

## STOW PLANNING COMMISSION

Minutes of the Stow Planning Commission meeting held on Tuesday, August 28, 2018, at 6:00 p.m.

**MEMBERS PRESENT:** Mr. Brauer, Mr. Miller, Mr. Ross

**MEMBERS ABSENT:** Mrs. Harrison and Mr. Sprungle

**ALSO PRESENT:** Rob Kurtz, Director of Planning  
Jill Janson, Secretary

**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:**

**1) P.C. 2018-015 – C-Nail & Spa – Site Plan and Conversion of a Residential Structure for Business Use; 3616 Darrow Road**

Chairman Brauer introduced Rob Kurtz to provide comments.

Mr. Kurtz: Thank you. This request by Mr. Chau Nguyen, also known as Andy, who is the property owner, is for your approval of a site plan and residential building conversion in order to utilize the existing garage as a nail salon and spa at 3616 Darrow Road. The property is zoned R-B Residential and nail salons are permitted by right in this district.

The applicant intends to reside in the existing dwelling and the proposed spa will be located in an existing garage. A parking lot that will accommodate 17 vehicles is proposed to be located behind the dwelling.

He is planning to retain several large trees on the property but, there are at least 2 sides of the parking lot that should be buffered - the west and north sides of the parking lot. Also a storm water detention (dry) basin is proposed to be located in the front yard. (Mr. Kurtz projected the site plan to the audience and Commission on the overhead display). This is the existing dwelling, existing garage, and, as you can see here, these are large trees here and along here. And so, those were intended not to be removed as part of this plan.

So, here's the plan for the parking lot. Detention basin is here and again the existing dwelling is here. The outside of the garage will face the side with the entrance will be located here on that side. Here is more detail on the detention basin . it will be a dry detention basin. The Engineering Department had a chance to review just on a

preliminary basis and didn't see any issues with that. And you can see this is the proposed parking lot with the evergreen screening here. There is a fence along here. And this is a business use, this is currently residential use, and to the west that's also residential use. That's the buffering located in this area, which we thought was necessary. In terms of the exterior it may be hard to see at this level here, but, this would be the new view from the driveway; so this is the east elevation. So, that's where they would enter. This is the west. And then the south elevation is on the side. Again, it would be sided similarly to the house. Again, this is a use that is permitted by right and seems to be an appropriate use for the R-B district. I'd be happy to answer any questions.

Mr. Brauer: Thank you.

Mr. Ross: What are the minimum number of spaces required for both the proposed use and the existing residence?

Mr. Kurtz: There are 16 spaces.

Mr. Ross: So, you'd have 1 more than what is required.

Mr. Ross: There will be no covered parking for the residence..is that what's being proposed?

Mr. Kurtz: That is correct.

Mr. Ross: Was there any discussion of limiting the exiting to a right turn only onto 91?

Mr. Kurtz: We did not have that discussion. Given the size of the 1,200 sf building is it difficult to turn left sometimes? Absolutely. But, does it warrant that traffic limitation? My recommendation is to not. We have a number of businesses along Darrow Road.

Mr. Ross: Has there been any discussion about odor abatement from the nail salon?

Mr. Kurtz: No. I don't know if that's something that's covered when they submit their final building drawings?

Mr. Ross: No.

Mr. Kurtz: No? I guess I don't understand the odor abatement?

Mr. Ross: I don't know if you have a nose like mine but, that is the most obnoxious odor I've ever had in my life coming out of these facilities. And, given the amount of the type of products they are using, it's not getting any better. And I am concerned about the adjacent property owners.

Mr. Kurtz: I have not had that discussion with anyone.

Mr. Brauer: Rob, is there any conversation on signage?

Mr. Kurtz: No. So, if later he submits a sign request that could be approved administratively. Much smaller in size compared to a commercial district and it would have to be external.

Mr. Ross: Any discussion about the landscaping in the detention basin itself?

Mr. Kurtz: No, that would be a mowed grass area and you can see it's curved here-it's altered in shape-because there are some large trees there that they want to avoid. Other than that, there is no other landscaping shown other than the existing trees here.

Mr. Ross: So, it's a 3 foot deep depression, right?.

Mr. Kurtz: It would be dry most of the time.

Mr. Ross: The problem I see is that it's dry and it's full of weeds. And it becomes kind of obnoxious when we have it right on the front of our property with respect to a major road in the City.

Mr. Kurtz: Well, it would certainly have to be maintained. There's another one at the Doggy A Go-Go that's probably similar shape and size. It's mowed grass.

Mr. Ross: Is there currently power to the garage?

Mr. Kurtz: I don't know that. Certainly, that would be part of the conversion process when they submit their building plans.

Mr. Ross: I'm just wondering. I'm sure it would have to be upgraded one way or the other. Is it existing overhead or underground?

Mr. Kurtz: For the new project, I would expect that it would have to be underground.

Mr. Ross: I would prefer to see it underground.

Mr. Kurtz: I think our Building would too.

Mr. Brauer: Any other discussions? (No response) Okay, at this time I'd like to ask Mr. Nguyen or anybody in the audience that would like to participate in the conversation on this proposal, to please rise and approach the podium and we will swear you in.

(Mr. Nguyen was sworn in by the Secretary)

Mr. Brauer: Mr. Nguyen, would you like to add anything to the proposal notes? Do you have any comments or questions?

Mr. Nguyen: Question on the smellō what are you concerned about, about the smell?

Mr. Ross: Typically, if you're gone by any of these facilities, whether they are inside the mall or otherwise, under the Ohio Building Code, you must exhaust a huge amount of air. You are required to have point of capture on these salons; which is part of the Building Code. But, that has to be exhausted somewhere. And, in this case, it's going to be exhausted right outside adjacent to a property line. So, I'm concerned if I lived next door to this, I would probably be in City Hall about every day complaining. If there are any provisions whatsoever toō

Mr. Nguyen: Most of the chemical use we put in a container.

Mr. Ross: Not when they are used. DOCō

Mr. Nguyen: I don't know much about it. I have a shop right now and it's approved to have exhaust coming out so, I don't know what else I need to do?

(Inaudible-multiple conversation)

Mr. Brauer: We can put it in the notations as a recommendation for review. Correct Rob?

Mr. Nguyen: There is a hair salon one house down from me. What requires them to keep this openō I will do the same?

Mr. Ross: This is a concern that you don't create a noxious environment for the adjacent property owners.

Mr. Nguyen: Whatever you tell me needs to be fixed, we can fix it. Will you have a recommendation for that? That's why I come here. I submit the plan, and you can help me.

Mr. Brauer: It's not something that we fix, it's something that would have to be installed.

Mr. Nguyen: It's going to be ventilation installed in the building.

Mr. Brauer: Any questions Commission? Anybody in the audience like to participate in a conversation on this proposal tonight? Nobody? Okay.

