

**AKRON CITY PLANNING COMMISSION**

**MEETING OF MARCH 17, 2023 - 9:00 A.M.**

**COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING, 166 SOUTH HIGH ST.**

(1) **CORRECTION** and **APPROVAL** of Minutes of February 17, 2023.

(2) **PUBLIC HEARINGS:**

A. Approval of sales of property and/or development plans in Urban Renewal and Community Development projects and assorted matters necessary to promote the Urban Renewal and Community Development Plans.

(1) **NO NEW BUSINESS**

B. **PC-2023-05-CU** – Petition of Brian E. Gregory for a Conditional Use to establish a dumpster business at 1029 W. Waterloo Road.

C. **PC-2023-06-RZ** – Councilmatic request to investigate the rezoning of property on the east side of Home Avenue, between Jean Avenue and Annapolis Avenue, from Single Family Residence Use District (U1, H1, A1) to Retail Business Use District (U3, H1, A2).

D. **PC-2023-07-CU** – Petition of LeAnn Lane for a Conditional Use to establish a Type A daycare home at 126 W. Lowell Avenue.

E. **PC-2023-08-CU** – Petition of Allan and Michelle Hill for a Conditional Use to vary the side yard setback to construct an addition at 49 Jewett Street.

F. **PC-2023-09-CU** – Petition of Stephen Fleming and Ken Tan for a Conditional Use to establish a three-unit apartment house at 146 Oakdale Avenue.

G. **PC-2023-10-CU** – Petition of Kathryn and Aaron Novak for a Conditional Use to construct a commercial storage building at 226 Crosby Street.

H. **PC-2023-11-CU** – Petition of Laura Lawson, dba Safe Harbor for Strays, for a Conditional Use to establish a kennel at 640 E. Catawba Avenue.





I. **PC-2023-14-CU** – Petition of Jaime Delapaz for a Conditional Use to establish a restaurant/microbrewery at 1221-1225 W Market Street.

(3) **RENEWALS**

JS/emd

# PC-2023-05-CU

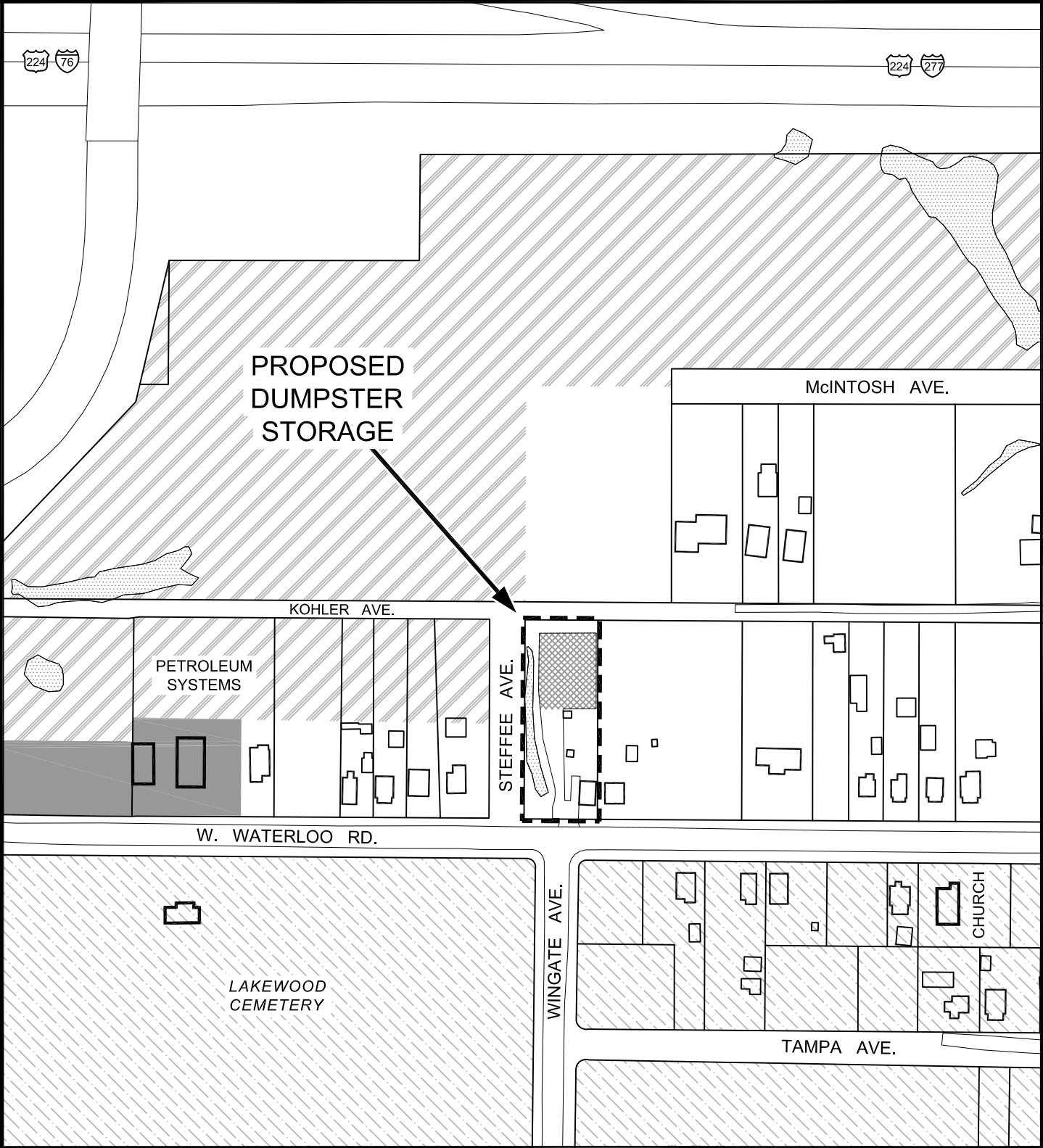
Petition of Brian E. Gregory  
for a Conditional Use to  
establish a dumpster business  
at 1029 W. Waterloo Road

-  U1 Single Family Residential
-  U2 Apartment House
-  U3 Retail Business
-  U5 Ordinary Industry



0 200'

Created 02/17/2023 jwh  
Revised 02/21/2023 jwh



# MEMORANDUM

**TO: AKRON CITY PLANNING COMMISSION**

**ITEM # 2B**

**PC-2023-05-CU**

**FROM: DEPARTMENT OF PLANNING AND  
URBAN DEVELOPMENT**

**DATE: MARCH 17, 2023**

**WARD: 9**

**COUNCILPERSON:** Freeman

**SUBJECT: PC-2023-05-CU –** Petition of Brian E. Gregory for a Conditional Use to establish dumpster storage at 1029 W. Waterloo Road

**GENERAL LOCATION:** North side of W. Waterloo Road and northern terminus of Wingate Avenue

**LAND USE OF THIS PROPERTY:** Commercial

**LAND USE IN THE SURROUNDING AREA:**

**NORTH SIDE:** Vacant Apartment & Industrial

**SOUTH SIDE:** Residential

**EAST SIDE:** Residential

**WEST SIDE:** Residential

**ZONED:** Apartment House Use District (U2, H1, A3)

**SIZE OF LOT & AREA:** 106 feet wide by 286 feet depth = 30,316 square feet of area

**COMMENTS:**

Brian E. Gregory is the owner of a single-family home located on the north side of W. Waterloo Road at the northern terminus of Wingate Avenue, addressed as 1029 W. Waterloo Road. The property measures 106 feet in width and 286 feet in depth for a total of 30,316 square feet of area. Surrounding uses are vacant Apartment and Ordinary Industry land to the north, Lakewood Cemetery and vacant Residential land to the south, and Single-Family to the east and west. The property is zoned Apartment House Use District (U2, H1, A3). The Petitioner is requesting permission to establish a commercial dumpster storage business at this residentially zoned property. As such, the proposed use needs Conditional Use approval.

The Zoning Staff received a complaint earlier this year about the operation of this business. After issuing an Order to Comply, the Petitioner promptly filed a Planning Commission application to retain the use. The Petitioner's business, aka Gregory Roll-off Containers, is a part-time family-owned and operated waste management company that provides dumpster rental and clean-out services to customers in Akron and Northeastern Ohio. The dumpsters are primarily used for temporary storage of construction and demolition debris. The large property contains a single-family dwelling, in which the Petitioner resides, located near the W. Waterloo Road right-of-way.

