

ALLIANCE CITY PLANNING COMMISSION
MINUTES OF July 15, 2020
4:30 P.M.

Attendance: Members – Mark Locke, President; Mayor Andreani; Mike Dreger; Brad Goris; Kim Henderson; Cheryl Lundgren; Harry Paidas

Meeting held by telephone/video conference due to COVID-19 pandemic. Also present were Commission Counsel William Morris; Joe Mazzola, Curtis Bungard, Engineer; Shane Howard, Zoning; Candice Martin; This meeting streamed live on the City of Alliance Facebook page.

Roll Call Vote. All present.

Paidas made the motion to move into public hearing. Henderson seconded the motion. All are in agreement.

1) Public hearing, set for 4:31 p.m. for a Request of a Conditional Use for Outdoor Eating/Café by Aeonian (Catalyst) Brewing Company to be located at 120 W. Chestnut St., Alliance, OH 44601 submitted by Douglas K. Berry, Architect (20200631PC);

A letter was received and read aloud by Mark Locke from Dr. Johnson, a property owner at 2106 S. Miller Ave. His property and tenants share an alley with the proposed Aeonian Brewing Co. Letter condensed below:

Dr. Johnson would like the Planning Commission to ensure that the alley remains accessible to their tenants so they can access the property’s parking area. He also would like to request that it not be blocked during construction of the brewery or blocked due to the brewery’s customers. He suggested a fence or sound barrier may alleviate the problem.

No one at the virtual kiosk to speak in favor or in opposition of.

2) Public hearing, set for 4:34 p.m. (or immediately following the first public hearing) for a Request of a Conditional Use for a Multi-Family Unit in a B2 (Thoroughfare Commercial) Zone to be located at 835 W. State St., Alliance, OH 44601 submitted by Bayan Alihassan (20200633PC);

An email was received and read aloud by Mark Locke from property owners at 811 W. State St. (site of Enterprise Rental Car Agency). Email Condensed below:

Maple trees are to be planted according to the site plan. In their experience the roots upend the asphalt and create a lot of mess from limbs, sap, whirly wigs, and leaves. Could a different type of plant be used as a barrier between the properties? Without a fence people from the multi-family unit will park at the enterprise car lot on the weekends and for birthday parties, etc.

No one at the virtual kiosk to speak in favor or in opposition of.

3) Public hearing, set for 4:37 p.m. (or immediately following the second public hearing) for a Request of a Conditional Use for a Hardware and Home Improvement/Building Supply Store in a B-4 zone to be located at 1006 S. Arch Ave., Alliance, OH 44601 submitted by the Alliance Area Habitat for Humanity (20200702PC);

No one at the virtual kiosk to speak in favor or in opposition of.

Paidas makes motion to move into public hearing. Henderson seconds the motion. All are in agreement. Regular meeting called to order. Roll call vote. All Commission members present.

4) Henderson makes the motion to accept the minutes from the June 17th, 2020 meeting. Paidas seconds the motion. Roll call vote. All are in agreement.

5) Request of a Conditional Use for Outdoor Eating/Café by Aeonian (Catalyst) Brewing Company to be located at 120 W. Chestnut St., Alliance, OH 44601 submitted by Douglas K. Berry, Architect (20200631PC);

Mr. Doug Berry is sworn in. Doug Berry, Architect located at 686 W. Market St. Akron, OH. Conditional use requested for outdoor eating for back area of building to suite the clients' needs.

Curtis Bungard, City Engineer explains that the patio will be located on back of building. Seems very appropriate for the use there. Recommends approval.

Planning recommends approval.

Dreger asks if there is any plan to vacate the alley to the west.
Mr. Berry replies he is not aware of any alley vacation on the west side.
Locke believes that this alley was the subject of the public speaks person.

Goris asks if the outdoor eating area is the proposed deck on the site plan.
How many patrons would that accommodate?
Mr. Berry states 15 to 25 he does not recall the numbers.

Henderson asks if the patio will be enclosed. What will protect the public using it?
Mr. Berry states it will have a guardrail, it will be covered with lights and ceiling fans.
It is a raised patio about 4 ft. up.

