

**MINUTES
PLANNING COMMISSION**

July 23, 2014

MEMBERS PRESENT: Jean Boen, Wanda Christopher-Finn, Heather Maxwell, Jackie Middleton, Gil Ning, Mark Weaver and Fred Seling

MEMBERS ABSENT: Ron Rehm

STAFF PRESENT: Andrew Dutton, Joel Montgomery and Mayor Bob Breneman

I. MINUTES

Jackie Middleton moved, Gil Ning seconded, to approve the Minutes of June 25, 2014 as received. Motion carried unanimously.

II. ZONING AMENDMENT

Application #ZC-258. The City of Wooster is requesting an approval recommendation by the Planning Commission to City Council for amendments to Chapter 1115 (Submission Requirements), Chapter 1119 (Amendments), Chapter 1125 (General Use Regulations), Chapter 1131 (Community Facilities District), Chapter 1133 (Single Family Residential Districts), Chapter 1135 (Multi-Family Residential Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (Campus, Professional, Research and Office District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1149 (Nonconforming Uses, Lots, and Structures), Chapter 1163 (Environmental Protection Regulations), Chapter 1165 (Landscaping and Land Use Buffers), Chapter 1171 (Sign Regulations), Chapter 1173 (Regulations for Wireless Telecommunication Facilities) and Chapter 1181 (Vehicular and Pedestrian Circulation) of the Wooster Planning and Zoning Code.

Mr. Seling noted that a public hearing was held at the Commission's June 25, 2014 meeting and that there would be no further public hearing or public discussion of the item. Mr. Seling noted that many people had contacted Commission members to communicate comments about the specific matter following the Commission's June meeting, and all members of the Commission had taken the comments it received into consideration.

Mark Weaver moved to remove item ZC-258 from the table. Jean Boen seconded the motion. Motion carried unanimously.

Mr. Dutton stated as a background regarding the amendments, the Planning Commission unanimously approved the amendments two months ago (May meeting), but due to an error in procedure, it was brought before the Commission at their June meeting and was tabled to the July meeting.

Mr. Dutton stated the amendments before the Commission were identical to the ones the Commission received last month (June) as well as the notes with the amendment. Mr. Dutton stated he also provided a rationale for changes to public safety, health and utility facilities in residential districts to better explain the City's rationale for asking for a change from a conditional use to a permitted use. Mr. Dutton stated the facilities were essential for public services for fire, police, water, and wastewater, and the City was charged with providing those services. Mr. Dutton stated the facilities were unique in nature and unlike any other service provided and was only there to

serve the citizens and businesses. Mr. Dutton stated when the City looked to locate these types of facilities, there were a number of factors to be taken into consideration—location relative to other facilities, access to main streets, elevation, waterlines which limited the places where they could be placed. Mr. Dutton stated in terms of acreage of parcels, sites were oftentimes limited to one or two locations. Mr. Dutton stated locations were very “pinpointed” based on studies as to where the facilities could be located. Mr. Dutton stated the conditional use requirements added an extra step that made it difficult for the City to provide the services. Mr. Dutton stated City Council would still have to approve the funding of the project, and all Council meetings had public hearings at the beginning of their meetings. Mr. Dutton stated the Planning Commission would still also review the request as a development plan which would be reviewed per the Commission’s standards which included screening, parking, and aesthetics.

Mr. Dutton stated changes were also proposed to the temporary sign regulations, and a chart was provided to the Commission to help explain the changes. Mr. Dutton stated the amendments included a change to the display times to 45 days, no more than two times a year.

Mr. Montgomery stated the Commission had received two documents, one being the rationale for permitted use, and the other one was a comprehensive research document on what other cities did for public facilities. Mr. Montgomery stated by proposing public facilities to be permitted uses, the City was trying to provide necessary health and safety facilities to all of its citizens. Mr. Montgomery stated there were complex issues when locating a water tower or fire station, and in some instances, sites were limited to one or two locations where they could be located. Mr. Montgomery stated the amendment would allow the City to place the facilities where they needed to go to protect all of the citizens of Wooster. Mr. Montgomery stated any of the uses would still need to comply with every other provision of the Code—setbacks, screening, and any public use would have to go before City Council noting opportunities for public input. Mr. Montgomery stated public uses were different than any other use because in delivering services, only the City government could provide those services for its citizens which was why the conditional use criteria really did not apply.