(Inaudible conversation)

Mr. Brauer: Folks, tonight there are supposed to be 5 of us; we have 2 absent. In order for your Planning Commission proposal to pass, you will need 3. So, if it fails, it will go to Council and then it's the supermajority for them to pass it; which will be 5. So, before we vote, I'm going to ask you if you want us to go ahead and vote on it or do you want to

hold it. And it would be held until the next meeting. So, Mr. Nguyen, do you want us to go ahead and vote?

Mr. Nguyen: (Inaudible)

Mr. Brauer: You're asking for us to hold it? Okay.

Mr. Brauer: I make a motion to hold P.C. 2018-015 until our next meeting, seconded by Mr. Ross. MOTION CARRIED.

**2.) P.C. 2018-016 – Summit Pentacostal Church – Conditional Zoning Certificate; 1221 Graham Road.**

Chairman Brauer introduced Rob Kurtz to provide comments.

Mr. Kurtz: Thank you. This is a request by Mr. Matthew McGee of Summit Pentacostal Church, who is the property owner, for your approval of a Conditional Zoning Certificate to permit the Church to occupy the former Carter Lumber store at 1221 Graham Road. The property is zoned C-5 Highway Services and places of worship are conditionally permitted in this district.

The applicant is proposing to extend the existing parking lot in order to add 14 spaces which will make a total of 115 spaces. The applicant is proposing to renovate the interior of the structure to provide a sanctuary, office space and classrooms.

The building to be used for the church would be this building here (points out building on the drawing displayed on the screen). This is the former building that was previously removed. This is the driveway that is shared with the Recycling operation there on Graham Road. It is somewhat of a unique property. From a planning point of view, and certainly from a building point of view, they would have to follow the standards of the Ohio Building Code to convert this structure, which was formerly retail operation, to an assembly. Again, that's a separate process that would, obviously, be reviewed by the Building Department. In terms of the planning aspect, one of the concerns we have is accessing out during the busiest times; service times. Other churches with similar arterial roads with one access point, Council has required as a condition of the legislation, traffic control to be handled by the church. Redemption Chapel has a police officer or more out there on Sundays at the busy times. I would assume, in terms of what's in front of you, at least my recommendation would be that that would be required as well. There is limited access, so the signage is going to be a challenge to get a sign on their property. That's not part of this approval but, it has to be addressed at some point. And there is still a vacant lot in the front that's been vacant for decades at this point. This concludes my presentation and I'd be happy to answer any questions.

Mr. Brauer: Thank you. Gentlemen?

Mr. Ross: How many of these Sunday traffic cops do we have in this community now?

Mr. Brauer: One of the questions I have is do they have control over all 4 lanes to make that left turn possible? Or do they have it is a right turn only? I can understand the traffic controller.

Mr. Kurtz: You mean all 4 lanes of their driveway, yes.

Mr. Brauer: No, all 4 lanes of Graham Road. So let's say it's Sunday morning and they have 10 cars banked up can they control those 4 lanes?

Mr. Kurtz: I think there may have to be additional plans that would have to be drafted by our Engineering Department in concert with the Safety forces to plan out the stacking lanes as opposed to leaving this up to them. So, maybe that condition needs to be a little more specific. It's a limited basis in terms of Sunday but at that time it would be a challenge no doubt to get out. So that has to be accommodated. The rest of the traffic would have to be accommodated. The way it works is you let some out and you let the regular traffic go through; whatever that number is. It would be a concern no doubt.

Mr. Brauer: The other question is do we not limit it to Sunday? If there is a special going on during the week. I think we need to look at this closely from a safety point.

Mr. Kurtz: Agreed. The language we have used before goes something like this %applicant shall provide traffic control during peak activity periods (Example: Sunday mornings) when necessary as determined by the City. So that gives us the right to if there are Wednesday services that are causing issues then

Mr. Brauer: Do they use the amount of people that attend as part of the guideline?

Mr. Kurtz: Well, we can but, I hesitate to put a number in there. Again, as the City determines. And if there are 50 that show up and that's not going to cause an issue, then we determine that it's not an issue. But, there's a couple hundred, then there is an issue..potentially.

Mr. Ross: Unfortunately, the issue is not created by this appellant, it came with the site. But, having said that, quite frequently coming over the bridge and we find that someone has come off the interstate and wants to turn left into this series of sites, there's a lot of scrambling that goes on because you can't necessarily see in time to do what you need to do. And numerous cases where we either had or had near accidents where people are trying to turn left going east that is the problem.

Mr. Brauer: Well, if you recall, there is still a %turn right on red curb lane only+coming off of the Rt. 8. There is a decent amount of room there to slow them down.

Mr. Ross: Yea, but, if you are on the inner lane the inside lane going east, you can't see this intersection until you get over the bridge. By that time, you're at the car in front of you and it's hit the brakes time. You've also got some trees that block the view going

east at this exit overgrown weeds and trees and there's a sign there that's going to block the vision going east. I guess I would be very much in favor of, not only saying they could not control the eastbound lane, control the westbound lanes and make a right turn only and try to discourage them from turning left getting into this facility since it is in such close proximity to the existing intersection. And to turn in and out of the Country Club. Do we have a joint use agreement for the driveway? I'm assuming we do?

Mr. Kurtz: Yes, they each share

Mr. Brauer: Seasonal, correct?

Mr. Kurtz: Yes, because they aren't there very often.

Mr. Ross: Frequency is not an issue. Do we have a joint-use agreement or are we looking at another driveway at some point?

Mr. Kurtz: No, this is a limited access area. ODOT would not let them put another access drive in.

Mr. Ross: But, it is a separate property so it could be that the only access in and out for this other property, is that correct?

Mr. Kurtz: It is.

Mr. Ross: So, if we don't have a joint-use agreement, why would we approve ?

Mr. Kurtz: There is a joint use agreement. Between this

Mr. Ross: Between the former Carter property and the Recycling center property.

Mr. Kurtz: Let me pull this up. The Recycling property has access to This appellant has the access to the street. It's the Recycling that doesn't. So they do have a shared use.

Mr. Ross: I think they need to present it with this agreement otherwise they are posing a problem for somebody.

Mr. Kurtz: This is the Recycling property and this is the former Carter property. So, they have access they control that. I don't have it handy but, I have seen when this went in, that was part of that agreement. Again, I don't have it with me, but when this was approved that was reviewed. They're the ones who control it. I'm not sure what potential issue that would be. They don't have rights to put another driveway in there.

Mr. Ross: Well, that's the point. Assuming things go downhill, you end up with a property that has no access.

Mr. Kurtz: Well, it has access now. How would it be taken away?

Mr. Ross: What am I missing here?

Mr. Brauer: Well, what you're saying is if the property goes downhill, then the access to the Recycling center is still available for access off of Graham Road. So that's never going to end. ODOT's never going to allow a curb cut at all.

Mr. Ross: This is not an ODOT road so (inaudible). I guess my concern is you have one single road that's under private ownership by someone that serves 3 properties.

