

**MINUTES
PLANNING COMMISSION**

December 17, 2014

MEMBERS PRESENT: Mark Weaver, Ron Rehm, Gil Ning, Wanda Christopher-Finn, Heather Kobilarcsik, Jackie Middleton and Fred Seling

MEMBERS ABSENT: Jean Boen

STAFF PRESENT: Andrew Dutton

I. MINUTES

Jackie Middleton moved, Ron Rehm seconded, to approve the Minutes of November 19, 2014 as received. Motion carried.

II. PLANNING AND ZONING CODE AMENDMENTS (PUBLIC HEARINGS)

Application #ZC-259. The City of Wooster is requesting an approval recommendation by the Planning Commission to City Council for amendments to Section 1105.05(f) (Board of Building and Zoning Appeals – Powers and Duties) of the Wooster Planning and Zoning Code.

Mr. Dutton stated the amendment to Section 1311 of the Building Code changed, and indicated that the section proposed to be amended was currently in the wrong place and should be in Section 1105.05 as the Board of Building and Zoning Appeals. Mr. Dutton noted that the text, verbatim, had been moved to Section 1105.05, which was the appropriate section.

Mr. Seling opened the hearing for public comment.

Mr. Seling closed the public hearing.

Ron Rehm moved to recommend to City Council approval of amendments to Section 1105.05(f) of the Board of Building and Zoning Appeals of the Wooster Planning and Zoning Code.

Mark Weaver seconded the motion.

Mark Weaver voted yes.

Ron Rehm voted yes.

Gil Ning voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jackie Middleton voted yes.

Fred Seling voted yes.

Motion carried by a 7-0 vote.

Application #ZC-260. The City of Wooster is requesting an approval recommendation by the Planning Commission to City Council for amendments to Chapter 1171 (Sign Regulations) of the Wooster Planning and Zoning Code.

Mr. Dutton stated the amendment before the Commission was nearly identical to the previous amendment that was before the Commission a few months ago (July). Mr. Dutton stated the main difference was that the Planning Commission recommended the amendment with temporary signs being permitted four times a year for 30 days. Mr. Dutton stated the changes included when they would expire and were things that should have been part of the amendments all along. Mr. Dutton stated City Council denied the amendments but felt it had to do with other matters as opposed to the content of this particular amendment.

Mr. Seling opened the hearing for public comment.

Mr. Seling closed the public hearing.

Gil Ning moved to recommend approval to City Council of Application #ZC-260 for amendments to Chapter 1171, Sign Regulations, of the Wooster Planning and Zoning Code.

Ron Rehm seconded the motion.

Mark Weaver voted yes.

Ron Rehm voted yes.

Gil Ning voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jackie Middleton voted yes.

Fred Seling voted yes.

Motion carried by a 7-0 vote.

Application #ZC-261. The City of Wooster is requesting an approval recommendation by the Planning Commission to City Council for amendments to Chapter 1103 (Definitions), Chapter 1109 (Subdivision Procedures), Chapter 1133 (Single-Family Residential Districts), Chapter 1135 (Multi-Family Residential Districts), Chapter 1143 (Manufacturing Districts), Chapter 1149 (Nonconforming Uses, Lots and Structures), and Chapter 1165 (Landscaping and Land Use Buffers) of the Wooster Planning and Zoning Code.

Mr. Dutton stated with respect to Definitions, there were a couple of clarifications and a definition was added for “data center”. Mr. Dutton stated “data centers” would be permitted uses in the M-2 and M-4 Districts which were the most intensive manufacturing districts.

Mr. Dutton stated in the Definition section, a graphic was added to illustrate the definition “Yard” to give a representation to what the front, rear and side yards were.

Mr. Dutton stated changes to single family residential districts were proposed. Mr. Dutton stated in Section 1133.06, text and a figure were provided, but they did not correspond and actually said different things. Mr. Dutton stated parking in the front yard or directly in front of the house in a residential district were prohibited. Mr. Dutton stated he believed that was the intent of the Code currently, but the wording did not accurately describe that.

Mr. Dutton stated changes to the fencing regulations were proposed. Mr. Dutton stated the amendment said that all fences on a residential property had to be the same color and type, unless in the case of an existing fence where one was trying to match what existed. Mr. Dutton stated the amendment would apply in all residential districts.

