

**MINUTES  
PLANNING COMMISSION**

**August 27, 2014**

**MEMBERS PRESENT:** Jean Boen (arrived at 5:35 p.m.), Wanda Christopher-Finn, Heather Kobilarcsik, Jackie Middleton, Gil Ning, Ron Rehm, Mark Weaver and Fred Seling

**STAFF PRESENT:** Andrew Dutton, Joel Montgomery, Dick Benson and Roger Kobilarcsik

**I. MINUTES**

Heather Kobilarcsik moved, Wanda Christopher-Finn seconded, to approve the Minutes of the July 23, 2014 meeting as received.

Mr. Weaver noted that on Page 3, last paragraph, it was noted several times that he asked for a “Democratic Process/Procedure” and noted that “Democratic” should not be capitalized.

Ms. Kobilarcsik moved to approve the Minutes with the amendment noted by Mr. Weaver. Seconded by Wanda Christopher-Finn.

Motion carried unanimously.

**II. CONDITIONAL USES (PUBLIC HEARINGS)**

**Application #CU-372. Nathan Schlegel of North Pointe Baptist Church of Wooster** is requesting conditional use approval for a church use at 1700 East Smithville Western Road in a CF (Community Facilities) District.

Harley Snode, North Pointe Baptist Church, stated the church was interested in purchasing the former school property for use by the church. Mr. Snode stated the building was 33,000-sq. ft. in size, and the gym would be used as a meeting space, and the classroom areas would be used for educational purposes, which would include a nursery and Bible study. Mr. Snode stated initially, there would be very little changes made to the building—the playgrounds and parking areas would be utilized as they currently existed. Mr. Snode stated changes to signage would be made but would be done within the Sign Code regulations. Mr. Snode stated the church was currently comprised of 150 members. Mr. Snode stated not much, if anything would occur during the week within the building and it would be used primarily on Sunday’s and Wednesday’s. Mr. Snode stated the church would be respectful of how the property had been used previously. Mr. Snode stated because of the age of the building, some “maintenance things” would need to be addressed/updated to use the building and realized parking requirements were different for a school versus a church.

Ms. Kobilarcsik noted that Staff indicated 143 parking spaces were required and that 67 parking spaces existed currently. Mr. Snode stated there was a sizeable open asphalt playground area that could be utilized to meet the parking regulations which could be striped to meet the requirement.

Fred Seling closed the public hearing.

Charles Porter, 4993 Emalene Road, questioned if the neighborhood children who played on the property would be able to continue to use the facility. Mr. Snode stated yes. Mr. Snode stated the church wished to maintain the “good relationship” within the community and would be open to using

the property for the benefit of children (playgrounds and fields) and would work to accommodate that.

Fred Seling again closed the public hearing.

Ms. Kobilarcsik stated Staff noted that the Commission should require that all outdoor children's activity areas be enclosed by a fence or wall, having a height of at least 5' (or 6') with an entry gate. Mr. Dutton noted that the regulation was something that the Commission *may* require and was not mandatory. Mr. Seling noted there would likely be fewer children with the church use than there were with the school.

Ms. Middleton questioned Staff as to the parking for the church and whether there was adequate space in the area to accommodate the need for added parking. Mr. Dutton noted there was a lot of asphalt in the area northeast of the building, but he did not know if that area would meet all of the requirements for parking. Mr. Dutton stated a parking variance from the Board of Zoning Appeals may need to be obtained.

Jackie Middleton moved to grant conditional use approval for a church use at 1700 East Smithville-Western Road in a CF (Community Facilities) District with the condition that the applicant shall work with Staff to provide additional information relating to required off-street parking and provide such required off-street parking or receive a variance from Chapter 1169, and that the applicant work with the Engineering and Fire Departments to meet specific Codes. Gil Ning seconded the motion.

Mr. Weaver stated he would vote in favor of the proposal because he believed that the applicant met all of the requirements of Section 1147.09(g) and met all of the criteria for approval for a conditional use, with the exception of parking and possible Fire and Engineering Codes.

Motion carried by an 8-0 vote.

**Application #CU-373. Mike Palumbo of Phase IV Holdings Inc.** is requesting conditional use approval for a commercial recreation, indoor use (Adult Entertainment Arcade) at 2799 Cleveland Road in a C-5 (General Commercial) District.

Michael Palumbo, Phase IV Holdings, and John Kiaza, were present. Mr. Palumbo stated they wished to operate an Adult Entertainment Arcade facility. Mr. Palumbo stated the bridal store portion of the building was vacant and was just over 4,000-sq. ft. in size. Mr. Palumbo submitted pictures to the Board of what the games would look like.

Mr. Ning questioned the hours of operation. Mr. Ning noted Staff recommended that the hours of operation be from 9:00 a.m. until no later than 11:00 p.m. Mr. Palumbo stated he would have no problems meeting that recommendation, although he may ask for extended hours at a later date.

Ms. Kobilarcsik stated there was a lot of controversy over gaming and that Staff noted that the operation shall not be in violation of gambling laws of the State of Ohio. Ms. Kobilarcsik questioned how the operation would be different than the others which had recently closed. Mr. Palumbo stated he had provided "quite a bit of paperwork" relating to that as to why this operation was not illegal but noted that Ohio had a 3-part definition to gambling which involved consideration, chance and reward. Mr. Palumbo stated their machines had a "preview button" which took away all the chance involved with the game. Mr. Palumbo stated the computer told you, before you played, whether that particular game would "win or lose" which removed the option of "chance". Mr. Palumbo stated

there was a point system involved, and the machine would print out a receipt of points which would then be redeemable for cash.