Mr. Kurtz: It's in place now.

Mr. Ross: Right, and I assume that there is a joint-use agreement for that section of road.

Mr. Kurtz: Yes.

Mr. Ross: What is being proposed for the other buildings that are currently on the site?

Mr. Kurtz: Nothing at this time.

Mr. Brauer: Well, we have plenty of parking; that's not a problem. Sign comes down the road.

Mr. Ross: If these buildings become commercial in some way, we will have a huge traffic problem on Graham Road.

Mr. Brauer: But, I think it's something we should be discussing prior to a vote. I thought of this too but, not that that would become a reality.

Mr. Ross: This has been a working site for a long time; I just don't know how we should deal with it in terms of going forward.

Mr. Brauer: I looked at it and I thought I could support this. We've had multiple discussions about this prior to I mean, at one point Metro Parks was going in there; correct Rob?

Mr. Kurtz: Yea, they were the previous owner.

Mr. Brauer: And, are they the property owners now?

Mr. Kurtz: No, I think Summit Pentacostal did buy it already. Yes, that's the County record there.

Mr. Ross: So to your knowledge they purchased the whole Carter site?

Mr. Kurtz: To my knowledge yes. This is still owned separately and this is where you can look at the screen there.

Mr. Ross: Has there been any discussion about the need for fire suppression? Because we have an assembly going and it looks like it's going to have over 300 occupants in it. You have a sanctuary that I think is 200 and

Mr. Brauer: 225

Mr. Kurtz: They would have to in terms of converting that building, they would have to follow Ohio

Mr. Ross: The fire (inaudible) is no longer in use and there's no water on that site.

Mr. Kurtz: There's actually hydrants already out there.

Mr. Ross: Where?

Mr. Kurtz: There are fire hydrants here. Let's see. Here are the fire hydrants in blue there. Can you see it from there? See where I'm pointing to? There hasn't been a complete plan review but, they have reviewed this concept.

Mr. Brauer: Any more questions? (No response) Okay. At this time I'm going to ask Mr. McGee. Are you here on behalf of this proposal tonight? That's fine, I'm going to ask both of you to come up and be sworn in.

(Secretary Pam Daerr completes the swearing in of Matthew McGee and Pastor James Brian Smithson).

Mr. Brauer: Gentlemen, would you like to add to tonight's proposal?

Pastor Smithson: I'll start. Thank you first and foremost for meeting us here. Our church is extremely excited with the possible opportunity to move our church here; we're growing. We started pastoring about 10 years ago. Our church is on North Moreland in Munroe Falls. Obviously, it's on a street that's really tight. This became available and we've been praying about it for a long time. When my wife and I first moved to this community about 11 years ago, we set our sights on that and began praying for it immediately. I had some conversations with Mr. Kurtz earlier about that. We're willing to address any questions that you may have. Mr. Ross, you did have a few questions and I appreciate that. The traffic pattern, I do see. We have thought that through and either establishing a right turn only out of there during Sundays, hiring out traffic control. As you have seen over the last 10 years, the Recycling center has increasingly shrunk their hours and, even now, on Thursdays from 2:00 to 7:00, they do have cars lined out from their fence all the way out to the street. And currently, there's no traffic control ordinance for that and they do have close to 100 cars parking right there. So, that hasn't

presented an issue. But, we're willing to go over and above what is required. As far as the joint use, it's a lifetime granted use. As long as the Recycling center uses that property, they do have access along that road. There's nothing that we can do, or any property owner that came after us would ever be able to change that. That's set. As far as any other planned use of those buildings there, it's just to redeem those and make them look presentable. They are just pole barns or storage barns. The area that you see, the very front building is obviously going to be the sanctuary, classrooms, and offices. My dad was a builder, my grandfather was a builder, uncle's a builder. And I would never object to any building code and will look forward to working hand-in-hand with the Planning Department and the Ohio Building Code. We see no problem as far as that goes. So if there are any other questions? Matt did you have anything to submit?

Mr. McGee: I would just add. Somebody made a comment about signage. It is very limited so obviously we would do what we can within the limits of the space. Carter has made an offer, obviously we haven't done anything with that, but, they have made an offer to do a multi-tenant sign where the existing Carter sign is. If that was something down the road but, right now I don't think we'd be looking at anything substantial.

Mr. Ross: Are you aware if there is City water on that property currently?

Pastor Smithson: There is currently City water. We've already had the hydrants tested and approved. That was already sent by the Fire Department. Silco they already tested all the fire hydrants and City water and we've already pressured washed all the buildings with good City water.

Mr. Ross: Perfect! I'm glad to hear that.

Mr. McGee: The Recycling center runs off of that same water. There's only a single main from the street so, it's been active and used for the whole time.

Mr. Brauer: The buildings in back . we had some comments made . what would be the intention on the 3 buildings in back?

Pastor Smithson: Right now, we have no plans or no intentions of anything right now. Other than just making them presentable so that when the congregation comes in they're not looking at eye-sores. They are pole barns with slider doors on them right now. Any future use by our congregation, obviously, our congregation would have to grow and grow financially as well before we even thought of something like that down the road. We just want to make sure that they are in a good, safe condition. And we are still working on that hand-in-hand as we go through the buildings as well. For safety (inaudible) 1 nice building and 3 building that don't look kept up.

Mr. Brauer: Okay, thank you.

Mr. Ross: I assume, at this point, that you have no intentions of sub-dividing this property?

Pastor Smithson: Zero! God blessed us with 19 acres we're gonna keep it! (inaudible).

Mr. Brauer: Okay. Is there anyone else who would like to speak on behalf of this proposal tonight? No one? Okay.

Mr. Ross: Was the construction to be in phases?

Pastor Smithson: When we talk about phases the entire sanctuary, Sunday school rooms would be what we would consider Phase 1; on the southwest side of the building. The Pastor's office and a conference room and a reception area would be what we consider Phase 2; after we get the sanctuary. There you go. So you can see the left quarter there. We would consider that Phase 2. Phase 1 would be getting the sanctuary, classrooms, restrooms, everything.

Mr. Ross: So the only Phase 3 was the exterior cupola or spire on top?

Pastor Smithson: The steeple? We have taken that out of the equation right now. That's going to be a financial burden that I don't think we are able to work with. That was removed from the plans as well.

Mr. Miller: I just had a couple questions. Asphalt? Are you planning on redoing asphalt?

Pastor Smithson: More than likely next year. A good friend of mine, Bob Ricks, works for S&K Asphalt, a local company in Akron in the Falls they do a lot of church work at a very good discount. I've already been in contact with Bob, he's actually a neighbor of mine, and we are setting a budget right now for probably next year to re-top it. It's all in good order now, it just needs striped.

Mr. Miller: So is that going to go back to the 3 buildings that are in the rear section?

