

STOW PLANNING COMMISSION

Minutes of the Stow Planning Commission meeting held on Tuesday, July 31, 2018 at 6:00 p.m.

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

MEMBERS ABSENT: Mr. Miller

ALSO PRESENT: Director of Planning Rob Kurtz, Mary Botts, Acting Secretary

PRESS REPRESENTATIVE: Stow Sentry

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.

Motion to approve the meeting minutes of May 8, 2018 and May 22, 2018 by Mr. Ross, seconded by Mr. Sprungle. Motion passed 4-0.

BUSINESS ITEMS:

P.C. 2018 – 013 – Circle K – Zoning Amendment from an R-3 Residential to C-3 Community Retail located at 4936 Stow Road.

Mr. Kurtz: There was no communication with other departments regarding this business item. This is a request by Savanna Van De Kamp Peet of Circle K who is the business owner, and Ruth Bourgeois and Richard Szeles who are the property owners for your approval of the rezoning of approximately 1.4 acres adjacent to the existing Circle K gas station that is located at 4936 Fishcreek Road from R3 Residential to C-3 Community Retail. The existing Circle K gas station is approximately 3,000 s.f. in area and it is located on a parcel that is a 0.6 acre parcel. The C-3 rezoning and elevation will extend south on both Fishcreek and Stow Road and the proposed new lot will be 2.7 acres in area. This proposed rezoning request is generally supported in the Comprehensive Plan. As you may recall, we studied this area of the City and the plan recognized that rezoning may be required in order to allow existing businesses to expand, however, provided the rezoning was limited and the rezoning will be resolved and an upgrade to the building sign, landscaping improvements and/or traffic improvements. Also, a preliminary site plan has been submitted as part of this rezoning request. You all realize that this is not part of the approval but it was more for illustration of what their future goals are and how the rezoning request related to that goal of expanding their proposed gas station. Briefly, the proposed station, the main differences would be a larger building, it also has a car wash attached to it and the other significant site condition changes would be that the curb cuts are further away from the intersection of Stow and Fishcreek Roads. Let me show you on the overhead; here is the existing station here, Dollar General is across the street, the curb cuts for the proposed expansion would be located further from the intersection here and here. Again, when it comes to the site plan, if this were to go forward, when it comes to site plan, those concepts of providing buffering and screening, not only on the site itself but possibly even across the street as you see that the proposed rezoning extends past the commercial zoning here so there may be some accommodation for possibly even screening on that property for

example since this is residential property. Again, getting further into details but I think it is worthy of consideration. As a background, I asked Chris Hopkins of CT Consultants who assisted with our plan, to do an additional analysis and to provide some more background and her opinion on this proposed rezoning.

Mr. Ross: So the properties that are not rezoned to C-3 will remain R?

Mr. Kurtz: R3 correct

Mr. Ross: So does that create a substandard lot?

Mr. Kurtz: In terms of the lot depth ratio, the problem would require a variance without some modifications of the one on Stow Road. It meets the area in width but I bet if we calculated the lot depth it would be too long and narrow so that would have to be modified in some way to avoid that variance.

Mr. Ross: Is that true of the one on Fishcreek?

Mr. Kurtz: I think that one is compliant.

Mr. Sprungle: But that would be between the gas station and church.

Mr. Kurtz: In actuality it provides a buffer if you will between the church and then on Stow Road, the residential parcel on its own probably doesn't have a lot of value on its own unless they were combined with say the parcel to the south. I am referring to this parcel here (on screen).

Mr. Ross: The existing white house on Stow Road is on which of those properties?

Mr. Kurtz: The lot split proposed it about right here (pointing to screen). As it is proposed, it almost acts like a buffer for future but I think their goal was they wanted to limit any further south on Stow Road. Just to point out the C-3 zoning here is in the orange pattern, this, although zoned R-3, as you recall, that is the office building that was recently approved so even though it is zoned R-3, the use is commercial business.

Mrs. Harrison: So the next lot south there is owned by the same owner?

