

ZONING COMMISSION

January 25, 2024

Public Hearing – 6:00 P.M.

Approved: 4/11/2024

Continue Case ZC-23-02 – A. J. Petitti, Petitti Garden Center, for a rezoning request through a map amendment, from a B-3 Office Research and Limited Business District to a B-2 Community Business District, for the property located at 395 Springside Drive.

Mr. Chairman called the meeting to order and asked for a motion to untable Case ZC-23-02. Motion to untable by Mrs. Burnham; seconded by Mr. Craven. All in favor.

Roll call was taken, the Pledge of Allegiance conducted and the oath/affirmation was administered.

Members present: Chairman Richard Bradner, Vice Chair Maryellen Burnham, Joy Kosiewicz, Scott Meyer, Marshal Pitchford, Kyle Craven, Legal Counsel Bob Konstand, Planning Director Bill Funk and Zoning Secretary Nanci Noonan. Emily Hete was excused.

Zoning Secretary certified, for the record, that the public notice was published in the West side Leader, Thursday, January 11, 2024.

Planning Director overview:

- **Current Zoning: B-3 Office, Research and Limited Business District:** The purpose of the B-3 Office, Research and Limited Business District is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, offices, institutions, office-like research and sales facilities, and other similar or limited commercial activities. Carefully controlled site development is necessary to encourage a functional and aesthetically pleasing office environment and to protect the residential character of adjacent areas.
- **Proposed Zoning: B-2 Community Business District:** The purpose of the B-2 Community Business District is to establish and preserve general commercial areas consisting of shopping centers and other business concentrations serving the general consumer population of the community and area. These business areas are to be generally characterized by an integrated and planned cluster of businesses served by common parking, service and access facilities.

Location/Property: Property is located on the southwest corner of the Springside Drive and N. Cleveland Massillon Road intersection. To the north is the former InfoCision offices which will be a future church use, to the east are offices and assisted living facilities, to the south is the Lowes store, and to the west is office.

Site Description: The site currently is used as office space. The site slopes down slightly to the west and there are no environmental restrictions on the parcel according to the Summit County GIS. Adjacent zoning districts and photos of the property were pointed out via the exhibits on screen.

Proposal: The Applicant is proposing to use the building for a Petitti’s Garden Center. The applicant is proposing to add a vestibule and an enclosed greenhouse to the existing building. They are proposing to add parking along Springside Drive and N. Cleveland Massillon Road as well as additional ingress and egress, mainly for deliveries, along N. Cleveland Massillon Road. Mr. Funk pointed these items out via the exhibits on screen. He added that the Comprehensive Land Use Plan of 2011 classifies this as general office use.

Summit County Planning Commission recommendations: Mr. Funk shared that the Summit County Planning Commission held their public hearing for this map amendment on Thursday, January 18, 2024, at 3:00 p.m. The Commission heard a presentation from the applicants and received public comments. Following discussion and

review of the recommendation to approve from Summit County Planning Staff, the Planning Commission recommended to approve the proposed map amendment for 395 Springside Drive.

Mr. Angelo Petitti, 25018 Broadway Avenue, Oakwood Village, Ohio, presented to the Commission a few changes that they have gone through since the last meeting. They have gone through one meeting with the ARC and went through BZA and got approval from the BZA. They will have another meeting with the ARC to finalize the questions and comments they had presented regarding materials, stormwater and the green space percentage. Mr. Petitti felt that it's coming together very well and he is very excited about it. He walked the Commission through the landscaping in the front and bioswales for water quality on the side. The shade structure, the loading area, the entrance to the store and the additional building were reviewed. Mr. Petitti presented a side profile of what the building looks like and how it falls along Springside. He believed at the highest point there will be about a 4' to 6' difference and then it falls onto David Levy and Associates; the transition is not much more than what it is as of today. Mr. Petitti walked through the remaining landscaping and noted that they would use green giant arborvitaes to screen from David Levy and Associates. He spoke to stormwater retention and noted the current basin may be defunct and they will make sure they accommodate for the water and meet code.

Mr. Ian Jones, with Mann Parsons Gray Architects, 3660 Embassy Parkway, stated they have been working with A.J. since the last Zoning Commission meeting to tighten this up and that he would be happy to answer any questions. Mr. Jones introduced Mr. Joe Ciuni to talk about the preliminary stormwater design. Mr. Ciuni, with GPD Group, 5595 Transportation Boulevard, Garfield Heights, Ohio, is a registered professional engineer and surveyor in the state of Ohio. Mr. Ciuni stated that no detail work has been done on the project yet as they are waiting for approval of the Boards. They have, however, done preliminary work to determine what their stormwater detention will be and will be abiding by Bath's code and the State of Ohio's code. He referred to the existing site plan exhibit and stated it is from 1988 when the company built the office building and stated that it's basically divided into two zones. The bottom half of it goes to a basin in the back which is not functioning anymore. Mr. Ciuni said they will account for that and put in another detention basin underground in that area. Another low point is at the corner at Springside, and they will accommodate the old detention basin and will accommodate all the new build. Regarding the grading Ian and he have worked on it and this rendering shows how much it drops which is only about a six foot difference where the shade structure ends and the property line.