Mr. Dutton stated the current code allowed a mobile home (non-conforming use) in any residential district (other than R-5) to be replaced with one of a similar size or under 1,000-sq. ft. Mr. Dutton stated the “loop hole” perpetuated the non-conforming use because if you had an existing mobile home in a residential district, you would be able to have it “endlessly”. Mr. Dutton stated the new text said that once the mobile home was removed from the property, it could not be replaced and that the non-conforming use ceased. Mr. Dutton stated any new use had to be a permitted or a conditional use in the district. Mr. Dutton stated many of the mobile homes were in the R-T District and had a useful life more like a car, so that when the useful life ended, they should be removed and not be re-established on the property.

Mr. Dutton stated the Shade Tree Commission had recommended changes to acceptable and prohibited trees and referenced the Wooster City Urban Forestry Policy Manual for tree species.

Mr. Seling opened the hearing for public comment.

Mr. Seling closed the public hearing.

Ms. Kobilarcsik asked for clarification as to the graphic for parking as it related to the R-T District. Mr. Dutton stated parking in the driveway would be permitted, but you could not intentionally bump out the driveway to put parking in the front yard setback. Mr. Dutton stated for new homes, two off-street parking spaces were required and had to be behind the setback line. If there were more than that, they had to be in the driveway.

Jackie Middleton moved to recommend to City Council approval of Application #ZC-261 for amendments to Chapter 1103, 1109, 1133, 1135, 1143, 1149 and 1165 of the Wooster Planning and Zoning Code.

Wanda Christopher-Finn seconded the motion.

Mark Weaver voted yes.

Ron Rehm voted yes.

Gil Ning voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jackie Middleton voted yes.

Fred Selig voted yes.

Motion carried by a 7-0 vote.

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

Application #CU-378. Dennis Baughman, representing First Church of Christ Scientist, is requesting conditional use approval for a 75 sq. ft. storage building at 1736 Cleveland Road in a C-2 (Neighborhood Business) District.

Mr. Selig noted that conditional use approval was not necessary as determined by the Planning Staff. Therefore, no public hearing would be held on the matter.

Application #CU-379. Khurram Shamsi, representing the Hartley Company, is requesting conditional use approval for a public transportation terminal at 310 South Market Street in a C-4 (Central Business) District.

Mr. Selig indicated that the applicant had e-mailed the Commission that he had an illness and a birth of a son and was requesting the Commission deal with the application at its January, 2015 meeting. Mr. Selig noted that the public hearing portion could be held, and then Mr. Shamsi would himself be before the Commission in January.

Mr. Selig opened the hearing for public comment.

Mr. Dutton stated Barons bus lines wished to locate their terminal to the property in question. Mr. Dutton noted that the Greyhound bus line had previously operated from the building northeast of the site. Mr. Dutton stated the bus had been stopping at the gas station for the past couple of months. Mr. Dutton stated the bus terminal was a conditional use which was why the request was before the Commission.

Mr. Ning noted that Staff recommended that the lots be combined and questioned the advantage in combining the lots. Mr. Ning stated there were several uses on the lot—gasoline business, carry-out business and U-Haul business and indicated the bus terminal would be yet another use for the site. Mr. Dutton stated there were currently four lots that comprised the site, and one of the lot lines went through the building which was a non-conforming situation. With the conditional use request, there was an opportunity to clean up the non-conforming lot situation and noted that the four lots did not conform to any standard. Mr. Dutton stated it was a lot of uses to put on a single site.

Mr. Seling closed the public hearing.

Mr. Seling again noted that the applicant had requested the matter be tabled until January, 2015.

Ron Rehm moved to table the request for conditional use approval (CU-379) as requested by the applicant.

Mark Weaver seconded the motion.

Mark Weaver voted yes.

Ron Rehm voted yes.

Gil Ning voted yes.

Heather Kobilarcsik voted yes.

Wanda Christopher-Finn voted yes.

Jackie Middleton voted yes.

Fred Seling voted yes.

Motion carried by a 7-0 vote.

Application #CU-377. Harvey Tesler of Chase Shopping Centers, Ltd, on behalf of WWM Properties Ltd., is requesting conditional use approval for a drive thru facility at 4369 Burbank Road in a C-3 (Community Commercial) District.