The rear of the property, which is paved with concrete, contains the business use. The space between the two rear yard sheds is where their one semi-cab is parked. The remaining rear half of the property contains an area for the storage of dumpsters, which range in size from 12, 15, or 20 yards. The southern portion of the property contains solid wooden fencing with a gated driveway. Kohler Ditch runs along the western property line, with the northern and a portion of the eastern property line bordered by trees or lush vegetation. A small temporary sign reading "Gregory Roll-Off Containers, Barberton, OH, 330-620-7899" is located within the devil strip east of the drive.

This property has a prior history of commercial use. In 1988, a previous owner was granted permission via Ordinance No. 926-1988 to establish a tree service business, and the property was developed as such. However, the property reverted to its current zoning classification when the property was sold in 2004. While he owns ten dumpsters, the Petitioner has stated that he typically only has from one to three dumpsters on site overnight due to frequent rental activity. And while many of the dumpsters stored on-site are empty, he occasionally has one filled because the pickup was made after the landfill closes.

The Planning Staff recognizes that the northern and western sides of this property are bordered by unopened rights-of-way and that there is industrially-zoned land to the northwest and one block east. As such, the unique nature of this property and prior development as a small-scale commercial use makes the current proposed use reasonable. The solid fencing along the southern portion of the property, the requirement that the storage of all dumpsters be north of the northernmost shed, plus the vegetation and natural barriers around the remainder of the property ensure adequate screening of any business activity from the abutting properties. To prevent littering, any dumpster containing debris should be covered and stored on the property no longer than 48 hours. To mitigate noise, business activity should only occur between the hours of 7:00 a.m. to 7:30 p.m. Further, there shall be no storage of chemicals or household waste, trash, or rubbish, nor dumping of any debris into Kohler Ditch. This Kenmore property is properly maintained, and if the Petitioner complies with all the conditions the Planning Staff supports this request.

### **RECOMMENDATION:**

The Planning Staff finds the requested Conditional Use is consistent with the standards found in Section 153.474 (A thru H) and recommends **APPROVAL** of the petition of Brian E. Gregory for a Conditional Use to establish dumpster storage at 1029 W. Waterloo in accordance with submitted plans and subject to the following conditions:

- (1) That a fencing plan which conforms to the "Akron Development Guide" as referred to in Section 153.300-.310 of the Zoning Code be submitted to the Department of Planning and Urban Development for its review of compliance with said guide, and that the current fencing remain installed and maintained as shown on the approved plan.
- (2) That the Kohler Ditch remain free of any debris and the dumping of any liquid or hazardous material into it be prohibited.

- (3) That no storage of chemicals or household waste, trash or rubbish shall occur on the property.
- (4) That the area be kept free of trash and litter.
- (5) That any filled or partially filled dumpster be covered and remain on-site no longer than 48 hours.
- (6) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code.
- (7) That the hours of operation be from 7:00 a.m. to 7:30 p.m.
- (8) That the Conditional Use be subject to annual renewal by the City Planning Commission. This requirement for annual renewal may be removed by the Planning Commission three years after completion of the project.

KEP/emd

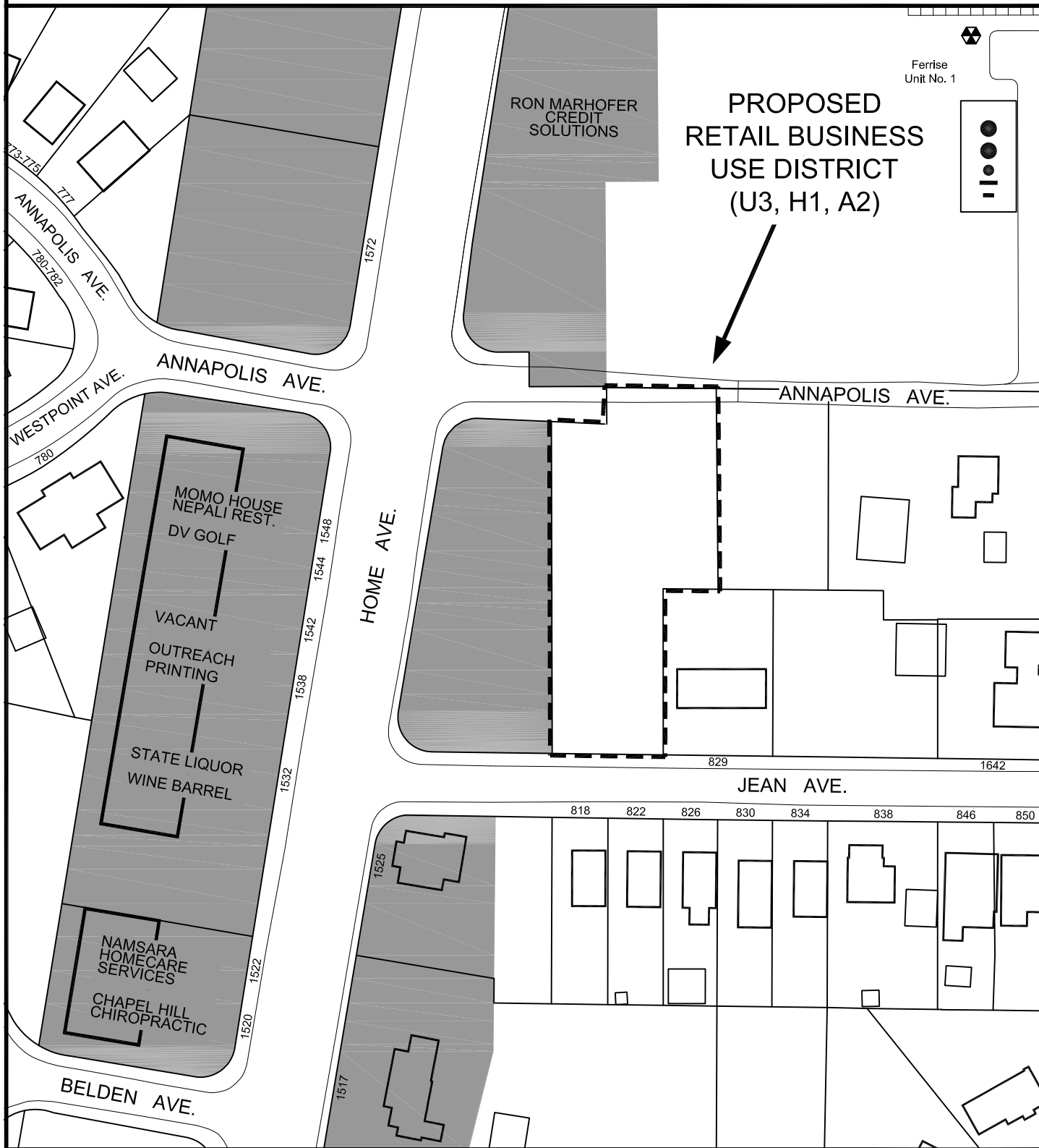
# PC-2023-06-RZ

Councilmatic request to investigate the rezoning of property on the east side of Home Avenue, between Jean Avenue and Annapolis Avenue, from Single Family Residence Use District (U1, H1, A1) to Retail Business Use District (U3, H1, A2)

- U1 Single Family Residential
- U3 Retail Business



0 100'  
Created 02/22/2023 jwh  
Revised 02/24/2023 jwh



## MEMORANDUM

**TO:** AKRON CITY PLANNING COMMISSION      **ITEM # 2C**  
**FROM:** DEPARTMENT OF PLANNING AND      **PC-2023-06-RZ**  
                 URBAN DEVELOPMENT  
**DATE:** MARCH 17, 2023      **WARD: 2**  
   **COUNCILPERSON:** Lombardo

**SUBJECT: PC-2023-06-RZ –** Councilmatic request to investigate the rezoning of property on the east side of Home Avenue, between Jean Avenue and Annapolis Avenue, from Single Family Residence Use District (U1, H1, A1) to Retail Business Use District (U3, H1, A2)

**GENERAL LOCATION:** East side of Home Avenue, north of Independence Avenue

**LAND USE OF THIS PROPERTY:** Vacant land

**LAND USE IN THE SURROUNDING AREA:**

**NORTH SIDE:** Vacant land, car dealership  
**SOUTH SIDE:** Retail, single family residential  
**EAST SIDE:** Single family residential  
**WEST SIDE:** Retail

**COMMENTS:**

The 2<sup>nd</sup> Ward Councilman has requested that the Planning Staff investigate the possibility of extending the current Retail Business Use District (U3, H1, A2) on the east side of Home Avenue, between Jean Avenue and Annapolis Avenue. The additional property is currently zoned Single Family Residence Use District (U1, H1, A1) and would consist of three vacant parcels, all of which are under common ownership. Surrounding uses include residential to the east and south, vacant land and retail to the north, and retail to the west. The existing zoning along this portion of Home Avenue is generally in conformance with the Land Use and Development Guide Plan.

