

**MINUTES
PLANNING COMMISSION**

November 19, 2014

MEMBERS PRESENT: Ron Rehm, Gil Ning, Jackie Middleton (arrived at 5:38 p.m.), Wanda Christopher-Finn, Heather Kobilarcsik and Jean Boen

MEMBERS ABSENT: Fred Seling and Mark Weaver

STAFF PRESENT: Andrew Dutton

I. MINUTES

Ron Rehm moved, Gil Ning seconded, to approve the Minutes of October 22, 2014 as received. Motion carried.

II. CONDITIONAL USES (PUBLIC HEARINGS)

Application #CU-376. David Aulger of Campbell Construction, Inc., for Pallotta Properties, is requesting approval for building additions and changes to parking and landscaping for an existing conditional use at 4199 Cleveland Road in a C-5 (General Commercial) District.

David Aulger, Campbell Construction, and Mike Pallotta, Pallotta Properties, were present. Mr. Aulger stated approval for an addition was being requested at Pallotta Ford and noted that the property had been used as an automobile dealership for quite some time.

Ms. Boen closed the public hearing.

Mr. Rehm questioned if the drawing provided by the applicant adequately detailed the proposed lighting. Mr. Dutton stated yes.

Ms. Kobilarcsik stated Staff had indicated the material to be used for the entry tower was not clear from the elevation which was submitted. Mr. Aulger stated the material was an aluminum composite material with a metallic finish and would be similar to the Chevrolet dealership in Wooster.

Gil Ning moved to grant application #CU-376 of David Aulger of Campbell Construction, Inc., for Pallotta Properties for building additions and changes to parking and landscaping for an existing conditional use at 4199 Cleveland Road in a C-5 (General Commercial) District.

Wanda Christopher-Finn seconded the motion.

Ron Rehm voted yes.

Gil Ning voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jean Boen voted yes.

Motion carried by a 5-0 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.

Doug Drushal, Critchfield Law Firm, stated a drive-thru facility was a conditional use and noted that McDonald's, a bank, and several drug stores all had drive-thru facilities. Mr. Drushal stated the criteria had been met as it would be located on an arterial street, and the loud speaker system, lighting, etc. would be away from the intersection. Harvey Tesler, Chase Shopping Centers, submitted an updated site plan along with building elevations to address Staff comments. Mr. Tesler stated with respect to vehicle stacking, the reader board had been moved further to the east to allow for stacking of an extra vehicle before the reader board. Mr. Tesler stated the updated drawing which had been provided also showed the location of the pick-up window. Mr. Tesler noted the façade had been altered so that it was similar to the one "out in the middle" of their parcel.

Mr. Drushal stated Staff had recommended that the request be tabled, but the applicant had now addressed Staff's concerns making tabling the request unnecessary.

Ms. Christopher-Finn stated she could not quite understand the flow of traffic to the drive-thru and the exit and questioned if people would enter from the north entrance and then exit from the south entrance (could only turn right). Steve Hermiller, Mannik Smith Group, stated the circulation of the traffic would be counterclockwise (delineated with striping on the pavement) around the building so that vehicles could "que up" and get in line from the west side and go adjacent to the building (south side). Ms. Christopher-Finn asked if the exit onto Burbank Road was both an enter/exit lane. Mr. Hermiller stated it was only an exit lane. Ms. Christopher-Finn questioned if the entrance to the drive-thru would be to the north. Mr. Hermiller stated yes.

(Lengthy discussions were held at the Commission seating area among several Commission members, Mr. Hermiller and Mr. Drushal which were inaudible and unable to be transcribed.)

Ms. Boen stated the traffic pattern appeared to be similar to what existed currently for Starbucks. Ms. Boen stated it should be enough room between where the lane would que and the disabled parking space for people to get in/out. It was noted that the three handicapped spaces could be relocated from the frontage to the side if the Commission had concerns.

