definitely need to be looked at: Guest Parking is one. The circulation drive will be asphalt. That would be a typical condition for approval so I don't see that additional.

Mr. Sprungle: And the house drives also.

Mr. Kurtz: That's a typical requirement.

Mr. Zuravel: Let's make something clear, the guest parking is not a requirement. It can be a condition, but it's not a requirement. You can put it on as a condition but don't require me to put it on the site plan for approval. It's not a requirement. If it is, show it to me in the code. Where is it at in the code specifically.

Mr. Ross: It may be a requirement to get the votes you need for approval.

Mr. Zuravel: Well that would be short sighted I think and discriminatory also.

Mr. Sprungle: I don't know why it's discriminatory. I think it would be short sighted to omit it.

Mr. Zuravel: If it's not a requirement for a site plan why is it short-sighted to omit it? A deck isn't a requirement either. I hear all this talk about a deck when a patio is allowed. You want to say you're going to locate those...

Mr. Sprungle: Are we talking about the deck or are we talking about parking?

Mr. Zuravel: Both. Is a site plan required to show a deck on a house?

Mr. Kurtz: Yes, when you submit a plan to the Building Department it sure does.

Mr. Zuravel: To the Building Department, but as far as Planning Commission's approval for a site plan, when you're putting a structure on as a cluster, are you required to put a deck on there?

Mr. Sprungle: If a variance is required.

Mr. Ross: From our experience, what we're trying to avoid is generating a problem for the Board of Zoning and Building Appeals.

Mr. Zuravel: I get that, but it's not a requirement for approval. You cannot say to a developer you're going to put that so far from the setback so a deck can be put there. When in fact, it's not...

Mr. Kurtz: In Stillwood for example, we have building envelopes that were approved and those building envelopes include the building itself and/or patios. That's part of the approved plan. So it's not uncommon. A patio is part of the principal structure.

Mr. Zuravel: So every structure has to have a patio?

Mr. Kurtz: No, it doesn't have to have a patio?

Mr. Zuravel: Exactly. That's my point and that's why it is presented like that because every structure does not, by code, have to have a patio.

Mr. Kurtz: Now I understand your point. If there is no patio there it complies.

Mr. Zuravel: Yes. It complies.

Mr. Kurtz: Fair enough, I hear what you are saying.

Mr. Zuravel: It complies, that's why I don't understand the pushback. I understand your point. You're trying to say people are going to come back later and want a variance. I don't have any control over that. When you start legislating something that's not in the code or requiring something that's not in the Zoning Code for a site plan, I think you're going in the wrong direction.

Mr. Sprungle: At the end of the day we don't have to approve this.

Mr. Zuravel: You're right.

Mr. Sprungle: This is a cluster development and we're trying to make it work. We're trying to work with you.

Mr. Zuravel: I'm trying to work with you. I'm looking for approval.

Mr. Sprungle: And so we have some conditions.

Mr. Brauer: Rob can we run down the list of conditions.

Mr. Kurtz: I have written down: guest parking spaces.

Mr. Sprungle: Obviously we would have to identify how many that would be because otherwise we will get two.

Mr. Brauer: I agree. I think to give Paul that information would be useful so he can bring it back to us with that.

Mr. Sprungle: I would say guest parking spaces in two different locations with 3 to 5 spaces in each. Would that suffice?

Mr. Zuravel: You know what, if I'm going to have all these conditions, I'm going to build a 24-unit apartment building up there with 500 square foot apartments.

Mr. Brauer: Paul do you want to hear these so we can give you this information or not.

Mr. Zuravel: I don't want to have to come back for approval.

Mr. Brauer: It's a yes or no. Do you want to hear them or not?

Mr. Zuravel: Continue on with what you were doing.

Mr. Brauer: I'm sure there are going to be several. One is guest parking. Two areas located on site. Three to five each.

Mr. Zuravel: I want to address that. Rob, is guest parking a requirement in the Code?

Mr. Kurtz: The Chairman is giving the conditions. In terms of the number of guest parking spaces, ten would seem like a lot for a 13-unit development based on what we have approved in the past.

Mr. Sprungle: Well it could be six then.

Mr. Zuravel: How many guest parking spaces were approved at Cross Creek?

Mr. Sprungle: Two to four per location.

Mr. Brauer: I'm looking to you Rob to guide us a little bit.

Mr. Kurtz: In terms of the cluster development on Fishcreek, there's probably...

Mr. Sprungle: Is it possible to pull up the map off of Norton Road.

