

**CITY OF TWINSBURG
PLANNING COMMISSION MINUTES
November 04, 2019**

Mr. Cohen called the meeting to order at 7:00 p.m.

Present: Messrs.: Zeitz, Metropulos, Sterling, Cohen and Shebeck

Absent:

Also Present: Ms. Lynn Muter, City Planner

Mr. Scott Barr, City Council Representative

Mr. Larry Finch, Director of Planning and Community Development

The Board recited The Pledge of Allegiance.

<p>CITY OF TWINSBURG PLANNING COMMISSION WORK SESSION NOVEMBER 04, 2019</p>

1. Final Site Plan – Senior Apartments

9422 Darrow Rd.

PP# 64-09130 and 64-09129 R-7 Senior Residence District

GREG SOMMERS / DARROW ROAD DEVELOPMENT, LLC.

- PLANNER’S REPORT DATED 10/10/19 ON FILE AND NOTED AS EXHIBIT A.
- UPDATE PLANNER’S REPORT DATED 10/31/19 ON FILE AND NOTED AS EXHIBIT B.
- SUMMARY LETTER – WILCOX MEADOWS ON FILE AND NOTED AS EXHIBIT C.

Robert Johnston, with Mann Parsons Gray Architects, 3660 Embassy Parkway, Fairlawn, Ohio presented the application to discuss the Wilcox Meadows final site plan for units, landscaping and miscellaneous setbacks approved through BZA and that the exterior building façade have been approved pending final color selection and stone materials to be reviewed by ARB.

Robert Johnston stated that since being here formerly at Planning Commission for preliminary, they have engaged the Bel Mawr residents. They have received, in writing from the HOA, approval for the landscape plan that has been presented. Buffering to make sure that there is appropriate screening between both complexes. Make sure the residents are happy and also works with the grading.

Mr. Cohen stated that in addition to what Planning Commission received in their packets, everyone should have received emails specifically regarding the landscape approval that was mentioned. There is a letter from Sommers Real Estate Group, 11/01/2019, that is signed by Greg Sommers and Ed Kopp, the HOA President. There’s a landscape portion of the plan that had three signatures on it that included three HOA Members: the President, the Secretary and the Member at Large.

Mr. Cohen stated that most importantly the email 11/01/2019 from Ed Kancler, the BZA Chairman, supports using the additional landscaping in lieu of the fence that was originally required by the BZA as one of their conditions.

Mr. Cohen stated that there are a few items being worked out as mentioned relating to some storm water design, water calculations, drainage and grading.

- Waiting for the final SWP3 from Summit & Soil.
- A post construction storm water maintenance agreement that needs to be submitted and approved.

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- Three items in the Planners Report for revision by the applicant. Those will need to be revised and submitted for approval by the City Planner before the final approval from City Council.

Ms. Muter stated that the changes to this final site plan include a different location for the storm basin and because of that the cluster mailbox location has been revised and then the additional off street parking that was provided has been relocated as well.

Mr. Sterling addressed the applicant and stated that he was not in favor of this in the beginning with the mass number of variances required in this project. At no point has he heard of any hardships which are required, he thought, before they would go for the zoning variance. He attended BZA meeting, the first meeting, where it was a little heated and a little discussion. It was tabled and you guys walked out. Two weeks later at the very same BZA meeting, it sailed through with a five nothing vote and no discussion about what happened at the previous BZA. It came with the expectations that if you appease the number of homeowners that buffer your property that's fine. But your project is in the City of Twinsburg and it affects everybody. We have zoning and we have variances but there is no effort at all to reduce or rearrange anything from the get go. You totally disregarded our zoning requirements. I'm telling you now that you will not have my support on this.

Mr. Shebeck stated that he appreciates the interaction with the neighboring properties. That was one of the things we were adamant as we started going through this process, is not impacting the folks in the Bel Mawr area. I appreciate all that effort. One of my concerns that I voiced continuously through this process is the location of the exit. It is pretty much in the same area as the existing drive for the residents that are there now. I think that it's a safety issue and the fact that the sign is on the north end of the property it's going to provide some obstruction for view for south bound traffic on 91. It does not have the same configuration as the Bel Mawr area does. This is basically a regular driveway out onto a main highway. I think it's a safety hazard mainly because it's marketed as senior housing. I'm not a big fan of that, I've always asked for that driveway to be moved to the southernmost area of the property to give enough buffer because of the railroad tracks there and site lines. Placing the sign on the north side of the property is going to further complicate site lines. While you have appeased the residents, I think you have created a safety hazard with the ingress/egress areas of the development.