Mayor Andreani asks if music will be played outdoors.
Mr. Berry says none planned at this time.

Lundgren asks if lighting will infringe on others property.
Mr. Berry said that lighting is small and inside. He will review that to make sure that lighting will not affect neighbors.

Lundgren asked if a fence would be erected to prevent the neighbors from hearing noise.
Mr. Berry says that the deck will not affect them. The deck is on the backside of building. The neighbor in question is on the northwest corner and they are shielded by a concrete walled building. They should hear nothing from that deck.
Locke adds that neighbors were mainly concerned about access to their parking area.

Paidas says that he doesn't feel that the neighbors request is unreasonable. He wants the neighbor's concern to be taken into consideration.

Lundgren adds that Lavery Chevrolet was in constant conversation with their neighbors and there are no problems to this day.

Paidas moves to approve Conditional Use for Outdoor Eating/Café by Aeonian (Catalyst) Brewing Company. Goris seconds. Roll call vote. All are in agreement. Motion passes.

6) (Possible) Consideration of Variances for Aeonian Brewing Co. to be located at 120 W. Chestnut St., Alliance, OH 44601 submitted by Douglas K. Berry Architect, LLC (20200565PC);

Mr. Berry explains that they want to open the brewery on a limited budget. He feels that if they can get the variances, it will help them open. They intend to deal with them in improvements as they continue to grow.

Locke lists the three Variances:

1. Gravel parking lot
2. Sidewalk in front of the building
3. Drive apron

Mr. Berry verifies that it is correct.

Mr. Bungard says the site plan last month in Planning had approved it conditionally meeting the City Engineer's comments. Some of the comments were hard surface parking is required; the sidewalk and drive apron is broken up and needs to be replaced.

He further explains that the gravel parking lot has 3 areas and then goes on to explain each area.

- Gravel parking to the right in front of the garage doors extending into the neighbors parking area.
- Gravel area in the driveway going to the back- starts as asphalt and becomes gravel
- Gravel parking lot to the southeast: a whole separate lot.

Without using that separate parking lot to the southeast they do not have enough room to fit the parking required for this use.

He thinks using the gravel parking lot temporarily is ok. The owner and architect said they want to pave it in the future. He believes it is appropriate to consider giving them a variance for couple years to get on their feet.

A row of shrubs will also be planted to keep people from parking in the alley and blocking it or blocking the neighbor's parking area.

Bungard believes that all three variances are appropriate and recommends approval for all three.

Mr. Locke states that we have offered 2 year variances on these types of items in the past.

Mr. Bungard said that it is very typical from what he recalls.

Joe Mazzola states that he had a site visit with the owner, the contractor, Andrew with engineering, and Shane the Zoning Inspector and he doesn't think this is an unreasonable request. They are looking to put their initial investment into the building and the owner has assured him that he will comply with all the variances in due time. He recommends approval.

Dreger asks what time frame would be needed for the extension.

Mr. Berry said he is comfortable with two years. He feels that it is a question for the owner to answer.

Dreger asks if anything shorter is acceptable.

Mr. Berry is uncertain.

Goris explains that he is still concerned there is not enough parking for the use there. He counted all seats in the initial plan. He got 97 patrons or so. On the deck, Mr. Berry said there will be maybe 20 on the deck. We are up to close to 120 people. This is not including all the bartenders, waitresses, busboys, and cooks. Is the

overflow parking going to be in the adjacent gravel area lot that they own? He would hate to have people parking at the bank and who knows where else.

Mr. Berry states that the owner has no desire to park in the front area. He wants to keep all the parking to the back. He explains they had early plans where they were considering the paving issue. It showed them to have 55 to 58 cars.

Goris says that would assume people are coming 3 to a car or so. He comments that the City must be comfortable with the available parking on the proposed site.

Mr. Bungard said that zoning calculated the number of spots required based on the square footage to be 35. They don't quite have that without using the gravel lot to the southeast. Using it they would be close to 60 spots. They can easily meet the requirement based on the square footage if they can use the gravel lot.

Lundgren is interested in the landscaping. She is hopeful that in the future the landscaping will include the planters that were indicated by others on the plans.

