

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

May 5, 2016

I. MEETING CALLED TO ORDER AND ROLL CALL

Lukas Gaffey, Vice Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Lukas Gaffey, Stewart Fitz Gibbon, Gregg McIlvaine, and Ken Suchan were present at the meeting. Board members Tate Emerson and Mark Weaver were absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Ken Suchan moved to accept the minutes of April 7, 2016 meeting of the Board of Building and Zoning Appeals. Stewart Fitz Gibbon seconded the motion. The motion carried by a 4-0 vote.

III. PUBLIC HEARINGS

Appeal #2016-14.

Jeff Smith of Wholesome Burger LLC requested an area variance from Planning and Zoning Code Section 1171.04(a), Note C, to allow a sign to be placed on a wall which is not a building frontage at 4299 Burbank Road a C-3 (Community Commercial) District.

Jeff Smith stated that Five Guys wanted to put up a sign on the north side of the building. Mr. Smith said the sign would be the same as the sign on the front of the building. Mr. Smith stated the restaurant needed more visibility for customers traveling south into Wooster and he felt that another sign would be more noticeable. Mr. Smith continued that Five Guys did not have a panel on the plaza's freestanding sign.

Gregg McIlvaine asked the applicant to expand upon what the special circumstances were and why should the Board make an exception to the rules. Mr. Smith replied that visibility was the main factor. Mr. Gaffey stated that a customer would pass the entrance before seeing the restaurant. Ken Suchan asked if the current freestanding signage faced both north and south. Andrew Dutton stated that the sign going into the plaza was double sided, but Five Guys did not have a panel on the sign. Gregg McIlvaine mentioned that one of the residents in Deer Creek across the street opposed the extra signage.

Ken Suchan stated that all of the restaurants on Burbank Road had signage on the front of the building.

Chuck Ambruster, Deer Creek Drive, President of the Deer Creek Property Owners Association, stated that the development was directly across from the Burbank Road establishments. Mr. Ambruster continued that there were several property owners within 200 feet of the property. Mr. Ambruster stated that the property owners underestimated the glow from the lights on the store fronts. Mr. Ambruster asked that if the variance was

granted for the sign, that the business would extinguish the sign when the business was not open.

Tom Kling, Valley Signs, stated that because the business was located south of the entrance, the major concern was customers coming from the north passing the entrance before they noticed the sign for the Five Guys.

Jeff Smith stated that the sign was on a timer system and would turn off automatically at 10:30 pm.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Gregg McIlvaine seconded the motion. The motion passed unanimously, 4-0, at 5:48 pm.

Ken Suchan moved to come out of Executive Session. Greg McIlvaine seconded the motion. The motion passed unanimously, 4-0, at 5:56 pm.

Stewart Fitz Gibbon moved to approve the application as presented. Ken Suchan seconded the motion. Stewart Fitz Gibbon voted no citing that he didn't feel there were any unique circumstances demonstrated in the case. Gregg McIlvaine voted no for the application's lack of unique circumstances. Ken Suchan voted no citing the same reason as previously noted. Lukas Gaffey also voted no. The motion failed with a 0-4 vote and the application was denied.

Appeal #2016-15.

Doug Drushal of Critchfield, Critchfield, and Johnston, Ltd. represented Buckeye Express Car Wash, LLC requested a use variance from Planning and Zoning Code Section 1141.02(d) to allow a prohibited car wash use and an area variance from Planning and Zoning Code Section 1141.04(b)(2) regarding the maximum building setback from the right of way, Section 1141.06(a)(1) to allow parking in front of the building line, Section 1141.11(e)(4) to allow less than 65% of the building width at the building frontage, Section 1141.12(a) to allow a trash receptacle in the front yard, Section 1165.06(a) to allow a parking lot with less interior landscaping than required and a parking row without a defining landscape island, Section 1165.07(c) to allow a commercial district adjacent to a residential district without a required buffer yard, and Section 1169.12 to allow parking spaces and a drive aisle not meeting the minimum design standards at 1830 Cleveland Road a C-2 (Neighborhood Business) District.

Doug Drushal stated the request was for a use variance and an area variance and he felt it made logical sense to discuss the use variance first. Mr. Drushal stated the setbacks from the road for the facility were due to the site design and the use of the business. Mr. Drushal continued that the customer would enter a gated ATM-like area and the car wash was automated at that point. Mr. Drushal then stated that customers coming out of the building would have access to vacuums.

Roger Beck outlined the facility's car wash process which included enclosed washing, two employees and customer vacuuming parking spaces. Mr. Beck stated the hours of operation would be 8 am to 8 pm, 7 days a week. Mr. Beck indicated that he felt that a car was a good use of the lot because it had an odd shape.