Mr. Zuravel: Pull up the one at Cross Creek and pull up the site plan. I can guarantee you they didn't show any guest parking.

Mr. Kurtz: They did.

Mr. Sprungle: How many units are there and how many guest parking spaces?

Mr. Kurtz: There are 10 units.

Mr. Sprungle: How many guest spots are there?

Mr. Kurtz: There are the spaces [pointing to the screen]. I would say six spaces.

Mr. Zuravel: Was that called out as guest parking on the site plan?

Mr. Sprungle: So 10 units with 6 spots. Here we have 13 units. I don't think it is unreasonable.

Mr. Zuravel: Five or six.

Mr. Kurtz: I would say at least six. Three or four here [pointing to the screen] and maybe a couple over here [pointing to the screen]. It doesn't seem like it would dramatically affect the plan, just more asphalt.

Mr. Brauer: So we have the guest parking, the driveways.

Mr. Kurtz: I don't think that is an issue is it? They are all hard surfaces.

Mr. Ross: Fire Department approval of the specifications and design of the Fire Department access road and turnaround.

Mr. Kurtz: Right.

Mr. Zuravel: Where can I find those specifications?

Mr. Ross: The Ohio Fire Code.

Mr. Zuravel: They'll have the road construction specifications?

Mr. Ross: They sure do.

Mr. Zuravel: I know they dictate the turnaround but I think the Engineer dictates the construction for weight. I think Jim McCleary looked at that.

Mr. Ross: The Fire Department does that.

Mr. Kurtz: They set the weight, I think it is 75,000 pounds.

Mr. Zuravel: They looked at it and they didn't comment on it.

Mr. Kurtz: It's in the comments. They set the weight at 75,000 pounds.

Mr. Zuravel: I didn't see it on that list you sent me.

Mr. Brauer: Rob do you want to read through those really quick.

Mr. Sprungle: Will the Fire Department dictate where the hydrant will go.

Mr. Kurtz: Yes.

Mr. Brauer: Can you read through the conditions Rob.

Mr. Kurtz: Providing at least 6 guest parking spaces; adequate turnaround according to the Fire Department; and consolidation of the parcels.

Mr. Sprungle: On the guest parking spaces I would like to stipulate that they are in at least two different locations.

Mr. Zuravel: Are you talking about a half a space per unit.

Mr. Sprungle: I'm not really specifying a number per units. I originally said 3 to 5 in two locations. So that is a minimum of 6. If you want to put in 10 I would be okay with that.

Mr. Zuravel: What I'm getting at is if they could be put in front here and here [pointing to the screen].

Mr. Kurtz: I think the Planning Commission is open to different locations. I don't think they specified where.

Mr. Sprungle: Again, that's the difficulty of approving something that's not fully vetted out.

Mr. Zuravel: Once again, I got to go back to the guest parking is not in the Code. If you want to put it as a condition, but you can't hold approval back when something is not in the code.

Mr. Sprungle: I think we can.

Mr. Zuravel: No, I don't think you can. As far as the driveway goes, the weight limit on that driveway will hold a fire truck. I've had EMS vehicles up there. I've had fire trucks up there. If I do a bore on that and it will hold 75,000 pounds, can it be what it is?

Mr. Ross: Sure.

Mr. Zuravel: See that's what I'm saying. It's been there for 50 years. I don't think it's going to compact any more.

Mr. Brauer: That is information you're going to have to get to us then.

Mr. Zuravel: The Engineer didn't ask for it. On his comments, the Engineer didn't ask for the road to be bored.

Mr. Brauer: We're going to move forward. Rob, you have the list, correct.

Mr. Ross: Can we get confirmation from the postal service as to whether they require a kiosk? If so, we need to have it shown on the site plan. Which may also help understand where the guest parking goes for the overflow to accommodate those two things with one shot.

Mr. Kurtz: I could ask them but I haven't in the past.

Mr. Sprungle: That's usually determined by the post office.

Mr. Ross: It's a site of entity and it has something to do with traffic flow and access and everything else.

Mr. Brauer: Rob can you read through that list.

Mr. Kurtz: Conditions 1 through 5 as noted on the memo. Providing at least 6 guest parking spaces in two different locations; consolidation of the parcels; and adequate turn around according to the Fire Department's specifications.

Mr. Zuravel: Those will be the conditions.

Mr. Kurtz: In addition to the five conditions that were mentioned in my memo.

Mr. Zuravel: Right. I think one of theirs was the turn around.

