

**MINUTES
PLANNING COMMISSION**

July 24, 2013

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

STAFF PRESENT: Andrew Dutton

I. MINUTES

Ron Rehm moved, Jackie Middleton seconded, to approve the Minutes of June 26, 2013 as received. Motion carried by an 8-0 vote.

II. PUBLIC HEARINGS

CONDITIONAL USES

CU-362. Kurt Holmes, representing the College of Wooster, is requesting conditional use approval to use an existing building at 554 East University Street for student housing in a CF (Community Facilities) District.

Jackie Middleton indicated she was an employee of the College of Wooster and would recuse herself on the matter.

Mark Weaver indicated he was also employed by the College of Wooster and would recuse himself.

Kevin Lowry indicated he, too, was employed by the College of Wooster and would recuse himself and turned the meeting over to Commission member Gil Ning who acted as Chair for CU-362 and CU-363.

Christie Kracker, 1129 Kieffer Street, and Doug Laditka, 3965 Mallard Way, both from the College of Wooster, were present. Ms. Kracker stated the College, for the 2013-2014 academic year, was 60 beds short of meeting the demand for upper class students. Rubbermaid Hall was proposed to be used for 16 students, and one student staff member would also reside at the home.

Ron Rehm moved, Heather Kobilarcsik seconded, to grant the request of the College of Wooster for conditional use approval to use an existing building at 554 East University Street for student housing in a CF (Community Facilities) District.

Motion carried by a 5-0 vote.

CU-363. Kurt Holmes, representing the College of Wooster, is requesting conditional use approval to use an existing building at 602 East Wayne Avenue for student housing in a CF (Community Facilities) District.

Ms. Kracker stated the College was proposing to use the security and protective services home to house 24-25 students in addition to one staff member.

Wanda Christopher-Finn moved, Ron Rehm seconded, to grant the request of the College of Wooster for conditional use approval to use an existing building at 602 East Wayne Avenue for student housing in a CF (Community Facilities) District.

Motion carried by a 5-0 vote.

CU-364. Robert Reynolds, representing Bret Defibaugh, is requesting conditional use approval to use an existing building at 1676 Portage Road for a child day care facility in an R-1 (Suburban Single-Family) District.

Robert Reynolds, attorney representing Bret Defibaugh, and Becky Cleaver, the perspective tenant of the building, were present. Mr. Reynolds stated the building was the former location of the Armory and was located at the northwest corner of Portage and Melrose Drive. Mr. Reynolds indicated the building was constructed in 1959 and owned by the federal government up until a few years ago when the building was turned over to the City of Wooster who then gifted the building to Wooster City Schools. Mr. Reynolds indicated that Wooster City Schools, over the course of several years, had rented the building out to different organizations but the building had sat vacant for the past year or so. Mr. Reynolds stated the school district had decided to dispose of the property, and Mr. Defibaugh purchased the property at a public auction a few months ago. Mr. Reynolds noted that Mr. Defibaugh owned the property adjacent to the west and north of the Armory building; south of the property was a church; diagonally across the street was K-Mart. Mr. Reynolds indicated Mr. Defibaugh wished to lease the building for use as a daycare facility. Mr. Reynolds indicated that a fence would be constructed, at least 5' in height, around the proposed play area (noted on the site plan). Mr. Reynolds noted there was plenty of parking on the site. Mr. Reynolds stated it was difficult to find a use for the building because it was located in an R-1 District, but felt that the use proposed was likely the best possible use for the property. Mr. Reynolds stated

an application before the Board of Zoning Appeals was filed and would be heard on August 1 with regard to the day care use.

Ms. Middleton stated the application noted that 8 classrooms were planned and she questioned the number of children/capacity of the facility. Ms. Cleaver noted that there would be a potential for 63 children, per shift.

Ms. Christopher-Finn questioned the hours of operation. Ms. Cleaver noted that the facility would operate 24 hours a day, 7 days a week. Ms. Cleaver noted there were no other daycare centers that operated during the weekends or evenings.

Mr. Ning questioned if she (Ms. Cleaver) had prior experience operating a daycare facility. Ms. Cleaver noted she had 20 years of experience. Mr. Ning questioned if she currently operated another facility. Ms. Cleaver stated she had a facility on Old Columbus Road—a Type A facility which was certified through the State.

Mr. Weaver stated one of the criteria the Planning Commission had was that the use *“would not be disturbing to the neighborhood”* and questioned the 24 hour operation proposed. Ms. Cleaver stated parents would have to personally come into the site, clock their child in, take them to their room, and clock them out. Ms. Cleaver stated it would not be “a bunch of cars” in/out. Mr. Reynolds stated there was a pretty significant drop-off from Melrose Drive to the parking area providing a natural barrier between the homes on the east side of Melrose Drive and the parking area. Mr. Reynolds stated the area already had traffic from K-Mart and the church. Mr. Reynolds stated with respect to the area to the north and to the west, Mr. Defibaugh owned two homes (Melrose Orchard property), and Melrose Elementary was to the north. Mr. Reynolds stated the property was fairly isolated.