Mr. Kurtz: I think it is, Bourgeois.

Mr. Brauer: Any other discussion from this Commission? There was none. At this time, I would like to ask anyone who is going to speak on behalf of this proposal or any neighbors or adjacent property owners, if you would like to speak on this proposal, I would ask you to please rise to be sworn in and state your name and address.

John Iski
935 E. Tallmadge Ave.
Akron, OH

Mr. Iski stated he is the real estate developer and manager for Circle K for this project. Thank you for letting us speak tonight. I just wanted to give you a little history of why we are here and how this project came about. This store was part of a larger acquisition that we inherited. It is an actual 2,000 s.f. building that is 40 years old. The tanks, the U.S.T. underground are 27 years old, they are single wall metal. Today we would install double wall fiberglass with much more safety options. Basically, from a corporate perspective over the last three years, revenues have decreased 35% in our current facility. We feel it doesn't make sense to upgrade our current position as it is. The last thing we want to do and try to avoid at all costs is either closing the store is not what we want to do at all. Based on our current prototypes and our current designs, that is where this comes from so it is an effort for us to rebrand ourselves to our latest prototypes, adding a car wash differentiates us from our competition so we met with Rob a few times and worked through it. We are currently on 6.8 acres. The two parcels adjacent to us are larger than what we need so we are asking to rezone only specifically to our project lines, not the property lines. It is our understanding working with Mr. Kurtz that 80 feet of frontage was a buildable lot so we were able to make that work on both sides. The numbers up here appear a little bit larger than they are. The total project would be 2 acres total but when you take it to the right of way and include the public right of way, that is how you get to 2.77, so again we are just asking to rezone just what we need, nothing more, maintaining the 80 foot width of the adjacent residential partial as a buffer so I am happy to answer any questions on the site plan. I believe elevations have been provided to you as well of what the new building would look like. I think you will see it is extremely different than what is currently there today, so really a decrease in business is what brought us to this decision to provide a new project. I will say the new project budget is 3.9 million dollars for this project so we are making a concerted effort to stay a part of Stow but we need a little bit of help to make that happen.

Mr. Brauer: The portions of the lot that are not being requested for a zoning change, are you going to be the owner of those also or are you going to leave those residential?

Mr. Iski: We are not.

Mr. Brauer: You only bought half the lot.

Mr. Iski: We are actually in a ground lease situation, we actually are not purchasing the lot. Our current landlord who owns the corner, owns the parcel along Fishcreek and that entity is purchasing the first parcel adjacent from Ms. Bourgeois who owns the two parcels there so they will remain the owner.

Mr. Brauer: So they will be the owner of that entire parcel on Stow Road but they are only asking for only half of it to be zoned?

Mr. Iski: Correct. The adjacent parcels are larger than what we need so we are asking just to rezone specifically our project. Mr. Kurtz so correct me if I am wrong but a buildable lot is 80 feet of frontage and we were able to maintain that on both sides as a project?

Mr. Kurtz: That is not the only requirement for a lot. There were no elevations on this but there was a site plan. I think we support this request. I think there are some conditions. It is not necessarily the rezoning, again we prefer that the rezoning be limited as much as possible. The lots south of Stow Road, if those lots were combined in a different way to make them conforming, then I guess there is no justification to create a lot that is not conforming so if that hurdle could be cleared we would support this.

Mr. Ross: Was there any consideration in moving that existing lot line to the north closer to the C-3 area to create a larger lot to the south of it and just leave a small buffer strip there?

Mr. Iski: We went through several iterations of this site layout and what we are trying to accomplish, and I think I accomplished it in this proposal is that we didn't want to ask for rezoning and then have to ask for a variance later. If we were going to rezone property, we wanted to make the site plan as compliant as possible so to do that and to achieve zoning code required setbacks for parking and drive areas and building areas, that is just about where the Stow Road property line would end, there is just not a lot of room for play in that direction on Stow Road.

Mr. Ross: Can you flip back to the site plan (on overhead). Is there some problem moving this property line closer to get a better here and eliminating the non-conforming strip there, can't we move that? Say parallel to the C-3 area?