The current owner of the lots to be rezoned also has an interest in the adjacent, vacant retail lot fronting on Home Avenue. He has previously owned that lot and has been unsuccessful in marketing the property under the current designations for several years. In fact, this retail lot on Home Avenue has remained vacant for over 50 years. The two residential lots on Annapolis Avenue have never been developed, while the single lot on Jean Avenue had a dwelling razed in 2008.

The Planning Staff is of the opinion that the proposed expansion of the retail zoning district is appropriate to create a larger area within which to develop a retail or office structure and associated parking. The current retail zoning on this block varies in depth from approximately 75 feet on the north end to 115 feet on the south. In contrast, the retail zoning district across Home

Avenue (developed with a retail plaza anchored by the Wine Barrel) is 140 feet in depth. The existing retail to the north (on the east side of Home Avenue), while conditionally zoned, is much deeper at several hundred feet. Expanding the retail district to include the three additional parcels would adequately allow for an attractive, tax-generating retail development, while preserving the residential neighborhood to the east. Home Avenue, currently five lanes in width at this location, is not conducive to any type of residential development and can easily support any additional traffic created by a new office or retail use here. The Planning Staff is supportive of expanding the current retail zoning district to include the adjacent two parcels on Annapolis Avenue and one parcel on Jean Avenue.

**RECOMMENDATION:**

The Planning Staff recommends **APPROVAL** of the request to investigate the rezoning of property on the east side of Home Avenue, between Jean Avenue and Annapolis Avenue (to include Lot Nos. 29-31 and 46-47 of the unrecorded Viaduct Park Allotment No. 2), from Single Family Residence Use District (U1, H1, A1) to Retail Business Use District (U3, H1, A2)

JH/emd



# PC-2023-07-CU

Petition of LeAnn Lane for a Conditional Use to establish a Type A daycare home at 126 W. Lowell Avenue

U1 Single Family Residential

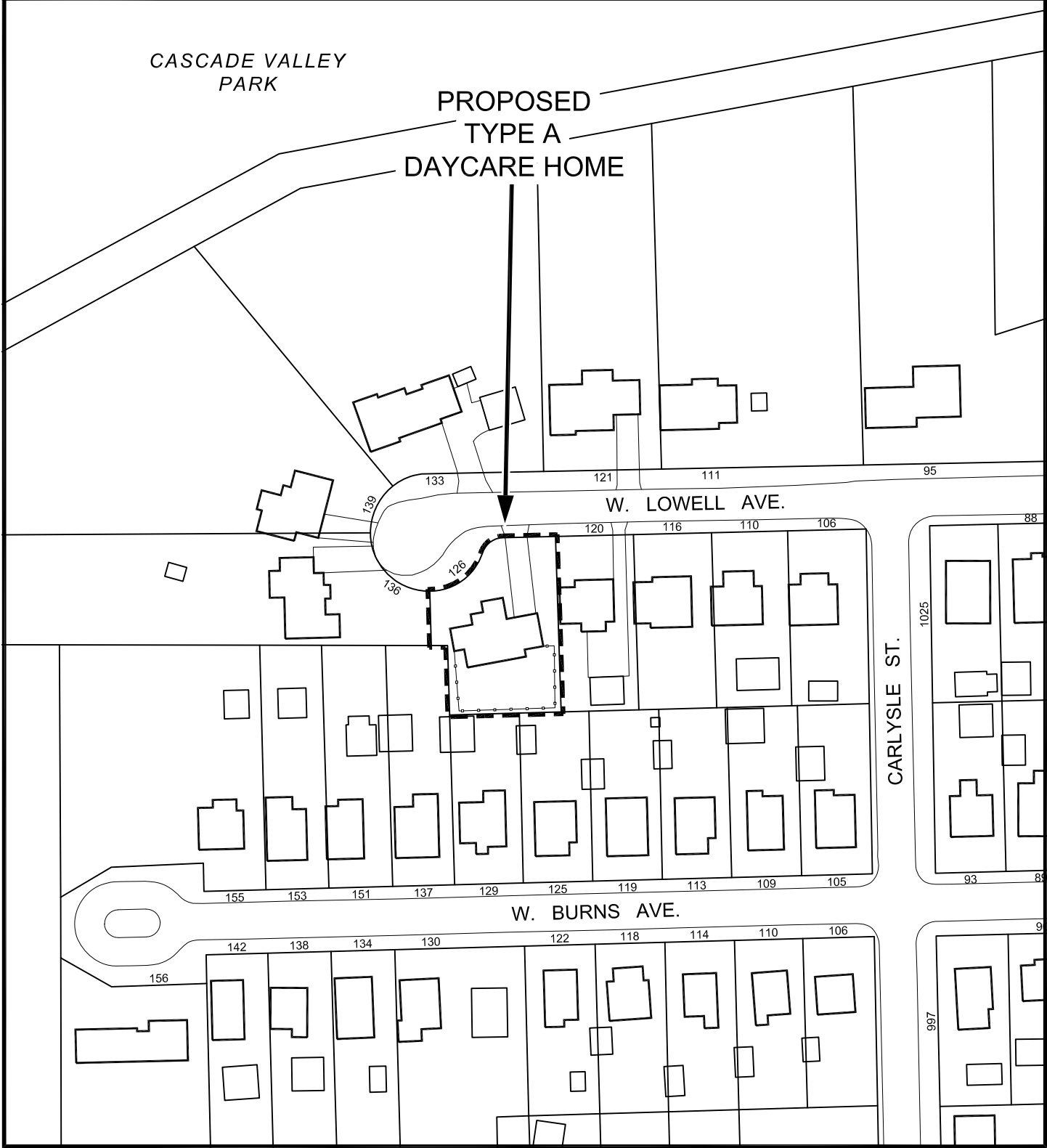


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Created 02/24/2023 jwh  
Revised 02/24/2023 jwh



CASCADE VALLEY  
PARK

PROPOSED  
TYPE A  
DAYCARE HOME



## MEMORANDUM

**TO:** AKRON PLANNING COMMISSION  
**FROM:** DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT  
**DATE:** MARCH 17, 2023  
**SUBJECT:** PC-2023-07-CU – Petition of LeAnn Lane for a Conditional Use to establish a Type A daycare home at 126 W. Lowell Avenue.

**ITEM 2D**  
**PC-2023-07-CU**

**WARD:** 2  
**COUNCILPERSON:** Lombardo

**GENERAL LOCATION:** South side of W. Lowell Avenue, west of Carlyle Street.

**LAND USE OF THIS PROPERTY:** Residential

**LAND USE IN THE SURROUNDING AREA:** All sides residential

**ZONED:** Single Family Residence Use District (U1, H1, A1)

**SIZE OF LOT & AREA:** Irregularly shaped, contains .1978 acres of area

### **COMMENTS:**

LeeAnn Lane is the owner of a single-family residence located on the south side of W. Lowell Avenue, west of Carlyle Street, addressed as 126 W. Lowell Avenue. The irregularly shaped parcel contains .1978 acres of area. Surrounding uses are all residential. The property is zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Petitioner is requesting permission to establish a Type A child daycare home at this location. Any facility in which childcare is provided for 10 or more children is defined as a child day care business center in the Zoning Code, which requires Conditional Use approval in a residence use district.

Current City of Akron Zoning Code requirements for day cares in residential districts are based on the number of children. Both the City of Akron and the State of Ohio stipulate that any home may contain up to six children (aka Type B home provider) without any type of license or additional approval. A Type B home provider only needs to be licensed by the State of Ohio if the childcare is paid for with public funds. State of Ohio childcare rules further stipulate that any approved provider with 7-12 children is now considered to be a Type A home provider, while the City of Akron requires Conditional Use approval for ten or more children. Even though a Type A license permits up to 12 children, each staff member can care for no more than six children (including no more than three children under age two) at a time.

The proposed daycare home, aka Little Punkin's Patch, would mainly occupy the basement area, plus the kitchen and television room of the 1,623 square foot one-story Cape Cod dwelling. Care

would be provided for a maximum of twelve children, ranging in age from six weeks to 11 years. The days of operation will be from Monday thru Friday, from 6:00 a.m. to 6:30 p.m., and from 6:00 a.m. to 3:30 p.m. on alternating weekends. There will be overnight stays. No changes are proposed for the interior or exterior of the house. If approved, the Petitioner intends to hire two full-time assistants besides herself. While the property contains an attached one-car garage, the width of the driveway can fit two vehicles. There is also on-street parking along W. Lowell Avenue. The rear yard is enclosed with a combination of a white vinyl picket fence and solid wooden fencing. A small sandwich board sign reading "Face Covering Required" is located next to the front door entrance.