Ms. Kobilarcsik questioned if the updated site plan provided by the applicant had addressed Staff's concerns regarding there being only one waiting space prior to the ordering board. Mr. Dutton stated he felt it would, but that there needed to be some indication of where people were supposed to stack in that lane and that they could not block the drive isle. Ms. Boen noted that the applicant had indicated that stamping would be added to the pavement to direct the traffic which would be an improvement to what other drive-thru's had in the

area. Mr. Dutton stated he would like for the site plan to show how traffic flow would actually be accomplished and directed. Mr. Hermiller stated the menu board could also be moved even further to create more stacking as well as the additional striping. Mr. Tesler stated by moving the menu board one car length, there would be enough room for stacking of three vehicles at the menu board and three cars at the window. Ms. Kobilarcsik stated Section 1169.11 required six waiting spaces per drive-thru window and that a waiting space was 8' in width and 18' in length. Mr. Dutton noted that was also measured from the order board, but indicated that the Commission had the ability to reduce that requirement.

Ms. Kobilarcsik noted that the site was only proposed to be .67 acres and the requirement was 1 acre.

Mr. Ning stated the drawing provided was "too generic" and felt that a drawing needed to be provided to the Commission which better showed the traffic flow and how the potential traffic issue would be resolved. Mr. Drushal noted that the Commission could approve the request subject to Planning Staff's approval of the driveway delineation. Ms. Kobilarcsik stated she felt the Commission and Staff should see the site plan in "black and white" beforehand. Ms. Boen stated the Commission approved the concept of the development previously but understood that traffic flow was very important. Ms. Boen stated she felt the traffic issue could be resolved with the applicant working with Staff.

Ardis Gillund, 4369 Deer Creek Drive, stated her property was across the street from the proposed drive-thru facility. Ms. Gillund stated she was concerned with the impact any and all developments had on property values, increased noise and lighting issues. Ms. Gillund stated her bedroom window was in the back of the house and faced Burbank Road. Ms. Gillund stated she was concerned with the hours the business would be open, how loud the speaker would be, and if the light would be left on all night long.

Ed Wirt, Treasurer of Hunters Chase, 4320 Hunters Chase Lane, stated his property adjoined the development on the west boundary. Mr. Wirt stated he was concerned about noise, lighting, traffic and runoff. Mr. Wirt stated the residents were already overwhelmed with traffic on Riffel Road. Ms. Boen noted that traffic issues should be directed to the Traffic Commission.

Ms. Boen closed the public hearing.

Mr. Rehm questioned how long the property in question had been zoned C-3. Mr. Dutton stated the property had been zoned C-3 since at least 2007.

Ms. Kobilarcsik stated Staff had recommended that the request be tabled and asked if Staff still felt that way. Mr. Dutton stated he had not determined if the six required spaces in the drive-thru had been provided. Mr. Dutton noted that if the Commission wished to allow the applicant to reduce the required amount, it would need to advise him of how many spaces the Commission was approving. Ms. Kobilarcsik stated lot size was also an issue. Mr. Dutton stated the lot size would need to be increased or a variance obtained from the Board of Zoning Appeals. Mr. Drushal stated he felt that was more of a development plan issue as opposed to a conditional use issue, but indicated the Commission could make a condition of its approval that a lot size variance be obtained.

Ms. Boen stated since the Commission had already approved the concept for the development, she felt it would be counter-productive to table the request and that the Commission should defer to Mr. Dutton to address the issues relating to the drive-thru.

Ms. Christopher-Finn stated her concern was that the site was not large enough for all the things the developer wanted to do. Mr. Dutton stated if the lot were made larger, parking spaces would be lost for the large, retail center so the developer opted to seek a lot size variance from the Board of Zoning Appeals. Mr. Drushal noted that the parking lot would have the appearance to the public of a lot for the whole development, and the lot line which defined the lot would not be something the public would ever know was there and would not define any edge. Ms. Boen stated wherever the lot line would be located would not impact where the parking currently was and was arbitrary.

Gil Ning moved to approve application #CU-377 of Harvey Tesler of Chase Shopping Centers, Ltd., on behalf of WWM Properties, Ltd., for conditional use approval of a drive-thru at 4369 Burbank Road in a C-3 District, contingent upon the applicant going before the Board of Zoning Appeals for a variance on the lot size and also providing a plan to the Planning Staff regarding the concerns about traffic flow, marking, etc. for the drive-thru.