Mr. Iski: We certainly tried to. Our site plan is probably our fifth or sixth iteration of our site plan in trying to make it work. If you go back into the site plan for a second I would like to walk you through. There are two dimensions that you are really limited by and one is from the canopy to the front curb and one from what would be the southern canopy to the parking spaces.

Mr. Ross: I am talking about this line right here.

Mr. Iski: That is an existing line.

Mr. Ross: That is my point. Can't we relocate that line up to here? That would make a much more desirable parcel.

Mr. Kurtz: The new line they are proposing is something like this (overhead). So what Mr. Ross is suggesting so the issue is that this space is not wide enough so you either eliminate this line here and this lot is okay or that is the only way to create more distance for this lot and that would be taking it in this direction not that direction.

Mrs. Harrison: I think what Bill is saying is that this other residential lot that is here, can you combine this little wedge with that other residential lot and make a bigger residential lot instead of creating this little wedge. I think that is your intention Mr. Ross?

Mr. Ross: Right otherwise you get two nonconforming lots.

Mr. Brauer: The lots to the south of that nonconforming is a conforming lot, isn't it?

Mr. Kurtz: It is. This lot and this lot are owned by Bourgeois.

Mrs. Harrison: You are buying the whole lot and they don't want to sell you half the lot and merge this.

Rick Szeles
2772 Gold Leave Drive
Akron, OH

Mr. Szeles: So I own this parcel over here and Mr. Bourgeois and I have been in discussion about how we want to do this and basically we wanted to swap some lands and what he was going to do was he was going to give me 100 and something feet right here and we were going to take that property line like you suggested and just move it and have his lot be larger now so I would own this north to here and he would own this lot here and then in order for me to have this, he wanted a small section over here of this for a driveway to connect to his property over here so all we were going to do was swap land, that is all we were going to do and he just wanted a place to be able to get into his property. I don't want to own a small parcel over here.

Mr. Kurtz: If this line here is eliminated, then this becomes a conforming lot.

Mr. Ross: That is what I am suggesting.

Mr. Szeles: I personally have no problem with. I can't speak for Circle K.

Mr. Kurtz: This is the demarcation line between proposed C-3 and R-3 so that is not changing, it is just this line will be eliminated and it would be conforming.

Mr. Iski: We can make that happen.

Mrs. Harrison: That is the only thing I don't like is that little line. I think if it can be merged with the other one, that way we are not creating something nonconforming.

Mr. Brauer: So what you are saying is you are converting into one lot. Can that lot then be converted into a flag lot, a lot and a flag lot? If you combine those two can you later uncombined them and make one flag lot?

Mr. Kurtz: It would have to go through the appropriate process. I am not sure why you would want to but if you combine it at a later date, you can try to split it but it will have to be conforming.

Mr. Brauer: Both lots would have to be conforming?

Mr. Kurtz: Yes.

Mrs. Harrison: Which maybe if you combine them you can split it in the future in a more even fashion.

Mr. Brauer: Are there any questions or concerns or comments from the audience?

There were no comments.

Mr. Brauer: Mr. Ross can you come up with the language and motion for this?

Mr. Ross: It seems that small little lot is problematic in my mind. Is it possible Rob that we could approve or consider approving this request subject to that consolidation taking place since it is not technically brought to us?

Mr. Kurtz: Typically you don't have a conditional zoning. It is Planning Commission recommendation and so there is certainly no reason you can't make the recommendation that new lot be combined with the lot to the south.

Mr. Sprungle: So you recommend approval with the recommendation that the lots be combined.

Mr. Ross: I guess I would be much more comfortable if that were accomplished and he brought this back and I would clearly approve it. I am hesitant to do it as a recommendation because a recommendation has no teeth.

Mrs. Harrison: So right now this hasn't been redone yet.