Ms. Kobilarcsik questioned if they had other gaming facilities of this nature somewhere else. Mr. Palumbo stated they currently had approval for two other locations and other associates of his had 3-4 other locations in the Cleveland area.

Mr. Ning questioned what type of exterior lighting and signage was proposed. Mr. Palumbo stated with regard to signage, they would meet the regulations of the Sign Code; the exterior windows would have a film with a tint on it. Mr. Palumbo stated there would be no neon lighting/flashing to distract drive-by traffic; the operation would be “very low key”.

Ms. Kobilarcsik questioned the noise levels. Mr. Palumbo stated historically, the players were “extremely low key” inside; the games themselves were also “very low key”.

Ms. Christopher-Finn questioned whether alcohol would be served. Mr. Palumbo stated no. Ms. Christopher-Finn questioned if alcohol would be allowed to be carried in. Mr. Palumbo stated no.

Ms. Kobilarcsik questioned the age restriction of 21 versus 18. Mr. Palumbo stated it was a “maturity level” to keep the overall atmosphere to a certain quality.

Mr. Seling closed the public hearing.

Mr. Ning questioned if this was the “tip of the iceberg”. Mr. Ning stated Wooster used to have four or more facilities within the City. Mr. Seling stated it was unknown what the legislature would do.

Ms. Kobilarcsik questioned how new this type of operation was. Mr. Palumbo stated the software they used was not something everybody had and was new. Mr. Palumbo stated the facilities which were currently operating were mildly successful and were continuing to grow. Ms. Kobilarcsik questioned how long they had been in operation. Mr. Palumbo stated he believed less than a year.

Ms. Middleton questioned if there was continued discussion in the State of Ohio about these uses. Mr. Benson stated he had not heard anything lately coming from the Attorney General’s Office but that the Attorney General was “out in front” on the issue of regulating these facilities. Mr. Benson stated it took the legislature a couple of years to catch up with the Attorney General, but he would guess that we would see the regulations evolve at the State level.

Mr. Weaver stated the Commission received a legal opinion and Court judgments and questioned if Mr. Benson reviewed the material and determined that these types of devices were legal under State law. Mr. Benson stated he spoke with the County Prosecuting Attorney who was the elected official enforcing gambling laws within Wayne County. Mr. Benson stated he was not prepared to give the Commission a legal opinion with respect to what the applicant’s maintain as a process which they believe was not addressed by the current state of the law, but that the Prosecuting Attorney advised him that as it had presently been interpreted by the Wayne County Courts, this process was allowable. Mr. Benson stated that was based on a decision by the Wayne County Municipal Court which was handed down earlier this year in that this particular process was not specifically called out in the existing State statute. Mr. Benson stated he did not say that it was lawful, but stated that as the existing statute defined it, it was not unlawful.

Ms. Boen stated she felt that if the facility was allowable under the Wayne County Prosecutor’s Office, the Commission was strictly looking at the conditional use application and whether it met the Code.

Gil Ning moved to grant application CU-373 of Phase IV Holdings, Inc. for conditional use approval for a commercial recreation, indoor use (Adult Entertainment Arcade) at 2799 Cleveland Road in a C-5 District contingent upon the operation shall not be in violation of gambling laws of the State of Ohio and also that the hours of operation shall be limited to no earlier than 9:00 a.m. and no later than 11:00 p.m.

Jackie Middleton seconded the motion.

Motion carried by an 8-0 vote.

Mr. Weaver noted that the conditional use request met all of the criteria which the Commission applied.

### III. **FINAL PLAT**

**Application #S-547. Matthew A. Long of Critchfield, Critchfield & Johnston, Ltd., on behalf of MBS Real Estate, LLC**, requesting final plat approval for the subdivision of 3.128 acres into 7 residential lots, 1 private drive lot and 1 open space lot on Lochwood Glen in an R-1/PDOD (Suburban Single-Family Residential/Planned Development Overlay District) District.

Matthew Long, Critchfield Law Firm, stated he was representing MBS Real Estate, the property owner and developer of the Tartan Ridge Subdivision. Mr. Long noted that the subdivision had been before the Commission in 2011 for both PDOD review and approval as well as for preliminary approval of Phase I. Mr. Long stated the developer wished to add 7 lots and an open space lot to meet the open space requirement and the private drive associated with the development. Mr. Long noted that a few lots extended into Phase 2. Mr. Long stated the current restrictions which governed the Tartan Ridge Homeowner's Association would also be part of this portion of the development. Mr. Long stated 9 lots had been sold so far in the development, and with the addition of the lots in question, there would be 21 lots available for sale.

Mr. Ning questioned if the gate was up. Mr. Long stated there was no gate yet. Mr. Ning questioned if they still were looking to be a gated community. Mr. Long stated the gate into the PDOD was allowed but had not yet been put into place.

Mr. Weaver questioned if he was aware of what the City was recommending in terms of the private street. Mr. Long stated yes and noted that the construction of the street would have to be pursuant to Engineering approval and all of the regulations regarding the construction of the street which was on course to the original construction of Lochwood Glen.

Ron Rehm moved to approve application S-547 of MBS Real Estate LLC for final plat approval for the subdivision of 3.128 acres into 7 residential lots, 1 private drive lot, and 1 open space lot on Lochwood Glen in an R-1/PDOD (Suburban Single-Family Residential/Planned Development Overlay District) on the condition that the road extension of Lochwood Glen shall be designed per City specifications for a public street with a 60' right-of-way such as construction, curbing, sidewalks, street trees, etc.

