

ZONING COMMISSION

December 14, 2023

Public Hearing – 6:00 P.M.

Approved: 4/11/2024

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, 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, Emily Hete, Kyle Craven, Planning Director Bill Funk and Zoning Secretary Nanci Noonan. Scott Meyer and Marshal Pitchford were excused.

Zoning Secretary certified that the public notice was published in the West side Leader, Thursday, November 30, 2023 for the record.

Planning Director overview:

- **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.
- **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 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 will hold a public hearing regarding the application on Thursday, December 21, 2023, 2023 at 3:00 p.m. The meeting will be held in the Summit County Council Chambers, 7th Floor of the Ohio Building, 175 S. Main Street, Akron, Ohio 44308.

Mr. A.J. (Angelo Jovani) Petitti, 24000 Lake Road, Bay Village, Ohio, presented to the Commission that they are very excited to be in this area. He shared that they operate nine retail garden centers in Northeast Ohio. They grow 90 percent of the plant material they sell right here in Northeast Ohio. They have outstanding relationships with every community that they are in and strongly believe in giving back to the communities. He stated that a lot of the stores have taken challenging facilities/sites and buildings and transformed them into successful retail garden centers. Regarding the Springside Drive site, the proposal on screen is essentially the footprint that they need to make the model work. They have had the architects and engineers take a hard look at it and it has been tweaked a little bit, especially regarding trucking and the loading dock area. Mr. Petitti walked the Commission through the site and explained the buildings in detail. Mr. Angelo Jovani, 1030 Top-O-Hill, spoke regarding the outdoor plant storage protective coverings. He stated in the spring when we have adverse weather, they are able to close it to protect the plants and then in the summertime when it gets extremely hot it provides protection in the middle of the day. They have this structure in most of the stores.

Mr. Ian Jones, 3660 Embassy Parkway, architect with Mann Parsons Gray Architects, has been working with A.J. on the site plan. One thing he felt was worth pointing out is when you look at Springside and how the buildings further west are arranged with the parking in relationship to the buildings; what they are proposing is similar as far as wrapping the corners of the lot, with a single loaded aisle in the absolute northeast corner. Even though the rezoning from a B-3 to a B-2, it is still cohesive to the other existing B-3's after it would be rezoned. Mr. Jones presented that they are in the middle of this rezoning process and the next steps would be the Appearance Review Commission, the Board of Zoning Appeals and then the County permits.

Mrs. Burnham inquired how the building would be appealing from the street. Mr. A.J. Petitti replied in saying that obviously this is their business, and they will be happy to work with recommendations from the Township. But basically, they will be making it beautiful with a variety of plantings along the building and plantings along the streets to act as buffers. Mrs. Burnham asked specifically about keeping existing pine trees and Mr. Petitti stated that depends on where they're located. Mr. Angelo Petitti spoke to say he didn't think any of the existing trees would stay, per the way it is proposed, but they will be planting trees all the way around so that the green area around will be totally landscaped with plants. He noted they would have to pick certain kinds of trees that can will be salt tolerant on Cleveland-Massillon Road. Mr. Chairman asked if there was anyway some of the mature trees could be saved by building islands around them. Mr. Petitti said that once the dirt is removed and ground is disturbed the chance for the trees to survive is very, very minimum. They will plant plenty of fairly mature trees and the perimeter will be well represented. Mrs. Hete inquired if there had been any discussion regarding deed restrictions as it pertains to uses. Mr. Funk shared that there will be preliminary conversations to introduce the idea. Talk is going back-and-forth about a development agreement to ensure what their presenting is what we would ultimately be getting. Mr. Angelo Petitti spoke to say that this will be the last center to be built so we're looking for something that is very special to complement all the things that they do. Mr. Craven inquired as to how many jobs would be created and Mr. A.J. Petitti stated he estimated about 45 to 50 jobs. Regarding an existing embankment that just got repaired, Mr. Petitti stated they will probably make it better because the soil level has to come down as they build the driveway. It was explained what could be done there via his exhibits on screen and said they are working with their sources to come up with the best option.

Public comment:

Proponents – Mrs. JoAnn Alexander, 270 Harmony Hills Drive, stated she supports this change for five reasons: 1.) It doesn't convert valuable, residential property to commercial. 2.) This change is consistent with the composition of the area. 3.) The infrastructure is already in place. 4.) The change will not cause an inordinate amount of stress on the surrounding area. 5.) The change does not require an extension of the JEDD. It helps Township keep faith with the voters to implement the district as a way to restrict expansion of business not as a way of facilitating.

Neil Levy, 345 Springside Drive, David A. Levy & Associates - neighbors to the west. He stated he is thrilled to have retail neighbors and thinks the use of the building is great. His questions are on the retention basin being eliminated on the plan and the water shed. He stated that they also have a retaining wall on the line between the two properties which suffers from loading and soil erosion and water running in the general direction. With the use and the hardscape increasing that slope, we assume it will increase as well which will increase pressure. He would like the applicant to address the concern on the water shed, the pressure on the wall etc. Mr. Levy shared that they're

happy to be a part of any conversation. The last concern was signage, because they get a lot of traffic looking for Lowe's and turning around in their parking lot thinking it is some back access to Lowe's.

Opponents – none.

Mr. Angelo Petitti responded to Mr. Levy. First of all, regarding from a direction standpoint, you will not miss the place. The Garden Center will scream its name and the curb cuts will be wide enough so you should not have any issue going in or out. As far as the water question, they are using a bioswale for retention and it will be wide enough to take the water out very slowly and filter it. Mr. A.J. Petitti stated that they are acutely aware of the problem and the engineers are working on the calculations. They are planning on brining in fill but are looking for the engineers to recommend the right process and will do what they recommend to do. Additionally, the applicants stated they are open to negotiating a development agreement that includes use restrictions.

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

Motion to table the case until Thursday, January 4, 2024 by Mrs. Burnham; seconded by Mr. Craven. All were in favor; motion carried. (Note: the January 4th date was cancelled on December 21st and is now **January 25th**.)

Mr. Chairman adjourned the hearing.

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

https://cms9.revize.com/revize/bathtwpoh/agenda_details_T42_R631.php