

AKRON CITY PLANNING COMMISSION

MEETING OF NOVEMBER 15, 2024 - 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING, 166 S. HIGH STREET

(1) CORRECTION and APPROVAL of Minutes of September 20 and October 18, 2024.

(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-2024-42-CU** – Petition of Zoran Matejin for a Conditional Use to vary the rear yard setback to construct a retail building at 435 Darrow Road.

C. **PC-2024-51-T** – Text change to amend the Zoning Code regarding enforcement of the Zoning Code.

D. **PC-2024-58-CU** – Petition of Paul and Jeanne Thomarios for a Conditional Use to construct a residence providing for storage of more than five vehicles at 2010 Stockbridge Road.

E. **PC-2024-59-CU** – Petition of Stan Hywet Hall and Gardens, Inc., for a Conditional Use to establish an arts and cultural resource center at 989 N. Portage Path.

(3) RENEWALS

KJ/emd

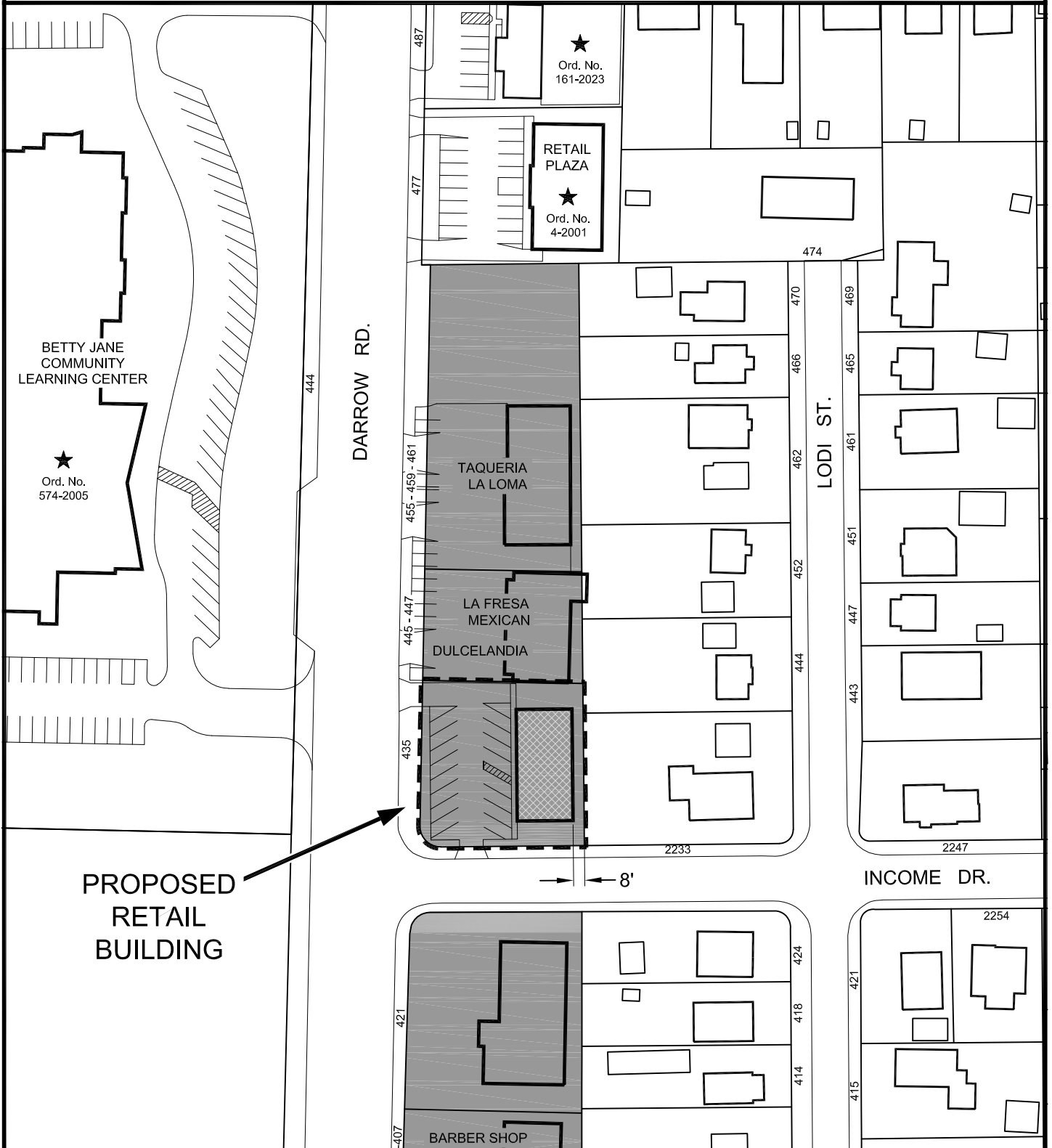
PC-2024-42-CU

Petition of Zoran Matejin for a Conditional Use to vary the rear yard setback to construct a retail building at 435 Darrow Road

- ★ Conditional Use
- U1 Single Family Residential
- U3 Retail Business



0 100'
Created 10/30/2024 jwh
Revised 10/30/2024 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2B**
PC-2024-42-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: NOVEMBER 15, 2024 **WARD: 6**
COUNCILPERSON: McKitrick

SUBJECT: **PC-2024-42-CU** – Petition of Zoran Matejin for a Conditional Use to vary the rear yard setback to construct a retail building at 435 Darrow Road.

GENERAL LOCATION: Northeast corner of Darrow Road and Income Drive

LAND USE OF THIS PROPERTY: Retail

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE: Retail
SOUTH SIDE: Vacant Retail
EAST SIDE: Residential
WEST SIDE: School

ZONED: Retail Business (U3, H2, A3)

SIZE OF LOT & AREA: Irregularly shaped, contains 13,875 square feet of area

COMMENTS:

Zoran Matejin is the owner of the lot located on the northwest corner of Darrow Road and Income Drive, addressed as 435 Darrow Road. The parcel contains 13,875 square feet of area. Surrounding land uses include retail developments containing Dulcelandia and Paleteria La Fresa to the north, a vacant retail space to the south, a residential use to the east, and Betty Jane Community Learning Center to the west. The Darrow Road property is zoned Retail Business Use District (U3, H2, A3), and the property to the east is zoned Single Family Residence Use District (U1, H1, A1), in accordance with the Land Use and Development Guide Plan.

The Petitioner is requesting to vary the rear yard setback to the east by four feet in order to construct a new retail structure. Since the proposed new retail building will be closer than 12 feet to a residentially zoned district, Conditional Use approval is necessary.