Wanda Christopher-Finn seconded the motion.

Motion carried by an 8-0 vote.

Mr. Weaver noted the applicant met all of the Commission's criteria for approval.

#### IV. GENERAL DEVELOPMENT PLAN

**Application #SP-575. Harvey Tesler of Chase Shopping Centers, LTD, representing WWM Properties, LTD** is requesting general development plan approval for a revised 57,100-sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District.

Doug Drushal, 225 North Market Street, Counsel for Chase Properties, stated modifications had been made to the plan which the Commission had reviewed at its July meeting. Mr. Drushal stated after reviewing the plans, Staff had five areas of concern, one relating to the building elevation. Mr. Drushal stated building elevations were included, but it was his understanding the issue was one of aesthetics. Mr. Drushal stated Staff also asked for an analysis of a possible mini-roundabout in place of a signalized intersection. Mr. Drushal stated it was concluded that the mini-roundabout which was suggested would make the situation worse for traffic than with a signal. Mr. Drushal stated Staff had asked for landscaping and parking islands to be revised to meet the requirements of Chapter 1165, and Mr. Drushal believed that had been done. Staff also asked for details of the lighting fixtures and poles and that supplement had also been provided to Staff. Staff further noted that the minimum lot sizes needed to be 20,000-sq. ft. if they were intended to be subdivided, and again, that had been done as well. Mr. Drushal stated there was a potential in dividing the outlots, but as of now, it would be one parcel.

Mr. Rehm questioned how the revised pictures of the fronts of the buildings differed from the previous submittal. Mr. Drushal stated the rooflines and building materials were somewhat different. Ms. Kobilarcsik noted awnings were added and light fixtures were also shown, but it was basically the same.

Ms. Kobilarcsik stated she had questions relating to the traffic study and indicated she had concerns with the added traffic onto SR 83. Ms. Kobilarcsik stated on the site plan provided, she could not see where the traffic signal would be located. Roger Kobilarcsik, City Engineer, stated the traffic signal would be located south of Deer Creek Drive. Mr. Kobilarcsik stated the traffic signal was warranted because of new developments and that two extra turn lanes would be added—one southbound and one northbound (deceleration lane to get into the development). Mr. Kobilarcsik stated to the south, there would be a right turn for truck traffic. Ms. Kobilarcsik stated all traffic would go through the traffic light. Mr. Kobilarcsik stated yes.

Ms. Kobilarcsik stated it was her understanding the Engineering Department also wished for curbs to be added. Mr. Kobilarcsik stated that was correct. Ms. Kobilarcsik stated in speaking with the City Engineer, he estimated the development would generate 390 trips. Mr. Kobilarcsik stated the traffic impact study determined that a traffic light was warranted and the turn lanes were warranted on SR 83, and that the level of service on SR 83, because of those improvements, would not digress.

Jean Heartline, Transportation Engineer who conducted the study, Maumee, Ohio stated everything in the study was mandated by ODOT Code in the City. Ms. Heartline stated there was not a lot of wiggle room—it was a scientific, mandated right between the lines study. Ms. Heartline traffic counts at the site were performed to determine background traffic and noted the counts were done on a weekday as well as a Saturday. Pneumatic tubes were placed on the road to get profiles of the traffic to determine current peak hours. The numbers were then expanded (10% added) into what would be referred to as the Design Hourly Volumes which again, was part of the mandated process through a document known as the State Highway Access Manual published by ODOT. Opening day traffic in the design year was looked at in addition to a growth rate to the design year which was 20 years henceforth, and the growth rate added another 10%. The traffic which was presented in the study that the analysis was done on was 10-20% higher than what was counted which added a level of

safety to the traffic count. Ms. Heartline stated state approved programs were run to do an analysis to come up with a level of service, and the level of service worked a lot like a grade card—A, B, and C were considered acceptable, D was considered marginal and E and F were unacceptable and those were typically applied to the intersection overall because it was extremely difficult on any intersection to get every approach, every left turn and through movement to a “C” or above. Left turns were typically the ones that would give you a little more trouble just because they did not have as many gaps in traffic. Ms. Heartline stated the results of the study indicated that the site traffic generated enough traffic that a traffic signal was prudent to install for the main drive. Additionally, a southbound left turn at that traffic signal into the drive gave motorists coming from the north a safe haven to sit until they found a gap in traffic to complete their left turn movement. A northbound, right turn lane was recommended so people going to the site could get out into through traffic in the deceleration, right turn lane and be able to access the traffic with minimizing disruption to the through traffic. Ms. Heartline stated they also analyzed the adjacent intersections and found that the impacts were negligible. Deerfield did have some existing capacity problems east and westbound, particularly on the west leg going eastbound, in that under the stop control, there were some delays getting out currently, but that was a pre-existing condition. Based on the traffic which was counted earlier this summer, Ms. Heartline indicated the left turn lanes, northbound and southbound at Deerfield, would be prudent and would solve a lot of their capacity problems, but were not project precipitated.