Pastor Smithson: It would cover the places where the asphalt is right now. Currently, there's a lot of crusher run what Carter had; if you can see the back of it? Everywhere that's got the lines, would be new asphalt.

Mr. Miller: Okay. And then I was going to ask 2 other questions. I didn't see here for vegetation or planting. Has it already been approved by the City agriculture?

Mr. Kurtz: No, there was not a landscape plan submitted with this. That can be prior to Council.

Mr. Smithson: There was existing landscaping across the front there. It was dilapidated and we tore that out. Our intentions are to beautify the front there it needs it. That will be submitted.

Mr. Miller: And, one other thing I didn't see was parking lot lighting. What kind of?

Mr. Smithson: There are currently 4 working lights right now. We just don't have them turned on. They are already established. And it lights up the entire place we just don't use it; the electricity is off right now.

Mr. Brauer: Rob, I'm a little challenged with the traffic but, I think that we can work through that. One other question I had is the conditions for approval. Number 4: removal or repair of the structures on the property. Should we timeline that?

Mr. Kurtz: This was a comment from the Fire Department that they wanted to make sure that those other buildings were made safe or removed. It didn't have a timeline on that but, I'm not opposed to a timeline.

Mr. Brauer: I know that's probably a financial

Mr. Smithson: (Inaudible response)

Mr. Brauer: Okay. a year?

Mr. McGee: Structurally we have secured the buildings. So it's more torn metal siding, aesthetic things but, structurally the buildings have been secured; as far as they're structural integrity.

Mr. Ross: So have you touched base with the Building Department and they have looked at the structures?

Mr. McGee: It's a work in progress still with them. But, it will be an ongoing

Mr. Ross: You are aware that our hazardous structures provisions in the Ohio Building Code require you to do something tomorrow if they are that bad?

Mr. McGee: They're not that bad. At least we don't think so.

Mr. Brauer: They're going to put one year on that Rob. We discussed the shared drive. Do you want to put anything in there for

Mr. Ross: How about the control of the eastbound lanes on Graham Road? Are we going to allow that?

Mr. Brauer: That's the only thing I'm challenged with

Mr. Miller: I would like to point to another church that's on a 4-lane road and they put the police car right in middle and they control all 4 lanes.

(Inaudible multiple conversations)

Mr. Brauer: We have it in the conditions so, I believe we're covered.

Mr. McGee: I have a question on that. There is a traffic light right there. Do they have the ability to control the traffic light to bring the traffic light to a stop? Because if they did, they would be able to make left hand turns.

Mr. Kurtz: I'm not aware that they do. In case of emergency, there are some signals that they can control. In other words, it's green for them and red for everyone else. Now, that's for emergency situations and I have no knowledge that they have that ability in non-emergency situations. I would think not.

Mr. McGee: I've seen it at some intersections before where they can hit like a button or something on a control on a box and I didn't know if they was existing here or not.

Mr. Miller: Be careful, you might be paying for it!

Mr. Kurtz: You could ask for that for further analysis by our Safety and Signalization Committee. That's the Committee that's made up of traffic engineers, our City Engineer, and they deal with specific situations and the best way to handle them. If you want to modify this condition to add to review that?

Mr. Brauer: You good with that?

Mr. Ross: I think I'd prefer to see a recommendation with reference to them.

Mr. Brauer: Rob, you good with that?

Mr. Ross: As we present this motion that we accept their control of the exiting to encourage right turn only and to recommend that we do not control the eastbound lanes but, make that subject to the engineering traffic control studies that are to come. Is that acceptable for a motion?

Mr. Brauer: That would simplify it. We're a little more concerned about the eastbound lanes, correct?

Mr. Ross: Correct.

Mr. Brauer: Okay. Is there any other discussion on the conditions?

Pastor Smithson: One more. I guess my biggest question on this unknown thing? I wonder why it would be an issue vs. the traffic that continually flows in and out of the Recycle Center and it doesn't present them an issue and there are hundreds of cars during rush hour traffic and it's nothing to them. And we're looking at a Sunday for about a 30 minute period and they've got about a 7 hour period. I want to submit that. As a Pastor you deal with common sense a lot.

Mr. Ross: Well, the common sense answer is that that traffic from the Recycle Center is a problem. I've seen it backed up past the Country Club. And it is a problem. So the fact that we didn't deal with it before doesn't excuse the fact that we might not deal with it now. I'm not singling you out because of what you're proposing. It was a problem and it's not going away. So if we can address it for both you and the adjacent property owners at this time.

Pastor Smithson: Then we won't have to worry about it. And like I said we have no problem if a right turn only is something that is suggested. No problem there.

Mr. Brauer: Thank you. Okay, I'm going to make a motion for approval of P.C. 2018-016 with the conditions stated, seconded by Mr. Miller. MOTION CARRIED.

Mr. Brauer: Your next meeting will be Planning Committee of Council here September 13<sup>th</sup> about 5:30 p.m.

## **STUDY ITEM:**

### **P.C. 2018-014 – Dwight Yoder – Conditional Zoning Certificate with Variances – Graham Road Senior Apartments; 2815 & 2845 Graham Road**

Chairman Brauer introduced Rob Kurtz to provide comments.

Mr. Kurtz: Request for your further consideration of senior apartments by Dwight Yoder of the Yoder Group and the property owner Zuska Vizmeg. As you may recall the first preliminary plan that was reviewed by the Planning Commission had 3 buildings and there was some feedback given in terms of the orientation of them, the existing plan as you see on the screen has all the buildings in 1 row. There are 26 units in 4 separate buildings that are proposed. As the site plan is proposed there are still 2 variances from the Chapter 1169 that would be in play:

1. 1169.02(a)(C) Site is located west of Lake Run Blvd.
2. 1169.04(a) The lot depth exceeds the lot width by more than 3 times.

So, I shared some comments with the applicant and also in front of you as well in terms of a revised layout. In terms of the layout itself, now the buildings are in a row with no variation in terms of the set-back. In my view, it appears to be one very large structure; in kind of a row-like appearance. In addition to that, the lot depth comes more into play now..the lot width vs. the lot depth. Allowing this variance of the lot depth allows this sort of arrangement. Which, I don't think is an improvement from the previous plan, in my view. The other issue which we talked about just briefly was the fact that it is west of Lake Run. Which would require a variance to have relief from that particular section of the Code. I don't see the justification is not apparent to me why these particular 2 lots would qualify for that. The applicant can certainly offer that argument; I don't see that at this point. Those are my comments on the plan at the moment.

Mr. Ross: Are the lots currently consolidated to side by side.

Mr. Kurtz: No, they are not consolidated at this time.

Mr. Ross: So that would be a condition. You obviously have no sidewalks?

Mr. Kurtz: Sidewalks within the development you mean?

Mr. Ross: Within the site development. You have no visitor parking?

Mr. Kurtz: No visitor parking; other than in addition to the driveways. That was actually comments from the Building Department.