Ms. Boen questioned why it was felt that the Layton School property was the best location for a water tower and/or communications tower. Mr. Montgomery stated when the City went through an analysis, it found very few properties where a water tower could be placed and, at that time, Layton was operating as a school. Mr. Montgomery stated when the City learned that Layton was available, the first question it asked of the School Board was whether they would provide the City with an easement because it was an ideal location for a water tower, elevation wise, and the School Board was unwilling to do that. Mr. Montgomery stated looking at the demand in the area, the City wanted to make sure it could serve the residents in that area.

Mr. Montgomery stated, with regard to the communications tower, an appropriations study had been done. Mr. Montgomery further stated the Winter Street tower was scheduled to come down, so the City needed to find a spot that was in close proximity and could also communicate with the other communication facilities—EMS, Fire and Police. Ms. Boen questioned if the City made it a consistent practice to exhaust every other option before utilizing a residential zone. Mr. Montgomery stated other criteria was involved, and that was a consideration but not the ultimate one. Mr. Montgomery stated the facilities had to be located where they would serve the people that they needed to serve. Ms. Boen stated by placing a communications tower on a property near a school whether that would hinder any other schools from using the Layton property as a school in the future, due to radiation. Mr. Montgomery stated no.

Ms. Boen questioned if the former First Merit property on Cleveland Road was a possibility. Mr. Montgomery stated he knew the property was for sale and the appraised value was over \$300,000.

Mr. Montgomery stated with taxpayers dollars being used, and the City already owning a piece of property that they only paid \$75,000 for and was ideally suited, it would be hard to justify spending that much more, especially when the City already had a facility available. Mr. Montgomery stated the property could work for a water tower or communications tower, and the zoning for the First Merit property was more prohibitive for a communications tower. Mr. Dutton stated that was correct noting the First Merit property was zoned C-3. Mr. Dutton stated the reason the uses were allowed on the Layton property was because it was owned by the City, exempting it from certain requirements. Mr. Dutton stated being a commercially-zoned property (First Merit), there were height requirements to the residential district/residential dwellings which abutted the property.

Ms. Boen questioned why there could not be a communications tower at the Kinney Field property and whether there were any discussions about that possibility. Mr. Montgomery stated the City did have conversations with respect to that, but the technical location requirements kept the City from proceeding very far. Mr. Montgomery stated the City had looked at line-of-sight and height issues, and there were issues with that. Mr. Montgomery stated the Oldman water tower, to the very top of the rail, was 110', and a tower in that location would need to be 199' in height. Mr. Montgomery stated a cell phone company built the tower, and the City did not pay for it. Mr. Montgomery stated the cell phone company paid the City for the privilege of being there, and that money went back into the water fund; the cell phone company also maintained the tower. Mr. Montgomery stated a 300' tower would be needed to house all of the communication services on the County's property, and the County would get the first priority on where their antennas would go, and the City would take whatever was left. Mr. Montgomery stated currently, the City could dictate the height that it needed to be sure it had the most reliable system to serve Wooster. Ms. Boen questioned the anticipated revenue. Mr. Montgomery stated it would depend on how many cell phone companies would locate on the tower, but that \$1,500/month would be collected for the first one to be there, and you could only get so many of those on there because the City was requiring a large portion of the height for its facilities.

Mr. Dutton stated for clarification as to the First Merit property, if the City controlled it solely, it could put a tower there as a City-owned property. Mr. Dutton stated, however, that the \$300,000 price tag would make it cost prohibitive.