Mr. Metropoulos stated that it was very important to me that this development have a connection to a larger community. I see one possible connection for a new trail but is there still going to be a connection to Edgebrook Crossing at some point in time?

Mr. Johnston replied that they are showing a proposed sidewalk from our drive connecting to the Bel Mawr residents. Then we have an easement running along the north property line, along the railroad setback.

Mr. Johnston addressed Mr. Shebeck stating that we are fine with moving the sign south and switching that on the plan and submitting it. I will go on the record saying that we will move the sign to the south side. We completely understand that.

Mr. Johnston stated that if we move that access drive towards the south that puts it closer to the Bel Mawr/Edgebrook Crossing. There's a rule of thumb with all these access drives, that you don't want to have them too close to each other actually, it has a negative affect from an access stand point. This could cause an accident between the two and too close to people pulling out.

Mr. Sommers with Sommers Realty Group, stated we did a full impact traffic study and looked at the deceleration lane and any part of these requirements. When we first came to see you guys we had 134 units and we are at half those units. This is part of our effort to reduce traffic and compromise on the site plan that we arrived at. It didn't

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warrant any deceleration lanes or anything like that because senior housing does generate less traffic volume. We had a professional consultant do a full on traffic study and the City approved after looking at those factors.

Ms. Muter stated that the traffic analysis was received by Planning, Engineering and our own Engineering Consultant that we hired to review the traffic analysis. What Mr. Sommers stated is correct that the traffic volumes didn't indicate a need for a deceleration lane.

Ms. Muter stated that she will try to address Mr. Sterling comments. Its BZA role to determine whether there is hardship, not Planning Commission's role. You can agree or not agree with the BZA decision, but it's not Planning Commission's decision to make.

Mr. Sterling replied that he did not say it was Planning Commission's role. I said that there was no hardship demonstrated or documented on this project and I've been to every BZA meeting that there was, as well as the ones with the homeowners and all the others. I just did not see a hardship stated.

Ms. Muter replied the railroad setback and the very wide utility easement would be documented properties associated with this site that indicated a hardship.

Mr. Sterling asked because they couldn't build it further away, so that was the hardship?

Ms. Muter replied, "Correct".

Mr. Cohen stated obviously the applicant heard some negative thoughts during the discussion. Just take note that if we move forward and we make a motion this evening and it's rejected, then you go back to square one and start the process over. You can't come back with the same plan. If we vote positive then it moves on. Tonight's actually a recommendation to City Council, we're not actually approving it. I have a motion prepared and if the Planning Commission supports it then you will move on.

2. Revised Sign Code – Chapter 1173

Mr. Cohen asked Mr. Finch if we could move the sign to regular meeting.

Mr. Finch replied, "Yes".

PENDING ITEMS – NONE

<p>CITY OF TWINSBURG PLANNING COMMISSION MEETING MINUTES NOVEMBER 04, 2019</p>
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Mr. Cohen called the meeting to order at 7:20 p.m.

APPROVAL OF MINUTES – October 7, 2019

The minutes of October 7, 2019 are approved as submitted.

PUBLIC PARTICIPATION - NONE

1. Final Site Plan – Senior Apartments

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PP# 64-09130 and 64-09129 R-7 Senior Residence District
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Mr. Johnston stated that they are looking forward to this project moving forward. Trying to work with the community and give back to the community by keeping residents here.