The Petitioner has held a Type B daycare home license for 12 years and has been at this location since 2020. Since most of the activities will be indoors and there is solid screening between the two abutting properties, providing care for up to twelve children should not have a detrimental effect on the nearby uses. Since the children are dropped off and picked up at varying times of the day, traffic congestion should not be an issue. This North Akron neighborhood property is well-maintained, and the Traffic Engineer has no concerns with drop-off and pick-up. Providing quality daycare service is beneficial to the entire City and the Planning Staff supports this request.

**RECOMMENDATION:**

The Planning Staff in accordance with Section 153.450 recommends **APPROVAL** of the petition of LeAnn Lane for a Conditional Use to establish a Type A daycare home at 126 W. Lowell Avenue, subject to the following conditions:

- (1) That care is provided for a maximum of twelve (12) children at one time.
- (2) That the Conditional Use be subject to annual renewal by the City Planning Commission. This requirement for annual renewal may be removed by the Planning Commission three years after completion of the project.
- (3) That the Petitioner meet all State of Ohio and City of Akron rules, including but not limited to Building Code, Fire Code, and Health Code requirements.
- (4) That the daycare business use of the property shall be discontinued upon the Petitioner transferring title to the subject property.
- (5) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code.

KEP/emd

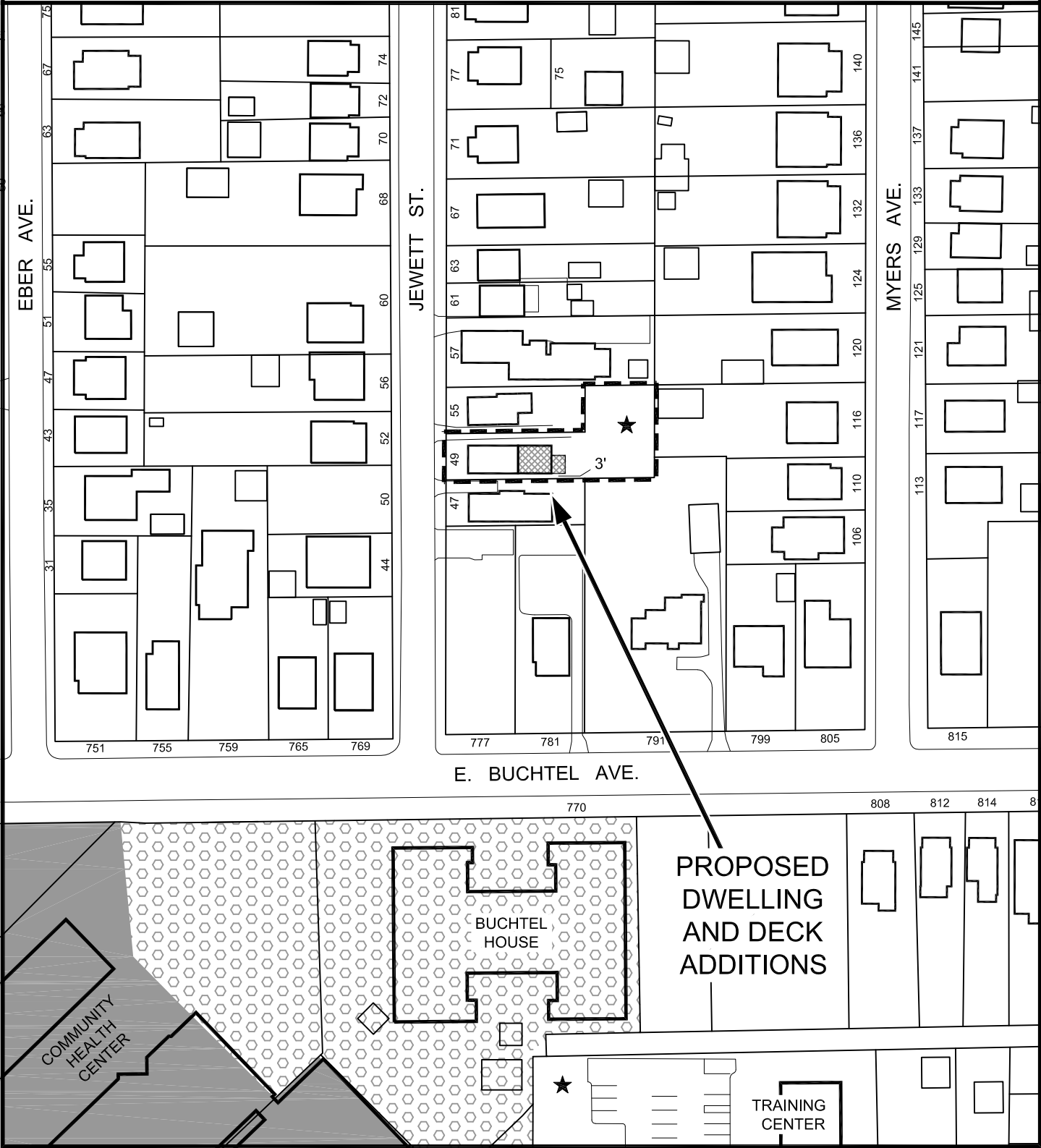
# PC-2023-08-CU

Petition of Allan and Michelle Hill  
for a Conditional Use to vary the  
side yard setback to construct  
an addition at 49 Jewett Street

- ★ Conditional Use
- U1 Single Family Residential
- U2 Apartment House
- U3 Retail Business



0 100'  
Created 03/02/2023 jwh  
Revised 03/03/2023 jwh



## MEMORANDUM

**TO:** AKRON CITY PLANNING COMMISSION      **ITEM # 2E**  
**FROM:** DEPARTMENT OF PLANNING AND      **PC-2023-08-CU**  
                 URBAN DEVELOPMENT  
**DATE:** MARCH 17, 2023      **WARD:** 10  
   **COUNCILPERSON:** Connor  
**SUBJECT:** **PC-2023-08-CU** – Petition of Allan and Michelle E Hill for a Conditional Use to vary the side yard setback requirement to construct a dwelling addition and deck at 49 Jewett Street.

**GENERAL LOCATION:** East side of Jewett Street, north of East Buchtel Avenue

**LAND USE OF THIS PROPERTY:** Single family residence

**LAND USE IN THE SURROUNDING AREA:** All sides residential

**ZONED:** Single Family Residence Use District (U1, H1, A1)

**SIZE OF LOT & AREA:** Irregularly shaped, containing 6,666 square feet of land

### **COMMENTS:**

Allan and Michelle Hill are the owners of several properties on Jewett Street and East Buchtel Avenue. They reside at 49 Jewett Street, while they rent out 781 and 791 East Buchtel Avenue. In addition, they also own a small, vacant, land-locked parcel measuring 50 feet square. Surrounding land uses are mixed residential, with single family dwellings being the dominant type. The property and surrounding area are zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Petitioners are seeking approval to construct an addition in the rear yard of their residence. The variance is necessary as their primary dwelling unit sits 3 ½ feet away from their southern property line, which is less than the required 5 feet. The zoning code requires that a primary dwelling unit be built no closer than 5 feet to a side yard property line. The proposed structure measures 20 feet in width, and 24 feet in length and will encroach 1 ½ feet into the required southern side property line setback.

The proposed structure would be clad in vinyl siding to match the dwelling. There will be five windows on the southern face, two on the second floor and three on the first; four on the northern face, three on the second floor and one on the first; and a large window on the eastern face for a total of 10 windows on the addition, as well as one door to reach the second floor porch and one door for the first floor porch.

No objections to the request have been received from any City department. This dense neighborhood on the periphery of Summa Akron City Hospital is characterized by modest homes

on typically small, narrow lots. The housing stock in this area can present challenges to homebuyers, who often desire more spacious lots and dwellings or additional space. The Petitioners purchased their residence from the owner of the adjacent properties on both sides, and they have since made substantial improvements to the property. In October 2020, they purchased the small rear lot from the City of Akron. The Planning staff recognizes the investment the Petitioners have made in improving and stabilizing this neighborhood. The proposed addition will create living space and will add value to this property and neighborhood, without having negative effects on surrounding properties.

**RECOMMENDATION:**

The Planning Staff finds the requested Conditional Use is consistent with the standards found in Section 153.474 (A thru H) and the Land Use and Development Guide Plan and recommends **APPROVAL** of the petition of Allan and Michelle Hill for a Conditional Use to construct an oversized garage at 49 Jewett Street, in accordance with submitted plans and subject to the following conditions:

- (1) That the petitioner shall obtain all necessary building permits.
- (2) That the structures and layout of the development conform substantially to the approved plans; however, minor changes may be approved by the Department of Planning and Urban Development.