Mr. Kurtz: Technically, to be clear, the rezoning, we have lots that are zoned more than one zoning district. It is not usual but we have it so the proposed rezoning is separate from the lot split/lot consolidation so in other words, they could have requested this through zoning and have rezoning go across the lot line and so I guess they are not asking approval for the lot consolidation, they are asking for approval of the zoning.

Mr. Ross: That is what I am saying. We are outside of the request that is in front of us. Is this something that we want to encourage that we have a parcel split into two zoning categories?

Mrs. Harrison: Why is that we have other areas where parcels are two different zones?

Mr. Kurtz: I don't think we necessarily want to encourage it, no, we don't want to encourage. We had a case on Kent Road but that is very unusual.

Mrs. Harrison: So I think the lot split consolidation would have to happen before I feel comfortable approving it.

Mr. Iski: Rob do you know what the lot width to depth ratio would be in an R-3?

Mr. Kurtz: Yes 1 to 3.5.

Mr. Iski: So that would be not conforming.

Mr. Szeles: Is it possible to get Commissions recommendation made to do a lot split/lot consolidation a contingency as opposed to a recommendation?

Mr. Iski: We would be comfortable. Everybody on the applicant side would be comfortable with there being a contingency.

Mrs. Harrison: So you want us to approve the rezoning only if contingent upon the lots being consolidated.

Mr. Bauer: Lot consolidation to avoid a nonconforming lot.

Mrs. Harrison: Not approving two districts in one lot. It would have to be combined for us to approve.

Mr. Ross: Now is this going to apply to both parcels, one on Fishcreek as well as one on Stow Road?

Mr. Kurtz: The one on Fishcreek would be compliant.

Mr. Ross: I understand that but the question is going back to the idea of having two zones in a single parcel.

Mr. Kurtz: This would still be zoned R-3 and not C-3, it would be separate parcels, so this is cleaner. The C-3 is this.

Mr. Ross: I guess I would be comfortable with this as a contingency.

Mr. Iski: The reason I would ask is because with that, it allows us in turn to move forward subject to start working on underground retention, lighting, landscaping, it allows us to move forward, hopefully without waiting another 30 days to come back based on that. We would be happy to accept that with the contingency in place.

Mr. Bauer motioned for approval of P.C. 2018-013 subject to the contingency we just discussed and recommend approval subject to any restrictions we may have from other departments. Mrs. Harrison seconded the motion. Motion passed 5-0.

Study Item P.C. 2018 -014 Dwight Yoder – Conditional Zoning Certificate with Variances – Graham Road Senior Apartments; 2815 and 2845 Graham

Mr. Kurtz: This is a request by Mr. Dwight Yoder of the Yoder Group, and Ms. Zuska Vizmeg, property owner, for the Planning Commission's preliminary consideration of a conditional zoning certificate to permit the construction of a multi-family development at 2815 and 2845 Graham Road. The property is zoned R-3 Residential and multi-family developments are conditionally permitted subject to conditions in Chapter 1169. The two existing lots proposed to utilize this development create a lot of 200 feet in width and over 1,000 feet in depth. The subject in the adjacent property is zoned R-3 Residential, to the east are the Robin Wood Apartments and the north and the west are single family dwelling, and to the south across Graham Road are townhouses and a single family dwelling. The preliminary site plan shows 15 units in 3 buildings, the proposed buildings are one story in height. The preliminary review here that was submitted to you had also been some discussion between me and the applicant in terms of our interpretation of the site conditions or the variances required. One of the proposals that the applicant had suggested was that the rear portion of the property be deeded to the City for a city park. In terms, and I indicated to the applicant that, in terms of multi-family developments, land dedication is required according to Chapter 1185, however, the City receiving the land, in terms of dedicated park space, it would have to be indicated on the Comprehensive Plan which is not, in this case, so if not that, then the other level is then on site recreational enhancements would make up for that. For example, the bike paths in Baker's Glen, the clubhouse in Quail Creek Development there, so if they can establish recreational improvements private that would make up for that and that is the case. Other than that, if there are no recreational improvements proposed for this, the alternative is simply a \$500 unit per fee so to be clear, I don't see the City accepting this parcel, 1.8 acres that is kind of isolated. It is adjacent to another parcel that the City owns that must have been dedicated back in the 80's when this Robin Wood was put in. it is not improved so having another parcel in this location, and my recommendation would not be to accept that, there is not much use for it from a practical point of view. In terms that it is over 1,000 feet, and I did a little table here to present that kind of list what the variances as I saw them, in