Mr. Berry says that barn stone for the planters has already been purchased and there is a landscaping company that is looking forward to accumulating the plants as described in the plans and more are planned.

Paidas wants to know how to determine curbing. There are no curbs right now.

Curtis says there are limits as to how wide a drive apron can be. That is why we were requesting a drive apron at least for the main entrance. The parking in the front is being proposed for employees only. The existing garage doors in the front are going to be for truck deliveries so the big wide apron along the front he was not really concerned about. He did want to get the hedgerow established so the project is not encroaching on the neighbors.

Henderson wants to know where the ADA parking will be.

Mr. Berry explains that there will be a ramp in the back with the required number of spots. There is concrete already there.

Mayor Andreani makes motion to grant variances for the Aeonian Brewing Co. for the gravel parking lot, the sidewalk in front of the building, and the drive apron for a period not to exceed two years. Paidas seconds. Roll call vote. All are in agreement. Motion passes.

7) Request of a Conditional Use for a Multi-Family Unit in a B-2 (Thoroughfare Commercial) Zone to be located at 835 W. State St., Alliance, OH 44601 submitted by Bayan Alihassan (20200633PC);

Mr. Alihassan is sworn in. Bay Alihassan states the project is a 17 unit apartment complex. 15 - 2 bedroom and 2 - 1 bedroom units. The entry way and exit is on Hartshorn to alleviate any congestion on State St. Very family oriented. There will be more than enough parking to satisfy the need of the tenants. It's going to match the area with the college. It will look very professional. If he were to place a commercial retail development he would be allowed to have a 15 year tax abatement. On this development it will be 2 million dollars plus his personal taxes are going to increase 2 or 3 fold. Mr. Alihassan explains that he will be paying them yearly \$25,000 – \$30,000 a year with no abatement. Therefore, it will be great for the schools.

Mr. Locke asked if he would like to address his neighbors concern to the east. (Referring to the email read during the public hearing)

Mr. Alihassan said he doesn't have much to say about that. He states the property is open right now on both sides. Enterprise's cars are daily parked on his grass. He explains that a curb will be there in the future so that

cars will not be parked on each other's property. As far as the trees and roots growing underground are concerned they can address that. Trees can be changed.

Mr. Bungard explains that there are apartments nearby on the other side of Rockhill: they are town houses. Versus this is a three story apartment being proposed. As far as being amongst these residential uses to the north on Hartshorn, a residential apartment building is better there than a commercial site such as a strip mall. There are screening requirements in the multifamily use codes in the zoning book chapter 1162.09, but they are not as strict as what it used to be before the area was rezoned B-2 for the entire area including Hartshorn.

The screening that is required there everyone would have to be comfortable with what he is proposing there. Types of trees can be addressed during the site plan process. Thinks a multifamily use is consistent based on the apartments to the east and it is near the college zone. Recommends the conditional use of a multifamily apartment use and he would recommend approval.

Joe Mazzola believes the owner contemplated a number of solutions to this site and he thinks he has come up with a fine resolution to what can go on that property based on the building environment. Recommends approval.

Paidas asks what type of clientele will this apartment complex be geared toward?

Mr. Alihassan answers that it is open to the public and whoever can pay the asking price can stay whether it is two college students or a family with a couple children.

Lundgren says when she compares B2 with the college housing it is in the college zone which has different parameters than B2 so we can't say it is comparable.

Mayor Andreani asks the question: One of the variances is on the recreational area: 400 square feet. Where is that? Inside the building?

Mr. Alihassan explains that they were going to ask for a variance to waive it. It is a matter of 400 square feet we can squeeze it in there. If that is an issue we have a laundry room area that is 900 sq. ft. For 400 sq feet we can address that. The college is next door. One of the best campuses in the United States. If someone wants to take a jog or a walk or recreational activity they just have to cross the street. So literally they have like 500,000 sq. ft.

Henderson asks Dreger about sewer drains and water. Can the City handle that many units?

Dreger explains that the waterline running through there is 12 inches. There is also 12 inches running down Rockhill and State St so he doesn't see any capacity issue.