Mr. Ross: It's kind of a small item but, as I drive around the City, I see these wonderful trash containers everywhere. They are not one of the more beautiful things as part of our City. But, I don't see any place here, other than trying to shoe-horn them into a garage, where there's any place to put them. It would be nice to have someplace to put things like that (inaudible).

Mr. Kurtz: There might be one shown there at the end of the driveway. No, there's no provision for a dumpster location.

Mr. Ross: Nobody's going to take their trash from units 1 through 13.

Mr. Kurtz: (Inaudible) They're not shown.

Mr. Brauer: Let's address these questions with the applicant. And folks this is a study, so we don't have to swear you in. Mr. Yoder?

Reed Richins, Architect speaking on behalf of Mr. Yoder.

Mr. Richins: The summary is very helpful. We were here a month ago and at that time the Commission addressed 2 major issues: location of property as appropriate for multi-family use and also the lot depth. We see this as complying as far as location because the zoning ordinance does allow properties west of Lake Run Blvd. if they're adjacent to multi-family and if the property is not suitable for single family development. It's definitely adjacent to multi-family and, due to the derelict nature of the single family residences on the property presently, we view it as not suitable for single family development; therefore, complying fully with the zoning ordinance as written. When the Commission addressed this a month ago, it was felt that the lot depth vs. lot width was not an obstacle; because of the perceived appropriateness of this kind of development for this location. It was seemed to be a good buffer between the existing multi-family and the existing single family. And this property has that unique spot to make the transition. Of course, we are proposing single level, luxury senior residences of a residential scale, not a large multi-family scale. We are acting on the suggestions made during our last appearance, as Mr. Kurtz noted, to place the drive along the multi-family

side of the property to provide a greater buffer to the single family side if the property; which we've done. We are also proposing, that maybe you can see in the materials, significant-actually aggressive-buffering. We are proposing a berm on both sides of the property - planted berm. Our intent is that the berm would be of a height that a standing person would not be able to see over it. In addition, we propose plantings. Those could also be extended also to rear. In our concept plan we are only showing them in the east and west but, they could also extend to the rear. We find that in pursuing this layout, we're able to comply with all the other requirements of the zoning ordinance and meet the lot coverage requirements and accommodate 26 dwelling units as shown. And we're in discussion with Captain Steve Groves of the Stow Fire Department regarding a fire equipment turn-around; which certainly we support. There are a couple ways that we could handle that and he seems supportive of an idea that would provide the turn-around at a location that doesn't encumber the very back portion of the property. We're anticipating that we will need a little bit of snow piling area at the rear. So we're talking with him about a location that would meet the Fire Department's needs and still preserve that area. So we expect to resolve that to their satisfaction. Addressing some of the comments that were made just now: the parking requirement is accommodated by a private 2 car garage for each dwelling unit. So there are 2 additional tandem guest spaces for each dwelling unit; which would accommodate visitor parking.

Mr. Ross: Existing drive area outside the garage doors?

Mr. Richins: Yes.

Mr. Ross: Per unit?

Mr. Richins: Yes. So, 2 resident parking spaces provided in the garage and 2 visitor parking spaces on the apron for each unit.

Mr. Brauer: I don't see that.

Mr. Richins: You see the garage driveway in front of each?

Mr. Kurtz: The drives aren't 20 feet wide. It looks like you could get 1 car in the driveway per our Code.

Mr. Richins: A 2 car garage for each unit.

Mr. Ross: 16 foot garage doors - 2 on each side. 20 foot total width?

Mr. Richins: Yes. Also a comment was made about trash. Our intent and we try to do this wherever possible to make it less like apartment living and more like single family living and our intent is to have individual garbage pick-up.

Mr. Brauer: So you're saying they would pick up on the street?

Mr. Richins: Not on Graham Road but, on the private drive; that's our intent.

Mr. Ross: That's what I was having trouble with because if you drive down any Stow Road you see these wonderful garbage collection folks have these massive trash cans. I don't know if any of you have problems with these things getting them out. There's no place to put them. They don't fit in a small 2 car garage like this. You're a very sensitive architect and I appreciate that. It would really be nice if you could accommodate that someplace; that there could be some way of not setting these things out in front of driveway.

Mr. Richins: A trash enclosure is a possibility. But, again we'd prefer to make it more like single family living.

Mr. Ross: That's exactly what I'm asking you to do as opposed to multiple enclosures. But, accommodate the fact that we have a recycle bin and we have a trash bin, right? And they're all what? 55-60 gallon containers at least and they're uglier than

Mr. Richins: Since this property will be under one ownership, that agreement can be negotiated so that it would be one day per week and one vendor.

Mr. Brauer: The trash is one of the items I'm struggling with. I'd ask you to keep going.

Mr. Richins: Sure. That's about all we wanted to bring up. Certainly, this being an informal study item, what we're looking for is some sense of whether the Commission would support this concept. This is the direction that we felt like we were getting last month from the Commission. I think it does work.

Mr. Brauer: Sidewalks can you address that?

Mr. Richins: We haven't proposed sidewalks at this stage. But, it certainly can be entertained. We have some extra width in the property but, we had earmarked that for buffering. One would tend to work against the other but, it could be accommodated.

Mr. Brauer: Rob, what's the space at the end of this property? Because we're discussing the possibility of fire truck turn-around.

Mr. Kurtz: Without eliminating one of the units, I don't know you could get

Mr. Brauer: Well that and my other concern is snow removal.

Mr. Kurtz: I don't know that that could be accommodated with it could be I guess (inaudible) the setback for the park area would be

Mr. Richins: We have 2 options on the fire truck turn-around: one would eliminate 1 unit; another one would either eliminate 1 unit or eliminate no units. We have discussed that with Captain Groves and it seems from our discussion with him that there is a viable option.

Mr. Ross: Mr. Richins, you previously gave us architectural imagery on our previous study that was different than this, is that correct?

Mr. Richins: The buildings would look pretty similar to what was provided before. Probably the only difference is we're considering a slightly different scheme for each building so that there's some individuality. But, the basic materials and treatment would be similar to what was provided before.

Mr. Ross: [inaudible]...to Mr. Kurtz's response. I understand housing..it tends to be a little unique but does look a little overbearing in terms of what I see when I'm driving down the road. Is there any possibility in your mind to accommodate things like you had before than what we're looking at now? Take some of these units and turn them toward each other so that they can enter your court for parking and drive to break up this very monotonous façade..on the west façade. Is that a possibility? Would you consider that? I mean you have clearly have addressed a lot of our concern with berming and potential landscaping and things like that; which I appreciate.

(Inaudible conversation)

Mr. Richins: Certainly we could look at that.

Mr. Ross: It would totally break up the monotony of how the buildings are planned. Now it may cost a couple units I understand that. You have totally maximized the site there's no doubt about that.