Mr. Weaver stated he appreciated the City's position as to permitted/conditional for public facilities. Mr. Weaver stated he did not question any of the arguments Staff made in terms of necessity of these kinds of services, and since they would benefit all, it became very difficult to decide where they are to be located. Mr. Weaver stated if the Commission went ahead and made the uses permitted uses, it would serve the Commission very nicely as it would not have to hold public hearings concerning a conditional use. Mr. Weaver stated for him, it was a matter of changing the Code and what cost that would be in terms of a Democratic procedure. Mr. Weaver stated he felt it was important to have those hearings and for the City to make its case, and for the citizens to make its case, and for the Commission to make a judgment concerning them. Mr. Weaver stated it was difficult to choose between two sides, and it was never a wrong and a right. Mr. Weaver stated he felt it was essential to the Democratic process for the citizens to be able to come forward and say "these are our objections to this move by the City", and the burden then fell on the City Administrators to say why this was the best location, and then the burden fell on the Commission to make a recommendation to City Council. Mr. Weaver stated he felt the existing system was messy, but he would like to keep it because of the Democratic aspects of it. Mr. Weaver stated he felt the Commission should keep the conditional use and not move it to a permitted use for the residential districts. Mr. Weaver stated he was not disagreeing with Staff as to the importance of the services and providing them in locations which provided effective services to the entire City.

Mr. Seling stated the biggest and most frequently mentioned concern with the amendments was the public hearing component for public facilities. Mr. Seling questioned if the Planning Commission was the place for that, or would a public hearing in front of City Council provide the same mechanism. Mr. Seling stated the Commission consisted of volunteers who were charged with making those difficult decisions as the Code existed currently, and City Council was an elected body. Mr. Weaver stated the Commission made a recommendation to City Council, and it had the final say. Mr. Weaver stated the Commission was being asked to change the existing system in which the public would have two different opportunities for a hearing to just one, so that would be lessening the opportunities to participate. Mr. Ning agreed. Mr. Ning stated he looked at the City as a company, and he looked at the citizens as employees of the company. Mr. Ning stated the additional public hearing was of benefit, and to eliminate any type of exposure to the public would not be good. Ms. Kobilarcsik and Ms. Christopher-Finn agreed.

Mr. Seling acknowledged receipt of options offered by City Staff (see file), Option 1 requiring a public hearing by City Council and Option 2 requiring a public hearing by Planning Commission. Ms. Boen stated there was already a chance for the public to speak at City Council meetings. Ms. Christopher-Finn noted that the option relating to Planning Commission made the facilities permitted and not conditional. Mr. Weaver stated by changing a use from conditional to permitted, it shifted the burden of proof. Mr. Montgomery stated the City would still have to make a case that it was a required service to provide to the citizens of Wooster, and the Administration would still have to make that same case to City Council if they were being asked to allocate monies for those facilities.

Ms. Kobilarcsik stated in 2007, the Staff and Commission had spent a lot of time in doing a re-write of the Zoning Code. Mr. Montgomery stated the Code had changed quite a bit since 2007, and changing the Code was a common thing and was necessary. Mr. Montgomery stated there had been a lot of Code changes—large and small, and the Commission had twice approved this particular issue by recommending it to City Council.

Ms. Kobilarcsik stated many e-mails were received about the situation, and she stated it was a concern and residents needed to be heard and offer input. Ms. Kobilarcsik stated the amendment would take away that opportunity.

Mr. Seling stated the citizens would have adequate opportunity to voice its concerns to City Council and the City Administration with the proposed amendment. Mr. Seling stated he formerly lived on Oldman Road, and when he moved to his home in 1986. At that time, there was a chip and seal road with ditches, and during the timeframe that he had lived there, Kean was added onto, the high school was constructed, and with that came a new street with sidewalks; the ditches were closed in and the property owners were assessed. Mr. Seling stated the water tower by Kean was then constructed as well. Mr. Seling stated he did not, at any time, feel that he did not have adequate opportunity to express his concerns to elected officials. Mr. Seling stated he was not concerned about the changes from conditional to permitted for public facilities.

Mr. Seling asked Commission members if it was interested in substituting the options offered by Staff or if it wanted to keep that section conditional.