Mr. Seling noted that the public hearing for #CU-377 was held by the Planning Commission on November 19th. Mr. Seling stated the Commission had since received several e-mails and letters from area residents regarding the request.

Doug Drushal, Critchfield Law Firm, submitted a supplemental memo addressing the traffic impact for a drive-thru facility as opposed to a regular restaurant. Mr. Drushal stated the traffic engineer determined that the drive-thru facility would generate four additional trips making it immaterial.

Ms. Kobilarcsik stated she remained unclear on the traffic flow relating to the drive-thru. Steve Hermiller, Mannick & Smith Group Engineers, Columbus, Ohio submitted adjusted site plans to the Commission noting C-201 was a blow-up of the circulation within the drive-thru area. Mr. Hermiller stated the Code required a 6-stall queue line, and the applicant was asking for a waiver of that requirement. Mr. Hermiller stated the 22' drive isle behind the handicapped stalls was the Code minimum for drive isle width, and to the left of that area was an additional 8' car width (for a total of 30') which would be sufficient for a car width itself and the drive isle. Mr. Hermiller stated on C-200, the parking isle in the center of the shopping center were handicapped spaces, and those parking spaces were no different out in the middle than they were in front of the two restaurants on Outlot #3 indicating that parked patrons would back out into a drive isle. Mr. Hermiller stated there would be way

finding signs just as there would be on the roadway plans to show people they could not come out; there would be yield and directional signs as well to promote way finding and circulation. Ms. Kobilarcsik questioned how someone would exit once they went through the drive-thru. Mr. Hermiller stated the patron may eat and then decide to go shopping, so they may pull to the north end of the site and park. Mr. Hermiller stated if they wished to go south, they would go to the traffic light; if they wanted to go to the south side of the site, they could go to the right and wait at the traffic light and then head north or vice versa. Mr. Hermiller stated once people became familiar with the shopping center, habits would be formed and they would realize the most efficient way to get where they were going.

Ms. Kobilarcsik expressed concern with people using the sidewalks and vehicles rolling the light and not coming to a complete stop as they traveled to the right out of the development. Mr. Hermiller stated sidewalks were put into place to promote pedestrian traffic, and on the roadway plans, signage was planned noting "do not enter" and "caution" in addition to pavement striping. Mr. Hermiller noted there were three lanes of traffic, and there was approximately a cars' width in front of the sidewalk as well and indicated adjustments would be accommodated for on the roadway plans and would have to be approved by the City Engineer. Mr. Hermiller stated nothing would go against what the City Engineer's recommendations were or what was outlined in the Safety Code in the Engineering Manuals.

Mr. Ning questioned the hours of operation and the restaurant on Outlot #3. Mr. Drushal stated the perspective tenant was Jimmy John's. Alan Ganci, owner of the Jimmy John's in downtown, stated the hours were not set until a week before opening and would be based on the competition in the area. Mr. Ganci stated the downtown restaurant was open from 10:30 a.m. until 10:00 p.m., and he envisioned the same hours for the northend location but that it would possibly be open until 10:30 p.m. or 11:00 p.m. Mr. Ganci stated Jimmy John's made sandwiches in 30 seconds or less, which would mean traffic in the drive-thru would be quick and there would be a continuous flow. Mr. Ganci stated there would be seating inside the restaurant which would be similar to the downtown location (35 people).

Ms. Christopher-Finn also expressed concern with traffic flow and exiting the site, even with the adjustments which had been made. Ms. Christopher-Finn stated she thought it would be confusing to the public and noted that a drive-thru restaurant was not part of the original plan the Commission approved. Ms. Christopher-Finn stated she had concerns about traffic flow, and had received calls/emails from others expressing concern as well. Ms. Christopher-Finn stated she felt the Commission should take its time and do it right.

