

**AGENDA
PLANNING COMMISSION**

April 23, 2014

MEMBERS PRESENT: Mark Weaver, Ron Rehm, Fred Seling, Gil Ning, Jackie Middleton and Jean Boen

MEMBERS ABSENT: Heather Kobilarcsik and Wanda Christopher-Finn

STAFF PRESENT: Andrew Dutton and Tim Monea

I. MINUTES

Mark Weaver moved, Ron Rehm seconded, to approve the Minutes of March 26, 2014 as received. Motion carried by a 6-0 vote.

II. ZONING AMENDMENT (PUBLIC HEARING)

Application ZC-257. Corey Kandel is requesting an approval recommendation by the Planning Commission to City Council for a zoning map amendment to change the zoning of 3.0 acres at 2625 Vinton Woods Drive from a C-5 (General Commercial) District to an R-1 (Suburban Single Family Residential) District.

(This portion of the meeting was inadvertently not recorded and is based from Staff's notes.)

Corey Kandel, Ashland, Ohio indicated the Board of Zoning Appeals had granted a use variance at its April meeting to use the property for the construction of a single family home. Mr. Kandel stated he was now asking the Planning Commission to recommend approval to rezone the property from C-5 to R-1 to fit the use and surrounding area.

Ron Rehm moved, Mark Weaver seconded, to recommend to City Council approval of a zoning map amendment to change the zoning of 3.0 acres at 2625 Vinton Woods Drive from a C-5 (General Commercial) District to an R-1 (Suburban Single Family Residential) District.

(The recorded portion of the meeting begins at this point.)

Mr. Weaver noted that in looking at the criteria for approval, in his judgment the change in classification was consistent with the Comprehensive Plan and was consistent with the intent and purpose of the Planning and Zoning Code. Mr. Weaver stated the Planning Staff recommended approval, and the Commission had received no comments from the City Fire and Engineering Departments.

Motion carried by a 6-0 vote.

III. CONDITIONAL USE (PUBLIC HEARING)

Application CU-370. Community Action Wayne/Medina is requesting conditional use approval for a school use/day care use at 905 Pittsburgh Avenue in an R-T (Traditional Residential) District.

John Keating, Keating Law Office, attorney/agent for Community Action Wayne/Medina, stated he wrote the narrative the Commission had received and asked that it be incorporated into his testimony.

Mr. Keating stated Community Action Wayne/Medina was before the Commission for both conditional use approval and final development plan approval, and indicated the City Planning Staff supported both requests. Mr. Keating stated Community Action Wayne/Medina would comply with all of the conditions stated by the Planning Staff in its recommendations to the Commission. Mr. Keating noted variances were necessary, and the Board of Zoning Appeals would be hearing their request at its May 1, 2014 meeting.

Mr. Keating stated the applicant was requesting the Commission approve the conditional use request both as a school use and as a child day care use. Mr. Keating stated a large part of Community Action consisted of Head Start, and Head Start fell within both of those categories. Mr. Keating stated the Zoning Code had a somewhat “quirky” definition of school use as it related to preschool/nursery schools.

Mr. Keating stated the use proposed made good planning sense because it was so close to the previous use (an elementary school). Mr. Keating stated it would not have a deleterious effect on the neighborhood, would be harmonious with what had been there, and noted the previous school use began almost 100 years ago. Mr. Keating stated to a great extent, the use would just be continued by Community Action and would likely be less intensive than the elementary school use because there would be far fewer students there at any one time. Mr. Keating noted that Community Action was the only bidder at the public auction when the school district put the property up for sale.

Mr. Keating noted that Community Action reached out to the community, held informational meetings and went door-to-door to answer questions any of the residents in the area had. Mr. Keating noted that Community Action had received only positive feedback from the neighborhood.

Mr. Keating stated with respect to the front parking lot, it raised the question as to whether it was something the Planning Commission should grant or was a matter for the Board of Zoning Appeals. Mr. Keating stated as he read the Code, the Planning Commission had the authority to grant the front yard parking permission because it was within the section of the Code which related to conditional uses. Mr. Keating indicated he felt the parking came within the exception of the conditional use rather than a variance. Mr. Keating noted, however, that Community Action would raise the same question to the Board of Appeals, and he would defer to Staff as to which body should grant that request. Mr. Keating stated some of the students would be dropped off by their parents (not all would be bussed), and there would also be social service clients who would be part of the ancillary use for the building, and there was a need to access the front entrance for the social service clients, for parents with young children, for pregnant women, and for elderly clients. Mr. Keating noted the lot had been there for many years, and Community Action wished to retain the lot for parking. Mr. Keating stated Community Action did not see a way to do away with that parking lot without sacrificing the accessibility of the front entrance. Mr. Keating stated the development plan also put eight more parking spaces onto the front parking lot, but it was really just restoring parking that used to be there before the soft surface playground was added.