Locke says that all of that would be part of the site plan that has to be submitted.

Henderson asks if this is a for sure project because he remembers voting on another project and nothing happened.

Mr. Alihassan answers that it is a for sure project. He has the financing in line; he has been working with the City for 8 or 9 weeks.

Paidas moves on acceptance of conditional use. Lundgren seconds.

Roll call vote. All are in agreement. Motion passes.

- 8) Consideration of Variances for a Multi-Family Unit in a B-2 (Thoroughfare Commercial) Zone to be located at 835 W. State St., Alliance, OH 44601 submitted by Bayan Alihassan (20200709PC);**
- a. Variance request for the Recreational Area required for a Multi-Family Unit – 1162.09(e)**
 - b. Variance request for an additional 5' building height – 1124;**
 - c. Variance to waive market study requirement for this unit;**

Mr. Alihassan says that the variances speak for themselves. He has done a lot of research and is investing the money into the project and the area calls for it. He feels the use and the area will work for what he is trying to do and doesn't think he needs a study to tell him that.

Mr. Bungard explains that waiving the market study is a common request. Most of the risk is with the developer. There is a variance request that is going to the BZA next week. They will be asking for 3 stories instead of 2. So we are a little out of order. Two stories are allowed in a B2 zone but 3 are being requested. However, the maximum building height is a Planning Commission consideration. For a 3 story building they are asking for it to be 50 feet instead of 45 feet. Bungard doesn't see 5 ft. being much of a difference. It will stand pretty tall on that bit of a hill on State St. The recreational area by the calculation would be 4,639 sq. ft. but the minimum by our code is 5,000 sq. ft. He explains that in multifamily, we have had passive or active recreational areas. That means you can have swing set areas for kids or a walking path along a wetland area and benches. It is a pretty tight sight. He doesn't know if people would want to sit outside next to State St. or if residential people want people from an apartment building sitting out right behind their houses. Each one of these he does not see as being critical to the success of the project.

Mr. Locke asks if we have received any comment about the additional height from the fire department. Bungard says no he did not ask them.

Lundgren mentions Mr. Alihassan's earlier comment that the complex is family oriented and believes that it would be nice to have a playground available and not the idea tenants can rely on the university's private property for recreation space. Raising the height of the building is also a concern. The City engineer says it is already on a hill compared to the rest of the street. To raise it to three stories will have quite a presence and will not fit in with the residential area. Up and down State St. there are no 3 story buildings except on the college property and that is zoned college and is altogether different than B2. She believes financially it makes sense for the business owner as he can allow more people on the property. But by allowing this she asks if we are setting a bad standard in the future that others may want to follow. She thinks back on Potter's Creek and all the fuss that has been made to make sure they had recreational areas for multifamily dwellings and they complied and had to change their plans. It seems unfair to have made them follow our guidelines and then we pass this variance saying that this one doesn't need one and that they may use the college property as a recreation area.

Paidas doesn't believe that he could tell the difference over 5ft from just looking at it. He is ok with the variances. He shares Lundgren's concern about the recreational area. He hopes that the landlord would accommodate with more outdoor opportunities if a lot of the clientele turns out to be families.

Henderson asks how many rentals would be approved if we allow for the extra 5 ft? He also asks if there is enough room on the lot for tenant parking and a recreational area.

Mr. Alihassan states he will have plenty of parking; 41 spaces. He is asking for a variance on the recreational area.

Lundgren moves to accept the variance for the 5 ft. building height and the waiving of the market study but not approving the variance waiving the recreational area. Motion failed with no second.

Mayor Andreani moves to grant the three variance requests for the recreational area, the market study, and the 5ft additional height contingent on the action of the BZA approving 3 floors. Paidas seconds motion.

Mr. Bungard also clarifies that the 5,000 sq. would be a square 70 x 70 ft. area or a strip of land 35 x 140 ft. if rectangular to give an idea of the area.

Roll call vote.

Dreger, Goris, Henderson, Mayor Andreani, Paidas - yes

Lundgren – no

Motion passes.