Mr. Ning stated the Commission had received concerns from area residents with regard to the increase in traffic, SR 83, the type of business, trash, and noise from the speakers (which he understood would face south). Mr. Ganci stated the concerns were valid, but that he ran a professional business which he took very seriously, as did the corporate office. Mr. Drushal stated the site complied with all engineering standards. Mr. Ganci stated a Jimmy John's with a drive-thru saw sales 20% higher than a store without a drive-thru. Mr. Ganci stated they had rush business times from 11:00 a.m. until 1:00 p.m., and then it fell off; it went back up again between 5:00 p.m. and 6:00 p.m. Mr. Ning questioned if they would still have a delivery service. Mr. Ganci stated yes. Mr. Selig stated it was his understanding that the downtown location did not deliver to the northend. Mr. Ganci stated the delivery area was very limited and was a 3-5 minute radius around the store which would be the case at the northend location. Mr. Drushal stated the Jimmy Johns would not generate the

kind of traffic that a normal fast food restaurant like Wendy's or McDonald's would. Mr. Hermiller stated the speed that customers would go through the drive-thru was also faster. Mr. Hermiller stated in the Institute of Traffic Engineer's Manual, Jimmy John's was not in the same category as McDonald's.

Mr. Ning questioned if most of the traffic coming to the corridor was coming from the north or from the south. Mr. Hermiller stated he was not sure. Mr. Ning stated he felt that the right hand turn lane would not be utilized because most of the people who would be coming to the development would be turning left to go south.

Ms. Kobilarcsik noted the traffic study was not done when school was in session and when Friendsville Road was closed. Mr. Hermiller stated the traffic study was based on a forecast of 25 years, and there was a memo of understanding which did projections for years out for maximum development. Mr. Hermiller stated there were mitigating concerns about what happened when the demand got greater and if it would still function. Mr. Hermiller stated he spoke with the City Engineer, Mr. Kobilarcsik, and even though he did not provide an official response, he felt it was negligible and he supported what the traffic engineer discussed. Mr. Drushal stated Mr. Kobilarcsik did not feel it was necessary to redo the traffic study.

Ms. Kobilarcsik stated Section 1147.09 outlined the criteria for a drive-thru facility, and indicated that the facility "shall be located on an arterial or collector street in an area least disruptive to pedestrian and vehicular traffic". Ms. Kobilarcsik stated the drive-thru did not exist on a collector street or arterial street. Mr. Dutton stated Burbank Road was considered an arterial street. Mr. Dutton stated he felt the development met that criteria.

Mr. Ning questioned if the restaurant would be open 7 days a week. Mr. Ganci stated yes.

Mr. Dutton noted that because a public hearing was held at the November meeting, the Commission was not required to hold another public hearing.

Mr. Weaver questioned if Staff had looked over the documents which the Commission had just received including the traffic study and updated drawings. Mr. Dutton stated yes. Mr. Weaver questioned if his view had changed on the development. Mr. Dutton stated it was his recommendation to the Commission to approve the request but noted there was still a little work needed to identify the hatched areas/no parking and maybe the placement of a stop bar, but he did feel the conditional use criteria had been met.

Mr. Seling stated he did not believe the loud speaker system would be so loud as to overcome the noise from traffic on SR 83 and may actually be blocked by that.

Ms. Kobilarcsik stated with a conditional use, you had to look at whether it was more hazardous or more disruptive to existing and future uses and adjoining properties in the immediate vicinity than uses that were permitted by right and whether or not it would diminish or impair property values.

Mr. Ning stated retail areas to the south of the proposed development, especially on the east side, were on a down slope (Longhorn, McDonald's) and the buildings faced below the road. Mr. Ning questioned if that would be true for this development or if it would be level with the road. Steve Hermiller stated the contours on C-30 addressed the grades. Mr. Hermiller

stated Burbank Road was a high point, and as you went east, all of the finished floors started to taper down/step down in the same fashion that occurred with the other retail—that the development would be below the road.

Mr. Ning stated he felt anyone who did not e-mail, mail or call Commission members should have an opportunity to provide input. Mr. Rehm stated he felt if anyone who had anything new to add should have an opportunity to address the Commission as well. Ms. Kobilarcsik agreed.