Don Ackerman, Senior Vice President and CFO of Community Action, stated he had been with Community Action for 33 years. Mr. Ackerman stated Community Action Wayne/Medina was a

not for profit agency serving the low income population of Wayne and Medina Counties. Mr. Ackerman stated they had been in Wooster and part of the Head Start Program since 1965. Mr. Ackerman stated Exhibit C was written by him, and he asked the Commission to incorporate that into his testimony. Mr. Ackerman stated Community Action employed 170 employees in 13 locations throughout the 2-county area, and its budget was \$8-\$10 million annually; about 75% of that was related to Head Start and the child/family development program. Specifically, at the Lincoln Way building, five Head Start classrooms would be moved. Two of them would operate during the traditional school year of September through May, and there would be 34 children (17 in each classroom) in total (17 bussed in during the morning, and 17 bussed in during the afternoon). The other three classrooms would be full year/full day. There would be a classroom of eight, 0-18 month infants, a classroom of eight, 18 month to 3 year olds, and a classroom of up to 16 preschool children (3-5 year olds). Mr. Ackerman stated those kids would not be bussed into the classrooms—the parents would generally drop them off anywhere from 6:15 -6:30 a.m, and some did not get picked up until 6:00 p.m. Mr. Ackerman stated that was one of the reasons they wanted to keep the parking lot to the front. Mr. Ackerman stated there would be a commercial kitchen (prep kitchen currently existed) to serve the five classrooms in the building and the Head Start centers at the Rittman, Orrville and West Salem locations. Mr. Ackerman stated within the building, the home energy assistance program (HEAP) would operate in addition to various other small programs. Mr. Ackerman stated the parking lot to the front would be used by those clients. Mr. Ackerman stated the building would also become the Community Action central administrative office location (currently on Benden Drive) which would bring 65-69 staff into the building. Mr. Ackerman stated part of the gymnasium would become a multi-purpose room/neighborhood get-together for meetings/events.

Ms. Boen questioned, since there were school children in the building, if individuals who would be using the social services within the building would be able to access the school portion of the building as well. Mr. Ackerman stated this would be the first time that the Head Start classrooms would be within the same building as the social service agencies. Donna Holmes stated in some instances, the agencies would do home visits as opposed to individuals coming to the site itself.

Mark Weaver moved, Jean Boen seconded, to approve the request of Community Action Wayne/Medina for conditional use approval for a preschool and daycare use at 905 Pittsburgh Avenue in an R-T (Traditional Residential) District.

Mr. Rehm questioned the issue of the front parking lot and whether the Planning Commission or Board of Zoning Appeals needed to address that. Mr. Keating stated he was asking for the Planning Commission to act on that matter as he felt the Planning Commission had the power to grant the exception to the front yard parking requirement. Mr. Dutton stated he felt that was an issue which should be addressed when the Commission reviewed the final development plan (SP-569).

Mr. Weaver stated the presentation was thorough and addressed the issues, and he agreed with their conclusions that the use proposed was harmonious with the neighborhood and a good use for the building. Mr. Weaver noted Staff also recommended approval, and the Commission had no comments from the Engineering and Fire Departments.

Motion carried by a 6-0 vote. Mr. Ning stated he felt the applicant did their homework and applauded Community Action for putting in an investment back into the neighborhood.

IV. FINAL DEVELOPMENT PLANS

Application SP-569. Community Action Wayne/Medina is requesting final development plan approval for the construction of an equipment garage and parking along with other site changes at 905 Pittsburgh Avenue in an R-T (Traditional Residential) District.

Mr. Keating stated he wished to reiterate what he said before and felt that the front parking issue was something the Commission specifically had the authority under the Zoning Code to grant since it was mentioned in the conditional use chapter. Mr. Dutton agreed that the Planning Commission should be the body to grant the exception to the parking requirement.