Mr. Kurtz: Yes. And that all circulations drives be asphalt.

Mr. Brauer: You want us to vote on this tonight, or do you want us to table it?

Mr. Zuravel: Let's go through what we have before us. Rob has the list of conditions. Can we go through them again?

Mr. Kurtz: There are 5 conditions that were already on the list.

Mr. Zuravel: Through staff review.

Mr. Kurtz: The three additional conditions are: Providing 6 guest parking spaces at two different locations; consolidate of the parcels; and the circulation drive to be asphalt. The other five are already there and addresses the Fire Department access.

Mr. Brauer: I'm asking do you want us to vote on this proposal tonight?

Mr. Zuravel: With those conditions I would like to get approval with those conditions that you guys requested.

Mr. Brauer: Okay, so you want us to vote on this?

Mr. Zuravel: If you think you could do it.

Mr. Brauer: Okay.

Mr. Ross: My concern as a Planning Commission, is yes we can place conditions on the property but how those conditions are implemented is a direct concern to this committee and I'd like to see it before I vote on it.

Mr. Zuravel: My response to that would be, when you put a condition on something it's never on the plan. It's a condition of the plan being approved.

Mr. Ross: There's my position.

Mr. Brauer: Rob, I guess we make a decision.

Mr. Kurtz: It's up to you. Planning Commission certainly can.

Mr. Brauer moved and Mr. Ross seconded to table P.C. 2018-017.

Mr. Miller: I think we should approve this item. There are 5 conditions that are here right now and we can't see them on the screen. The other two conditions we just brought up which we can't see either which are just some parking spots and the turn around.

Paul you are in agreement to those conditions, correct?

Mr. Zuravel: Correct and I would say I probably won't get a building permit until I show Building and Engineering those conditions.

Mr. Sprungle: Is the asphalt one of those conditions?

Mr. Miller: I move to approve.

Mr. Ross: Point of order.

Mrs. Daerr: I have a motion on the table. I believe he can move to amend the motion and it would need a second.

Mr. Sprungle: I'll second the amendment.

Mr. Ross: I believe we need to withdraw the motion to table.

Mr. Brauer moved and Mrs. Harrison seconded to withdraw his motion to table PC 2018-017.

Yea: Brauer, Harrison, Miller, Sprungle.

Nay: Ross. Motion carried 4-1.

Mr. Miller moved and Mr. Sprungle seconded to approve P.C.2017-018.

**Planning Commission recommended approval subject to: 1) Engineering Department review and approval storm water management plans; 2) City Arborist approval of landscape plan including the objective of placing deciduous trees along Gilbert Road; 3) Fire Department approval of construction plans including providing at least one additional on-site fire hydrant prior to full build-out and providing adequate turn-around area for emergency vehicles at the end of the main circulation drive; 4) Building & Engineering approval of construction plans; 5) Applicant providing at least 6 guest parking spaces in at least two locations; 6) Applicant consolidating the two parcels (56-09021& 56-00050); 7) All circulation and access drives to be asphalt; and 8) City Council granting the variance from Section 1165.02(a) to permit a cluster development on Gilbert Road. Justification for the variance discussed is that a Cluster development would be consistent with the land use policy for this area in the 2017 Comprehensive Plan.**

Yea: Harrison, Miller, Sprungle.

Nay: Brauer, Ross. Motion carried 3-2.

## **STUDY ITEMS**

### **P.C. 2018-007 – STOW MUFFLER SHOP – LOT SPLIT; 3265 KENT ROAD**

Mr. Fred Molai and Mr. David Pelligra was present to represent this item.

Mr. Kurtz: This is a request by Mr. Fred Molai, owner of the Stow Muffler Shop for the Planning Commission's preliminary consideration of a lot split for his business located on the Stow Plaza property located at 3265 Kent Road. Stow Plaza is here [pointing to the screen] Fred's muffler shop here [pointing to the screen]. Planning Commission approved that in 2001 and The Stow Muffler Shop has been in business at this location ever since.

In general, his goal is to somehow carve out his business as a separate lot so he can improve it. They have provided some pictures [which were shown on the screen]. I think you are familiar with his shop.

Mr. Ross: Are both of those buildings on the same site?

Mr. Kurtz: Yes, there are three buildings on one lot right now. [Pointing to the screen] There is Stow Plaza, Stow Muffler Shop and this is a two-story office building. It is all on one lot.