Ms. Middleton stated with regard to people who had contacted her, every one definitely agreed that in order for Wooster to be the kind of City that everyone wanted it to be, it had to maintain its infrastructure and that water towers, cell towers, electric needed to be addressed and kept up for the City. Ms. Middleton stated what she heard most was that the citizens felt that if they were permitted uses, that they would not have the opportunity to voice their concern about a specific action at a public hearing or they felt that perhaps a single public hearing at City Council was not the best place

for them to state their views because there had been times that three readings had been bypassed, and a vote would be taken on the first reading. Ms. Boen stated those were also the majority of the concerns she had heard as well. Ms. Boen stated she appreciated Staff providing the two options which showed a willingness to compromise. Ms. Boen stated by providing a public hearing, it allowed for people to have their concerns to be voiced. Ms. Boen stated if the Commission were to consider one of the options, it would be that the Commission would hold a public hearing in addition to City Council. Ms. Boen stated she understood the need to provide the essential services to citizens, but that we needed to be sure we were doing that while making sure residents had the opportunity to be heard, especially those who would be directly impacted. Ms. Boen stated she felt it was important to give the citizens an opportunity to be heard, and she was okay with the use being a permitted use so long as that opportunity was there.

Ms. Christopher-Finn stated by making public facilities a permitted use, she did not feel people would speak up if they knew it would not do any good. Ms. Christopher-Finn stated in the eyes of a lot of people, it was more “big government”, and she felt people needed to take the time to listen, and it was important to give people a chance to say it. Ms. Christopher-Finn stated she was not comfortable with either option offered by Staff.

Ms. Kobilarcsik stated she agreed with Mr. Weaver and Ms. Christopher-Finn on the conditional use and felt it should be left as it was currently.

Mr. Seling stated it appeared as though the Commission, overall, wished to keep the conditional use section for public facilities “as is”.

Mr. Seling asked Staff to address the amendment proposed to Section 1119.05. Mr. Dutton stated the amendment would modify the regulations so that City Council and the Planning Commission had the same public hearing requirements for Zoning Code/Map amendments. Currently, the public hearing notification was 10 days prior to the hearing, and for City Council, it was 30 days. Planning Commission notified people within 200’ of the site, and City Council only had to notify adjacent property owners. The amendment would require both Planning Commission and City Council to notify property owners within 200’ of the property, 10 days prior to the hearing. Mr. Dutton stated it would reduce the time it took for amendments to go through the process which was currently a 3-month process. Mr. Dutton stated everyone who was notified of the hearing for Planning Commission would also be notified by City Council. Ms. Kobilarcsik expressed concern with reducing City Council’s notification from 30 days to 10 days. Mr. Dutton stated the 10 day notification was currently the procedure for Planning Commission, and the amendment would make it consistent with City Council. Mr. Dutton also noted that anyone attending the Planning Commission meeting regarding the matter would also know the matter would be forwarded to City Council for their action as well. Ms. Boen stated some residents were concerned that if they were away from home, it would not be adequate notification or time to review the proposal. Ms. Boen stated it was also suggested they would prefer notification via the newspaper at 30, 20 and 10 day intervals and to publish the proposed changes on the City’s website for everyone to be able to access, even after business hours. Mr. Dutton noted that currently, all of the Minutes and Agendas of City Council, Planning Commission and Board of Zoning Appeals were online. Ms. Middleton stated she felt 10 days was adequate and was in support of the proposed amendment. Ms. Boen stated she felt the City should look into posting the applications online. Mr. Weaver and Ms. Kobilarcsik agreed.

Mr. Seling opened the proposed amendments to Section 1125 up for discussion which dealt with parking and usage of recreational vehicles, trailers and motor vehicles. Ms. Boen stated the only feedback she had received was whether consideration was given to what types of materials were

permitted to wrap RV's and trailers and that, sometimes, blue tarps were being used. Mr. Dutton stated the Code did address that RV's and trailers were to be in good repair and be licensed.