terms of the land area that the architect did with population. What is in yellow is what would be variances. The first is location criteria and as I said I handed out the memo I sent to him and what Mr. Richins had sent back. In terms of the location criteria, it is required in multi-family developments east of Lake Run and talking with Ken Trenner, these amendments and the multi-family regulations, I think were put in place after the Robin Wood Apartments and the townhouses to the south were already built. In other words, this was in 1993 that there was a change in the code. Those multi-family developments were already in place. The reason I think Lake Run was chosen as the western boundary was that it was the extent of where the multi-family was going to be. Yes it is very close to Lake Run so you would say why wouldn't you approve it, it is very close to Lake Run, but I think when those amendments were put in place and limiting where multi-family could be, they said okay, we have Robin Wood Apartments, we have the townhouses, that is the extent on Graham Road where multi-family is. That is my interpretation, again, certainly the applicant can weigh in on this. In terms of the maximum land coverage, the architect provided additional information so that is not an issue so I will accept that. The setback on the private street and the side and rear still would be in place. Along this west boundary was only 5 feet where 10 feet would be required for a buffer. This is single family here and then the other, this distance here between this private street and this proposed drawing is less than 20 feet so those are the two development standard variances that I see. I am happy to take any questions on this.

Mr. Ross: So has there been any discussion on the viability of this that they have to provide recreational?

Mr. Kurtz: No, they haven't proposed any recreational improvements and so I assumed that was not their goal or desire. The fee is \$500 per unit, that is the alternative to that. It is payment in lieu of.

Mrs. Harrison: Because there really isn't a viable option for the park. I don't think there are many who have given land to the parks as an option. They build their own recreation facilities.

Mr. Kurtz: In my time here there hasn't been any dedication of park land. You can see this is the park and this is open space which is owned by the City and there is actually some Robin Wood Apartments that go out L'Ermitage. Again, we own this property so having additional property here doesn't really benefit us in my opinion. The 1,000 foot to me is not a significant item as far as I am concerned in terms of a variance.

Mr. Sprungle: So what is significant on this one?

Mr. Kurtz: Certainly the buffer to the west, that is a single family and so I think to reduce that buffer to just 5' I think would require some justification.

Mrs. Harrison: If the lot depth is an issue, can you turn the buildings to create a bigger buffer on that side?

Mr. Kurtz: I don't know if that was considered or not.

Mrs. Harrison: That seems like it would take care of that. If that is something we would be willing to consider, it would address a lot of the issues to redesign the lot, but I don't know the layout of that lot to see if that is possible either.

Mr. Brauer: So the part of the lot that is open space, they say they would just pay the fee, what is to just stop further construction on that? That could become further construction in the future, couldn't it?

Mr. Kurtz: It could.

Mr. Brauer: One of the ways instead of putting five units across, they could put three or four units across and go deeper. That way the driveway is further from the property line.

Mrs. Harrison: There are some options there.

Mr. Brauer: You can still get the same number of units in and still have that side yard variance.

Mr. Kurtz: It would still provide the buffer from the north and the west.

Mr. Brauer: What was the required setback?

Mr. Kurtz: 10 feet landscaped area between anything.

Mr. Bauer: So really if you only take one unit out.

Mr. Ross: Was there any discussion about putting the driveway on the other side of the lot toward the multi-family as opposed to the single family? Try to get the traffic away from the single family.

Mr. Kurtz: That is something to think about. Look at the driveway and what it lines up with. The proposal is to put approximately here and you are suggesting on the east side of the property.

Mr. Ross: I think some changes are in order.

Mr. Bauer: Would you consider reducing the number of units and put in the back? Do you think this is good feedback?