Jackie Middleton moved to grant the request of Community Action Wayne/Medina for final development plan approval for the construction of an equipment garage and parking along with other site changes at 905 Pittsburgh Avenue in an R-T (Traditional Residential) District and grant an exception for the front parking lot.

Mr. Weaver stated he felt conditions needed to be added to also include: Combining the seven properties that encompass the site into one single property; provide a lighting plan indicating the location, height, style and coverage of all new exterior lights; reduce the height of the 6' fencing in the front yard to 3'; adding landscaping to comply with Chapter 1165 of the Code to include a fence or trees to screen the loading area to the south per Section 1165.08(c); add an additional shade tree to the south (rear) parking area; increase the height of the trees used for buffering to 6'; conform to the indicated Planning and Zoning Code requirements or receive variances from the Board of Building and Zoning Appeals for: Section 1133.02 to use a portion of the building for an office use in the R-T District; Section 1165.06(a) to allow a parking area with more than 100' in width without a landscaped island; and Section 1165.07(g) to reduce the required buffer yard to less than 10'. Ms. Middleton agreed with the addition of the conditions to the motion.

Mark Weaver seconded the motion.

Motion carried by a 6-0 vote.

Application SP-570. Mike Sommers of Stark Development, representing WWM Properties Ltd., is requesting final development plan approval for a 4,750-sq. ft. professional office building at 3582 Cleveland Road in a C-5 (General Commercial) District.

Jason Hall, representing Mike Sommers of Stark Development, stated final development plan approval was being requested for a commercial building. Mr. Hall stated the parcel was 2.4 acres and located on the west side of Cleveland Road, north of Milltown Road, and zoned C-5. Mr. Hall stated properties to the north, south and east were also zoned C-5. Mr. Hall stated the existing house and garage would be demolished. A 4,570-sq. ft. building would be constructed for Dr. Safarutn Aranmolate for a pediatric dental practice. Mr. Hall stated the drive was moved from the south property line to the north property line. Mr. Hall stated 27 parking spaces were provided and included one van accessible handicap stall. Mr. Hall stated the rear parking lot and associated access drive on the west side of the property was eliminated, and the building was repositioned to a more central location on the property which eliminated the need for retaining walls. Mr. Hall stated the total disturbed area was now under one acre which eliminated the need for the bioswales; the impervious area was reduced so that the detention basin size was also reduced allowing the building to sit closer to the street. Mr. Hall stated now that the bioswale was eliminated, the hedges on the east side of the parking lot can be planted as required and a variance was no longer needed.

Mr. Selig reminded the Commission that it reviewed and approved the development plan at its March meeting.

Mr. Ning noted a lighting plan needed to be submitted. Mr. Hall indicated he was aware of that.

Mr. Weaver stated the City Engineer commented on the development with regard to waste water and required permits. Mr. Hall indicated he was aware of that as well.

Gil Ning moved, Ron Rehm seconded, to grant the request of Stark Development for final development plan approval for a 4,750-sq. ft. professional office building at 3582 Cleveland Road in a C-5 (General Commercial) District contingent upon the receipt of a lighting plan and also the comments made by the City Engineer.

Mr. Weaver stated the Planning Staff recommended approval and, upon reviewing the proposal in light of all the relevant aspects of the Code, he felt it did meet the Code.

Motion carried by a 6-0 vote.

V. INITIATION OF A PLANNING & ZONING CODE AMENDMENT

Mr. Dutton stated Staff had been working on amendments to the Zoning Code and indicated the Commission needed to make a motion to have a hearing on the amendments.

Ron Rehm moved to direct the Planning and Zoning Manager to prepare an amendment to the Planning & Zoning Code for review by the Commission and hold a public hearing on May 28, 2014. Mr. Rehm noted the motion was made pursuant to Zoning Code Section 1119.02. Mark Weaver seconded the motion.

Motion carried by a 6-0 vote.

VI. MISCELLANEOUS

Mr. Selig acknowledged the letter it received from Connie Hoffa regarding an issue the Commission acted upon at its March meeting (12,000-sq. ft. retail/warehouse building on Akron Road).

Mr. Dutton provided the Commission with information on a Workshop held by the APA in Akron. Mr. Dutton asked anyone who was interested in attending to contact him.

Meeting adjourned at 6:10 p.m.

Fred Selig, Chairman

Laurie Hart, Administrative Assistant