Mr. Brauer: Let me clarify too that the items that we are discussing are things we're concerned with. Because we ask you to do that doesn't mean that you come back and we're going to agree with it. I think I know where you're going with the conversation. We did meet, we gave you suggestions, you brought it to us and this is what we're going to look at for either a denial or an acceptance. With that being said, we've got concerns with sidewalks, visitor parking, snow removal, waste removal, the fire department's turn-around and discussion on maybe turning the units so it doesn't look like a straight line of buildings all connected together.

Mr. Ross: Or some variation of that western façade. Variations in set-backs, rotating some of the buildings 90% to create a courtyard or something of that nature would probably enhance the image of this property a great deal.

Mr. Brauer: Gentlemen, do you have any other discussion?

Mr. Miller: The only thing I have concern with is the 2 variances.

Mr. Brauer: I have a feeling a lot of these people are here to talk about this tonight. I'm going to ask you to..don't go anywhere. By a show of hands, how many people here tonight are going to speak? Okay. The ones that have their hands up, we don't have to swear you in, I'm going to take you one by one. And we'll just go up this line here so.

Dan Leipold . 2805 Graham Road

I live directly next door and I share a 1,000 foot property line with this property. Your guys' concerns are vastly different than my concerns. I could care less about trash cans and roads. I care about the first variance. I wasn't here for the Planning Commission. I don't know why they did it but, in 2008 they apparently put that in there east of Lake Run. Can you bring up the one that shows the satellite view.

Mr. Brauer: If you don't mind, I'm going to ask you to point to we'll give you a pointer.

Mr. Leipold: I can make it easier without the pointer. Everything west of the apartments

Ms. Daerr: Please speak into the mike.

Mr. Leipold: Anything left of the apartments that they want to build, including (inaudible) apartments if you look out further on Google maps, there's not areas of woods in Stow. That's about a 10 acre area I have 5 or 4½; they have 4½, my neighbors got about 4 and the other guys got about 7.

Mr. Brauer: Look at this map here. That's your house there?

Mr. Leipold: Yes, that's me. So I share a thousand foot of property line.

Mr. Brauer: Straight back?

Mr. Leipold: Correct. I don't know but, I like to think that they put that in there to protect all those woods there that's left in Stow; which are very rare in Stow. I don't know I'm curious about that. I think that's why they wouldn't want to go anything west of Lake Run because they don't want to make a population dense area when there's already apartments right there and another mile down the road by Charring Cross. So that's my first concern with that one. I've done a lot of research on the Code that you guys have and when he says it's okay to put it next to an existing multi-family development, I can't for the life of me . because I've lived here for 8 years . see how that's not suitable for single family living on that 5 acres. Just because someone didn't maintain the 2 houses, doesn't mean there not maintainable. So, there's 2 houses there. I've got 1 house on mine. I assure you it's suitable for family living; I've got 3 little girls. The other thing in that same section says buildings within the proposed development shall be located so as to reduce any adverse influences and to protect the residential character of areas both within and adjacent to+. If you look at the houses behind there, every one of them

that back up to the woods are now going to back up to 26 apartments. So they have small lots with (inaudible) view and now they have small lots with a bunch of apartments behind them and a bunch of apartments across from them. Their property values are done because they don't have that anymore. The other thing it says is roadway systems, service areas, parking areas, entrance and exits within the development shall be designed to have access to public streets without creating traffic hazards. Graham Road is busy. We all know that. There's a school, there's a park, there's a traffic light right down the road, there's more apartments going to the right up Lake Run. It takes me 5 minutes to turn left into my driveway and now we want to add potentially 52 more cars into the equation. Not a good thing. That was also passed in 2008. The depth you guys already covered. But, in the area about the depth, there's a part that says the total ground floor area shall cover no more than 25% of the total site area. That's not been addressed once. I'm no lawyer but, that sounds pretty straightforward. There's also something that says open space requirements. Minimum 20% of the total area in the proposed development shall be devoted to public or private open space; preservation areas; recreation areas; recreational facilities. It cannot include the berms, the roads, the parking lots, any of that, it's straight open space. No retention ponds, none of that. The way I read it. Public utility and similar easements and rights of way that are not acceptable for the open space. Such open space including any recreational facilities proposed to be constructed in such space shall be clearly shown on the development plan. I don't see any. Lighting? That's another potential issue. Right now when I shut my lights off at night, I see occasional lights through the woods and that's it. There's going to be lighting; I'm sure there is because that's probably a requirement. That's another issue. What are they going to do make it so the lights not shining on my property? And the properties of the people behind me? Supplemental requirements on here are 1169.06 Building sites, parking areas, service areas, driveway locations, drainage facilities and other improvements shall be developed with consideration given to minimize the removal of trees. Changing of topography and other factors that will affect the existing character of the street. That's a massive change to that street. There's already apartments and now there's a buffer right now of at least 10 acres when you're driving down the road that breaks up the monotony. They want to rip all that out. I'm all for people making money but, at what cost to the people around us?

On sight traffic circulation shall be designed to minimize interference with the traffic carrying capacity of adjacent streets. That's a 3<sup>rd</sup> time in your code 1169 that addresses traffic and the congestion and I'm telling you right now. Coming here tonight, turning right which was the easy turn took me 5 minutes to get out of my driveway. What happens if they say now we have 26 more apartments, well the roads a little busy, maybe we ought to widen this. Then they want to get some sidewalks in there. Now my property value dropped but, I'm going to get an assessment for sidewalks and widening the road. These are all the concerns I have. They are vastly different from your concerns but, I'm sure a lot of these people have the same ones so I'm going with that and I'll pass it on.

Mr. Brauer: Sure. Thank you. Please state your name and address.

James Williams . 2787 Graham Road

I live in the property the second one to the west of Dan Liepold. And as far as the property accommodating the single family, there's single family all right there in all the same size lots. Liepold's lots bigger than the lot that's proposed for 26 apartments. My lots the same size as the 26 allotments and they're just fine for single family. That other one, I don't know where they get any idea that that property is not suitable for single family use. If the Stow Building Department, the Summit County Health Department, would address the shoddy, condemned, dilapidated structures that currently operate those. If the current property owner hasn't been a slum-lord for the last 2 decades and maintained those properties or been forced to maintain those properties, they would be the same value as mine and Dan Liepold's. I mean that whole thing is just a wilderness and woods back there. There's deer, there's fox, there's raccoon, possum..everything's back there. Those are fully mature, healthy trees in that woods. And there's nothing, there's not 1 tree that will remain on that property according to that. I've been in the building trades as a union carpenter, a project superintendent for commercial buildings since October 18, 1985. So, I've seen a thing or two. That is just going to depreciate the value. And you can see by the square footage that's encompassed of land and the adjoining one to the east. Look how much green space is actually there. And you can even see the roadways and access-ways. The proposed one when you have an access lane and a driveway to the houses, there's not going to be anything left. I mean the good thing is whoever maintains the lawns there about 15 minutes to mow it; because there's not going to be anything left. The whole thing with the single family, is the reason I bought here. My wife has lived in Stow here her whole life. When we were house-hunting I had to find here. I grew up in Randolph, in Portage County, so I'm used to the land and open spaces so finding that property here was a treasure. So, I just want to do whatever its going to take to maintain the integrity of what we have. These people are going to come in . the developer, the architect . they're going to come in, make their money, and leave. They're not stuck with the repercussions of what's here.