Ms. Kobilarcsik questioned a condition from Section 1169.11 regarding the waiting spaces. Mr. Dutton noted that the requirement would remain at 6 spaces, unless the Commission reduced the amount.

Jackie Middleton seconded the motion.

Ron Rehm voted no.

Gil Ning voted yes.

Jackie Middleton voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted no.

Jean Boen voted yes.

Motion failed by a 4-2 vote due to lack of majority vote.

Ron Rehm moved to table the request. Heather Kobilarcsik seconded the motion.

Mr. Rehm stated his reasons for voting no was that he felt the Commission was giving up too much of its authority to the Staff, and Staff was not the one who was supposed to make those decisions—the Commission was. Mr. Rehm stated he felt the developer needed to “get its ducks in a row”, because they were not in a row right now, even having multiple chances to do so, and he felt there were too many questions floating around.

Mr. Rehm stated he did not know if the Commission could table a motion they had said no to.

Mr. Ning questioned (the developer) if it was their intent to come back before the Commission next month, knowing what the concerns were of the Commission. Mr. Drushal stated the developer would submit a new drawing to the Commission next month which would answer the questions the Commission had.

No action was taken by the Planning Commission.

III. FINAL DEVELOPMENT PLANS

Application #SP-581. Matthew Long of Critchfield, Critchfield and Johnston, Ltd., representing Mindy Wooster, LLC., is requesting a modification of final development plan #SP-550 regarding landscaping, open space and a walking trail for property on the north side of Mindy Lane, near Mechanicsburg Road, in an R-4 (Multi-Family) District.

Matthew Long, Critchfield Law Firm, stated about a year and a half ago, the Commission reviewed plans for Cottagewood Apartments off of Mechanicsburg Road. Mr. Long stated some typographical issues associated with the property prohibited or substantially reduced the ability to put the sidewalk in the development and to provide open spaces. Mr. Long stated the developer re-worked the plan to provide the open space through different means, to provide benches and access to the benches. Mr. Long stated two street trees (at the main entrance) were required and one had been provided. The other tree could not be put into place because the location of it was where a guide wire for a telephone was located. Mr. Long stated that, in looking at the site plan, there was not a lack of other vegetation in the adjacent area which would compensate for the loss of the one tree. Mr. Long stated the developer would be submitting the final bench detail to the Planning Staff before they were put into place. Mr. Long stated a bench was not proposed on the southwestern-most drive because of a storm bed.

Chris Conwill, Redwood Living Management, submitted pictures to the Board of the property in question. Mr. Conwill stated the topography of the site changed dramatically from east to west and also from the north transition into the property. Mr. Conwill stated in addition to the topography issues on the site, the retention systems which were put in and requested by the City at the end of the roadways also prohibited the path from going through it. Mr. Conwill stated on the southwest corner of the property, Staff had proposed an extra bench in this location. Mr. Conwill stated a bench was not planned at the end of that roadway because of topography issues. Mr. Conwill stated a connection was still planned from the roadway around to the back to the main driveways with sidewalks and a walking circle along with two benches. Mr. Conwill stated it was their wish to have the walking path, but the site issues prevented them from doing it and felt that the revised plan was a compromise and would allow the greenspace to be used by the residents. Mr. Conwill stated the landscaping (trees, bushes, etc.) far exceeded any standards that the City had. Mr. Conwill stated the main driveway through the project was heavily foliated with different types of trees.

Ms. Middleton questioned how many benches were proposed. Mr. Conwill stated there were four currently but noted Staff had proposed a fifth bench but because of the topography, there were issues in providing the fifth bench in that area. Ms. Middleton questioned if there were alternate locations for a fifth bench within equal distance. Mr. Conwill stated the further west you went, the topography made it more difficult; on the eastern side of the main drive was relatively flat. The grade up to the building from the

main drive was pretty steep as well. Mr. Conwill stated every flat spot that they could take advantage of where a bench could be placed was utilized.

Jackie Middleton moved to approve application #SP-581 for Mindy Wooster, LLC for a modification of final development plan #SP-550 regarding landscaping, open space and a walking trail for property on the north side of Mindy Lane, near Mechanicsburg Road, in an R-4 (Multi-Family) District with a modification that, due to circumstances, one street tree was adequate, and lessening the suggestion for an additional sidewalk to a bench due to topographical measures.