Ms. Kobilarcsik questioned if the school and church, north of the development, were taken into consideration noting that school was not in session currently. Ms. Heartline noted that in the morning period, when the kids were coming to school, there would be very little site traffic. Ms. Heartline stated the peak traffic would be a weekday afternoon, typically around 4-6:00 p.m., and that also coincided to the weekday peak traffic on the site. In the morning, roadway traffic was down and site traffic was way down. Ms. Heartline stated she was not even sure there would be a business open at 7-8:00 a.m. when the kids were coming to school. In the afternoon, the kids left about 2:30 p.m., and traffic was starting to get higher but was not the peak traffic on the roadway nor the peak site traffic. To get an analysis of the worst case condition, the project would have to factor in the highest site traffic and highest roadway traffic. Mr. Rehm questioned if the traffic count went until 6:00 p.m. Ms. Heartline stated yes. Mr. Rehm questioned if there was any consideration given to extending the count, specifically to include a Friday evening. Mr. Drushal stated the count was not from 4-6:00 p.m. but rather the peak was from 4-6:00 p.m. Ms. Heartline stated the highest, four 15 minute intervals was used to determine the peak hour. Mr. Rehm stated he wanted to know the number of people who went through there on a Friday night from 6-8:00 p.m. Ms. Heartline stated in doing the analysis, Monday’s and Friday’s were not counted. Ms. Heartline noted that on Friday, traffic was about 7% higher but that 10% was added for a safety level.

Mr. Rehm questioned if Sunday morning was taken into account for people going to church. Ms. Heartline stated on Burbank Road, traffic would be way down, with the exception of church traffic, on a Sunday morning; the site traffic would be extremely low on a Sunday morning. Ms. Heartline stated the traffic study looked at the peak impacts from the site and the impact it would have on the roadway. Ms. Kobilarcsik questioned how it performed on the A - F level during peak hours with the traffic light and the turn lanes. Ms. Heartline stated with the traffic signal for opening day in 2015, the level of service for the afternoon weekday, peak hour, would be a service level “B”; for a Saturday, it was a service level “A”. When projected out 20 years, level service “B” was also maintained in the afternoon, peak hour, as well as the Saturday level of service “A”.

Mr. Ning questioned if she was aware of the proposed roundabout at SR 83 and Smithville-Western and if that affected the study. Ms. Heartline stated the roundabout did not affect the study. Ms. Heartline indicated the analysis was done with the roundabout, and indicated it would solve a lot of

problems with congestion. Ms. Heartline stated the traffic was somewhat diluted by that time because not all of the site traffic was going to the north but north and south.

Mr. Ning questioned who would set the sequence/timing of the traffic lights. Mr. Kobilarcsik stated the lights that existed currently were all in sequence, and the new light would just be added to that sequence.

Mr. Kobilarcsik noted that when the traffic study was done, Friendsville Road was closed.

Mr. Ning questioned if the sequence/timing could be changed so that, during peak hours, it would let more cars move north/south. Mr. Kobilarcsik stated he believed it could be changed—that there was a timer inside. Mr. Ning stated he was concerned with the flow of traffic. Mr. Drushal stated the developer would be required to put in the traffic light and pay for it, but then would turn it over to the City to determine the control. Ms. Heartline stated a traffic signal would have detection on it, so if there was no vehicle on the site drive, it would stay green for the main street. Ms. Heartline stated the traffic signal would also have shut-offs so that the signal timing could be adjusted.

Ms. Christopher-Finn questioned the distance from Riffel Road and Smithville-Western Road. She also expressed concern with congestion and what impact the congestion would have with the further development of the Deer Creek area. Ms. Heartline stated it looked to be about a mile from Riffel to Smithville-Western Road. Ms. Boen questioned when the first home was constructed in the Deer Creek development. Mr. Drushal stated 1990-ish. Ms. Boen questioned how long the property had been zoned commercially. Mr. Drushal stated it was zoned commercial since it was annexed into the City as part of the original northend annexation. Ms. Boen stated that anyone purchasing a home on Deerfield would have known the property was zoned commercially.

Ms. Boen questioned whose responsibility it was to look into the traffic issues at Deerfield. Mr. Kobilarcsik stated there were two entrances into the Deerfield development—one off of Riffel Road and one off of SR 83. Mr. Montgomery stated if the study showed traffic from the development would adversely impact either of those two entrances, then the developer would be required to address that but it was his understanding that the traffic study did not show that to be the case. Mr. Montgomery stated the City would evaluate those intersections like it did other intersections and indicated a traffic study would need to be done at that intersection.

Mr. Drushal stated the issue before the Commission was not whether the development would add more cars to Burbank Road noting that the land was zoned commercially. Mr. Drushal stated the developer would be addressing traffic issues from the site in question by installing a traffic signal.

Ms. Kobilarcsik noted that the City Engineer indicated that he “needed to see plans for extending the curb along the east side of Burbank Road to the north and to the property”. Ms. Kobilarcsik stated Mannik Smith Group responded by stating, “Should the City decide to install the turn lanes at Deerfield Drive or implement a center 2-way left turn lane along Burbank Road, the curbing and all associated drainage infrastructure (underdrains, catch basins, manholes) would need to be replaced. Furthermore, there are uncertainties related to the proposed drainage of the curbed section. It appears the surface drainage runs off to the north and west of the site via a storm sewer west of Burbank Road. There may not be sufficient elevation difference between the flow line of a new drainage system for the curbed section on the east side of Burbank Road and the outlet elevation of the existing catch basin on the west side of Burbank Road. In addition, curbing this section may create a drainage issue on site”. Mr. Kobilarcsik stated that was something which could be worked out during construction. Mr. Drushal stated the applicant did not have any problem with an approval subject to final review by the City Engineer’s Office.

Mr. Seling questioned if the southbound right turn lane could be added within the existing right-of-way of the lot. Mr. Kobilarcsik stated yes—everything would be done within the existing right-of-way. Mr. Kobilarcsik stated he would look into whether or not extra right-of-way was needed on the east side.