The proposed structure measures 80 feet by 44 feet, with two separate storefronts. Construction materials will include face brick on the front, and cementitious material on the north, south, and eastern sides. The roof will consist of asphalt shingles. The

building will utilize two existing curb cuts, while eliminating a third in order to permit a total of 16 hard-surfaced angled parking spaces in the front of the building. Landscaping is depicted along Darrow Road and Income Drive to screen the parking lot. Because the Petitioner owns the two retail structures to the north of the project site, he will place new dumpsters in their location to handle the additional waste generated by this property. In order to buffer the retail activity from the residential properties to the east, a six foot solid wood fence should be installed along the eastern property line. The submitted plans depict overhead electrical service, which is required to be underground.

One goal of the Land Use and Development Guide Plan is to promote the preservation and revitalization of viable business districts by providing viable shopping areas with room for businesses to expand their facilities, and promoting good design standards for buildings, signage, and parking areas. The subject lot has been vacant for over 20 years, having formerly held a gas station. The Planning Staff is of the opinion that the proposed development and improvements will suitably reactivate this long vacant property without imposing on neighboring properties. The requested eight feet rear yard setback is consistent with the Petitioner's retail buildings to the north and will similarly allow a suitable amount of parking. Provided the Petitioner provides a fence buffer along the eastern property line, 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 Zoran Matejin for a Conditional Use to vary the rear yard setback by four feet at 435 Darrow Road, in accordance with plans entitled "New Building for Zoran Matejin at 435 Darrow Road Ellet Ohio 44305: Dated 12/27/2023" and subject to the following conditions:

- (1) That a landscape planting and 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 landscaping and stop blocks be installed along the eastern and northern property lines, and fencing along the western property line be installed and maintained as shown on the approved plan.
- (2) That the Petitioner submit a storm water management plan to control the run-off, siltation and sedimentation during construction and to control the run-off after the development is completed. This plan is to be consistent with all the requirements of Section 192.101-.114 of the Code of Ordinances and is to be subject to the approval of the Bureau of Engineering and submitted prior to the issuance of any building permits.