Years ago, one of our first streetscape projects involved Stow Plaza. Years back Stow Muffler was an old gas station. Let me pull up the old plan in 2001. [Pointing to the screen] there is the Stow Plaza and the old-time gas station triangle with an in and out. Then we had the main entrance to the plaza but it didn't line up with anything.

We worked with the owner Mr. Pappas and got rid of this curb cut [pointing to the screen] and realigned the drive so it is more normal. Now it goes with that [pointing to the screen] and then we kept this old one [pointing to the screen]. The architect was asking me why the old one was still in that way, that was left over. We lined up the entrance there [pointing to the screen] so it made more sense and added some landscaping there [pointing to the screen] and along there [pointing to the screen].

Mr. Pelligra – 2231 Broad Blvd., Cuyahoga Falls, Ohio: Mr. Molai came to my office by way of referral and asked me for guidance and explained to me the background.

Fred came to the board 18 years ago to get an approval to open up the shop. We can quickly recognize it as a closed Sunoco probably built in the late 50's or early 60's.

He is asking how could he become the owner of the property after paying rent for 18 years. Mr. Pappas is willing to entertain how he could do that and it came out as split the lot. I had some discussion with Rob and a C-2 requires a 40,000 square foot parcel.

We have a building that is about 1200-1300 square feet. Trust me, we don't need 40,000 square feet. What he does want to do is get ownership so he could stay in that facility and operate his business.

We looked at a lot split option. What you are seeing on the screen in the gray area is what we're proposing to split out which is roughly 120 feet by 100-foot depth. That would give Mr. Molai enough ability to own the land, the building and be able to continue to operate his business. The size of the lot is very similar to the current individual lots that are on the opposite side of Kent Road.

So what can we do? One of the things is to realize at this end [pointing to the screen] he is considering a future addition. Another bay or two and then being able to upgrade the building. After I looked at this, he has a simple drawing that shows a concept that says how he could do it.

I'm also looking at saying I would like to look at his option and say I don't see the immediate need; and I say that provided I have an access easement here [pointing to the screen] that's built in that provides access through this access drive here [pointing to the screen] to the muffler shop and/or back to the office building.

I think this [pointing to the screen] would enhance substantially that Kent Road corridor continuing down the street scape and eliminate the 50 to 60-foot curb cut that exists. It would give us a place to locate several plantings here [pointing to the screen]. We can kind of carry on the same street scape that is there.

A lot of what I'm proposing is I'm looking for ways to work with you as to how we can get this carved out of this requirement so it can work for Mr. Molai.

Let's look at the rendering. We talked about a couple different ideas. Fred actually had this done [pointing to the screen] before my involvement, but it gives you some ideas. One of the other involvement ideas we want to investigate and study is this gives you an appearance right now that the building ends right here [pointing to the screen] and it has the Sunoco mansard roof on it. This was a proposal [pointing to the screen] that puts a sloped roof on it, a couple of reverse gables and then another bay here [pointing to the screen]. I have some refinement I would definitely add to that. I think we have the wrong garage door and some other elements on there, but we could make that work. This is one concept.

The second concept, and I don't have anything to show you right now, is tied in with the design features of the plaza itself picking up the mansard roof, the trim and some of those things. That is the overall and you are all familiar with how it looks now and I'm saying there are two options

of what we could do for appearances. Obviously there are a dozen more we can come up with and what to do to upgrade it.

We're looking at doing this in phases so we can make it work well. He has to purchase the building and then he has to do whatever the preferred upgrades are that you would direct us to.

Mr. Brauer: It looks like a nice upgrade.

Mrs. Harrison: So even with the second drawing you had that changed the curb cut and added more landscaping, the lot size would still stay the same, you would still have access through the plaza.

Mr. Pelligra: Correct.

Mr. Sprungle: The lot would stay the same. You would want the easement for access.

Mr. Pelligra: Yes. As of this morning Mr. Molai did receive a tentative agreement from the owner. It still has to go through their process of vetting it and determining if it is right. Obviously it is not something he is going to sign until we have some guidance from this Commission about realistically exploring it.

That is why I'm here tonight. I wanted to present it and get your input. Have I done all my homework, the answer is no. Do I expect to do more homework and present it and get things polished? Yes, I do.

Mr. Ross: What kind of concerns does staff have with the smaller site? Are we looking at anything unique here?

Mr. Kurtz: This is definitely unique. The street building arrangement here is definitely unique. The initial concern I had was carving it up and what potentially could happen. It would obviously need a variance in terms of the size, but that's really the only variance.