BL/emd

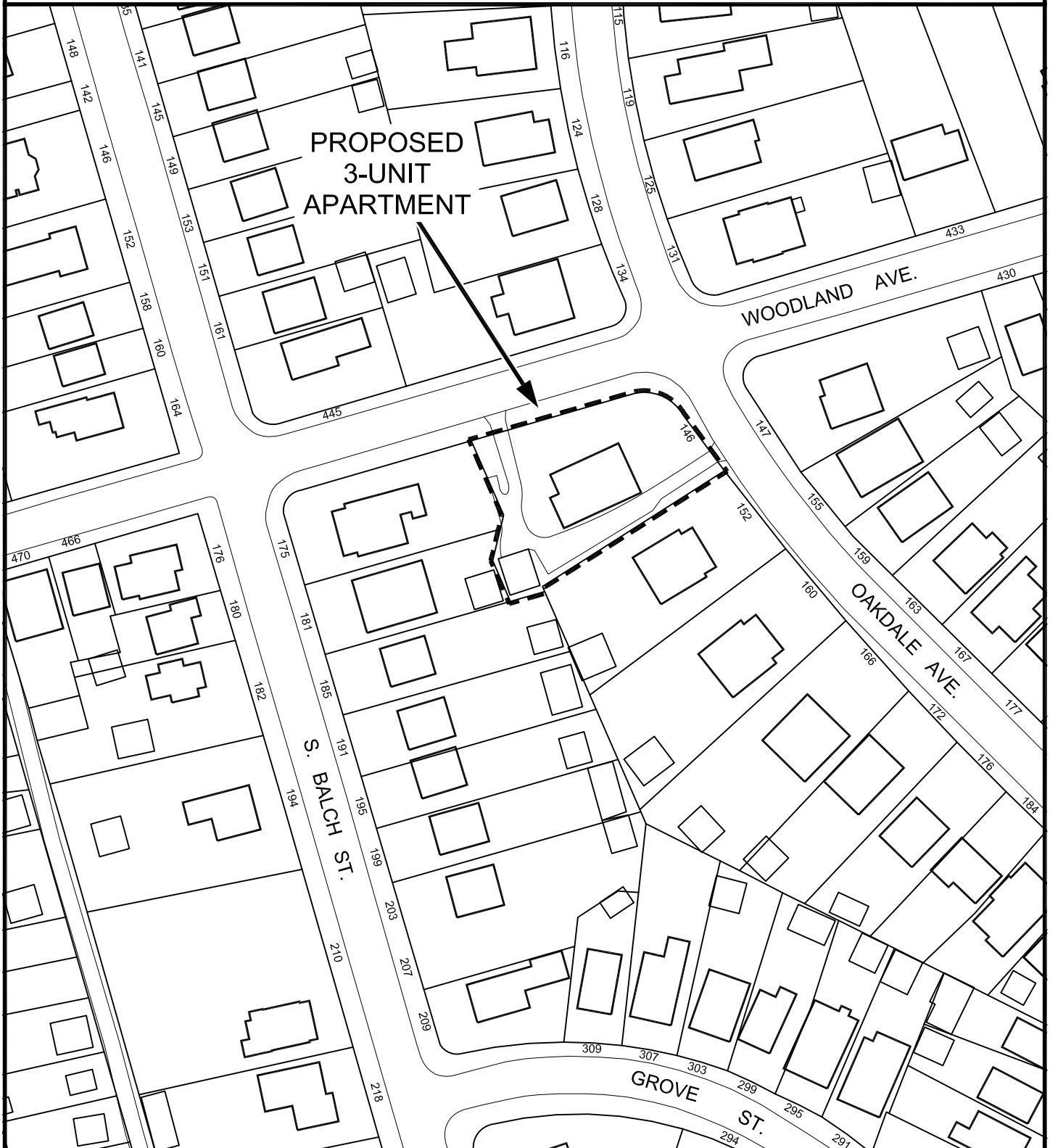
# PC-2023-09-CU

Petition of Stephen Fleming and  
Ken Tan for a Conditional Use to  
establish a three-unit apartment  
house at 146 Oakdale Avenue

U1 Single Family  
Residential



0 100'  
Created 02/24/2023 jwh  
Revised 02/27/2023 jwh



## MEMORANDUM

**TO:** AKRON CITY PLANNING COMMISSION **ITEM # 2F**  
**FROM:** DEPARTMENT OF PLANNING AND **PC-2023-09-CU**  
URBAN DEVELOPMENT  
**DATE:** MARCH 17, 2023 **WARD: 1**  
**COUNCILPERSON:** Holland  
**SUBJECT:** PC-2023-09-CU – Petition of Stephen Fleming and Ken Tan for a Conditional Use to establish a three-unit apartment use at 146 Oakdale Avenue.

**GENERAL LOCATION:** Southwest corner at intersection of Woodland Avenue and Oakdale Avenue

**LAND USE OF THIS PROPERTY:** Residential

**LAND USE IN THE SURROUNDING AREA:** Residential properties in all directions

**ZONED:** Single Family Residential Use District (U1, H1, A1)

**SIZE OF LOT & AREA:** Irregularly shaped corner property with approximately 145 feet along Woodland Avenue and approximately 80 feet along Oakdale Avenue for an area of approximately 14,760 square feet.

**COMMENTS:**

Ken Tan and Stephen Fleming are the owners of a dwelling at the southwest corner of the intersection of Oakdale Avenue and Woodland Avenue, addressed as 146 Oakdale Avenue. The irregularly shaped property measures approximately 80 feet along Oakdale Avenue and 145 feet along Woodland Avenue with an approximate area of 14,760 square feet. Surrounding land uses are residential in all directions. The property is zoned Single-Family Residential Use District (U1, H1, A1). The Land Use and Development Guide Plan recommends medium density residential for that area.

The Petitioner is requesting permission to establish the property as a three-unit dwelling. Because the property is within a Single-Family Residential Use District, Conditional Use approval is required.

Tax records indicate that the dwelling was constructed in 1907. The dwelling is currently being used as a two-family dwelling with a third-floor attic space originally used as a servant's quarters. Throughout the years the property has been subdivided into several units including an illegally converted, 6-unit apartment by the previous owner. That owner was denied Conditional Use requests twice (PC-1997-143-CU and PC-2002-55-CU) to retain the six apartment units. Subsequent petitions to the Board of Zoning Appeals and the Court of Common Pleas were also denied, and the Appellant was informed both times that he was to revert the property to its legal use as a legal non-conforming two-family dwelling. A final request by the previous owner to convert the property to a four-unit residence in 2007 (PC-2007-39-CU) was also denied.



The Petitioners' narrative statement describes the structure as three-story dwelling with apartments on the first and second floor with a possible third unit being the third-floor attic. The proposed attic apartment currently has a single bedroom, full bathroom, and full kitchen. Access would be from the back porch and up a staircase. There is a sufficient parking area for multiple vehicles in the driveway and detached garage which has access from both Woodland Avenue and Oakdale Avenue.

The property is within the Highland Square Neighborhood Development Area, the Hall Park Allotment Historic District, and is listed on the National Register of Historic Places. The intention of the Highland Square Renewal Plan is to maintain a reasonable density. The Planning Staff recognizes that the Petitioners have reduced the number of illegal units within the dwelling; however, a third unit was never legal. Prior to the illegal conversion to six units, the dwelling was a long-standing Two-Family Use and the Planning Staff believes that there should be no significant hardship to continue the legal non-conforming two-family use. One goal of the Land Use and Development Guide Plan (LUDGP) is to preserve and protect single-family neighborhoods. An added third unit would constitute an over-development and is not compatible with the LUDGP. Continuing the legal non-conforming two-family use is consistent with the current use and harmonious with other similar structures in this West Hill Neighborhood. As such, the Planning Staff cannot support the conversion of 146 Oakdale Avenue to a Three-Unit Apartment Use.

**RECOMMENDATION:**

The Planning Staff finds the requested Conditional Use is not consistent with standards found in Section 153.474 (A through H) and the Land Use and Development Guide Plan and recommends **DISAPPROVAL** of the petition of Stephen Fleming and Ken Tan for a Conditional Use to establish a 3-unit apartment use at 146 Oakdale Avenue.