Ms. Kobilarcsik stated this particular development was zoned C-3. Ms. Kobilarcsik stated the C-3 (Community Commercial) definition was “To create a district that created a wide variety of retail and office land use in a more pedestrian-friendly environment”. Mr. Seling noted that sidewalks would be installed the whole length of the project. Mr. Dutton stated the developer also added a sidewalk from the signaled intersection back to the main retail building to avoid having to walk in the parking lot to get back to the street. Ms. Kobilarcsik questioned if sidewalks would be added to access the buildings to the rear. Mr. Drushal stated the sidewalk at the street would connect to a sidewalk that would go back to the strip center. Ms. Kobilarcsik questioned if there would be sidewalks in front of the development. Mr. Seling stated yes and noted the sidewalks would go all the way through to Scottish Highlands (apartments).

Ms. Kobilarcsik questioned Staff if the sidewalk areas proposed would make the development pedestrian friendly. Mr. Dutton stated he felt the developer had taken measure to make it pedestrian friendly by providing sidewalks along the street but also in connecting each building to the street.

Ms. Kobilarcsik noted that the Code required that 50% of the building on each lot front on a public street and indicated the front building setback was 20’. Ms. Kobilarcsik questioned why the plans presented did not comply. Mr. Dutton stated he could not speak as to why the developer designed the development as proposed but noted the scale and shape of the project would make it difficult to comply. Mr. Dutton stated he felt the developer had made an effort to “pull” some of the outlot buildings up to the setback line, but felt it was unreasonable, in this case, to ask them to put that much building on the front setback and was not sure you would want to see that much building frontage “right there”. Ms. Kobilarcsik stated that it was a requirement of the C-3 District—to have a parking lot in front and buildings to the rear. Ms. Kobilarcsik questioned if the project was “too large” for the C-3 District. Mr. Dutton stated C-5 was the only district that did not have the requirement to “pull” the buildings up to the right-of-way. Mr. Dutton stated the only way to meet the C-3 requirement would be to subdivide the property into long, thin strips and shift every building right up to the front, but felt that the size and scale of the project made it difficult to meet the requirement. Mr. Dutton stated the developer could “flip the site around” and put the big retail building in the front and then have the outlots to the rear. Mr. Drushal stated no one would ever come to the Commission proposing that. Mr. Drushal stated the Code said the Planning Commission had the discretion to approve the plan as submitted and in this instance, because the property was zoned C-3, was not an issue for the Board of Zoning Appeals to address. Mr. Drushal stated he did not think any other layout would make sense for a 7 acre site of this nature.

Mr. Weaver questioned if Staff had any reservations about the applicant’s response to Staff’s recommendations outlined in the Memo of August 26. Mr. Dutton stated he still had the same concerns about the aesthetics citing the developer had made incremental changes rather than a concerted effort to change the style of the building. Mr. Dutton noted the developer changed the roofline and added lights which he found to be relatively minor, given the fact that there was a lot of residential development nearby which was the reason for the C-3 zoning. Mr. Dutton stated the other items had basically been addressed—an updated landscaping plan had been provided which he believed met the Code; lighting had been addressed; the lots had been increased to 20,000-sq. ft. and, at this point, for general development plan approval, it was not set in stone and was more of a

concept of where the lot lines could be. Mr. Dutton noted that when the lots were subdivided, the setbacks would apply and would need to be accommodated for.

Mr. Weaver questioned if the responses by the applicant changed his recommendation to the Commission. Mr. Dutton stated he did not feel the other recommendations were an issue, with the exception of aesthetics and meeting the setbacks in the future.

Ms. Kobilarcsik stated Staff recommended tabling the request, and asked if that was still the recommendation of Staff. Mr. Dutton stated he would “stick with that recommendation” based on the incremental changes in the aesthetics of the development. Mr. Seling questioned if that was Staff’s chief concern. Mr. Dutton stated, “Yes, definitely”. Mr. Dutton stated curbing and lot setbacks were minor, and the rest of the issues had been addressed. Mr. Dutton stated that the aesthetics was a “subjective requirement”. Ms. Kobilarcsik stated aesthetically, when looking at the properties surrounding the property, the development did not have the character of existing properties. Ms. Kobilarcsik stated the proposed façade was “inexpensive”.

Ms. Boen questioned, when you say “the character of existing buildings”, what the proposed buildings did not match with. Ms. Boen stated she felt the development was in line with existing retail designs of the area. Ms. Kobilarcsik stated CMU with the inbred color was a way to change the building facades and was a basic, inexpensive way to address aesthetics. Mr. Dutton stated CMU’s would add texture and formulate a brick look. Mr. Dutton stated half of Burbank Road, on the east side, was brick.

Matt Wilson, Chase Properties, stated the retailers they were in communication with wished to open concurrently, and any delays with the project would throw the schedule off. Mr. Wilson stated the retailers involved had performed very in depth market studies of where they wanted to be located. Mr. Wilson stated the proposed anchor tenant was one of the original retailers they were talking to 10 years ago. Mr. Wilson stated the overall look of the development was what the retailer was looking for on a national basis. Retailers were extremely particular in appearance, signage, what the façade would look like, awnings, and co-tenancy and had specific criteria. Mr. Wilson stated the quality of retailers that they were bringing to Wooster would strengthen the core/submarket of the area and would, in turn, help with the vacancies of the residual properties.