Mr. Seling stated the CF District amendments included removing the minimum acreage requirement of 10 or more acres. Ms. Kobilarcsik questioned the removal of the minimum acreage requirement. Ms. Boen stated Staff indicated there were 180 lots that had CF zoning, and 144 lots (or 80%) were actually under 10 acres. Ms. Boen further indicated Staff noted that any properties currently zoned CF would remain zoned CF under the proposed amendment. Mr. Seling stated the Library sat on 3.2 acres; the entire block was 3.3 acres. Mr. Seling stated the 10 acre minimum seemed to be unrealistic and it was unclear as to why, under the 2007 Code revisions, 10 acres was determined to be the minimum necessary. Mr. Seling stated he was in favor of the amendment. Mr. Weaver stated he felt it made it consistent to remove the language and that it was a "good move". Ms. Middleton agreed.

Mr. Seling noted that in the C-4 and CF Districts, outdoor theaters were proposed to be added.

Mr. Seling stated changes to the fencing requirements in the CF District were proposed which included a fence height of 48" instead of 42". Mr. Seling further stated a change to the screening and landscaping requirements in the CF District was proposed noting that a shade tree was to be provided for every 40 linear feet of fence length.

Mr. Seling stated in Chapters 1133 and 1135, for single family residential districts and multi-family residential districts, temporary sales/leasing offices or model units were proposed to be permitted uses.

Mr. Seling stated in Chapter 1142, CPRO District, scientific research, development, training and testing facilities were proposed to be changed from conditional to permitted uses.

Mr. Seling stated in the manufacturing district regulations (Chapter 1143), commercial recreation, indoor was proposed to be added as a conditional use.

Mr. Seling stated changes were proposed to Chapter 1171, Sign Regulations. Mr. Seling stated changes were proposed to temporary signs. Ms. Kobilarcsik stated the Commission had previously held several meetings with the Chamber of Commerce and Main Street to discuss changes to signage at the time of the 2007 Code amendments. Ms. Kobilarcsik stated the regulations would permit temporary signs for 45 days, 2 times a year; the current regulations provided for temporary signs for 30 days, 4 times a year. Mr. Dutton stated he had encountered people needing longer than 30 days for temporary signage. Mr. Dutton stated with the current regulations, signage would be permitted for 120 days out of a calendar year. Ms. Kobilarcsik expressed concern with reducing it from 120 days to 90 days, with only two times for exposure. Ms. Kobilarcsik stated typically, businesses held sales more than twice a year. Ms. Kobilarcsik stated as a business owner, she would like to see the temporary sign regulations left "as is". Mr. Ning agreed.

Mr. Weaver asked for clarification of Section 1173.04 (b). Mr. Dutton stated you could have a tower on any institutional use in a residential district (churches, parks, hospitals, schools) and it was expanded to include any property, and not just residential properties.

Mr. Dutton the sections relating to public facilities included: Sections 1133.02(d)(2)E, 1135.02(d)2E, 1137.02(d)(4)B, 1147.05, 1147.06 and 1147.09(u). Mr. Seling stated the Commission also wished to leave the temporary sign regulations with the 30 day time period.

The Commission discussed the proposed amendment to Section 1173.09, Exemption of City Property. Ms. Kobilarcsik read the legislation, as proposed. Ms. Kobilarcsik questioned if this section also related to the permitted use versus conditional use discussion. Mr. Dutton stated Section 1173.09 was an entirely separate chapter of the Code, and had always been exempted on any property owned or controlled by the City. The amendment to the section added a public hearing requirement.

Mark Weaver moved to approve the amendments with the exceptions of not agreeing to the change from conditional use to permitted use in terms of utilities, and not agreeing to the sign change from 4 times a year/30 days to 2 times a year/45 days.

Gil Ning seconded the motion.

Mark Weaver voted yes.

Gil Ning voted yes.

Jackie Middleton voted yes.

Heather Kobilarcsik voted yes.

Wanda Christopher-Finn voted yes.

Jean Boen voted yes.

Fred Seiling voted yes.

Motion carried by a 7-0 vote.

III. GENERAL DEVELOPMENT PLAN

Application #SP-574. Harvey Tesler of Chase Shopping Centers, LTD, representing WWM Properties LTD, is requesting general development plan approval for a 59,000-sq. ft. commercial development at 4369 Burbank Road in a C-3 (Community Commercial) District.