Public comment:

Proponents – Mrs. JoAnn Alexander, 270 Harmony Hills Drive, stated she still supports this application for the same reasons she presented at the first hearing. It is an area that already has the JEDD, the type of business is not significantly different from what is there now, the traffic will not increase and it does not require any infrastructure additions or changes, except things that you are undertaking already at your cost, which means the tax payers of Bath/Summit County are not going to be responsible for any additional costs. Mrs. Alexander did have one request which is that they try and meet dark sky lighting rules for the parking lot and the building itself.

Mr. Jones replied to say that all the light fixtures will be pointing down, but will definitely abide by that. Mr. Chairman pointed out that we do have dark sky code in our regulations.

Mr. Chairman swore in resident Mr. David Effler. Mr. Effler, 153 N. Cleveland-Massillon Road, spoke to say that he approves of the zoning change on the property. It seems like it will fit the area well and not bring about changes to the zoning that's already currently south of the property. Mr. Effler stated his property is to the south east of this and he doesn't think it will affect much of anything and will be a good use of the office building as office buildings aren't really needed much right now. He felt this would be considerable improvement for the long-term.

Opponents – none.

Commission discussion: Mr. Pitchford stated his only question or concern has to do with the water runoff. Because you will be doing away with some of the grass on the far west side and putting in the greenhouse which will make it hardscape, did you say the underground tank will be sufficient to cover that? Mr. Ciuni responded to say yes, it has to be according to the code. Mrs. Kosiewicz asked if any other comments were received from neighbors regarding this application and Mr. Funk stated that we have not received any correspondence at this time. He also shared that

the applicant did go before the BZA and received a variance for open space, but that it is all contingent upon the rezoning approval. Mrs. Kosiewicz stated that the Comp Plan noted to keep this area B – 3, if we rezone it to B – 2 what is the risk of neighbors requesting the same change as some of the other uses would be opened up. Mr. Funk shared that they have had some conversations with the applicants, similarly to what we have done in the past, to enter into a development agreement that would limit them to basically state what they have proposed to do. Mr. Konstand, legal counsel, addressed the Commission. He said the Trustees have just retained a new consultant to review the Comp Plan. The existing Comp Plan was done 10 or 12 years ago and it didn't contemplate what would happen with Covid and office space. One of the assignments in looking at the Comp Plan is to address what we can do about Springside and the office areas in the Township that need attention. Meaning, that there will be some changes. Regarding the Petitti project, Mr. Konstand shared that they had meetings with Mr. Petitti. If the Trustees decide to go forward with rezoning after this Board's decision tonight, we're going to enter into a development agreement, similar to what we did with Sheetz and Texas Roadhouse. When they met with Petittis they were adamant that they wanted us to approve just what they have before them and don't want us to change anything. Mr. Konstand said that is good for us because we don't want them to change anything either.

Mrs. Burnham inquired how many employees they would have. Mr. Petitti stated that at peak season he estimated about 50 on payroll at the store and about half of that is the most you will see on site at one given time. She asked what condition the parking lot pavement is in and if it has to be redone. Mr. Petitti stated they will have to pretty much take all the concrete out to build the greenhouse. The parking lot will be redone with asphalt. Mr. Meyer asked about the parking as it looks like a lot to him; is this based on the projected needs or on the code? Mr. Petitti responded to said that the parking need is mirrored off of what they are using at their Jackson Township store. There are 171 spaces there and this site provides 181 spaces. It lines up pretty accurately as does the square footage counts for the shade area space, the plant area space, the surface area and the building. Mr. Petitti is comfortable with the amount of space and stated he is confident this should be able to handle the traffic flow. Mr. Craven had no questions but wanted to say that he likes the reuse of the building and that they are local family is also a plus. He has no problems with any of this plan.

The hearing was closed with no further information or questions by the Commission or applicant.

Motion to approve the application for rezoning from a B-3 to a B-2 by Mrs. Burnham; seconded by Mr. Craven. Mrs. Kosiewicz asked for a motion to amend the motion to approve, subject to a Development Agreement be put in place. Mrs. Burham amended her motion to approve the application for rezoning, from a B-3 to a B-2, subject to a Development Agreement; seconded by Mr. Craven.

Roll Call: Mrs. Burnham - Yes
 Mrs. Kosiewicz - Yes
 Mr. Craven - Yes

Vote: 3 -0 Approved.

Mr. Chairman adjourned the hearing.

Please see the hearing presentation via the Township's website link:

https://www.bathtownship.org/agenda_details_T42_R668.php