- (3) That the location and sizes of points of ingress and egress be at the northeastern and southeastern corners of the property, and subject to the approval of the Traffic Engineer.
- (4) That all driveways and parking areas be hardsurfaced and curbed to Bureau of Engineering specifications.
- (5) That the Petitioner, at his total expense, install, restore and repair curbing, sidewalks, and approaches along Darrow Road and Income Drive and comply with Section 98.21 of the Code of Ordinances.
- (6) That the Petitioner provide adequately dustproofed off-street parking for construction workers and off-street storage space for materials and equipment during construction.
- (7) 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.
- (8) 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.
- (9) That the construction material of the exterior walls of the structures shall be subject to the approval of the Department of Planning and Urban Development.
- (10) That any projections above the roof line of the structure, excepting parapets or chimneys, be adequately screened to the satisfaction of the Department of Planning and Urban Development.
- (11) That the outside display of merchandise be prohibited.
- (12) That all public utility services including electrical service be installed underground and their locations suitably marked for safety.
- (13) That the Petitioner connect with, relocate or extend the necessary sewer facilities to his development at his own expense in accordance with plans approved by the Bureau of Engineering.
- (14) That the area be kept free of trash and litter.

- (15) That any dumpster enclosure shall be constructed of masonry and its location subject to the approval of the Department of Planning and Urban Development.
- (16) 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.
- (17) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code.
- (18) 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.
- (19) That to ensure development as shown on the approved plans, a Performance Bond be placed with the Department of Planning and Urban Development at 100% of the estimated cost of the following:
 - (a) Landscaping installation as referred to in Item (1) above.
 - (b) Hardsurfacing installation as referred to in Item (4) above.
- (20) That as a prerequisite to the issuance of any building or grading permit incident hereto, the following be submitted to the City:
 - (a) Bond as referred to in Item (19) above.
 - (b) Landscape plan as referred to in Item (1) above.
 - (c) Storm water management plan as referred to in Item (2) above.

BL/emd

MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION

**ITEM # 2C
PC-2024-51-T**

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

DATE: NOVEMBER 15, 2024

SUBJECT: PC-2024-51-T – Text change to amend the Zoning Code regarding enforcement of the Zoning Code.

COMMENTS:

The City of Akron is proposing to amend the Zoning Code to designate the enforcement of the Zoning Code from the Superintendent of Building Inspection to the Director of Planning and Urban Development and recognizing that the Chief Building Official of Summit County, Ohio reviews plans and issues certificates of occupancy. The proposed amendments will promote efficient enforcement and administration of the Zoning Code.

The proposed changes to duties of enforcement would promote cohesiveness in the Zoning Code violation process. All Orders to Comply and Administrative Fines that are issued for violations of the Zoning Code are generated from the Zoning office. Since the Zoning Manager reports to the Director of Planning and Urban Development, and many of the support staff are in the Zoning office, the enforcement process will be more centralized and effective. Any appeal of an Order to Comply/Administrative Fine will still be required to be reviewed by the Board of Zoning Appeals. The proposed changes to the section concerning Certificates of Occupancy would be harmonious with the building permit process as it currently exists.

The City of Akron Planning Staff believe that the proposed changes will not have a negative impact on the character of residential neighborhoods. These changes will help the city to achieve its goal of providing clear, predictable, and streamlined services to its constituents. Therefore, the following text changes to the Zoning Code are proposed:

Section 1. That Title 15, “Land Usage”, Chapter 153 “Zoning Code”, Article 1 “General Provisions”, Sections 153.110 “Certificates of Occupancy”, 153.130 “Enforcement”, and 153.140 “Definitions”; and Article 11 “Board of Zoning Appeals”, Section 153.422 “Transmission to planning staff and Superintendent” of the Code of Ordinances of the City of Akron, 2004, be and is hereby amended and/or supplemented to read as follows:

153.110 - Certificates of occupancy.