Wanda Christopher-Finn seconded the motion.

Ron Rehm voted yes.

Gil Ning voted yes.

Jackie Middleton voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jean Boen voted yes.

Motion carried by a 6-0 vote.

Application #SP-583. David Aulger of Campbell Construction, Inc., for Pallotta Properties, is requesting final development plan approval for building additions and changes to parking and landscaping at 4199 Cleveland Road in a C-5 (General Commercial) District.

Mr. Aulger stated approval of the final development plan was being requested for the addition and site improvement project. Mr. Aulger stated the minimum lot size, minimum lot width, maximum building coverage, front setbacks, side setbacks, rear setback and building height requirements were all met with the plan proposed. Mr. Aulger did indicate that the proposed building height was 25' (not 21' as previously noted); all parking setback requirements were also met. The site in question currently had three access points off of Cleveland Road. Mr. Aulger stated the northern-most access would be relocated further north (about 80'); two other access points would be slightly modified but would stay in their current location. Mr. Aulger stated that, with respect to the required off-street parking spaces, the parking calculation indicated that 86 parking spaces were required; 101 parking spaces were provided. Mr. Aulger stated the calculations considered the subject property and the adjacent property to the south as one property. Both properties were currently under common ownership by Pallotta Properties and operated as one entity even though they were two separate properties. Mr. Aulger stated parking calculations for the subject property alone would produce a deficiency, so the applicant actually needed off-street parking. Mr. Aulger stated over 50% of the required parking was on the subject parcel. Section 1169.08 addressed an agreement for parking, but Mr. Aulger stated it seemed odd to have Pallotta Properties have an agreement with Pallotta Properties for the shared parking. Mr. Aulger noted that Staff had indicated that if, at any point in the future the

subject property and the adjacent property were not under common ownership, a written agreement would then need to be entered into to continue to share an agreement for parking or that modifications would need to be made to provide the required parking onsite. Mr. Rehm questioned if that was acceptable. Mr. Aulger stated yes.

Mr. Aulger stated that, in terms of landscaping and screening, Section 1165.04 required street trees (one street tree for every 40' of street frontage to be planted within 3' of the right-of-way). Mr. Aulger stated the subject parcel was comprised of 475' of frontage which would require 12 trees. Mr. Aulger stated the site plan did show the 12 street trees, but the applicant was not wanting to plant them along the street and were proposed to be located in the large, landscaped island around the vehicle display area which was north of the existing facility and that the Commission was given discretion as to where the trees could be planted. Mr. Aulger stated the street had a lot of existing utilities, some of which were underground and some which were overhead power lines. Mr. Aulger stated the purpose of Pallotta Ford was to sell vehicles and, as part of that operation, they put vehicles on display and did not want to cover up what was on sale with trees. Mr. Aulger stated he felt the proposed location for the trees was a reasonable compromise.

Mr. Aulger stated there were other requirements under discussion in terms of street frontage landscaping and parking lot landscaping and screening. Mr. Aulger stated a variance of Section 1165.06(c) would be requested from the Board of Zoning Appeals.

Mr. Aulger stated with regard to the elevations, an element referred to as a "rain screen system trademark entry tower" was Ford's branded image. Mr. Aulger stated that material was covered with a metal composite panel, similar to the material adjacent to it. It was a metal skin panel and was very thin and lightweight but could be formed into shapes that could be mounted on a façade.

Mr. Aulger stated the height of the lighting would be 23'. A 3' concrete base would be constructed and a 20' pole would be mounted on top of it. Mr. Aulger stated the Code allowed for a maximum height of 25'.

Mr. Aulger stated it was the intent to satisfy the City of Wooster's Engineering Standards in terms of stormwater, utilities, etc.