MOTION:

UPON RELIANCE UPON REPRESENTATIONS MADE BY THE APPLICANT AND THEIR REPRESENTATIVES ALONG WITH THE SUBMITTED SITE PLAN AND LANDSCAPE PLAN FOR WILCOX MEADOWS SENIOR APARTMENTS 9422 DARROW RD. PP# 64-09130 AND PP#64-09129 DATE STAMPED RECEIVED OCTOBER 29, 2019 I MOVE THAT [LANNING COMMISSION RECOMMEND TO CITY COUNCIL FINAL SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:

- 1. FINAL ENGINEERING APPROVAL OF THE DRAINAGE PLAN INCLUDING GRADING, STORM WATER CALCULATIONS AND STORM WATER MAINTENANCE AGREEMENT**
- 2. FINAL ENGINEERING APPROVAL OF THE POST CONSTRUCTION STORM WATER MAINTENANCE AGREEMENT**
- 3. FINAL APPROVAL OF THE SWP3 BY SUMMIT SOIL & WATER**
- 4. SUBMISSION OF THE REVISED SITE PLAN TO INCLUDE THE THREE REQUESTED REVISIONS AS LISTED IN THE OCTOBER 31, 2019 PLANNER'S REPORT**
- 5. THE RELOCATION OF THE SIGN TO THE SOUTH SIDE OF THE DEVELOPMENT ENTRY AND THE CONTINUED STUDY OF SITE LINES FOR THE FINAL SIGN LOCATION**

**MR. COHEN MOVED, MR. STERLING SECONDED
UPON ROLL CALL MOTION PASSED**

2. Revised Sign Code – Chapter 1173

Mr. Finch, Director of Community Planning & Development, presented a draft of new sign regulations. The Commission received a 23 page draft of a new sign code. Much of the draft is similar in content to the current code, but there are some important differences. Mr. Finch explained that the Supreme Court case, Reed vs. City of Gilbert clarified in the eyes of the Supreme Court that sign regulations are to be content neutral. That means if you have to read the sign to know how to regulate it, you are in violation of the law and you're creating a constitutional faux pas. Particularly, temporary signs should have neutrality relative to commercial and non-commercial speech. That means you should not differentiate whether a sign is dealing with a commercial issue, like presentation of products or whether a sign is dealing with an individual issue.

Mr. Finch further explained that the sign code needs to have a clear statement of legislative intent and purpose. We need to revise the purpose statement and make it a bit better than what we currently have. Regarding the ability to regulate signage, we can regulate time, place and location. We can regulate the time it's placed or the duration, the place or its location relative to site lines and public safety, and we can regulate the manner in which it is displayed. Mr. Finch stated that these are the things we need to address with the sign code revisions. There are still certain restrictions that are legally possible. Proposed changes to the sign code will effect primarily temporary sign regulations. Mr. Finch directed the Commission's attention to the Sign Summary Table for review and discussion and explained that we are basically differentiating between residential and non-residential temporary signs. A temporary sign no larger than 6 square feet in a residential district will be allowed without a permit. This could be a real estate sign, an individual statement sign, a political sign or any kind of sign; however, it cannot be larger than 6 square feet in area without a permit.

Mr. Sterling asked about the number of political signs, is it one per issue? Mr. Finch stated that it is one sign per issue or candidate.

The draft proposes a display period of 60 days for all temporary signs in a residential district. Temporary non-residential signs are allowed to be 16 square feet in area for 180 days. These will typically include real estate, for lease or special event signs. Larger signs would require a permit. We would inspect the sign and have an expiration date posted on it. Another permit would have to be pulled for replacement of the sign.

Mr. Sterling asked if a permit would be required for each temporary political sign. Mr. Finch stated that a residential sign could be 6 square feet, non-residential sign could be 16 square feet (4x4). Any larger size sign, would require a permit. Non-Residential sign permit will allow up to a 4x8. Residential sign permit will allow up to a 4x4. To allow any larger size, you would then need to go to Architectural Review Board for approval.

Mr. Finch stated that Supreme Court did allow restrictions based on hate speech, etc. It can be a fine line when you think community standards have been violated.

Mr. Cohen asked have you or are you going to present this to ARB for their review and comments as well?

Mr. Finch replied, "Yes, to ARB and to BZA for their review".

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COMMUNICATIONS & MISCELLANEOUS –

Ms. Muter informed that next meeting we have two conditional use permits, one for a Pet Crematory and the other for a Karate Institute.

EXCUSE ABSENT MEMBERS – All members present

ADJOURNMENT:

There being no further business to come before the Planning Commission, the meeting unanimously adjourned at 7:50 p.m.

Mr. Cohen, Chairman

Tracy Mason, Secretary