A. Function. No person shall use or permit the use of any building or premises or part thereof hereafter erected, created, changed, or converted wholly or partly in its use or structure until the **Chief Building Official of Summit County, Ohio, Department of Building Standards**~~Superintendent of Building Inspection~~ has issued a certificate of occupancy stating that the building and premises comply with the **Ohio Building Code, other construction codes regulated by the State of Ohio and enforced by the Chief Building Official of Summit County**, and the provisions of this Zoning Code, provided that nothing in this section shall prevent the continuance of the present occupancy or use of any premises or of any existing building as provided by Sections 153.390 through 153.398.

~~B. Issuance. The Superintendent shall issue a certificate of occupancy and compliance within three days after written application therefor has been filed in the office of the Superintendent or, if erection or alteration of buildings is contemplated, within three days after receiving written notice that such erection or alteration is completed to the point of availability for occupancy and use, provided that such building or premises, and the proposed use thereof, therefor, comply with this Zoning Code and the Building Code.~~

~~C. Records and Fees. A record of all certificates shall be kept on file in the office of the Superintendent and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. A fee as set forth in the Building Code shall be charged for each original copy of a certificate of occupancy. For each duplicate certificate of occupancy of an existing building, a fee as set forth in the Building Code shall be charged. Penalty, see § 153.199.~~

153.130 – Enforcement.

This Zoning Code shall be enforced by the ~~Superintendent of Building Inspection~~ **Director** and other designees appointed by the Mayor, under the rules and regulations of the Board of Zoning Appeals in order to enforce municipal laws and regulations.

153.140 – Definitions.

“Director.” The Director of Planning and Urban Development.

153.422 – Transmission to planning staff and ~~Superintendent~~ Director.

Immediately after the filing of an appeal or application, the secretary of the Board of Zoning Appeals shall transmit a copy to the planning staff for investigation and study. Any appeal or application shall be transmitted to the ~~Superintendent of Building Inspection~~ **Director** and they shall endorse thereon their reason for refusing to grant the permit requested.

RECOMMENDATION:

The Office of Integrated Development and Planning Staff recommend **APPROVAL** of amending Title 15, "Land Usage", Chapter 153 "Zoning Code", Article 1 "General Provisions", Sections 153.110 "Certificates of Occupancy", 153.130 "Enforcement", and 153.140 "Definitions"; and Article 11 "Board of Zoning Appeals", Section 153.422 "Transmission to planning staff and Superintendent" of the Code of Ordinances of the City of Akron.