Ron Rehm moved to grant the request of Pallotta Properties for final development plan approval for building additions and changes to the parking and landscaping at 4199 Cleveland Road in a C-5 (General Commercial) District, contingent upon: **(1)** That if, at any point in the future the subject property and the adjacent property were not under common ownership, a lease, written agreement or contract shall be established, or additional parking shall be constructed on the subject property to meet the minimum off-street parking requirements per the then effective Planning and Zoning Code; **(2)** That the landscaping requirements of Section 1165.05 regarding landscape frontage and Section 1165.06(c) regarding landscape buffer width shall be met or a variance shall be received from the Board of Building and Zoning Appeals; and **(3)** That details regarding the total light height be submitted (were received just immediately prior to the meeting) to meet the requirements of Section 1167.04.

Ron Rehm voted yes.

Gil Ning voted yes.

Jackie Middleton voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jean Boen voted yes.

Motion carried by a 6-0 vote.

Application #SP-582. Harvey Tesler of Chase Shopping Centers, Ltd., representing WWM Properties Ltd., is requesting final development plan approval for a 57,100 sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District.

Mr. Drushal stated the Planning Staff Memorandum addressed a number of issues, all of which were fine with no objections to any of them with the two exceptions being variances which were needed from the Board of Zoning Appeals relating to the parking setback issue on the edge of the lot which was being split out and a second variance for parking landscaping because the site would appear to be all one parking lot.

Steve Hermiller, Mannik Smith Group, stated by adjusting the property line to provide the required parking setback requirement from the lot line, 36 parking spaces would be lost which would not meet the tenant's requirements. Mr. Hermiller stated the plan before the Commission was still the same plan which was presented for general development plan approval which the Commission had approved. Mr. Drushal stated to the viewer, it would appear like one shopping center and the fact that there was a technical line under separate ownership would be meaningless to the public. Mr. Hermiller stated there was a reciprocal agreement in place for cross parking. Mr. Hermiller stated the Code required 8' of landscaping on one side and 8' of landscaping on the other side to be installed which would result in an entire row of parking spaces being lost which was why the applicant would be seeking a variance from the Board of Zoning Appeals. Mr. Hermiller stated a variance was needed to meet the Staff's comments outlined in its memorandum for #2, #5, #6, #7, #11, #14, #17 and #22; a variance was needed relating to the moving of the property line to address item #1, #8, #9, #10, #15, and #16. Mr. Hermiller stated that the applicant would comply with all of the other comments outlined in the memorandum.

Ms. Boen questioned the dumpster location. Mr. Hermiller stated the dumpster could be moved across the property line in a different location and would not be a problem; they would comply with the buffering and screening requirements.

Ms. Middleton questioned why the property could not be left as one parcel. Mr. Drushal stated the outlots were intended to be sold; the developer would maintain the main property.

Ms. Kobilarcsik stated that at the August 27 meeting, Mr. Drushal stated there was a potential in dividing the outlots but that, as of now, it would be one parcel. Ms. Kobilarcsik stated the Minutes also indicated that Mr. Dutton noted that if the lots were subdivided, the setbacks would apply and would need to be accommodated for. Mr. Drushal stated that was

correct—and the point of the final development plan was to show them. Mr. Hermiller stated the understanding was that there were lots implied on the plan for the shopping center and outlots were shown. Mr. Dutton stated it was his understanding that it would be one parcel but there was a possibility of dividing it. Mr. Dutton stated in August, his review was based on it being one parcel and not being split up. Mr. Hermiller stated Outlot #1, Outlot #2 and Outlot #3 were designated on the general plan. Mr. Dutton stated when it was asked if the parcels would be split, however, it was clearly answered that it would only be one parcel with the possibility of it being split. Mr. Dutton stated he thought the reference of outlots at that time was in name only. Ms. Christopher-Finn stated at that time, the Commission was also not aware of a drive-thru either which created a traffic flow issue.

Ms. Boen stated questioned at what point lease agreements were set. Andy Kline, Chase Properties, stated they did not go into the process with 100% of the tenants signed up, and it was an evolving process. Mr. Kline stated he did believe a drive-thru was shown on the original plan, but if they had not, it was because that tenant was not to the point that it was today. Ms. Kline stated the development process was a long process and at this point, they had most of their tenants ready to commit.

Mr. Drushal stated the motion (August, 2014) which was approved by the Commission did not address, one way or another, if the outlots were separated.