The more I thought about it; it's an artificial line put on a map. The bonus would be a potential upgrade and which I hadn't considered at all is the elimination of that curb cut. Given the amount of pavement in that area, this is a dramatic improvement. It's all in scale. It's a small building, a small sidewalk and that would be a huge improvement. In my view it is an upgrade and a positive.

Mr. Ross: So major problems from your point of view on the site itself. The only comment I have Dave is I know your work and it is a lot better than what you just put on the screen. I would like to see something a little more contextual if you could.

Mr. Pelligra: Are you speaking about the rendering?

Mr. Ross: Yes.

Mr. Pelligra: That isn't my work, if that wasn't clear before.

Mr. Sprungle: It's a study item at this point and you're looking for direction.

Mr. Pelligra: Yes I am.

Mr. Brauer: What is this here [pointing to the screen]?

Mr. Pelligra: Maybe a dumpster enclosure because we don't have one. The dumpster now sits on the side of building and has to be shifted.

Mr. Miller: So we are looking for a variance from the 40,000 square feet down to what?

Mr. Pelligra: Essentially 12,000 square feet would be the lot size; 120 feet by 100 feet.

Mr. Sprungle: Some of those businesses across the road are that same size.

Mr. Kurtz: They are 60 feet by 120 feet, and 60 feet by 150 feet. There are some small lots there. That could be a justification for the variance for Planning Commission to consider.

Mrs. Harrison: It's not going to look that different. You're going to have the big building there and the smaller building. Nobody is going to know it's a separate lot. Like you said, it is an artificial line. It's going to look better than it does.

Mr. Brauer: You're going to have nice landscaping that will make a significant difference and the upgrade to the building.

Mr. Sprungle: The only concern I see is the potential eventuality. What could happen there? In the immediate, I was say it is pretty easy to support because it is an improvement.

Mr. Ross: Are there any issues with storm water management? Is it tied into a larger system?

Mr. Pelligra: I have gone out to the site and we did go through it and took a lot of pictures. It looks like the site primarily drains to the back. There's a catch basin right there [pointing to the screen] and I think there's another one right here [pointing to the screen]. Those two are existing.

As is typical of buildings built in the 60's and 70's, there's not a lot of drains. It all just sheet drains towards it. At this point, we are going to be taking away some hard surface up front in this process, but I have to also take a look when I do that, do I have any potential water that's going to pond there because now I put in a curb. I may have to do something to pick up that surface water.

Mr. Sprungle: Even if it's just a way to get it out to the street which is where it's been going now.

Mr. Pelligra: Yes.

Mr. Ross: So other than that, you meet all the parking requirements and everything else. It doesn't look like it's a tough sell to me.

Mr. Kurtz: Yes, parking is based on the number of bays, which is two per bay.

Mr. Sprungle: I could support this.

Mr. Brauer: Yes.

Mrs. Harrison: I could too.

Mr. Ross: Work your magic with the building.

**Planning Commission generally supported the lot split as part of an overall site and building upgrade.**

**OTHER**

Mr. Kurtz: Each of you have a copy of the work that OHM, the consultant that the City hired to look at the City Center Development which is following the policy that was in the Comprehensive Plan.

What that entails are they did a market study to look at new developments in this area. What would the market bear? Then they put together some vision plans about what possibly could happen.

It's still in the very early stages with an ultimate goal, if the City can get together and agree on what the concept will be, then the City can go out for bid for request approval, partner with a developer and develop it. Now there are a lot of details that go in that and a lot of steps that go through that and Council is wrestling with that right now.

It's not a plan yet, so it's not before Planning Commission, but certainly any feedback you have is appreciated and welcomed. Council is going to have it on their Committee of the Whole March 22, 2018. I certainly urge you to attend or comment.

Some of you were present at one of the three task force sessions. You heard the issues about the Planning Department and Rob Kurtz, asking why aren't you doing something about downtown. I think it is consistent with the policies that are in the Comprehensive Plan. There are a lot of details that need to be worked out and ultimately negotiations have to go through City Council.

From a Planning Commission's perspective, I think where we could weigh in would be on what the Overlay District would look like. What would some of the conditions be?

Mr. Ross: Is the Entertainment District going to go forward?

Mr. Kurtz: They are two separate tracks going forward at the same time. I'm not sure how familiar you are with the Entertainment District. It's kind of a designation by the Ohio Division of Liquor that says you can have liquor permits and more important, to approve, the whole City votes on it.

They are moving forward on two separate tracks at the same time. I think Council will consider them together at the same time.