MM/emd

# PC-2023-10-CU

Petition of Kathryn and Aaron Novak for a  
Conditional Use to construct a commercial  
storage building at 226 Crosby Street

- ★ Conditional Use
- U1 Two Family Residential

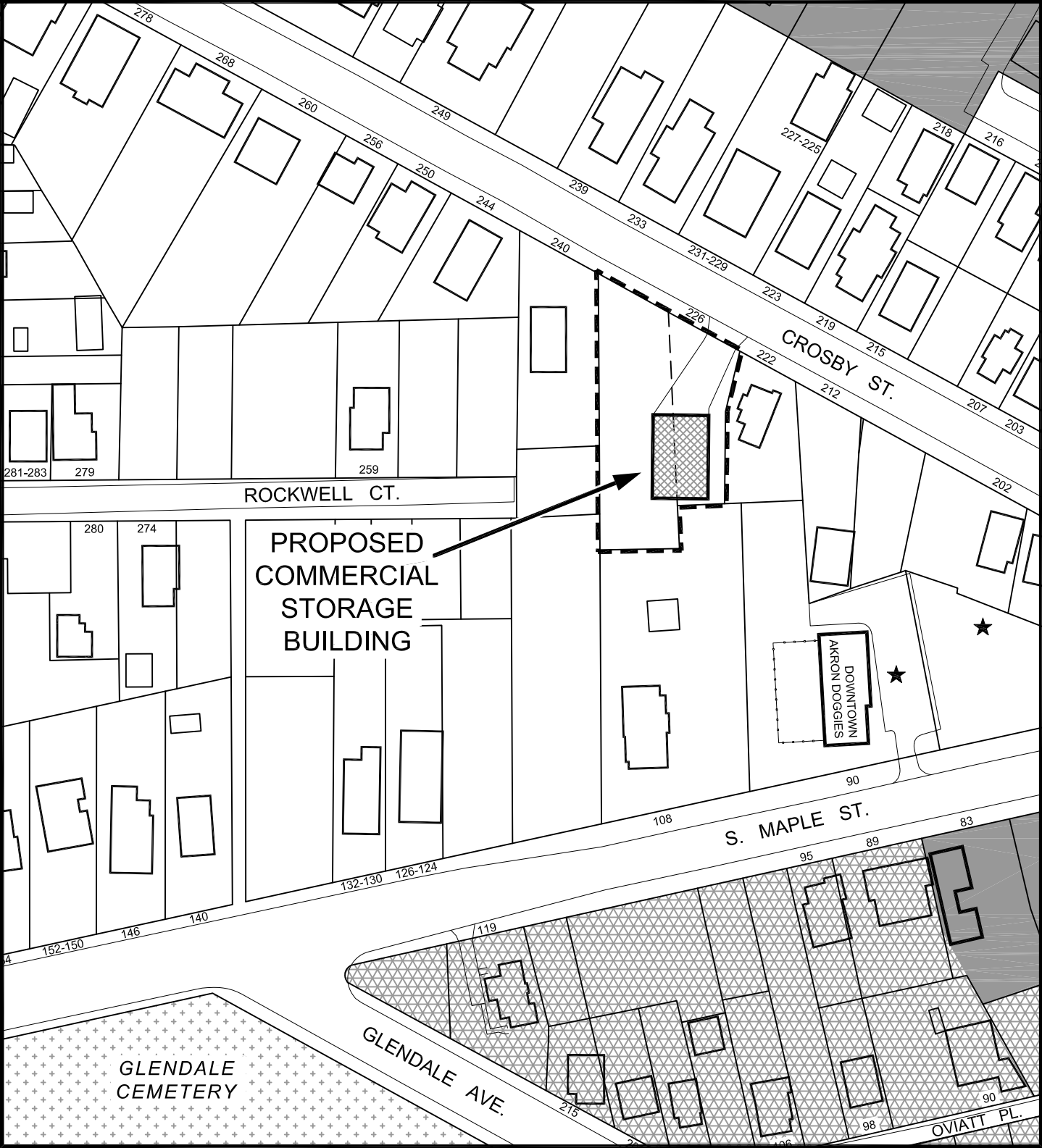
UPD-40(A)
- U3 Retail Business

UPD-40(B)



0 100'

Created 02/27/2023 jwh  
Revised 03/07/2023 jwh



# MEMORANDUM

**TO: AKRON CITY PLANNING COMMISSION**

**ITEM # 2G**  
**PC-2023-10-CU**

**FROM: DEPARTMENT OF PLANNING AND  
URBAN DEVELOPMENT**

**DATE: MARCH 17, 2022**

**WARD:** 1  
**COUNCILPERSON:** Holland

**SUBJECT: PC-2023-10-CU –** Petition of Kathryn and Aaron Novak for a Conditional Use to construct a commercial storage building on property at 226 Crosby Street.

**GENERAL LOCATION:** South side of Crosby Street, west of Maple Street

**LAND USE OF THIS PROPERTY:** Residential

**LAND USE IN THE SURROUNDING AREA:**

<b>NORTH SIDE:</b>	Residential
<b>SOUTH SIDE:</b>	Residential
<b>EAST SIDE:</b>	Residential
<b>WEST SIDE:</b>	Residential

**ZONED:** Unified Planned Development District UPD-40(A) - Which permits single family dwellings, legal non-conforming two-family, apartments, and select office and retail uses, in addition to live-work spaces.

**SIZE OF LOT & AREA:** Irregularly shaped, .827 acres

**COMMENTS:**

Kathryn and Aaron Novak are the owners of property on the south side of Crosby Street, east of Maple Street, addressed as 226 Crosby. The .827-acre property contains a single-family home. Surrounding uses on all sides are residential. The property is zoned UPD-40A. The Land Use and Development Guide Plan recommends Residential Uses for the property.

The Petitioner is requesting permission to construct a storage building on their property for their Heating and Cooling business, which is a commercial use. They also intend to use the building as a community space, and to operate an at-home weaving business. Because the property is zoned UPD-40(A), Conditional Use Approval is needed.

This property currently holds one home that was constructed in 1865 as well as accessory garage. The proposed building will be 25.5 feet in height and 60 feet by 40 feet for a total 2400 square feet of area. It will have metal siding, with one 18 foot wide garage door, one 10 foot wide garage door, and two 3 foot wide man doors. It will be set back more than 45 feet from Crosby Street. The main entrance will be via an existing curb cut along Crosby Street at the northeast corner of the

property. The façade of the building will be painted Sherwin-Williams Rembrandt Red, in order to match the house, however the petitioner is open to more neutral options if needed. There will be no onsite parking and the only workers present will be the site's owners. The sole employee of the HVAC business meets the owner at work sites and won't come onto the property. Finally, the petitioner does not intend to have any equipment left outside or visible from the public right of way.

One goal of the Land Use and Development Guide Plan is to Provide for the types and amounts of land use (retail, residential, industrial, open space) that are necessary to meet the future economic, housing, and recreational needs of the residents of the city. The Petitioner will be improving the value of their property and providing much needed investment in this neighborhood.

In addition, the purpose of the UPD-40(A) zoning classification was to encourage home businesses that would revitalize the West Hill area. We find that this fit matches the spirit of that zoning classification, and believe this proposal will be harmonious with the abutting uses along Crosby Street and the neighborhood as a whole. As such, the Planning Staff supports this request.

### **RECOMMENDATION:**

The Planning Staff finds the requested Conditional Use is consistent with the standards found in Section 153.474 (A thru H) and recommends **APPROVAL** of the petition of Kathryn and Aaron Novak for a Conditional Use to establish a storage facility 226 Crosby Street in accordance with submitted plans entitled "Novak Heating and cooling C3.1" and subject to the following conditions:

- (1) That a landscape planting plan which conforms to the "Akron Development Guide" as referred to in Section 153.300-.310 of the Zoning Code be submitted to the Department of Planning and Urban Development for its review of compliance with said guide, and that the landscaping be installed and maintained as shown on the approved plan.
- (2) That the location and sizes of points of ingress and egress be subject to the approval of the Traffic Engineer.
- (3) That all driveways and parking areas be hard-surfaced and curbed to Bureau of Engineering specifications.
- (4) That the structures and layout of the development conform substantially to the approved plans; however, minor changes may be approved by the Department of Planning and Urban Development.
- (5) That all exterior building facade, wall and other surfaces at the property shall be kept in good repair, in a safe condition, and, if constructed of a non-weatherproof material, or if currently coated by stucco, paint or other treatment, or if required to be coated by the Building Code, shall be protected against decay from the elements, and shall be uniformly coated by paint or other treatment, free of chips, cracks, flaking, chalking, peeling or exposed underlying surfaces, and shall be free of holes, cracks, or broken, loose or decaying materials.

- (6) That the HVAC business use of the property shall be discontinued upon the Petitioner transferring title to the subject property.
- (7) That all exterior lighting on the Petitioner's property, if any, be installed so as not to impair in any way the safe movement of traffic on any street or highway or so as not to intrude on the surrounding properties.
- (8) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code.
- (9) That the property be combined into one legal parcel including both the house and storage building.