Ms. Middleton stated, in looking at the current Comprehensive Plan and the draft Plan under consideration, continued economic growth for the community continued to be a priority.

Ms. Kobilarcsik stated that, aesthetically, she would like to see the project one that the City could be proud of.

Ms. Christopher-Finn stated she felt the design had improved since the last meeting, but she was concerned with the colors of the storefronts (should be more subtle) in addition to the traffic problem.

Mr. Seling stated the Commission had received correspondence/petition dated August 23 from the residential development (Deer Creek Subdivision). Mr. Seling stated a lot of the concerns were traffic related.

Bob Hines, 4563 Huntington Woods, stated he hoped the Commission could look at the comments which were part of the petition. Mr. Hines stated there was not anything in the comments (noted on the petition) which had been rebutted. Mr. Hines stated he felt the Commission should table the request so that it could consider the recommendation. Mr. Hines noted that 123 people signed the

petition. Mr. Hines stated the residents in the area were not against the development and realized the land was zoned C-3 and that it would be developed commercially. Mr. Hines stated the Commission needed to make sure that the development would not adversely affect what already existed and he felt the development would because Burbank Road was already “maxed out”. Mr. Hines stated the developer may have taken steps to get vehicles in/out of their development, but that would not affect the additional cars that went through the three major intersections (Deerfield, Smithville-Western and Riffel) in the area. Mr. Hines stated the Planning Commission was charged with the responsibility of making sure that any development would not adversely affect the health, safety and welfare of the community. Mr. Hines stated that one of the criteria the Commission was to consider was whether or not the plans were consistent with the Comprehensive Plan, and he did not feel that was the case. Mr. Hines stated under Section 1107.01, the Commission was required to review the proposed development to make sure, because of its size and scale, what effect the development would have on surrounding properties. Mr. Hines stated infrastructure problems existed currently and noted Burbank Road was one of the three major arteries in/out of the City. Mr. Hines stated he did not feel the data was accurate in the traffic study because it was not done on Friday which was likely the busiest day for traffic on Burbank Road and was not done when school or church was in session. Mr. Hines stated the traffic study underestimated the amount of traffic on Burbank Road which was found to pretty much be “maxed out” and felt an independent traffic study should be done. Mr. Hines stated he felt the Commission should take its time reviewing the development and should consider the concerns outlined in the petition.

Ms. Boen stated she did not feel it was fully the developer’s responsibility to address the traffic on Burbank Road, but felt there needed to be a continued conversation with Grace Brethren Church as well as with the City with what else needed to be done, in addition to the roundabout, to aid in traffic. Ms. Boen stated that, in terms of reviewing the proposed development, the traffic study that was done and the 20% that was accounted for in the study did address the peak hours. Ms. Boen stated she did not feel the resolution was just with the developer but that the resolution was a bigger issue.

Mr. Hines stated he would like to see a cooperative effort between the developer and the City on how to resolve the problem that existed which would only be exasperated by the development. Mr. Hines stated he felt the traffic issue needed to be addressed before the development plan was approved and felt the Commission needed to have a plan on how the infrastructure issue would be addressed. Mr. Hines stated he reviewed the proposed Comprehensive Plan, and he did not see anything in the Plan to address improvements to the corridor of SR 83, north of Riffel Road, and felt that was the most important traffic corridor in the City.

Ms. Kobilarcsik stated there was criteria to follow which was outlined in the Comprehensive Plan when development plans were presented. Ms. Kobilarcsik stated the Comprehensive Plan, in 2002, indicated that it should use caution on additional expansion of the northend retail area, focus big box retail development in the northend, but all aesthetics should have standards. Ms. Kobilarcsik stated in the Comprehensive Plan, it noted that “emergency services should have a 4 minute response time, and that it did not” and that “the downtown should continue to be the focal point, heart and center of the community.” Section 1107.12 in the Zoning Code noted that “the appropriate use and value of the property within and adjacent to the area will be safeguarded”, and Ms. Kobilarcsik stated she had concerns about that. This section also noted that “the development will result in harmonious grouping of buildings within the proposed development and in relation to existing and proposed uses on adjacent properties”. Ms. Kobilarcsik stated she did not feel this development had that. Ms. Kobilarcsik stated Section 1107.12 (d) indicated that, “A provision is made for safe and effective pedestrian and vehicular circulation within the site and to adjacent properties”. Ms. Kobilarcsik stated she did not feel that this development would help the situation.

Ms. Kobilarcsik stated the purpose of the Planning Commission was outlined in Section 1101.03 which was as follows: (a) To promote the orderly and beneficial development of the City of Wooster in accordance with the City's land use policies; (c) Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible uses; (d) Regulate and restrict the location, bulk, height, design and land coverage of buildings to protect the character and value of the City's residential, business, industrial, institutional and recreational areas; (e) Regulate the area and dimensions of lots, yards, setbacks and other open spaces to provide adequate open spaces for light and air; and (g) Ensure deficient traffic circulation, manage congestion on the streets and improve public safety by locating buildings and uses adjacent to streets in such a manner that they will cause the least interference with, and be damaged least by, traffic movements. Ms. Kobilarcsik stated given the sections sited, she would not be voting in favor of the development plan. Mr. Dutton noted, for clarification, that Section 1107.12 pertained to final development plans and the plan before the Commission was a general development plan (Section 1107.11).