Bob Everett, 4248 Woodlake Trail, stated he was disappointed that information was delivered to the Commission but not projected to those in the audience. Mr. Everett stated it was indicated that the drive-thru would add four additional trips, but questioned if that was per minute, per hour, or per day but from a sales perspective, volume would increase by 20% with the addition of a drive-thru. Mr. Selig stated increase in traffic was due to the drive-thru and the other was already projected volume. Mr. Drushal stated the additional traffic study already assumed some number of cars, so the drive-thru was just a marginal difference. Mr. Hermiller stated he believed, although not a traffic engineer, that it was four additional, per day. Mr. Everett stated if it were only four per day, why the drive-thru was even needed. Mr. Selig stated that was above and beyond what was already put into the engineering model.

Cheryl Behrend, 4794 Deer Creek, stated right now, SR 83 was two lanes from the shopping center going north. Ms. Behrend stated at some point in time, the road would be enlarged to accommodate increased traffic. Ms. Behrend questioned if the planning for the development included the widening of SR 83 and, if so, how much would be taken from either side of the road. Ms. Behrend questioned if the development had taken into consideration additional land which may be needed to widen the road. Mr. Hermiller stated the roadway drawings were being reviewed, and the City Engineer had looked at both scenarios relating to the widening of SR 83. Mr. Hermiller stated there was minor widening planned on the west side; the majority would occur on the west side. Mr. Hermiller stated they had done their best to eliminate as much of a disturbance on the west side of the road, so that when the widening on the west side occurred, it would not impact any poles, mounds, shrubbery or trees. Mr. Ning questioned the anticipated date for the widening of SR 83. Mr. Dutton stated Chase's portion of the road widening would occur in 2015. Ms. Behrend questioned if the road would be widened before construction began for the proposed shopping center. Andy Kline stated construction of the road would happen simultaneously with construction of the project and that none of the tenants would open prior to completion of the road construction. Ms. Behrend questioned how many lanes there would be. Mr. Kline stated there would be 3-lanes—a northbound, a southbound and a turning lane into the shopping center.

Mr. Dutton stated for clarification, the four added trips were for weekday, afternoon, peak hour.

Scott Friedhoff, 4457 Woodlake Trail, stated the residents of Deer Creek were concerned about safety and noise. Mr. Friedhoff stated in spite of trusting engineers' studies/consultants' studies about the impact on traffic, he had worked with consultants in his business that had been "off" a little bit at times. Mr. Friedhoff stated traffic, noise and safety could be problematic.

Mr. Weaver questioned what a 20% increase in business would mean when using the downtown location as an example. Mr. Ganci stated two Friday's ago, they had their fourth busiest day at the downtown location, and they had 270 tickets (orders) that day. Mr. Ganci stated their busiest day was Friday. Mr. Ganci stated the downtown location catered to the offices; the vast majority of the deliveries were to the College. The College would not be in the northend service area. On a really busy day, Mr. Ganci stated he would anticipate there would be 40 additional customers, per day; on a slow day, there would be an increase of 10-20 customers a day. Mr. Ganci stated the markets would be totally different between the two locations.

Mr. Ning noted there would be another tenant in the development that would be selling burgers. It was indicated yes, but it would not have a drive-thru operation. Mr. Ning stated even so, it would generate a lot of cars/traffic as well. It was noted that restaurant was included in the traffic study which was done for the site.

Ron Rehm moved to approve application #CU-377 of Harvey Tesler of Chase Shopping Centers, Ltd., on behalf of WWM Properties, for conditional use approval for a drive-thru facility at 4369 Burbank Road in a C-3 (Community Commercial) District contingent upon: (1) Plans being revised to ensure that cars waiting in the drive-thru lane do not block the required 22' access drive isle. Plan revisions may include cross hatching, stop bars and instructional signage; and (2) The drive-thru waiting spaces be extended 18' north of the crosswalk along Burbank Road.

Gil Ning seconded the motion.

Mr. Rehm stated the Planning Commission, in looking at the conditional use review, was only related to the use of the site for a drive-thru and was not a review of the restaurant use, which was permitted by right. Mr. Rehm stated when looking at the drive-thru, the Commission needed to look at how it operated, including lanes, stacking, speakers, pick-up windows, etc.

Mark Weaver stated that, on the basis of all of the evidence presented in the Code, he believed it did satisfy the requirements. Mr. Weaver voted yes.

Ron Rehm voted yes.

Gil Ning stated knowing that the future manager would be here and that he knew the sensitivity of this in what the community was saying, he voted yes.