BL/emd

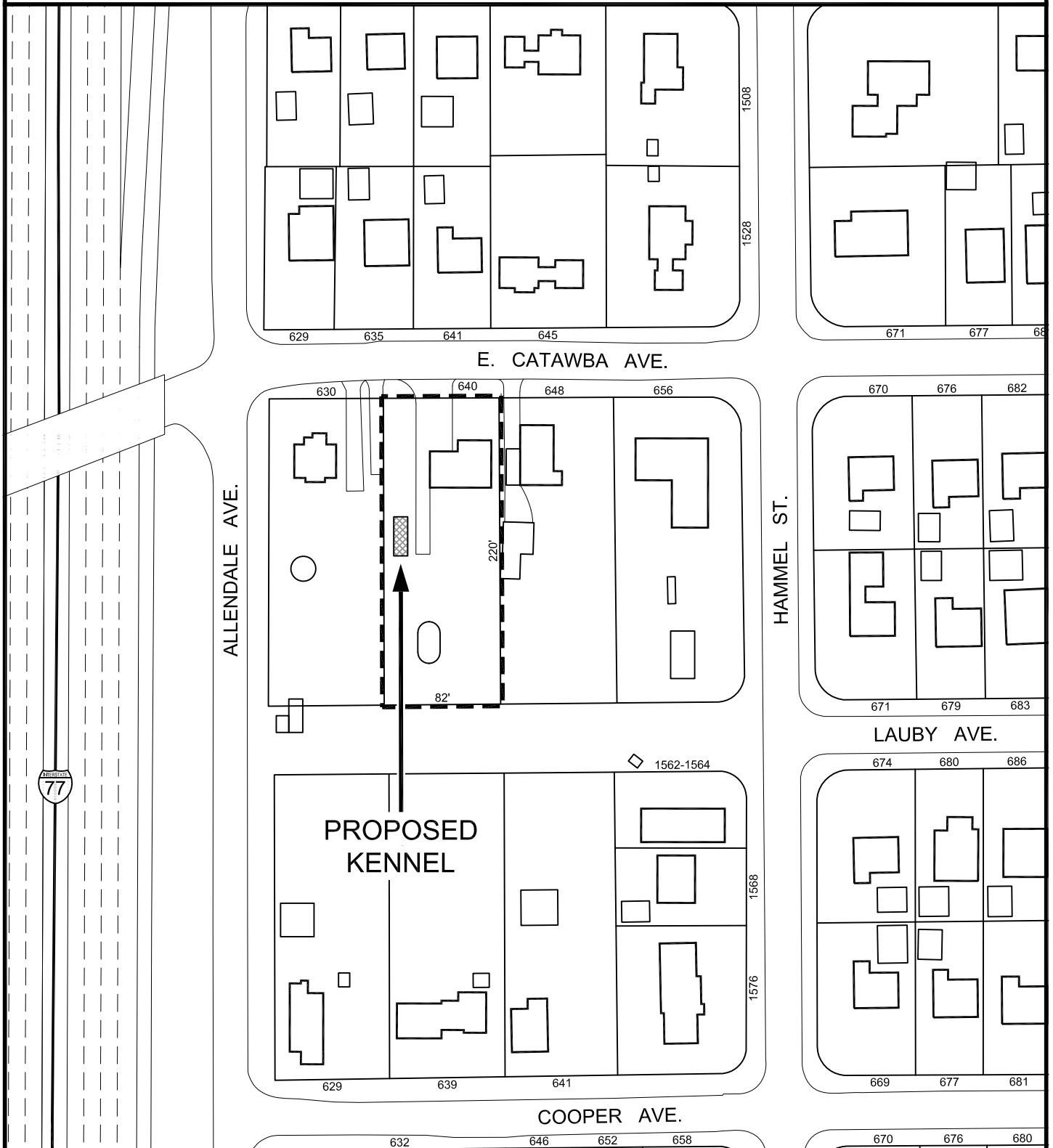
# PC-2023-11-CU

Petition of Laura Lawson, dba Safe Harbor  
for Strays, for a Conditional Use to establish  
a kennel at 640 E. Catawba Avenue

U1 Single Family  
Residential



0 100'  
Created 02/28/2023 jwh  
Revised 03/10/2023 jwh



## MEMORANDUM

**TO:** AKRON CITY PLANNING COMMISSION      **ITEM # 2H**  
**FROM:** DEPARTMENT OF PLANNING AND      **PC-2023-11-CU**  
                 URBAN DEVELOPMENT  
**DATE:** MARCH 17, 2023      **WARD: 7**  
   **COUNCILPERSON:** Kammer  
**SUBJECT: PC-2023-11-CU –** Petition of Laura Lawson, dba Safe Harbor for Strays, for a Conditional Use to establish a kennel at 640 E. Catawba Avenue.

**GENERAL LOCATION:** South side of E. Catawba Avenue, east of Allendale Avenue

**LAND USE OF THIS PROPERTY:** Single-Family dwelling

**LAND USE IN THE SURROUNDING AREA:** All sides residential

**ZONED:** Single-Family Residence Use District (U1, H1, A1)

**SIZE OF LOT & AREA:** 82 feet in width by 220 feet in depth = 18,040 square feet of area

### **COMMENTS:**

Laura Lawson is the owner of a single-family dwelling located on the south side of E. Catawba Avenue, east of Allendale Avenue, addressed as 640 E. Catawba Avenue. The property measures 82 feet in width by 220 feet in depth for a total of 18,040 square feet of area. Surrounding uses are all residential. The property is zoned Single-Family Residential Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Petitioner is proposing to establish a kennel at this location. The Zoning Code defines a kennel as “any pack or group of dogs over the amount of four and over the age of six months kept together for any purpose.” Furthermore, a kennel or “any premises used for the business of raising, boarding, or breeding domesticated animals” is classified as a Commercial (U4) Use. Since this property is zoned Single-Family Residential Use and the Petitioner has four dogs of her own, a Conditional Use is necessary to establish a kennel at this location.

The Petitioner has stated that the 10 feet by 28 feet (280 square feet) detached accessory structure located in the rear yard houses four kennel cages and is sound-proof and insulated. While the kennel usually only holds four dogs, there is room for an additional pet carrier. The Petitioner, dba Safe Harbor For Strays, also operates a Facebook page for the non-profit Rubber City Rescue. The Zoning staff had received a complaint about the kennel use and a letter was issued on January 30, 2023. A Conditional Use request was filed a week later.

The Petitioner has stated that she has been rescuing animals from that location since 2017, but the need for animal rescue services skyrocketed after the COVID-19 pandemic. The Petitioner

has provided rescue services for Akron and other county-wide police departments, Ohio Highway Patrol, Akron/Summit County Animal Wardens, and the Humane Society. If the Summit County Animal Control facility is closed, full and/or refuses to accept a dog, the Petitioner will house the animal in her kennel. She has stated that if she is unable to eventually place a dog with animal control, they are then vetted and put up for adoption.

Providing small scale emergency kennel services not only provides beneficial services to local safety forces and humanitarian agencies but is vital to the quality of life for all citizens. Since the kennel is located near a neighboring solid wooden fence running along the western property line, it is partially screened from view. The deep property also borders to the south an unopened section of Lauby Avenue. As such, the Planning Staff is of the opinion that this property is suitable for a small indoor kennel. Since the indoor kennel is sound-proof, insulated and properly maintained, the use should not impose on the neighboring properties. There have been no previous complaints regarding noise or odor for this property. As such, the Planning Staff supports this request.

**RECOMMENDATION:**

The Planning Staff finds the requested Conditional Use is consistent with the standards found in Section 153.474 (A thru H) and recommends **APPROVAL** of the petition of Laura Lawson, dba Safe Harbor for Strays, for a Conditional Use to establish a kennel at 640 E. Catawba Avenue in accordance with submitted plans and subject to the following conditions:

- (1) That there shall not be any outdoor kennels on the property and that the detached accessory structure shall not be expanded for the purpose of housing additional kennels.
- (2) That the kennel be annually inspected by the Akron Animal Warden.