KEP/emd

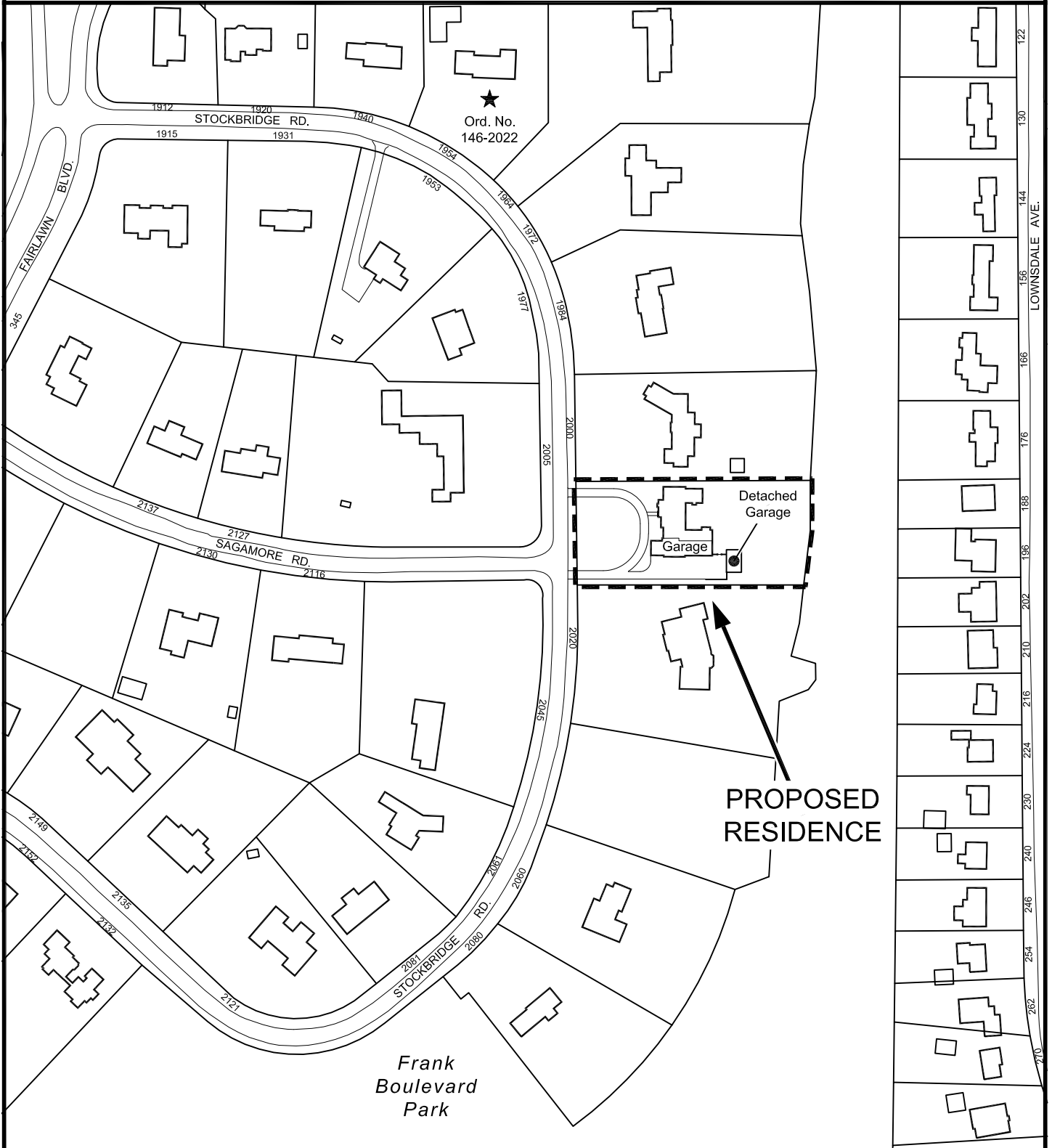
PC-2024-58-CU

Petition of Paul and Jeanne Thomarios for a Conditional Use to construct a residence providing for storage of more than five vehicles at 2010 Stockbridge Road

- ★ Conditional Use
- UI Single Family Residential



0 200'
Created 10/31/2024 jwh
Revised 11/01/2024 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2D**
PC-2024-58-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: NOVEMBER 15, 2024 **WARD:** 8
COUNCILPERSON: Bolden

SUBJECT: PC-2024-58-CU – Petition of Paul and Jeanne Thomarios for a Conditional Use to construct a residence providing for storage of more than five vehicles at 2010 Stockbridge Road.

GENERAL LOCATION: West side of Stockbridge Road intersecting with Sagamore Road

LAND USE OF THIS PROPERTY: Single-family residence

LAND USE IN THE SURROUNDING AREA: Single-family residential in all directions.

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

SIZE OF LOT & AREA: 150 feet by approximately 330 feet for an area of approximately one acre

COMMENTS:

Paul and Jeanne Thomarios are the owners of a vacant property at 2010 Stockbridge Road. Surrounding land uses are single-family residential in all directions. 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 Petitioner will be constructing a new single-family dwelling with an accessory structure in the rear yard of their residential property. They are proposing to build an attached garage to the new home that will hold up to 12 vehicles and a detached garage up to 22 feet in height that can hold an additional 4 vehicles. The zoning code permits residential dwellings to have up to 5 vehicles on a residential property and accessory structures to be no taller than 15 feet; therefore, Conditional Use approval is required to allow the additional vehicles to be stored on the property and for the accessory structure to exceed the height requirement.