Mr. Hermiller stated one parcel versus multiple parcels did not affect the development and would be seamless to the customer. Mr. Hermiller stated there was an REA in place that would govern the entire parcel, even if the parcels were subdivided. Mr. Hermiller stated it would not affect the feel of the development, traffic or parking; it would have no impact.

Wanda Christopher-Finn moved to table application #SP-582 for a 57,100-sq. ft. commercial development at 4369 Burbank Road in order for items to be addressed by the applicant, which had all been listed. Ms. Christopher-Finn stated she felt the Commission needed something more concrete and that a lot of the issues had not been met.

Heather Kobilarcsik seconded the motion.

Ron Rehm voted no.

Gil Ning voted no.

Jackie Middleton voted no.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jean Boen voted no.

Motion failed by a 2-4 vote due to lack of majority.

Mr. Rehm stated he was satisfied that Mr. Drushal had indicated that 100% of the objections which were stated in the Staff recommendation had been met or could be met with the approval of variances. Mr. Rehm stated by indicating the Commission needed “something

more concrete” he felt was a slap in the face to Mr. Drushal, and he was not willing to say that. Mr. Rehm stated he felt that when Mr. Drushal said something, he meant it.

Ms. Christopher-Finn stated the applicant should come back next month with a list of items which had been completed. Ms. Christopher-Finn stated she was concerned with parking and landscaping. Ms. Christopher-Finn stated the list (of conditions) provided by Staff was too long, and noted that she had never seen a list of conditions that long as a Commission member. Ms. Kobilarcsik agreed. Mr. Rehm stated the applicant had indicated they would satisfy all of the conditions. Ms. Christopher-Finn stated Staff had recommended to the Commission that it table the request. Ms. Boen stated she felt the Commission had to be careful that it did not try to halt the process when the Commission had already approved the concept. Ms. Boen stated it was important for the Commission to make decisions by looking at the issues, and if the applicant indicated to the Commission that it would address the issues, she felt it was in the best interest for the Commission to compromise for the benefit of everyone and to look at the big picture.

Mr. Dutton stated he would still recommend that the request be tabled because of the volume of comments. Mr. Dutton stated he was not sure that if the applicant obtained the two variances, all of the issues would be addressed. Ms. Boen stated Mr. Drushal had indicated that he would get all of the information to Staff and that they were agreeable to all of its comments. Mr. Dutton stated signage had not been addressed. Mr. Drushal stated the applicant would work out the sign issues.

Ms. Kobilarcsik stated she was not changing her mind.

Gil Ning moved to approve application #SP-582 of Harvey Tesler of Chase Shopping Centers, representing WWM Properties, Ltd. of a final development plan for a 57,100-sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District with the condition that the applicant meet all of the requirements as recommended by Staff and the Engineering Department.

Jackie Middleton seconded the motion.

Ron Rehm voted yes.

Gil Ning voted yes.

Jackie Middleton voted yes.

Wanda Christopher-Finn voted no.

Heather Kobilarcsik voted no.

Jean Boen voted yes.

Motion failed by a 4-2 vote due to lack of majority.

IV. MISCELLANEOUS

Initiation of a Zoning Code Amendment.

Mr. Dutton stated Staff was asking the Commission to direct it to proceed with amendments to the Zoning Code; specifically, to Chapter 1311 and 1351 regarding the Property Maintenance Code. Mr. Dutton further indicated that changes to signage were not approved by City Council, and Mr. Dutton stated he would like to make the minor changes to the Sign Code in order for City Council to again consider the change. Mr. Dutton stated there may be other miscellaneous amendments as well.

Jackie Middleton moved for Staff to initiate amendments to the Planning & Zoning Code as described.

Gil Ning seconded the motion.

Ron Rehm voted yes.

Gil Ning voted yes.

Jackie Middleton voted yes.

Wanda Christopher-Finn voted yes.

Heather Kobilarcsik voted yes.

Jean Boen voted yes.

Motion carried by a 6-0 vote.

Meeting adjourned at 7:15 p.m.

Jean Boen, Vice Chairman

Laurie Hart, Administrative Assistant