KEP/emd



# PC-2023-14-CU

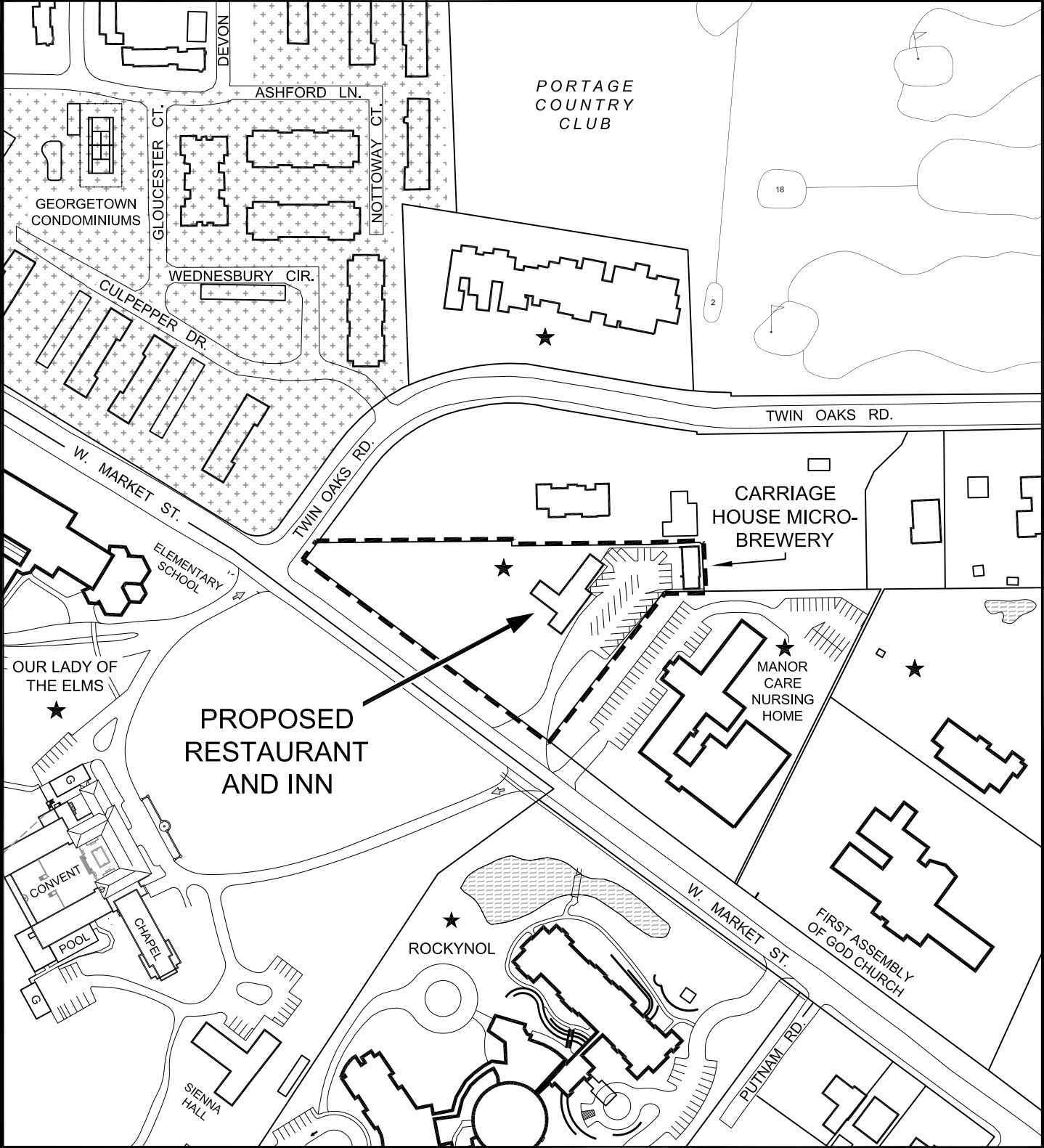
Petition of Jaime Delapaz for  
a Conditional Use to establish  
a restaurant/microbrewery at  
1221-1225 W. Market Street

- ★ Conditional Use
- U1 Single Family Residential
- U1 Two Family Residential



0 200'

Created 03/03/2023 jwh  
Revised 03/07/2023 jwh



## MEMORANDUM

**TO:** AKRON CITY PLANNING COMMISSION **ITEM # 21**  
**FROM:** DEPARTMENT OF PLANNING AND **PC-2023-14-CU**  
URBAN DEVELOPMENT  
**DATE:** MARCH 17, 2023 **WARD: 1**  
**COUNCILPERSON:** Holland  
**SUBJECT:** **PC-2023-14-CU** – Petition of Jaime Delapaz for a Conditional Use to establish a restaurant and microbrewery at 1221/1225 W Market Street.

**GENERAL LOCATION:** West Market Street, east of the Twin Oaks Road

**LAND USE OF THIS PROPERTY:** Residential

**LAND USE IN THE SURROUNDING AREA:**

**NORTH:** Single-Family Residential

**SOUTH:** Our Lady of the Elms Convent and Rockynol senior living facility

**EAST:** Manor Care assisted living facility

**WEST:** Our Lady of the Elms private school

**ZONED:** Single Family Residential Use District (U1, H1, A1)

**SIZE OF LOT & AREA:** Irregularly shaped property along W. Market Street with approximately 430 feet of frontage and a depth of approximately 270 feet for an approximate area of two acres.

**COMMENTS:**

Jaime Delapaz is the lessee of the property at the northeast intersection of W. Market Street and Twin Oaks Road. The property contains a large, two story, single-family residential dwelling also known as the Carkhuff Mansion, along with a two-story carriage house addressed respectively as 1221 and 1225 West Market Street. The irregularly shaped property has approximately 430 feet along W. Market Street with depth of approximately 270 feet for an area of approximately two acres. Surrounding land uses include single-family residential to the north, an assisted living facility to the east, senior living facilities to the south, and a private school and higher density dwellings across Twin Oaks Road to the west. The property is zoned for Single-Family Residential Use District (U1, H1, A1).

The Petitioner is requesting permission to reuse the property as a premium dining and event space on the first floor with lodging for guests in rooms on the second floor of the mansion. In addition, they would like to redevelop the carriage house into a microbrewery with an indoor and outdoor restaurant. Because the property is within a Single-Family Residential Use District, Conditional Use approval is required.

Tax records indicate that the dwelling and carriage house were constructed in 1917. The site was conditionally approved for limited business and was occupied from about 1984 through 2022 with law offices (PC-1982-101-CU, PC-1992-46-CU). Currently both structures are unoccupied. It is

the intent of the Petitioner to convert the mansion into a meeting spot and inn involving a limited and unique premium dining experience. The mansion's footprint is composed of different sized rooms on the first level that can accommodate intimate groups for business or social events. In the morning it would serve as an exclusive breakfast and brunch gathering place for patrons, while in the afternoon and evening the space would be prepared and used as a limited, white tablecloth restaurant establishment featuring European recipes prepared by a renowned chef. The large back patio would be used for outdoor dining. Second floor rooms would be set up to accommodate overnight visitors or out-of-town guests. The carriage house would be converted into a microbrewery featuring a restaurant with indoor and outdoor eating spaces.

Proposed changes to the site are anticipated to be minimal thus letting it retain the existing character of the property. The site is listed on the National Register of Historic Places although the Petitioner does not anticipate making any changes or additions to the exterior of the mansion. A covered patio addition to the front elevation of the carriage house will be necessary to accommodate an outdoor eating area. Access to the site will be via the existing driveway along West Market Street. The driveway entrance will be widened to providing easier access for vehicles entering and exiting the property. Currently there are parking spaces for 25 vehicles although the parking area will be restriped to accommodate up to about 50 vehicles. If necessary, parking could be expanded by the widening of the driveway for parallel parking, or elsewhere on the property.

The conversion of the Carkhuff Mansion and carriage house to a limited retail establishment with a restaurant and inn should not have any negative impacts upon the surrounding area. The Petitioner anticipates employing up to 50 full-time and part-time employees. The site is located along a major arterial so traffic will not be directed through or disrupting residential neighborhoods. The number of guests on-site will be limited so the impact of noise and light upon adjacent properties will be minimal, if at all. The redevelopment of the site fulfills an objective of the Land Use and Development Guide Plan by allowing for a creative reuse of the site while encouraging the preservation of the historic mansion and carriage house.

### **RECOMMENDATION:**

The Planning Staff finds the requested Conditional Use is consistent with standards found in Section 153.474 (A through H) and the Land Use and Development Guide Plan and recommends **APPROVAL** of the petition of Jaime Delapaz for a Conditional Use to establish a restaurant and microbrewery at 1221/1225 W Market Street, subject to the following conditions:

- (1) That the owner apply for, and have the property designated as, a local historic landmark.
- (2) That the location and sizes of points of ingress and egress be subject to the approval of the Traffic Engineer.
- (3) That the number, size, and location of all exterior signs shall be subject to the approval of the Department of Planning and Urban Development, and these signs shall conform to Section 153.345-.375 of the Zoning Code.

- (4) That all exterior lighting on the Petitioner's property, if any, be installed so as not to impair in any way the safe movement of traffic on any street or highway or so as not to intrude on the surrounding properties.
- (5) That the area be kept free of trash and litter.

MM/emd