Doug Drushal, counsel for the developer; Harvey Tesler and Brian Constantine of Chase Properties; and Steve Hermiller of Mannik & Smith Group, were present.

Mr. Drushal stated he had reviewed the Planning Staff report with regard to the proposed development, and while Staff suggested tabling, the applicant wished for the Commission to act upon the application.

Mr. Drushal stated one of the issues of concern to Staff was that of parking. Mr. Drushal stated the applicant wished for the Commission to consider an amended plan (submitted to the Commission/see file) which did provide for the required number of parking spaces. Mr. Drushal stated the revised plan also changed the configuration of the entrance ways and drives along Burbank Road.

Mr. Drushal stated the property was zoned C-3, and the 7 acre parcel was the entirety of the C-3 zoning in the area. Mr. Drushal stated C-3 zoning had an odd feature in it whereby the building would need to be approximately 20' off of Burbank Road. Mr. Drushal stated the Zoning Code allowed the Planning Commission to waive that requirement as part of the approval of the site plan.

Mr. Drushal stated in order for Chase Properties to keep moving forward on the project, it wished to know how the Commission felt about that issue, the placement of where the buildings would be located, and that how the property would be laid out was acceptable.

Mr. Drushal stated the Staff recommendations also indicated that a traffic study needed to be submitted. Mr. Drushal stated the traffic study had since been submitted and was being reviewed by the City Engineer. Mr. Seling questioned if the traffic study was done under the initial submittal, and Mr. Drushal indicated yes. Mr. Drushal stated the traffic study did suggest a traffic light at the main entrance into the development. Mr. Drushal stated any approval the Commission gave could be made contingent upon the City Engineer approving the traffic study and road implementation that would be required.

Mr. Drushal stated that Staff recommendations noted that further aesthetic information needed to be submitted. Mr. Drushal stated approval could be given conditioned upon landscaping and aesthetics.

Mr. Drushal submitted pictures of the east side of the property to the Commission (see file). Mr. Drushal indicated a mound already existed between the property in question and the Hunters Chase residential development to the rear and had a nice growth of mature trees which provided a complete buffer already. Mr. Drushal stated there may be one or two small gaps where additional trees could be added.

Mr. Drushal stated, with regard to sign parameters, that the intent was to have one, pylon sign along Burbank Road for the entire development. Mr. Drushal stated there were three proposed buildings on the outlots along Burbank Road.

Mr. Drushal noted that Chase Properties currently owned the strip plaza located in front of Kohl's.

Ms. Kobilarcsik stated she was concerned about another shopping complex with there being a vacancy in one of the tenant spaces to the south. Ms. Kobilarcsik stated there were a lot of vacant buildings already existing citing Sears Optical, Lane Bryant, Fashion Bug, Gary's Liquor Store, Techniques, Hawkins, and JC Penneys, and indicated she did not see the necessity of building more. Mr. Drushal stated the tenant spaces of the buildings owned by Chase Properties were 100% occupied, and that was not an issue of the Planning Commission. Ms. Kobilarcsik stated the issue did tie into the Comprehensive Plan. Ms. Kobilarcsik stated she was also concerned with the increased traffic and the ability to provide turning lanes into the development. Mr. Drushal stated Chase would use the land it owned to provide those and would rely on the traffic study to determine need.

Ms. Kobilarcsik questioned if Chase had perspective tenants for the new development. Mr. Tesler stated yes. Ms. Kobilarcsik stated that, aesthetically, she did not like the look of the buildings. Ms. Kobilarcsik stated the Plan also called for the continuance of downtown revitalization, that new developments should "pay its own way", and that future developments should contain cost effectiveness and that a traffic impact study should be required of all project proposals. Ms. Kobilarcsik stated the Plan also noted that projects that degraded the level of traffic service should be required to pay for upgrades; costs to provide services, extending utilities and the revenues generated, such as income and property taxes, should be analyzed. Ms. Kobilarcsik stated there was a perception of a traffic congestion problem in the northend. Ms. Kobilarcsik stated the fire department had two fire stations, and it was a challenge to meet the minimum response times in the north end. Mr. Drushal stated traffic was an issue, which was why a traffic study was done. Mr. Drushal stated in terms of cost benefit, that was a "no brainer", because it would be of no cost to the City for the development/no City funding for the development; there would be no tax abatement for the project. Mr. Drushal stated it would add tax revenue to the schools and income tax revenue to the

City as well. Mr. Drushal stated the development would be closer to the Fire Station than other existing developments were citing Grace Brethren, Deer Creek and Scottish Highlands. Mr. Drushal stated City Council zoned the land commercial, and the residential properties nearby knew that when they built.