Mr. Lowry questioned that by granting the conditional use, if the storage building that existed on the property could be used. Mr. Dutton noted that the daycare could not be in that structure but it could be used for storage or another activity permitted in the R-1 District.

Mr. Rehm questioned if there would be any food service at the location. Mr. Reynolds stated yes. Mr. Rehm noted that would generate food service trucks coming to the site. Ms. Cleaver noted that she personally brought food to/from the facility. Ms. Cleaver noted that in the facility she currently operated, she had 40 children that came to the site, and there were no delivery trucks coming to that site.

Mr. Rehm stated the driveway exited out onto Portage Road, close to the intersection of Portage and Melrose, and questioned if that would create a problem with the additional cars coming to the site. Mr. Defibaugh stated because he owned 12 acres of land, there were not many neighbors close by. Mr. Defibaugh stated

when improvements were made to Melrose, a 12' curb cut was added off of Melrose which sat back 150 yards. Mr. Defibaugh noted that if entering/exiting became an issue, there would be two exit points. Mr. Reynolds also noted that traffic in/out of the site would be staggered. Mr. Defibaugh noted there was a lane which existed for left turns onto Melrose Drive, and he would be petitioning the Traffic Commission for a left turn signal to turn north onto Melrose.

Ms. Christopher-Finn questioned lighting of the facility since it would be in operation 24 hours. Mr. Defibaugh stated the property was already well lit from when the building was used by the Armory and the schools. Mr. Seling questioned if the existing lighting would be changed. Mr. Defibaugh stated if anything, they would alter the lighting to make it more economical. Mr. Seling questioned if there were plans to increase the lighting on the site. Mr. Defibaugh stated no.

Fred Seling moved, Mark Weaver seconded, to grant the request of Bret Defibaugh for conditional use approval in order to use an existing building at 1676 Portage Road for a child day care facility in an R-1 (Suburban Single Family) District, with the condition that the applicant receive a variance to Section 1147.09(k)(3) to allow a daycare in an R-1 District, not located in a church or school.

Mr. Weaver stated that with the exception of one part of Section 1147.09 that the applicant met all of the requirements as stated in the Code and also met the requirement in Section 1169.04, required parking. Mr. Weaver indicated that the one part of the Code which the applicant did not meet would be addressed by the Board of Zoning Appeals.

Motion carried by an 8-0 vote.

ZONING AMENDMENT

ZC-254. Morris Stutzman, representing Bruce and Jodi Steiner, requesting a zoning map amendment in order to designate 0.661 acres at 2553 Melrose Drive to an R-2 (Single-Family Residential) District upon annexation into the City of Wooster.

Morris Stutzman, attorney representing the Steiners, stated when the City did the construction work a year ago along Melrose Drive, it offered City utilities to the Steiners if they agreed to seek annexation. Mr. Stutzman stated the County Commissioners approved the annexation of the property to the City which was currently before City Council, and they were now asking the Planning Commission to recommend to City Council that the zoning classification for the property be R-2. Mr. Stutzman noted that the existing home on the property was a single family home and noted that the properties on either side and behind the residence were located in the township and unzoned. Mr. Stutzman stated the property south of the

Steiner's property was zoned R-3, but the properties on Melrose/Cher Court were zoned R-2. Mr. Stutzman stated the area was a transitional area being located between the SR 585 and Portage Road commercial area and also the single family residential area to the north and west. Mr. Stutzman stated that while the Planning Staff had proposed a zoning designation of R-3, the applicants were requesting an R-2 classification. Mr. Stutzman stated he felt the R-2 designation was just as appropriate as R-3 for a transitional area. Mr. Stutzman stated because the home was being used for single family purposes, it more closely matched the characteristics of an R-2 District where single family homes were permitted whereas in an R-3 District, single family homes were conditional uses. Mr. Stutzman stated the Steiner's felt that, from a long term value perspective, the R-2 designation was preferable over an R-3 designation. Mr. Stutzman stated the Steiner's were intending to locate a storage barn on the property along the side property line, and if zoned R-2, the setback would be 5' whereas in the R-3 District, the setback would be 15'.

Mr. Selig noted the Staff's recommendation was for R-3 zoning. Mr. Dutton stated it was a "pretty similar distance" from R-2, R-1 and CF zoned lands in the area, but indicated that the R-3 District was consistent with the previous parcels in the area and their zoning. Mr. Dutton noted that the area in question was omitted from the Comprehensive Plan, which was likely an oversight. Mr. Rehm noted that the R-2 District was more restrictive than R-3. Mr. Dutton stated R-2 was more restrictive in terms of uses, but that the setbacks were more restrictive in the R-3 District.

Mr. Lowry questioned if by zoning the property R-3, it would be non-conforming. Mr. Dutton stated since the property was subdivided prior to 2007, when the new Zoning Code came into effect, the single family home would be considered a permitted use and not a non-conforming use. Mr. Stutzman noted that if the home were destroyed, however, the reconstruction would need to occur under the R-2 or R-3 District regulations, and the setback requirements were greater in the R-3 District.