9) Request of a Conditional Use for a Hardware and Home Improvement/Building Supply Store in a B-4 zone to be located at 1006 S. Arch Ave., Alliance, OH 44601 submitted by the Alliance Area Habitat for Humanity (20200702PC);

Mayor Andreani moves to excuse the president due to conflict. Henderson or Paidas seconds motion. Roll call vote. Motion passes. Mark Locke can still conduct but is unable to comment or vote according to the law director's office.

Niki McIlvain is sworn in. She explains that the building is zoned as B4. They are looking to transform the building into what is considered a hardware store. It will receive donated items such as appliances, tools, furniture, and home goods and will sell the items at affordable prices. The proceeds benefit construction programs to build and renovate more affordable housing. It will help to eliminate blight by renovating the main corridor of the City, it will renovate a building that has been vacant for part of a decade, will attract shoppers outside the area, and will create jobs for local residents.

Bungard thinks this is an excellent use for this building. The building has had a similar use in the past as a carpet and flooring store. There is a mixture in that neighborhood of residential and commercial. It has been vacant for so long that engineering will need a site plan or at least a waiver of a site plant to make sure there is enough parking and pedestrian circulation. Recommends approval.

Mr. Locke explains that they are on the BZA next week to get a parking variance.

Mazzola says that this is a public and private sector community effort. A lot has been done to get it to this point and recommends approval.

Henderson asks if there will be offices in the building.

Ms. McIlvain explains that habitat will have retail in 5,600 sq. ft. and the other portion 2,750 sq. ft. will be for education classes, meetings, and office space.

Mr. Henderson also asks how things be loaded in and out of the building.

Ms. McIlvain explains that on the north end there is a ramp and entrance that leads into building. That will be the donation drop off area. There is another spot that once had a garage door and that is already built into their site plan.

Goris moves to approve conditional use. Henderson seconds. Roll call vote. All are in agreement. Motion passes.

10) Replat of Lots 7736, 7737, 7738, 7739 and 7740 located 545 Buckeye Ave., Alliance, OH 44601 submitted by Thomas E. Snyder (20200705PC);

Mr. Andrew Fast was sworn in. He is the home owner. He would like to build an addition on his home and needs request a replat to accomplish this.

Paidas moves to allow replat of Lots 7736, 7737, 7738, 7739 and 7740 located 545 Buckeye Ave. Lundgren seconds. Roll call vote. All are in agreement. Motion passes. Replat will now go to City Council for approval.

11) Other Business:

Locke mentions Morgan Engineering and says it is worth the drive to see the office building and landscaping.

Dreger brought up the question that was asked earlier about the fire department. He believes Morgan Engineering has a building that is 75 ft. He stated that the fire department vigorously supported that construction and Morgan had to get a variance from the state. He doesn't believe the fire department is going to have a problem with 45 to 50 ft.

Lundgren wants to know if there is an update on the Council's hearing vote on the rezoning issues.

Mayor Andreani said that Council should take it up next week. She heard through the grapevine that Council was planning to divide the vote. City Planning Commission recommended that it not be rezoned 4:2 between Parkway, Federal, and Lilly Lane. What she heard was that Council was thinking of dividing that into two votes from Parkway to Federal was one vote and from Federal to Lilly Lane would be another vote.

Mayor said that the two area consideration emanated from the Planning, Zoning, and Housing Committee where it was originally referred. Council will have to take that up however they are allowed to based on state law. That will be under the jurisdiction of the law director. They will have to decide if they can be split / do they both require supermajority votes. There are a variety of things that will have to be considered as to how Council will consider that. It has not been determined yet.

Lundgren recalls that City Planning Commission did not divide the street when they voted on it. So if City Council votes on it divided she doesn't believe it to be the same thing that was voted on by the Planning Commission. Mayor Andreani explains that issue is something that will have to be asked to the law director as to how to proceed. He is not sure of the answer.

Lundgren asked why they decided to divide it.

Mayor Andreani states that that question should be asked to the people who divided it at a regular Council meeting. Mayor says that Council will need counsel before they can vote.

No other business.

Paidas made the motion to adjourn. Henderson seconded the motion. Roll call vote. Meeting adjourned at 5:55 pm.