Mr. Brauer: Well, we're not there yet.

Mr. Williams: I know but, what I'm saying is we've talked about the discussions and the steps and tabling and this and that. I want to do whatever it takes to end this now. It's gonna be a fight the whole way through.

Mr. Brauer: Duly noted.

Mr. Williams: Anyway.

Mr. Brauer: Keep in mind that this is a study. That's why you folks are here tonight. We want to hear your opinion. We do. We're not here to vote on anything. We have challenges here. We have someone from the City that can interject at any point if he feels this is not going the right way. Really.

Mr. Williams: There's a lot of other things too with like the one with that amount of space. Then all of a sudden with the Fire Department (inaudible) there's no way that the firemen are going to be able to use the hydrants at the road. There's going to have to be a line extended out for suppression for the Fire Department

Mr. Brauer: That's all stuff, again, if it's approved, it goes to each Department. Right now we're here to talk about if this is going to work for this person's property. Thank you. Okay, next. State your name and address, please.

Amy Sarhan . 2650 LeRmitage Place

I live in the third house from the right. My biggest concern is that I don't want a big development put behind my home so that every morning if I'm outside in the back yard that's all I see. My daughter's going to be outside playing in the back yard. I don't know who these people are going to be living in this home. And my other concern is that who says this couldn't turn into Section 8 housing later on. Who says this has to be senior living? They can change it at any time. Like I said, I don't want my daughter playing outside and not knowing who's living behind me. That's the whole reason why we bought this house right there because it did have that big wooded lot so we were protected from things off of Graham Road. We didn't have the noise; we didn't have all that (inaudible) we just had beautiful woods to look at every day. So, I'm worried about my property values going down just like everybody else is. Who's to say that these homes that they're going to build aren't going to change into something else later on? That's my biggest concern. Thank you!

Joseph Lane . 2642 LeRmitage Place

So, a little side note, I also serve on one of Stow's Commissions: the Urban Forestry Commission. So, for me the loss of that wooded area is a huge loss to the City. We don't have a lot of dense packed woods in the City like that. If you look at Urban Forestry studies over the last years, we just continue to lose that urban canopy and it's one of the things that divert rainwater, run-off, things of that nature. That's what the City needs. We don't want that extra run-off coming into the back of our property. We don't want everyone's houses there on LeRmitage to lose value. We get many neighbors and visitors that come over that are really impressed with the depth of that woods back there; that privacy that it affords, not only privacy, but, it reduces sound pollution . noise pollution. One of the things mentioned was the lighting; that will be a big concern. You've got 26 properties and everybody's going to have a light out front. It's just not you know I think the City of Stow probably does need 55 year old multi-family units. But, I just don't think this is right place.

Jeremy McIntire . 3630 Darrow Road

I don't live over here but, I do share in some of the concerns I guess with having no turn-around. What I envision with a garbage truck let's say, he's either going to have to pull in and back out or back in and pull out, correct? I mean that's one thing I see right now.

There's no place to store snow. That has to be taken into consideration for a truck turn-around. It has a place to store snow plus in the winter another truck can turn-around. But, right now talking about the fire trucks turn arounds fine but, a plow truck has to be able to turn around as well as a trash truck. I see it in other places in the City, where trash trucks stops and backs down a private drive, empties and pulls out. And that's the scenario that you find yourself right now. As far as the woods go, I guess I'd have to agree with everyone. Where I live there's a lot of old growth trees so I really appreciate that. And I can really appreciate the fact that that wooded area is hard to find. That's all I have to say and I have to share in some of the frustration too with all the lights in the back of those houses. Obviously, what is required for screening is still to come. Those are the only concerns right now the trucks backing down and having to pull out.

Mr. Brauer: Thank you.

Betty Peersy . 2635 Sears Road

My concern is (inaudible) the traffic is horrible. Even in the morning when school is session and when it's not in session, the cars are lined up sometimes 5 and 10 minutes to get down to the school; going either way. The noise is terrible. And I'm concerned about the safety of the kids. The woods . of course I like that. But, we've had problems on Graham Road with the sewer and the water and it seems like over there or on Sears Road, they're always digging and patching. And I'm thinking with all these extra families coming in, what's going to happen there? We have problems there. But, the safety. When you go down Graham Road going East on Graham to just before the condos to Lake Run Blvd., they do have that one lane that turns in but, they do have accidents down there quite often because people come down people are in the right hand lane to turn people coming down the road I don't know you know whether it's just they don't see them or what but it's just we've had problems over there so my concern is the safety. I would just like it to be like it is but, I want the people to make money too. But, I agree with what the people have said. Thank you.

Mr. Brauer: Thank you. Sir?

John Osterstock 2687 L'Ermitage Place

One of the main things that attracted us to this property was the fact that it didn't have a house across the street. So, by building these apartments there you're really taking away my view and obviously property values. I was a little confused looking at the 2 maps here, it almost looks like we're going in the wrong direction as far as you'd think you'd have gone from this lay-out to this lay-out..(inaudible)..going from here to here you've reduced almost all of your buffer, you now have no trees left on the property. I'm not sure if everybody is aware but, the back corner of this lot and that adjacent City lot there is wetlands, seasonal wetlands, so if you're talking about hardscaping these areas, there's obviously already water issues in these areas. You're just compounding that problem. If you're going to be taking out all of these trees, I know that there's bats living in that area. Similar concerns like everybody else about the City glow the light pollution

that's the other thing that we would be dealing with. A lot of the discussions to pacify some of the Commission's concerns seem to be reducing the buffer and just kind of making the problems worse as far as putting a sidewalk in then you're going to get rid of even more of that buffer. If you have to make room for the snow to pile up, you're going to need to get rid of even more of the trees in that back of that lot. It seems like in the natural progression of things we would've gone from the larger amount of units to the smaller amount of units..(inaudible). I think that basically are all of my concerns.

Mr. Brauer: Thank you. Anyone else? Ma'am?

Diane Boyer . 2658 LeErmitage Place

My concern is they keep talking about all the trees that they have and the snow. That's my property so when that snow melts, that's my back yard. You get a nice big rain . whoosh . here comes all the water. And it's very rare that my back yard is dry. So, you're going to pile up all the snow and the next thing you know my deck's going to be in the back yard. That's all I'm saying is let's think (inaudible).

Mr. Brauer: Thank you.