Ms. Kobilarcsik questioned the opinion of the City Engineer as to the traffic study and whether it followed the guidelines and requirements which needed to be followed in coming to its conclusion. Mr. Kobilarcsik stated yes. Mr. Selig stated the City Engineer reviewed the traffic study, on behalf of the City, and found it to be in compliance with all of the requirements and regulations that needed to be followed, so he felt the developer complied with that part of what they needed to do. Mr. Dutton stated because a general development plan was presented, the developer was not required to specifically submit a traffic study at this time, but they would be required to submit it at the time final development plan approval was being requested.

Mr. Drushal stated he felt all of the issues outlined in the petition had been addressed and noted that the developer was aware of the petition. Mr. Drushal stated the traffic engineer, Jean Heartline, addressed all of the points noted in the petition in a memorandum. Mr. Drushal stated it was properly addressed under the Code of the City of Wooster and ODOT's traffic rules. Mr. Drushal stated the issue was not the traffic situation that was there now—the issue was what the proposed development would do to it, and the traffic study showed that the impact the development would have would not make the traffic situation worse.

Jean Heartline addressed the concerns outlined in the petition as follows: That the intersections were already overloaded. Ms. Heartline stated the intersections were studied and the intersections were not overloaded. The roundabout at Smithville-Western would take care of a lot of problems. At Riffel Road, there was an overall level of service "C" which was maintained even after the project went in. That the site would add 310 trips to the roadway. Ms. Heartline stated all of the traffic going to the site would not be new traffic. Ms. Heartline stated the owner of the site would hope that as you were traveling back and forth, you would stop at one of the retail centers (called pass-by traffic). That was already traffic which was on the roadway. New traffic would be someone that would not be in this part of town and decided to make a distinct trip to go to a retail center. Ms. Heartline stated only 2/3 of the traffic which would hit the site would be new traffic on the roadway and it was actually closer to 50-50; the rest was traffic which was already there and was not all new traffic. It was not conclusive that the roundabout would occur in 2015. Ms. Heartline stated the roundabout was a known and committed project. Responsibility for mitigation. Ms. Heartline stated that Mr. Hines indicated that the developer was suggesting that the City mitigate their traffic impact. Ms. Heartline noted that Mr. Hines indicated a mini-roundabout or a traffic signal should be considered at the Deerfield intersection. Ms. Heartline stated she did review the warrant criteria for a traffic signal there, and it was below the criteria. A mini-roundabout was for smaller intersections—low speed (25 mph). Ms. Heartline noted that with regard to the traffic study not being conducted while Grace School was in session, it was not a project impact. Ms. Heartline stated it was requested by Mr. Hines,

as part of the petition, that the operation of Smithville-Western be brought to a level service "C" which would be accomplished with the roundabout project. It was also requested that eastbound/westbound on Deerfield be a level service "C" again, but that was a separate issue. At Riffel Road, it was requested to bring eastbound/westbound approaches to a level "C" as well (currently a "D"). Ms. Heartline stated it was currently a level "D" and would be a "D" when the project went in, so it was not project related and the acceptable level of service "C" would be maintained at the Riffel intersection.

Beverly McCoy, 4574 Deer Creek Drive, stated she lived in the Deer Creek development for the past 20 years and knew the property in question was zoned commercially when she purchased her home. She stated she was concerned with the safety issues of getting in/out of Deer Creek. Ms. McCoy stated residents would have to go around to Riffel Road to exit their development, and the residents should be able to exit from Deerfield easily.

Ms. Boen asked Staff to provide the Deer Creek residents with the procedure in which to address the traffic issues they expressed to the Commission. Mr. Montgomery stated it was open for discussion, but a very comprehensive study had been done of the entire northend. Mr. Montgomery stated there was a regular review of traffic accidents and the severity of accidents which was a non-subjective way to evaluate safety and was how Smithville-Western got on the radar. Mr. Montgomery also noted that the Traffic Commission would be the body to review requests, and that an agenda request could be made to them.

Jean Boen moved to approve application #SP-575 filed by Harvey Tesler of Chase Shopping Centers, LTD, representing WWM Properties, LTD for general development plan approval for a revised 57,100-sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District contingent upon (they had already done) addressing Staff recommendations: (1) Significantly revise building elevations including additional architectural features are incorporated to "complement buildings in close proximity and enhance the character of the surrounding area" per the required development standards. The site was zoned Community Commercial, rather than the more intensive General Commercial to the south of the site, as it is at the edge of the Burbank Road commercial district and adjacent to residential uses. Development of the site should take the unique location of the site and incorporate suitable aesthetic elements; (2) Provide an analysis of a possible mini-roundabout in place of the signalized intersection and extend curbing along the east side of Burbank Road to the north end of the property; (3) Revise landscaping and parking islands to meet the requirements of Chapter 1165; (4) Provide a detail of lighting fixtures and poles; and (5) Increase the minimum lot size to 20,000 sq. ft. if outlots are intended to be subdivided and also approving the deviation from the design standard which requires that 50% of buildings on each lot shall front on a public street.

Mark Weaver seconded the motion.

Mr. Weaver stated in issues like this, it was not easy. This was the Commission's second meeting reviewing the request which involved several chapters of the Zoning Code including 1141.11(e), 1141.06, 1169.13, 1165.04, 1165.06(a), 1165.06(c), 1165.07(g), 1167.01 and 1171.08(i). Mr. Weaver stated in looking at all of those Code sections, the proposal met the Code. Mr. Weaver stated his job was not to make a personal judgment as to whether or not he wanted this particular development. He indicated his job on the Planning Commission was to take the proposal, put it next to the Code, and make a judgment. Mr. Weaver stated other members of the Commission may make a different judgment, but he judged that it met the Zoning Code and met the Comprehensive Plan. In addition, under oath, the Commission heard the presentation of the traffic study, and the traffic study met ODOT's code. If the traffic study met ODOT's code, he felt that was sufficient. As for aesthetics, he

was bothered that there was no specific Code on aesthetics, so he could not point to anything which would say that the development did not meet Code.