Ms. Kobilarcsik stated the criteria for approval was that the proposed plan was consistent with the Comprehensive Plan; that the appropriate use and value of the property within and adjacent to the area will be safeguarded; that the development would result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property; the development would have adequate open space; and that the development would preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in the Planning and Zoning Code. Mr. Drushal stated all of those items were easily met under the proposal as the development would have buffering, landscaping, and detention ponds for stormwater runoff.

Mr. Seling questioned if the buffering to the east was on the property in question or on the adjacent property (Hunters Chase). Mr. Hermiller stated the mound itself was on the property in question and was located on a 20' utility easement.

Mr. Drushal stated additional buffering was shown on the north side of the property as required.

Ms. Kobilarcsik questioned the traffic study. Mr. Montgomery stated it was his understanding that Roger Kobilarcsik, City Engineer, had received the traffic study on Friday (July 18) and had not yet reviewed it or the revised plan which the applicant had since submitted. Mr. Hermiller stated the plan before the Commission was a more appealing, less congested plan and he believed the City Engineer found the changes to be positive ones, although he had not reviewed it in length. Mr. Drushal noted that the southern-most "entrance" was a right/out only; the one in the middle was a "right in/right out only"; the northern-most entrance was where a traffic light was proposed.

Mr. Seling noted there were plans for a round-about at the Smithville Western/Burbank Road intersection. Mr. Hermiller stated he was aware of that and it was identified as part of the traffic study.

Mr. Weaver questioned, based upon the conversation he had with the applicant earlier and based upon Mr. Drushal's comments, if Staff was still recommending that the request be tabled. Mr. Dutton stated the applicant had addressed a number of Staff's comments, but he would still recommend that the request be tabled. Mr. Dutton stated he would like to have the traffic study altogether as one application as opposed to piece meal. Mr. Dutton stated he would like to also verify the aesthetics as well.

Mr. Seling questioned the setbacks for the three outlots. Mr. Hermiller stated the proposed setbacks appeared to be 20', one was 25', and the southern-most lot would be approximately 75' (from the right-of-way line).

Mr. Ning thanked Ms. Kobilarcsik for the research she had done and indicated it put a lot of thought in his mind about the number of vacancies in the north end. Ms. Boen noted that tenants had the discretion to choose what site best fit their needs, and the Commission could not make that decision for them.

Ms. Boen questioned the need by the developer to have the Commission act on the plan. Mr. Drushal stated it was not so much the construction timeline as knowing that the layout, as proposed, was

approved so that they could move forward with other things that needed to be done—finishing the traffic study, finalizing tenants, dealing with Staff on buffering, addressing the aesthetic issues.

Ms. Kobilarcsik felt the Commission should table the proposal until Staff could better address the traffic study and the newly presented plan the Commission had received.

Heather Kobilarcsik moved to table application #SP-574 of Harvey Tesler of Chase Shopping Centers, representing WWM Properties, LTD for general development plan approval of a 59,000-sq. ft. commercial development at 4369 Burbank Road in a C-3 District.

Wanda Christopher-Finn seconded the motion.

Mark Weaver voted no.

Gil Ning voted yes.

Jackie Middleton voted no.

Heather Kobilarcsik voted yes.

Wanda Christopher-Finn voted yes.

Jean Boen voted no.

Fred Seling voted no.

Motion failed due to lack of a majority vote by a 3-4 vote.