Wanda Christopher-Finn voted no, based on criteria for approval that the conditional use would not be more hazardous or more disturbing to the existing and future use and enjoyment of properties in the immediate vicinity than uses that are permitted by right nor would substantially diminish or impair property values within the neighborhood. Ms. Christopher Finn further cited conditional use criteria, "that the establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Heather Kobilarcsik agreed with Ms. Christopher-Finn and voted no based on conditional use criteria that "the establishment, maintenance or operation of the conditional use would

not endanger the public health, safety or general welfare". Ms. Kobilarcsik stated she was worried about the pedestrians and indicated that C-3 zoning was supposed to be pedestrian-friendly.

Jackie Middleton voted yes. She indicated she felt the developer had "done their homework".

Fred Seling voted yes.

Motion carried by a 5-2 vote, Wanda Christopher-Finn and Heather Kobilarcsik voting negatively.

IV. **FINAL DEVELOPMENT PLAN**

Application #SP-582. Harvey Tesler of Chase Shopping Centers, Ltd., representing WWM Properties Ltd., is requesting final development plan approval for a 53,350 sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District.

Mr. Drushal stated the property was already zoned for this use and noted the Commission had already conceptually given its approval for the development. Mr. Drushal stated Staff recommended approval with the condition that variances be obtained (per the revised plan dated 12/16/14). Mr. Drushal stated plans showed Outlot #1 (northern-most lot) being established as a separate lot, and until there was a building on it with that building's own parking, it was a vacant lot with the exception that it contained parking for the overall shopping center which would be permitted through an easement. Mr. Drushal stated the Code did not allow a lot to be created that was comprised only of parking for someone else's lot, so Staff had indicated that until that building was constructed, a variance was needed from the Board of Building and Zoning Appeals.

Mr. Drushal stated by splitting off the outlots, they would technically not be in compliance with the Code. Mr. Drushal stated the thought would be for the shopping center to be looked at as a whole but indicated setback variances would need to be obtained relating to parking. Mr. Drushal stated the conditions of the conditional use approval "were fine"; the Staff recommendations relating to signage "were fine". Mr. Drushal stated the development was in complete compliance with the exception of the variances which were needed.

Ms. Kobilarcsik questioned if the seven issues outlined by Staff had been resolved. Mr. Dutton stated that four of the issues were variances, which the Board of Building and Zoning Appeals would hear; only one sign on the property was not something which needed to be resolved but rather was required. Mr. Dutton stated the addition of landscaping/shrubbery was something Staff had mentioned, and the applicant had provided a couple of landscaping options. Ms. Kobilarcsik questioned if the issue of the loading space had been resolved. Mr. Dutton stated both of the loading space issues had been resolved. Ms. Kobilarcsik questioned if the sidewalk along Burbank Road had been increased from 4' to 5'. Mr. Dutton stated yes. Ms. Kobilarcsik questioned if architectural detailed plans had been provided for the dumpsters. Mr. Dutton stated screening detail was required.

Jackie Middleton moved to approve application #SP-572 for final development plan approval of a 53,350-sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District with the following conditions: (1) Off-street parking shall comply with Section 1141.02 (Use Regulations), shall only be constructed as an

accessory use to a permitted or conditional use on the same property and shall not be the only use on a property for any period of time, or the applicant shall receive a variance from the Board of Building and Zoning Appeals from Section 1141.02; (2) Plans shall comply with Section 1141.06 regarding parking setbacks, Section 1165.06(b) regarding perimeter landscaping, and Section 1171.04(c) regarding sign size and setback, or the applicant shall receive a variance from the Board of Building and Zoning Appeals; (3) Plans shall be revised to meet the conditions of #CU-377; (4) Only one freestanding sign shall be permitted for the entire development, including the main property, Outlot #1, Outlot #2, and Outlot #3; and (5) Replace “Meyer Lilac” and “Maresi Doublefile Viburnum” with shrubs that provide year round screening.

Ron Rehm seconded the motion.

Mark Weaver noted that the Planning Staff had recommended passage because it satisfied the Code, and he felt that was the case after examining the relevant portions. Mr. Weaver voted yes.

Ron Rehm agreed with Mr. Weaver. Mr. Rehm voted yes.

