

**MINUTES
PLANNING COMMISSION**

March 27, 2013

MEMBERS PRESENT: Mark Weaver, Fred Seling, Ron Rehm, Kevin Lowry, Jackie Middleton and Gil Ning

MEMBERS ABSENT: Wanda Christopher-Finn and Heather Kobilarcsik

STAFF PRESENT: Andrew Dutton

I. MINUTES

Jackie Middleton moved, Ron Rehm seconded, to approve the Minutes of February 27, 2013 as received. Motion carried unanimously.

II. PUBLIC HEARINGS

A. CU-359. David Grabenstetter of Diamond Z Engineering representing Garn Trucking is requesting conditional use approval in order to establish fuel pumps for tractor trailer fueling at 877 Old Lincoln Way West in an M-2 (General Manufacturing) District.

David Grabenstetter, Diamond Z Engineering, stated Garn Trucking was seeking to install an above ground storage tank for fueling for their vehicles. Mr. Grabenstetter stated there would be one, self-contained dispensing pump which would be located adjacent to the building. Mr. Grabenstetter stated the existing fence would be repaired/straightened "as best they can". Mr. Grabenstetter stated the property lines would be maintained as they were currently (5 separate lots) as the proposed storage tank did not cross property lines. Mr. Grabenstetter stated Garn Trucking did not wish to combine the parcels together as they may wish to sell off one of the lots at some point in the future.

Mr. Weaver questioned if the pumps would be open to the public. Mr. Grabenstetter stated the fuel pumps would only be used by the trucking facility both by trucks transporting materials and on-site trucks for Garn Trucking.

Mr. Weaver questioned screening of the outdoor storage area. Mr. Grabenstetter stated the fence would be repaired and plastic slats would be added in the chain link on that side of the property.

Mr. Ning questioned the Garn Trucking/PSC operations. Mr. Grabenstetter stated PSC recycled scrap metal and steel; Garn Trucking operated within PSC.

Rick Turner, Diamond Z Engineering, stated with respect to combining the lots, Garn Trucking did not wish to limit possibilities down the road should they wish to sell one of the parcels as well as the added expense involved by having the lots resurveyed. Mr. Turner indicated that Garn Trucking had been operating its business for many years with the lots existing as 5 separate lots. Mr. Turner also indicated he did not believe the Zoning Code required that the lots be combined in this instance.

Mr. Dutton stated the combination of the lots was not a requirement but there were a couple of triangular-shaped lots that he could not see being sold off individually. Mr. Dutton indicated Staff was trying to correct something that had been in non-compliance.

- B. ZC-252. The City of Wooster** is requesting approval and a recommendation to City Council for amendments to the Wooster Planning and Zoning Code (Chapter 1103 – Definitions, Chapter 1115 – Submission Requirements, Chapter 1125 – General Use Regulations, Chapter 1141 – Commercial Districts, Chapter 1143 – Manufacturing Districts, Chapter 1147 – Conditional Use Requirements, 1169 – Off Street Parking and Loading Regulations, and Chapter 1171 – Signs).

Mr. Dutton stated the majority of the changes were adding new definitions; alterations to other chapters of the Zoning Code were also proposed. Mr. Dutton stated the only new things were the addition of a microbrewery, microdistillery or microwinery definitions and the district those uses were permitted in; the definition and regulation of garage sales had been revised; the section for outdoor storage in a manufacturing district was altered; and an addition to the sign code regarding garage sale signs was added.

III. CONDITIONAL USE

CU-359. David Grabenstetter of Diamond Z Engineering representing Garn Trucking.

Mr. Lowry stated as a group, the Commission had, in the past when Staff recommended, required the applicant to combine lots as part of its approval.

Mr. Weaver questioned what the burden was to the applicant by not combining the lots, especially since a couple of the lots in question were very small/triangular shaped in size. Mr. Grabenstetter noted there was an added expense in having to prepare a new survey, legal description and deed. Mr. Grabenstetter stated since nothing actually crossed property lines, so there was no need to combine the lots.

Mr. Ning noted that the salability of those lots was unlikely and felt the Commission needed to look at each case separately.

Mr. Rehm questioned the outside storage area. Mr. Dutton indicated that basically, the entire area behind the building was vehicle storage. Mr. Rehm noted that was not the area where the fuel pumps were being proposed. Mr. Dutton stated that was correct.

Gil Ning moved, Mark Weaver seconded, to grant the request of Garn Trucking for conditional use approval in order to establish fuel pumps for tractor trailer fueling at 877 Old Lincoln Way West in an M-2 (General Manufacturing) District, with the condition that the fuel pumps shall only be used by vehicles associated with the use on the property and shall not be open to the public for purchase and that the existing chain link fence on the east side of the property be brought into good repair. In addition, the outside storage area shall be screened from the adjacent residential district between the principal building and the existing tree row on the east side of the site via a more opaque fence material, slats in the chain link or other effective screening solution.

Motion carried by a 6-0 vote.