Mr. Lowry questioned the differences between R-2 and R-3 zoning. Mr. Dutton stated the side yard setbacks were 5' in an R-2 District and 20' in the R-3 District; the front and rear yard setbacks were the same.

Mr. Lowry questioned if there were plans to annex the properties on either side of the one in question. Mr. Dutton stated the Steiner's chose to tap into the City's utilities, but the other two lots did not.

Bruce Steiner, 2553 Melrose Drive, stated in the street widening project, which was completed in November, 2012, the sidewalks would have run over the corner of their septic tank and the City would not allow them to remain on that septic system

but did allow the neighbors to the north and south to remain in the township. Mr. Steiner stated the existing home would not meet the 20' side yard setback.

Mr. Weaver noted that the Planning Staff's concern was not the setbacks but rather one of "spot zoning". Mr. Dutton stated that the thought was to keep the zoning districts in that "square area" the same but noted that the R-2 transition zoning was two lots away.

Fred Seling moved, Ron Rehm seconded, to recommend to City Council approval of a zoning map amendment to designate 0.661 acres at 2553 Melrose Drive to an R-2 (Single-Family Residential) District upon annexation into the City of Wooster.

Mr. Weaver stated because the lot was "right in the middle", he was inclined to go along with the applicant's request for R-2 zoning. Mr. Rehm agreed. Mr. Lowry indicated the applicant made a case for why they were requesting the R-2 zoning. Mr. Lowry stated regardless of whether the lot was zoned R-2 or R-3, it would be "spot zoning".

Motion carried by an 8-0 vote.

III. DEVELOPMENT PLAN

SP-557. Chris Siart, representing Daisy Brand, is requesting development plan approval to construct a 173,000 sq. ft. facility on Geyers Chapel Road, north of Akron Road, in an M-4 (Open Space/Heavy Manufacturing) District.

Carlos Bastos from The Dennis Group, and Brian Barth, Daisy Brand, were present. Mr. Bastos stated that a new, 173,000-sq. ft. facility was proposed to be constructed on 69 acres. The site would contain 137 parking spaces with two accesses—one for truck traffic and one for employees. A large detention basin would be constructed on site and would be located along the roadway. The detention basin would be a decorative shape; a decorative fence would also be constructed to provide screening from the parking lot. Mr. Bastos stated a variance application had been submitted before the Board of Zoning Appeals with respect to the proposed height of the building.

Mr. Weaver questioned if there were any problems with the Staff recommendations/conditions which had been suggested by both the Planning and Engineering Departments. Mr. Bastos indicated no.

Mr. Rehm questioned if the entire parcel was within the City. Mr. Bastos indicated that the corporation limit was just to the north of the property in question.

Ms. Middleton noted that the Planning Staff had requested that a traffic impact study be provided in addition to a lighting plan. Mr. Bastos indicated that the traffic impact study was discussed with City Staff and indicated that ODOT had done a traffic study which was found to be acceptable to the City.

Mr. Lowry questioned the number of employees Daisy anticipated. Mr. Barth indicated once total build-out was done, it was estimated that there would be 200 employees over multiple shifts.

Ms. Kobilarcsik questioned if the facility would operate 24 hours a day. Mr. Barth stated yes.

Mr. Rehm noted that there had been some discussion about changing the curves in SR 585, northeast of the property. Mr. Dutton stated SR 585 and Geyers Chapel would be realigned in the next couple of years and would be straightened, and the City would likely make improvements to Geyers Chapel Road as well.

Mr. Weaver questioned sidewalks and whether the Commission would need to explicitly waive the requirement for sidewalks. Mr. Dutton stated the Code did give the Commission the option to waive the requirement and noted there were currently no other sidewalks near the property.

Mr. Lowry questioned when construction would begin. Mr. Barth stated construction would begin in the spring; detailed engineering plans were in the process of being completed.

Gil Ning moved, Jackie Middleton seconded, to grant the request of Daisy Brand for development plan approval in order to construct a 173,000-sq. ft. facility on Geyers Chapel Road, north of Akron Road, in an M-4 (Open Space/Heavy Manufacturing) District, contingent upon submitting a landscape plan and a lighting plan. The Commission agreed to waive the requirement for sidewalks.

Mr. Weaver stated in reviewing the plan, the Commission looked to Sections 1169.04, 1169.13, 1181.07 and 1181.09, and felt the proposal met the standards set out in the Zoning Code.

Motion carried by an 8-0 vote.

IV. MISCELLANEOUS

Mr. Dutton noted he would be presenting additional Zoning Code amendments to the Commission and questioned whether members wished to hold a Worksession to review the proposed changes. The Commission agreed that for the regular meeting

in August, to set a Worksession for 5:30 p.m. and then hold the regular meeting at 6:00 p.m.

Meeting adjourned at 6:30 p.m.

Kevin Lowry, Chairman

Laurie Hart, Administrative Assistant