

## **STOW PLANNING COMMISSION**

Minutes of the Stow Planning Commission meeting held on Tuesday May 22, 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.

### **BUSINESS ITEMS:**

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

Mr. Fred Molai and Mr. James Titmas were present to represent this item and was sworn in by the Planning Commission Secretary.

Mr. Kurtz: This is a request by Mr. Fred Molai, owner of the Stow Muffler Shop for the Planning Commission's approval of a lot split with variances to permit the creation of a lot for his existing business in the Stow Plaza property located at 3265 Kent Road. The Stow Muffler Shop has been in business at this location since 2001.

*Planning Commission moved to hold this item at the May 8<sup>th</sup> meeting to allow the applicant and staff to contact the property owner to determine if he would permit the closing of the western most curb cut on the property.*

The proposed lot is 12,000 square feet in area. The applicant is also proposing to renovate the façade of the existing Muffler Shop and add landscaping north of the building. The proposed renovation includes the addition of a roof, new wall panels, and masonry at the lower level of the structure.

The applicant is requesting a variance from C.O.S. Section 1145.04 to create a lot 12,000 square feet in area (minimum 40,000 square feet required); and a variance from C.O.S. Section 1145.06 to locate a building 19 feet from the rear/side property line (minimum of 20 feet required).

Mr. Pappas has responded quite clearly, that he requires keeping all the driveways that are open currently as they are and therefore, would not approve of a site plan that would recommend closing them.

Planning Commission is free to act on this. From staff's point of view, we would prefer to have it closed and have additional landscaping. Considering the proposed building improvements, if we do nothing it will potentially stay like it is now. While I prefer the driveway to be closed, I can still support the idea of enhancing this building with the lot split as it is.

Mr. Ross: On the document we received with the addition, is he going to require another variance for the back.

Mr. Kurtz: That was noted at the previous meeting. It is a variance including the lot size and the rear property line of 19 feet where 20 would be required.

Mr. Miller: Rob, did you say you did meet with the owner?

Mr. Kurtz: No, Mr. Pappas chose not to meet with me and just sent the letter.

Mr. Ross: Is there a current legal easement across the proposed new property?

Mr. Kurtz: No, there wouldn't be a need for one so that should be a condition for approval. There currently is not one existing because it is one property. That may be in their agreement but I am not privileged to that information.

Mr. Titmas: We spoke with Mr. Pappas and he advised that he would be unable to attend the meeting but he does require the exit. Fred also has the requirement to maintain his traffic exchange agreement with Mr. Pappas. Even though the drive in question is in front of his out parcel, he still must maintain his legal agreement for mutual exchange of traffic and parking with the apparent property owner.

This is a lot like an out lot to a shopping center as opposed to a stand alone, but I don't think you have that particular nuance built into the code as it stands now.

Mr. Ross: Is the agreement a binding agreement for an easement across the property?

Mr. Titmas: Yes, that is correct. There are mutual traffic agreements and mutual parking agreements. Essentially for all intense and purposes, for trucks and traffic maneuvering, it is all one parcel even though there is an out parcel here. Mr. Pappas can drive his trucks across Mr. Molai's property and vice versa.

Mr. Ross: Mr. Molai, you are buying the property subject to those conditions?

Mr. Molai: Yes.

Mr. Brauer: Personally, I would like to see the drive go away but I think it is going to be such an improvement that it will be nice.

Mr. Ross moved and Mr. Miller seconded to approve P.C. 2018-007. **Planning Commission recommended approval of the lot split subject to Council granting the variances. Planning Commission determined that the variance was justified considering the proposed building improvements were a significant benefit to the site.**

Yea: Brauer, Ross, Harrison, Miller, Sprungle

Nay: None. The motion passed 5-0.

**NEXT MEETING: Scheduled for June 12, 2018**

**ADJOURNMENT:**

With no further business to discuss, Mr. Ross moved and Mr. Miller seconded the motion to adjourn. It was unanimously approved and the meeting was adjourned at 6:08 p.m.

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Chris Brauer  
Planning Commission Chairman

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Pamela H. Daerr, CPS  
Planning Commission Secretary