Mark Weaver moved to recommend general development plan approval of application #SP-574 for 4369 Burbank Road, subject to the following conditions:

- (1)** Approval by the City Engineer of the traffic study and whatever recommendations come from that traffic study;
- (2)** Subject to Planning Staff approval of all landscaping and buffering on the site;
- (3)** Approval by the Planning Staff of aesthetic modifications are to be obtained to make it fit in with the surrounding buildings and developments;
- (4)** That signage must conform to the Zoning Code; and
- (5)** That the Commission waive the requirement that 50% of the buildings on each lot front on a public street.

Jean Boen seconded the motion.

Ms. Middleton questioned if the motion should also include the Fire and Engineering Department comments. Mr. Weaver amended the motion to include:

- (6)** Subject to approval of the Fire Chief and further concerns of the City Engineer.

Jean Boen seconded the amendment.

Mr. Dutton stated the signage proposed was more restrictive than the Zoning Code since the applicant was proposing one sign for the entire site. Mr. Dutton noted the Sign Code would permit a sign for every property.

Mr. Weaver amended the motion to include:

Signage be as proposed (an amendment to condition #4 above).

Jean Boen seconded that amendment.

Ms. Kobilarcsik questioned site lighting.

Mr. Weaver amended the motion to include:

(7) Approval of lighting details to be obtained.

Jean Boen seconded the amendment.

Mark Weaver voted yes.

Gil Ning voted no.

Jackie Middleton voted yes.

Heather Kobilarcsik voted no.

Wanda Christopher-Finn voted no.

Jean Boen voted yes.

Fred Seling voted yes.

Motion failed due to lack of majority by a 4-3 vote.

Mr. Seling stated at this point, the request failed due to a lack of action on the part of the Commission which would require the applicant to resubmit for the next meeting. Mr. Drushal stated no action would mean the applicant would be on the Commission's agenda(s) until it acted on the proposal.

Ms. Boen stated she was not certain the Commission had the ability to rule out development as it was not the Commission's responsibility to evaluate the necessity of it. Ms. Christopher-Finn stated in that case, the Comprehensive Plan needed to be adjusted then. Ms. Christopher-Finn stated she agreed with Ms. Kobilarcsik and felt that this particular development did not fit in with the Comprehensive Plan given all the vacancies in the north end and in the downtown.

Mr. Seling noted the City was in the process of working through the Comprehensive Plan and had invited people to be a part of that process, and indicated that if members did not like proposals like this, they should be involved in the Comprehensive Plan process.

Ms. Boen stated she had the same concerns about vacancies, but that a development plan was in front of the Commission for review. Ms. Kobilarcsik stated one of the criteria in evaluating development plans was that it was consistent with the Comprehensive Plan. Mr. Dutton stated the Comprehensive

Plan was a guide for decision-making, but that the Commission could not take a property owners right away to develop property under the permitted uses in the zoning district in which it was located.

Jack Gant stated tenants who wished to locate in Wooster had studied the area, were aware of the vacancies, but the demand was for larger buildings and uses could not always fit within existing, vacant buildings.

Mr. Seling stated the Comprehensive Plan was a guide, and the regulations were part of the Zoning Code. Mr. Seling stated the Comprehensive Plan did not have any legal authority behind it other than it was a guideline to use in how to develop the community. Mr. Seling stressed that the Commission should be a part of the ongoing changes to the Comprehensive Plan. Mr. Dutton stated there have been several public meetings and a website had been created as well relating to the Comprehensive Plan.

Mr. Drushal stated it should not come as a surprise that someone would want to develop land zoned C-3 for commercial purposes and noted that the development was completely consistent with the Comprehensive Plan.

Mr. Tesler stated Chase Properties attracted Lowes and Kohl's to the community. Mr. Tesler stated tenants wanted to be together with other tenants to feed off of each other.

Carol Hines, 4563 Huntington Woods, stated all she saw from what was being proposed was major traffic congestion.

Mr. Seling questioned if anyone on the Commission had changed their position or if there was a different motion to present.

No action was taken by the Commission.

Meeting adjourned at 8:02 p.m.

Fred Seling, Chairman

Laurie Hart, Administrative Assistant