IV. DEVELOPMENT PLAN

- A. **SP-548. David Grabenstetter of Diamond Z Engineering representing Garn Trucking** is requesting general and final development plan approval for fuel pumps and storage tanks at 877 Old Lincoln Way West in an M-2 (General Manufacturing) District.

Ron Rehm moved, Jackie Middleton seconded, to grant the request of Garn Trucking for general and final development plan approval for fuel pumps and storage tanks at 877 Old Lincoln Way West in an M-2 (General Manufacturing) District, subject to the fuel pumps only being used by vehicles associated with the use on the property and shall not be open to the public for purchase and that the existing chain link fence on the east side of the property be brought into good repair. In addition, the outside storage area shall be screened from the adjacent residential district between the principal building and the existing tree row on the east side of the site via a more opaque fence material, slats in the chain link or other effective screening solution.

Motion carried by a 6-0 vote.

- B. **SP-549. John Long of Shaffer, Johnston, Lichtenwalter & Associates, Inc. representing Brasfond** is requesting a building and parking area expansion at 1785 North Geyers Chapel Road in an M-2 (General Manufacturing) District.

John Long, Shaffer, Johnston, Lichtenwalter & Assoc., representing Brasfond, and Ray Farley, Vice President of Brasfond US operations, and Matt Long of Critchfield, Critchfield & Johnston, were present. Mr. Long stated the existing building was approved and constructed in 2012 and was less than 10,000-sq. ft. in size; an addition to the existing building was now proposed. Mr. Long stated since the Staff report was written, revised drawings had been submitted which included all graveled areas now being asphalt or concrete; fencing around the property was now provided for screening; and the western side of the fence, which would face Geyers Chapel Road, would be landscaped according to the Zoning Code. Mr. Long indicated a full landscape plan would be provided to the Planning Department for Staff's approval. Mr. Long indicated the dumpsters would also be screened. Mr. Long further indicated Brasfond intended to fully comply with the Fire and Engineering Department regulations.

Mr. Ning questioned what Brasfond manufactured. Mr. Long stated Brasfond provided unique engineering solutions to the construction industry and was a research and development facility.

Ron Rehm moved, Fred Selig seconded, to grant the request of Brasfond USA for general and final development plan approval of a building and parking area expansion at 1785 North Geyers Chapel Road in an M-2 (General Manufacturing) District, subject to the following conditions: (1) All gravel areas on the site shall be paved with an asphalt or concrete surface; (2) That fencing and landscaping be installed around all outdoor storage areas in

compliance with the Zoning Code; (3) That the waste receptacle be screened on all sides; and (4) That approval shall be obtained from the Engineering and Fire Departments. Mr. Rehm noted the applicant had indicated their agreement to the conditions noted.

Motion carried by a 6-0 vote.

- C. **SP-550. David Conwill of Redwood Acquisitions** is requesting a 58 unit apartment development on the north side of Mindy Lane, near Mechanicsburg Road, in an R-4 (Multi-Family) District.

John Long, Shaffer, Johnston, Lichtenwalter & Associates, representing Redwood Acquisitions, and Alan Ratliff, the current property owner, were present. Kris Conwill, Redwood Acquisitions and Matt Long, Critchfield Law Firm, were also present.

Mr. Long noted that Redwood Acquisitions developed the property at the corner of Milltown and Melrose and had developed many properties, most of which were larger in size than the one proposed.

Mr. Long indicated that in 1996-1997, the property was designed and developed as a condominium development, but only two buildings were ever constructed. Mr. Long stated in 2003, the property was replatted and the property was separated from what had been developed and the vacant land in question; the road and all of the utilities were installed throughout the development.

Mr. Long indicated the plan before the Commission utilized as much of the existing infrastructure as possible but noted a section of storm sewer would need to be replaced and a sanitary line would need to be installed. Mr. Long stated Redwood Acquisitions had a purchase agreement to buy the land in question from Alan Ratliff.

Mr. Long indicated an application for a variance from the Board of Zoning Appeals had been submitted as to the open space. Mr. Long indicated the variance request would be heard by the Board on April 4.

Mr. Long stated he was aware that two additional street trees were required along Mindy Lane. Mr. Long further stated Redwood Acquisitions intended to meet the requirements of the Engineering and Fire Departments.

Mr. Seling questioned if the variance were not granted, if that would result in fewer units being constructed. Matt Long, Critchfield Law Firm, stated if the variance were not granted, a complete reconfiguration of the property would be needed and a substantial number of units would not be able to be developed making it questionable as to whether the project could move forward.

Mr. Ning stated according to the site plan, an exit was proposed onto Mindy Lane; there was also an entrance/exit onto Mechanicsburg Road so traffic would be going through the

existing condominiums. Mr. Long stated there were easements in place which were reserved at the time of the lot split.

Mr. Ning noted the units would be 2-bedroom units, with 58 total units in the development. Mr. Ning stated when Schumacher's proposed the development in the 1990's, the Commission expressed concern with traffic.