The proposed two-story brick dwelling will be setback over 120 feet from the property line with an attached six-bay garage facing the 32 feet wide driveway along the southern, side-yard property line. The attached garage will have spaces for six vehicles, each with an installed car lift so it can double the number of vehicles that can be stored. The proposed single-story detached garage will measure 21.5 feet in

width, 33 feet in length (709.5 square feet), to a height of 22 feet. It will be situated at the end of the driveway over 200 feet back from the front property line, and the required minimum 10 feet from the south, side yard property line. It will contain two parking spaces that will also have lifts to double the storage of vehicles. In all, 16 vehicles could be stored within the garages on the property. The detached garage will be set on a poured concrete foundation and constructed with a brick veneer façade and asphalt shingles that will match the construction of the new house. The front elevation will feature a man door and two 8 by 10 feet standard garage doors. The remaining elevation will have double-paned, double-hung windows centered on each side. Gutters and downspouts will be tied into the residential storm drains for the house.

The Petitioner states that both the attached and detached garages will be used for parking their personal vehicles and to allow them to house their historic car collection. The additional 5 feet in height for the detached garage should be unnoticeable to neighbors on this wooded site and will allow the structure to keep in character with the new home. The attractive new residence and garage structure is a significant investment in this neighborhood, which will provide for personal storage of historic vehicles out of the elements and view of neighbors. 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 the Land Use and Development Guide Plan and recommends **APPROVAL** of the petition of Paul and Jeanne Thomarios for a Conditional Use to construct a residence providing for storage of more than five vehicles at 2010 Stockbridge Road, in accordance with submitted plans and subject to the following conditions:

- (1) That the garage shall not exceed 22 feet in height.
- (2) That the Petitioner shall obtain all necessary building permits.
- (3) That the garage shall be used for residential storage purposes only.
- (4) That the garages 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.