Mr. Ross: That can make a huge difference.

Mr. Kurtz: I don't think we have the development if we don't have the Entertainment District.

Mrs. Harrison: The concern I heard from people was that the Entertainment District was way bigger than this area we're talking about now. It concerns some people.

Mr. Sprungle: I think that's a positive personally.

Mr. Kurtz: We see a need for an Entertainment District but it does nothing to the zoning. It has no effect on the zoning. Again, it is an imaginary line we put down for the state to consider on the map.

We are not recommending any changes to the development along Darrow Road that is the RB District. We are not putting any parking lots in the front. That was put into place in the late 80's which was significant in retaining those big yards and the small development which I think is a tremendous asset. I think that was really well done and we're not suggesting any changes there. It's understandable that it's scary when it's that big of an area but it's just a definition on the map. It doesn't require you to put a bar there and bars are not permitted in the RB District.

Mrs. Harrison: I think part of the concern was that came out before this. People didn't see what this looked like. I think it was the timing of them being two separate things that threw people off.

Mr. Kurtz: I think you're right.

Mr. Miller: Do they have any thoughts of something like a natatorium like the Falls have?

Mrs. Harrison: I brought it up at the Parks Board Meetings several times that there would be a space for that and to integrate the Senior Center or something like that and I was told they tried it 15 years ago and it was voted down.

Mr. Kurtz: The Senior Center will definitely be integrated at that point, but that's not a natatorium. For those of you who have been here for several years, five times a natatorium was on the levy and it was defeated.

Mrs. Harrison: I think the last time they tried was like 15 years ago, as I understand.

Mr. Kurtz: It probably was, but I think a natatorium is unlikely.

Mr. Sprungle: At the time there was only the one fitness facility on Route 91. Now there's Suma, and Cleveland Clinic/Akron General. How many do you need?

Mr. Kurtz: It is going to be a neat concept and that is a whole different aspect.

Mrs. Harrison: My fear is you see so many spaces in downtown Kent at First and Main. How often do these little restaurants turn over and it is really hard for little boutique shops to stay in business. It seems like those little retail spaces make me a little bit nervous. They are not like places you're going to go to every night.

**NEXT MEETING: Scheduled for March 27, 2018**

With no further business to discuss, Mr. Brauer moved and Mrs. Harrison seconded the motion to adjourn. It was unanimously approved and the meeting was adjourned at 7:57 p.m.

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Chris Brauer  
Planning Commission Chairman

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Pamela H. Daerr, CPS  
Planning Commission Secretary



To: Planning Commission  
From: Robert Kurtz, Director of Planning & Development  
Re: Recommended Conditions for Consideration; 3-13-18 Planning Commission agenda items  
Date: 3-13-18

**1) P.C. 2018-006 – REDEMPTION CHAPEL ADDITION - SITE PLAN & CONDITIONAL ZONING CERTIFICATE; 3900 KENT ROAD**

1. *Storm Water Management – Review and approval by the Engineering Department to ensure compliance with Stow’s storm water management regulations*
2. *City Arborist approval of landscape plan including:*
  - a. *Adding landscaping (evergreen) along the west property line*
  - b. *Providing additional interior landscaped area within the parking lot possibly utilizing the end of the aisles currently shown on the site plan as striped*
3. *Fire Department including providing at least one additional on-site fire hydrant*
4. *Building & Engineering approval of construction plans*
5. *Planning Department approval of a lighting plan*
6. *Previous conditions from original legislation Res. 2012-151:*
  - a. *Parking lot lighting being shut off at 10:00 pm*
  - b. *Applicant providing traffic control during peak activity periods (i.e. Sunday mornings) when necessary as determined by the City.*

**2) P.C. 2017-018 – CITY FARMS CLUSTER DEVELOPMENT-SITE PLAN AND CONDITIONAL ZONING CERTIFICATE; GILBERT ROAD**

1. *Storm Water Management – Review and approval by the Engineering Department to ensure compliance with Stow’s storm water management regulations*
2. *City Arborist approval of a landscape plan including an objective of placing deciduous trees along Gilbert Road.*
3. *Fire Department approval of construction plans including:*
  - a. *Providing at least one additional on-site fire hydrant prior to full build-out*
  - b. *Providing adequate turn-around area for emergency vehicles at the end of the main circulation drive.*
4. *Building & Engineering approval of construction plans*
5. *Recommendation for a variance from to permit a cluster development on Gilbert Road. This would be consistent with the land use policy in the 2017 Comprehensive Plan.*