Mr. Kurtz: I think it is. I think it is good feedback.

Reed Richins, Architect for Dwight Yoder: Our intent is to get some sense from the Commission to see if this can be a viable proposal. My client is in the business of developing, owning, and managing and operating apartments and particularly senior apartments. We see a path to approval and we just wanted to get some sense on whether the Commission also saw a path and already I think you have generated some great ideas that we are not opposed to. For example, we could easily flip the driveway to the other side. If there is an opportunity for a variance, it sounds like there is on the lot depth, we can certainly arrange the buildings in groups of four. Ideally, that would solve the buffer issue as has been noted. Ideally, we would have four groups of buildings of fours so sixteen units rather than fifteen. I don't know if that would generate another variance opportunity.

Mr. Kurtz: The acreage is 4.56 so you are allowed six units an acre.

Mr. Richins: If there is no issue with the depth, you can see that we pursued this as originally with the idea of staying clear on that lot depth issue but if a variance is available on that, then certainly we would have room so I guess another question that we would like to get some kind of reading from the

Commission on is if there is a variance available on the lot depth, can we then use the full lot area to generate our allowable units.

Mrs. Harrison: I think if we grant a variance on that then it comes down to how many units on an acre, right?

Mr. Kurtz: Yes so if the variance stands, it sounds like you can easily accomplish the side setbacks and there is no maximum land coverage issue so it looks like we are just down to the location criteria and the lot depth.

Mr. Brauer: How many units can you fit on that if we didn't have the lot depth criteria, how many units can you fit on that?

Mr. Kurtz: It would be 4.5 x 6 so that would be over 24 but from a practical point of view, you may run into a land coverage issue again, in fact, you would.

Mr. Richins: It was based only frontage lot, the 200 x 600.

Mr. Kurtz: I think I calculated using the whole 4.5 acres. I used a land coverage of 98,000 s.f. which is 4.5 acres so 25% of that 49,000 so the way I calculated it you have land coverage couldn't exceed 49,000 s.f. The land coverage includes building and parking.

Mr. Richins: The bottom line would be the total units would simply be limited on coverage.

Mr. Kurtz: I think that is going to be the limiting factor.

Mr. Richins: We can recalculate that and as long as we are in compliance with that, it sounds like that would be the way to go. I wanted to address the location issue. First of all, to us, it is a location that makes sense. Looking at the zoning code, we do see the allowance for properties that are west of Lake Run Boulevard but abutting an existing multi-family development. If the property is unsuitable for single family development, that seems to be written for this site because it is just barely west of Lake Run Boulevard, does abutt an existing multi-family development, we consider the size of this combined parcel to be too small to be viable as a subdivision and the two houses that are on these two houses that are on these parcels right now, which are single family are essentially derelict and to our view demonstrates that it is no longer viable as a single family parcel so we feel that it complies directly with the specification and the zoning ordinance allowing multi-family at this location. That is our view on how this would work with that requirement on location.

Mr. Brauer: I didn't see that location variance as a big issue.

Mrs. Harrison: Because of how it reads, it needs a variance and I think where it is located near the other multi-family and I think it would fit.

Mr. Richins: So it sounds like we could solve in reverse order, we could fairly easily solve the side yard setback, the building setback from the private street, we will just make sure our floor area ratio is acceptable, the lot depth would require a variance but it sounds like that is plausible and the location is not an issue.

Mr. Ross: As you look at it from an architectural view as well that it would be a nice transition to the residential and so if you can keep the traffic toward the multi-family side and give the back yards to the proposed tenants, the opportunity to share the back yards with the residential, that would be a logical thing as well. So looking at it as a transition to the residential in character and in use would be very helpful I think.

Mr. Richins: We are on board with that.

Adjournment: With no further business to discuss, motion to adjourn by Mrs. Harrison, seconded by Mr. Brauer. It was unanimously approved and the meeting was adjourned at 7:05 p.m.

Chris Brauer
Planning Commission Chairman

Mary Botts
Acting Planning Commission Secretary