Mr. Dutton noted that a variance was needed for the 20% open space requirement and that the open space shall not be less than 50' in width at any point. Mr. Dutton indicated the Planning Commission, however, had the ability to vary the 50' width requirement but that a variance from the Board of Zoning Appeals would be needed for the 20% open space requirement.

Mr. Weaver questioned if the City had any traffic concerns with regard to the project. Mr. Dutton stated the City Engineering Department did not express any traffic concerns.

Mr. Lowry questioned the path around the development. Mr. Conwill indicated there would be a mulched path around the perimeter of the development for recreational use. Mr. Conwill stated the idea was to provide a home-feeling environment, and a lot of trees and landscaping would be added.

Fred Seling moved, Jackie Middleton seconded, to grant the request for approval of a 58-unit apartment development on the north side of Mindy Lane, near Mechanicsburg Road, in an R-4 (Multi-Family) District, be approved as presented with the acknowledgement that the Planning Commission was waiving the 50' open space requirement and that the development meet the following conditions: (1) Two street trees shall be planted along Mindy Lane per the requirements of Section 1165.04; (2) That approval of a variance be obtained from Section 1135.08(h) of the Zoning Code; and (3) That the applicant shall receive approval from the City Engineering and Fire Departments for the project.

Mr. Lowry stated he felt the proposed development was a very good use of the land.

Motion carried by a 6-0 vote.

V. ZONING CODE AMENDMENT

ZC-252. The City of Wooster

Mr. Dutton stated most of the proposed changes were the same as what was presented to the Commission at the Worksession held in February. Mr. Dutton indicated the new Sections were the addition of a microbrewery, microdistillery and microwinery. Mr. Dutton indicated an addition to the standards for itinerant vendors was made which would limit the amount of time to 7 consecutive days to no more than 30 days in a calendar year.

Mr. Dutton stated a change to the Zoning Code to limit the amount of time a garage sale could occur to not more than three consecutive days and not more than one garage sale in a three month period was proposed.

Mr. Dutton indicated that with respect to outdoor storage in a manufacturing district, the current language was such that a manufacturing use would be required to screen from another manufacturing use. The proposed Code change would only require screening if adjacent to residences, a residential district, a right-of-way or a less intensive use.

With respect to garage sale signs, a new section to the Zoning Code was added to regulate those signs.

Mr. Long questioned the change to properties zoned C-5 where the use proposed was an R-4 use. Mr. Dutton indicated that for residential uses in commercial districts that abutted other permitted residential uses in a multi-family district, the required setbacks were proposed to be reduced.

Mr. Rehm questioned what the justification was for the addition of Subsection (b) to Section 1125.18. Mr. Dutton stated the idea was to prevent people from setting up a commercial use by selling property belonging to others and calling it a garage sale or running a business and calling it a garage sale. Mr. Rehm stated that would have an effect on “neighborhood garage sales” and the ability for one homeowner to also sell property for their neighbor. Mr. Lowry expressed concern with the affect the proposed changes would have on the annual Lincoln By-way garage sale. Mr. Seling stated in the past, his children had brought things to his home for a garage sale, and the change to the Zoning Code would prohibit that. Mr. Seling indicated he felt different verbiage should be considered. Mr. Rehm agreed and suggested eliminating or clarifying Subsection (b) from the proposed amendment.

Mr. Lowry questioned whether parking for restaurants with patios had been addressed. Mr. Dutton indicated that Section 1169.04 “Notes to Table” had an addition of verbiage to address that and further indicated that outdoor dining areas were proposed to be calculated at 50% of the applicable parking requirement.

Mr. Lowry thanked Mr. Dutton for the addition to the definition section of “custom print shop”.

Mr. Lowry questioned where microbrewery-type uses “fit into the Code” or whether that still needed to be addressed. Mr. Dutton stated currently, they were classified as a restaurant; they were addressed as permitted uses in the proposed amendments (pg. 32).

Mr. Rehm indicated that he felt garage sale signs in the right-of-way would be problematic as more often than not, that was where people did, in fact, place signs relating to their garage sale. Mr. Dutton indicated that any sign in the public right-of-way was prohibited currently.

Jackie Middleton moved, Fred Seling seconded, to recommend to City Council approval of amendments to the Wooster Planning and Zoning Code (Chapter 1103 – Definitions, Chapter 1115 – Submission Requirements, Chapter 1125 – General Use Regulations, Chapter 1141 – Commercial Districts, Chapter 1143 – Manufacturing Districts, Chapter 1147 – Conditional Use Requirements,

1169 – Off Street Parking and Loading Regulations, and Chapter 1171 – Signs) with a modification to Chapter 1125 – General Use Regulations, Section 1125.18, Garage or Yard Sales, to eliminate Section (b).

Mr. Lowry thanked Staff for taking the Commission’s comments from the Worksession and implementing them into the changes now proposed.

Motion carried by a 6-0 vote.

Mr. Ning commended Staff on their thoroughness and information provided to the Commission relating to the items on the agenda. Mr. Seling agreed.

Meeting adjourned at 6:25 p.m.

Kevin Lowry, Chairman

Laurie Hart, Administrative Assistant