Gil Ning stated his vote was based on concerns of the public citing noise and lights. Mr. Ning stated the residences along Route 83 in the Deer Creek area had proper trees and berms and were well planned per the Planning & Zoning Code when the development began. Mr. Ning stated the new development, looking at the schematic, was entirely encompassed in landscaping, even the front, and 17 trees were planned along Route 83 and there was nothing in developments further south (Wal-Mart). Mr. Ning stated the public, in two hearings, was given the opportunity to go before the Traffic Commission to voice their concerns relating to traffic. Mr. Ning indicated he had contacted members of the Traffic Commission and, as of last Wednesday, they were not aware of any issues brought forth relating to this development. Mr. Ning stated the City Engineer approved the traffic study. Mr. Ning stated relating to fire and safety, the Fire Chief was given the development for review, and he had no comments regarding fire safety when asked. Based on that, Mr. Ning stated he would vote yes.

Wanda Christopher-Finn voted no. Ms. Christopher-Finn stated she remained concerned about pedestrian safety and traffic flow. Ms. Christopher-Finn stated traffic would be a nightmare for the shopping center and from the exit areas.

Heather Kobilarcsik voted no citing Planning & Zoning Code Section 1141.02 noting that the C-3 District was “to create a district that provided a wide variety of retail and office land use in a more pedestrian-friendly environment”. Ms. Kobilarcsik stated she felt the development was more like a C-5 development, and she did not feel that was what was intended. Ms. Kobilarcsik stated she was concerned with the requirement in Section 1107.12, final development plan, “that the development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses” in addition to “that an adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property”.

Jackie Middleton voted yes.

Fred Seling voted yes.

Motion carried by a 5-2 vote, Wanda Christopher-Finn and Heather Kobilarcsik voting negatively.

V. **MISCELLANEOUS**

Meeting Dates. The setting of Planning Commission meeting dates for 2015, per the proposed schedule.

Ron Rehm moved to approve the 2015 meeting schedule as submitted.

Mark Weaver seconded the motion.

Motion carried by a 7-0 vote.

Commission Elections. The election of Chairman and Vice Chairman of the Planning Commission for 2015.

Fred Seling moved to elect Jean Boen as Chairman of the Planning Commission for 2015.

Jackie Middleton seconded the motion.

Motion carried by a 7-0 vote.

Ms. Kobilarcsik stated her term on the Planning Commission ended in 2014. She stated she learned a lot and found it interesting and enlightening. Mr. Seling stated he appreciated her service on the Commission.

Ms. Christopher-Finn stated she had also made the decision to resign from the Planning Commission and she enjoyed the experience and time with other members and Staff.

Mr. Seling stated the City Administration needed to appoint new members to the Commission so that there was full membership for 2015.

Jackie Middleton moved to elect Fred Seling as Vice Chairman of the Planning Commission for 2015.

Ron Rehm seconded the motion.

Motion carried by a 7-0 vote.

Mr. Ning stated Chase had come before the Commission last month with 26 outstanding issues, and he questioned if there was some way that applicants could better address the issues or ask that the applicant provide something in writing to the Commission to indicate that they would address the concerns. Mr. Weaver stated the Commission had in instances been presented with large documents during the meeting and were asked to take it in as evidence and to take it into account without having the opportunity to review it. Mr. Dutton stated he could advise applicants that the Commission would not take information submitted at the meeting. Mr. Seling stated with so many issues to be addressed (with the Chase proposal), it seemed better that the Commission table the request and make them "get their ducks in a row" and they needed to be better prepared to come before the

Commission. Ms. Kobilarcsik stated with large scale developments, she felt it was important that the Commission have good, timely information and not receive it during the meeting itself. Mr. Rehm stated it was not really important when the members received the information but that they trusted Staff to tell them whether outstanding issues had been satisfied. Ms. Middleton stated if there were issues which were addressed by the applicant prior to the meeting and were resolved to the satisfaction of Staff, she was comfortable with that. She was not comfortable with being presented “a stack of papers” and then expect the Commission to digest it lacking an ability to weigh it. Mr. Rehm noted the Commission had the ability to table requests.

Meeting adjourned at 7:20 p.m.

Fred Seling, Chairman

Laurie Hart, Administrative Assistant