Gregg McIlvaine asked Mr. Beck if he looked at other lots in Wooster that would not need to change zoning requirements. Roger Beck stated they were unable to find another lot for the car wash. Ken Suchan asked Mr. Beck if he looked into properties in the C-5 district to put the car wash. Mr. Beck said there was no land available to put a car wash in the C-5 district. Mr. Suchan stated there were available vacant properties on Cleveland Road. Mr. Beck stated the properties were too small in depth. Mr. Suchan asked how much of the car wash would be automatic. Mr. Beck stated the automation would all be in the building. Mr. Beck also stated that there would be 20 vacuum stations.

Gregg McIlvaine asked if the vacuums were muffled and if they could be heard from across the street. Mr. Beck indicated that the employees did not have to wear noise protection and he doubted vacuums could be heard across the street. Mr. Beck stated the dryers were located in the building for the noise purposes and the vacuums would be muffled at this particular location.

Gregg McIlvaine asked how long the property has been on the market. Jack Gant answered that it had been on the market close to 4 years. Mr. Gant stated there was an offer from the Dunkin Donuts owner, but it did not work out.

Cassandra Edwards, 1812 Cleveland Road, voiced noise concerns. Mrs. Edwards stated that the Baskin Robins would have children enjoying the patio area. Mrs. Edwards continued that noise from the car wash, the vacuums and the additional traffic were a concern.

Mike Heideman, 952 Meadow Lane, stated he was concerned with the location of the Dunkin Donuts patio in relation to the proposed car wash. Mr. Heideman stated he was concerned with interfering with customers on the patio, runoff and standing water and the noise.

Bill Sherron, CEO of Wooster Community Hospital, commented on the behalf of the Board of the Wooster Community Hospital in opposition to the car wash. Mr. Sherron stated the area was a hospital zone and noted aspects of the Comprehensive Plan of the city. Mr. Sherron continued that the city should adhere to the Comprehensive Plan and should not approve the proposed application.

Bob Brenneman, Mayor, commented on the staff recommendation for the property. Mr. Brenneman stated that staff recommended denial of the final development plan application. Mr. Brenneman stated the use was incompatible with the area and the Comprehensive Plan. Mr. Brenneman also stated he felt this property could serve a better purpose.

Jack Gant, read an email he received from the owner of Dunkin Donuts stating he did not have any issues and supported the car wash. Greg McIlvaine asked the size of the property. Mr. Gant answered it was 0.84 acres, with a unique shape. Greg McIlvaine asked if the hospital showed any interest in a medical building on that site. Mr. Gant stated they did not.

Roger Beck stated the car wash would have an attendant on duty the entire time they were open with the responsibility to keep the site clean. Lukas Gaffey asked where the openings were that water could escape. Mr. Beck stated there would be an opening where a car exits in the tunnel and dryers would blow water back into the building. Roger Beck stated that signs were posted asking that radios be turned down and employees would be instructed to

ask customers to turn loud radios down. Mr. Beck also stated the noise is minimal, so the neighbors would not be disturbed.

Sarvish Arora, one of the owners of the Dukin Donuts property, stated that after discussion with his team they did not want a car wash beside them. Mr. Arora stated that most families wanted to sit outside and enjoy the patio. Mr. Arora stated that the noise the car wash would generate would not make an enjoyable experience at Dunkin Donuts.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 4-0, at 6:43 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 4-0, at 6:55 pm.

Ken Suchan moved to approve the use variance portion of the application regarding Section 1141.02(d). Gregg McIlvaine seconded the motion.

Ken Suchan voted no because of the nature of the C-2 district. Mr. Suchan stated that he believed that a car wash was not compatible with the district, not even as a conditional use, as permitted in the C-5 district. He also stated that a car wash needed to be in a more intense commercial area. Mr. Suchan indicated that felt that there were many opportunities of vacant land in the C-5 district and felt there was no special need or hardship for this business to be located in the C-2 district. Mr. Suchan noted that the C-2 district was aimed at neighborhood businesses and not automobile-oriented highway businesses.

Stewart Fitz Gibbon voted no for the same reasons Mr. Suchan cited previously. Mr. Fitz Gibbon stated that since the location was in a pedestrian-oriented area, and the fact that business next door was subject to pedestrian traffic, not automobile type traffic, the application it was not a good idea.

Gregg McIlvaine voted no for the reason previously cited.

Lukas Gaffey voted no.

The motion failed with a 0-4 vote and the application was denied.

Lukas Gaffey asked Mr. Drushal, the applicant, if he would liked the Board to vote on the remaining sections of the application, or if he would like to withdraw the rest of the application.

Doug Drushal stated they would withdraw the remaining sections of the application.

IV. MISCELLANEOUS

Andrew Dutton briefly discussed possible changes regarding current Planning and Zoning Code regulations regarding changeable copy and electronic message display signs. Mr. Dutton asked the Board to review the memorandum and discuss the topic at their next meeting.

V. **ADIOURNMENT**

Stewart Fitz Gibbon made a motion to adjourn. Ken Suchan seconded the motion. The motion passed unanimously, 4-0.

The meeting adjourned at 7:00 p.m.

Lukas Gaffey, Vice-Chairman

Carla Jessie, Administrative Assistant