Bill Boyer . 2658 LeErmitage Place

So, the second property, right there. So, obviously concerned about property values is one thing. A lot of the same concerns that everybody else has here. But, when I look at this picture, I don't see the fit. I mean it seems like there's concerns about (inaudible) and parking and driveways and you're trying to stack these things into this property to me it just doesn't look right; it doesn't work. Same traffic concerns as everybody else. We've lived there for I think 19 years now and just love the area. You go out on the back porch and sit on the deck and enjoy a nice evening, we want to maintain that. We think that's important. So, thank you.

Mr. Brauer: Thank you. Anyone else? Mr. Kurtz any concerns, comments?

Mr. Kurtz: The concerns that I talked about initially in terms of the 2 variances and the layout.

Mr. Brauer: Gentlemen?

Dan Liepold (Approached the microphone)

The other variances that I read in the Sections, are they not something that you need a variance on the other sections I read, which were the 1169.05 the Development Standards and Open Space Requirements. That seems to me that that's not on there at all and that's what they would need a variance for, as well as (inaudible)

Mr. Kurtz: We can evaluate that further.

Mr. Liepold: And also the 1169.06 the part where it talks about the traffic impact, is that not ?

Mr. Kurtz: That's not necessarily a variance. It has to be considered when these conditional uses are being reviewed it has to be considered. It's not necessarily a variance.

Mr. Liepold: The Open Space one, one that they would need a variance for then?

Mr. Kurtz: It's possible. That has to be evaluated to see if it would be.

Mr. Liepold: Thank you.

Mr. Ross: Rob, would you care to give us a little discussion on the issue of land use vs single family use. It seems to be a concern with some of the folks here this evening.

Mr. Kurtz: Yes, so, as I stated in my comments to you, that it would require a variance. I would certainly not agree with the statement that it's not suitable for single family. We certainly have large lot developments all along Graham Road like what you see on the map. To say that these 2 lots are not suitable for single family, I certainly wouldn't agree with that statement. And so that's why I thought the variance from that was fairly significant in that it's allowing multi-family where the Code clearly stated not. That Lake Run was the buffer. In terms of the background, that was before my time, when this Code was changed. What I do know about it is that the apartments . Robinwood . was in place and the properties to the South were also in place when those regulations were put in. Talked with Ken Trenner, when that regulation was put in it said that this was the western boundary where you can assume that this was the western boundary of the multi-family. That was again based upon the previous Planning Director and the Code. Again when the Code was changed, the non-single family developments were in place. Now on Graham Road, it's primarily single family there are apartments all along Graham Road from the 60's and 70's and so on. But, there are also large family developments on Graham Road. And that's why I thought it was a significant variance in my view.

Mr. Ross: Thank you.

Dwight Yoder . 2136 E. Park Drive, Uniontown

Thank you all for coming out. I do, in fact, take what you say to heart. I'm also a resident somewhere. These impacts matter wherever you live. The first thing I would like to clarify with Mr. Kurtz is, I want to make sure that we all understand what the cause of variances for the location. Just talk about it. When I read the Code, when we read the Code, it clearly says that if you are adjacent to a multi-family development, it's permitted. I could tell you that I wouldn't be standing in front of you all if it didn't read that way. If we were clearly asking for a variance west of Lakeview Drive (sic), we wouldn't be here.

Yes, we are west of Lakeview Drive (sic) but, we are adjacent to multi-family. I just want to make sure I understand what the basis of that variance that your references is.

Mr. Kurtz: Sure, the variance it says

Mr. Miller: The location of lots for multi-family dwellings shall either have frontage on one of the following streets.

Mr. Kurtz: Right. Graham Road is one street. And it's Graham Road east of Lake Run and Part B is if it abuts an existing multi-family development when the Planning Commission and Council determines that the proposed site is unsuitable for single family development. For this not to be a variance, Planning Commission and Council have to determine that this site is not suitable for single family. Now, they can make that determination. My opinion and my recommendation is that it is suitable. So, that's why . as I read it . it is a variance. Unless Planning Commission and Council tell me otherwise. That's how I read it.

(Inaudible comments from the audience)

Mr. Ross: That's why I was trying to get some clarification on that situation.

Mr. Yoder: Just to finish up here. I mean I can see a way forward for us to reduce the count but, to address some of the concerns that have been raised here tonight. About breaking up the overall view of how these buildings appear turning one of them. And I see we could increase fairly significantly the buffer to the north.

Mr. Brauer: (Inaudible)

Mr. Yoder: As far as trash removal, the approach that we are taking with individuals cans being picked up by a truck that goes down that road, there will be workable turn-around that we have to provide for the Fire Department anyhow. So, there will be room for a garbage truck to make the turn, maneuver, pick up individual cans. With a full 2-car garage that's 22 feet wide, 22 feet deep, some of them are 23 feet deep, there are room for can inside those garages. And that's much preferable to having trash receptacles outside in our view in our own complexes that operate that way.

Mr. Brauer: Let's do this, you know the challenges and the concerns, here's what I'm going to ask you to do. Go back to the drawing board, do what you can, spend time on it, because it's not just us that are going to be looking at this. You've got neighbors, you've got the City.

(Inaudible comments from the audience)

Mr. Brauer: Let me also say this too, he owns the property, he's got every right in the world to come to us with a proposal. It's up to us .

Mr. Yoder: Let me give you my perspective here. I'm a single family home builder that's a big part of what I do. Almost overwhelmingly the requests that we get nowadays is from people who want a . baby-boomers, and even younger than that . Downsizing to a single level, ranch home and that's what people want. But, the fact is not near everybody; the majority of us actually, can't afford to spend \$300,000+ for that.

(Inaudible comments from the audience)

Mr. Yoder: So, this product right here provides that for people who are downsizing who need to be on one level, accessible, with a 2 car garage and it works.

(Inaudible comments from the audience)

Mr. Brauer: We're going to I don't want to keep going with the same thing that we have.

Mr. Liepold: Do you own the property now? And if not, are you going to (inaudible) to buy the property if this doesn't get approved. First question. Second, why do you think it's unsuitable for single family living? And third, you say people can't afford \$300,000 houses, what are these going to cost? If you can answer those. (Additional inaudible comments from Mr. Liepold)

Mr. Brauer: Let's keep rolling. Ma'am, I'm going to ask you I'll be the last one.

Amy Sarhan . 2650 LeRmitage Place

When all of our property values go down, are you going to make up the difference to pay us?

Mr. Brauer: Okay. Alright, folks, again study item. We've asked them to go back to the drawing board. Mr. Yoder, you know what you're up against. Okay? Lot of good conversation here. Thank you. Our next meeting September 11<sup>th</sup>, if we have anything.

**NEXT MEETING: Scheduled for September 11, 2018**

With no further business to discuss, Mr. Brauer moved and Mr. Miller seconded the motion to adjourn. It was unanimously approved and the meeting adjourned at 7:41 p.m.

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Chris Brauer  
Planning Commission Chairman

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Pamela Daerr  
Planning Commission Secretary