Ms. Kobilarcsik stated how she interpreted the Comprehensive Plan and the evidence she felt supported it, she did not feel the plan met the Comprehensive Plan and based on the Zoning Code, she also did not believe it did not meet the criteria of Section 1141.11(e), Design Standards, Item 1, 2 and 4(d) also. Ms. Kobilarcsik stated she also did not feel the plan suited the purpose of Planning and Zoning Code Section 1101.03(c), (d), (e) and (g).

Mr. Rehm stated while he agreed with virtually everything Mr. Hines said, it was not the job of the Planning Commission or of the developer to put those pieces into effect. Mr. Rehm stated the way the development looked, it looked as good or better than the west side of Burbank Road. Mr. Rehm stated he supported what Mr. Weaver said and would be voting in favor of the request.

Mr. Ning stated his major concern was traffic and for the residents coming out of the Deer Creek Development, but as has been stated, there was a process to follow to address those concerns through the Traffic Commission.

Jean Boen voted yes.

Wanda Christopher-Finn voted no.

Heather Kobilarcsik voted no.

Jackie Middleton voted yes.

Gil Ning voted yes.

Ron Rehm voted yes.

Mark Weaver voted yes.

Fred Seling voted yes.

Motion carried by a 6-2 vote, Wanda Christopher-Finn and Heather Kobilarcsik voting negatively.

## **V. COMPREHENSIVE PLAN**

**Application #CP-5. The City of Wooster** is proposing a replacement of the existing Comprehensive Plan, approved in 2002.

Mr. Seling noted the Commission was not expected to take action tonight.

Mr. Dutton noted that OHM was present to give a brief presentation on how the process went, how people were involved in the Plan, the Steering Committee, public input through a survey, public website, and public meetings were held to create an update of the City's Comprehensive Plan. Mr. Dutton noted Jackie Middleton was on the Steering Committee.

Ms. Kobilarcsik stated she just received the Plan and would recommend that the Commission have time to take it home and read it and then at the next meeting have Staff answer questions the Commission had.

Mr. Weaver asked for Staff to highlight the major changes made to the Plan.

Mr. Montgomery noted that the approach to the new Plan was very different than with the previous Comprehensive Plan.

Aaron Donley, Senior Planner with OHM Advisors, stated a number of community members were involved in the process. Mr. Donley noted that OHM was comprised of architects, engineers and planners. Mr. Donley stated a Comprehensive Plan was a blueprint and a roadmap for the future of where the City was going and was the biggest guide a community had. Mr. Donley stated the Plan included a vision of land use, parks and open space, public utilities, transportation and focus areas. Mr. Donley stated the current Comprehensive Plan was done in 2002 which set the stage for the next 10-20 years. Mr. Donley stated an analysis was done in addition to including extensive knowledge from the community/residents. Mr. Donley stated both the public and a 20-member steering committee took part in the process. Mr. Donley stated they met with the steering committee 7 times throughout the course of the project, and the goal was to give everyone a chance to engage in the process and not just the vocal minority that typically comments. Mr. Donley stated public meetings were held, online input was available, and a telephone survey of 300 residents took place. Mr. Donley stated they spoke with every age spectrum to know what their perceptions were. Mr. Montgomery stated the survey was also a separate document which was put on the website for everyone to review and had been for a couple of months and stated the survey was very comprehensive. Mr. Donley stated over 400 community members participated, there were 900 visitors to the website, 300 telephone survey respondents, public meetings, Main Street Wooster meetings, and a meeting with the Hospital as well.

Mr. Donley stated 80% or more people felt that growing inward was a priority. Mr. Donley stated based on the analysis and projected population growth, the City had an ample amount of vacant land within the City limits to accommodate future growth.

Mr. Donley stated through the channels and people they spoke with, traffic downtown far surpassed any comment related to traffic on Burbank Road. Another area noted was for truck traffic to be eliminated downtown. Mr. Donley stated enhancing the City's non-motorized network was another issue on the list that was felt the City should focus on. With regard to parks and rec, generally the residents were satisfied with the services.

Mr. Donley stated conditions like existing population, where it was projected to go, what the land use conditions were, and existing housing conditions, which were balanced with the public input and economic trends in the marketplace for retail development, and they were combined to formulate the Plan.

Mr. Donley stated within the Plan were focus areas which had been identified. Mr. Donley stated they also worked heavily with the steering committee to narrow that down to four focus areas which included: East Wooster, the Hospital District, Downtown and the South Highway District. As they made recommendations for those areas, they were concepts.

Mr. Seling felt that the Commission should hold a special meeting just for the Comprehensive Plan. Ms. Kobilarcsik agreed.

Mr. Seling suggested any comments the Commission had, after reviewing the Plan, should be forwarded to Mr. Dutton.

Mr. Montgomery stated the biggest difference in the approach to this Plan was community input. Mr. Montgomery stated a tremendous amount of time and effort was spent reaching out to the community and asking for their comments and attendance at meetings. Mr. Dutton stated what was felt to be lacking in the current Plan was implementation, and the new Plan had principles and objectives.

Meeting adjourned at 8:05 p.m.

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**Fred Seling, Chairman**

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**Laurie Hart, Administrative Assistant**