MM/emd

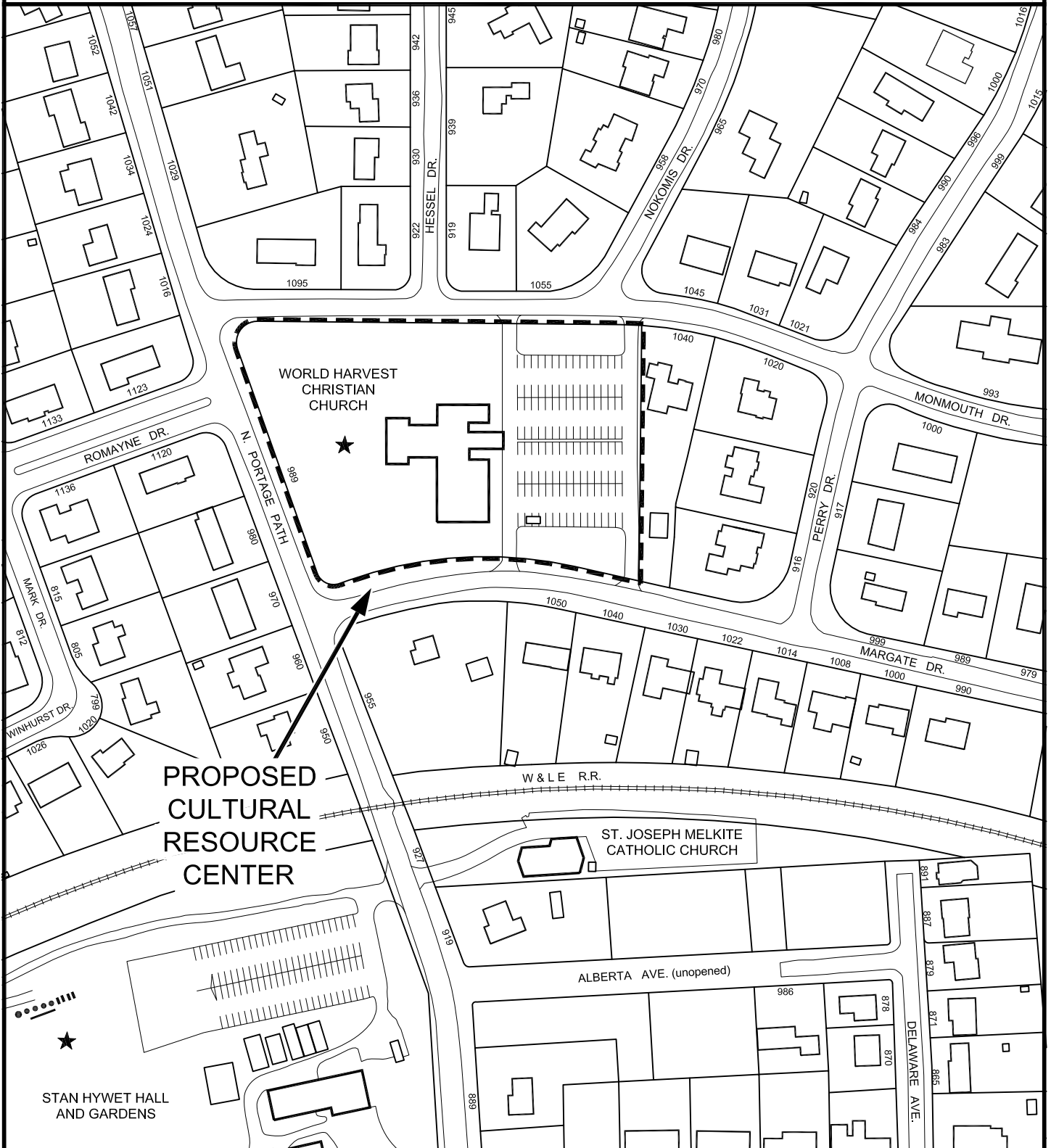
PC-2024-59-CU

Petition of Stan Hywet Hall and Gardens, Inc., for a Conditional Use to establish an arts and cultural resource center at 989 N. Portage Path

- ★ Conditional Use
- UI Single Family Residential



0 200'
Created 10/23/2024 jwh
Revised 10/30/2024 jwh



STAN HYWET HALL AND GARDENS

MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2E**
PC-2024-59-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: NOVEMBER 15, 2024 **WARD:** 8
COUNCILPERSON: Bolden

SUBJECT: PC-2024-59-CU – Petition of Stan Hywet Hall and Garden, Inc., for a Conditional Use to establish an arts and cultural resource center at 989 N. Portage Path.

GENERAL LOCATION: East side of N. Portage Path, north of Margate Drive

LAND USE OF THIS PROPERTY: Vacant Retail

LAND USE IN THE SURROUNDING AREA: All sides residential

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

SIZE OF LOT & AREA: 4.25 acres

COMMENTS:

Stan Hywet Hall and Gardens, Inc. is the holder of option to purchase the former Word Harvest church and parking area located on the east side of N. Portage Path, north of Margate Drive, addressed as 989 N. Portage Path. The property contains 4.25 acres of area. The 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 (LUDGP).

The Petitioner is proposing to establish an arts and cultural resource center at this location. As such, a retail use within a residentially zoned district requires Conditional Use approval.

Stan Hywet Hall and Gardens (714 N. Portage Path) contains a historic 65-room Tudor Revival Manor House, Gothic Revival Conservatory, Gate Lodge and approximately 70 acres of landscaped grounds and former gardens. However, one caveat of the transfer of ownership from the Seiberling Family in 1957 prevents the altering of structures and most of the natural landscape from its original design and intent. As such, in order to address critical infrastructure needs, Stan Hywet Hall and Gardens, Inc. is proposing to acquire the nearby vacant World Harvest Church to repurpose the facility as an arts and cultural resource center. The 13,773 square feet structure contains a sanctuary, hall, kitchen, office, and classroom space. A paved parking lot with 115 spaces is east of the building.

Stan Hywet Hall and Gardens, Inc. has stated that repurposing the former church site will enhance their ability to fulfill their mission as a cultural, environmental, and historic site. Owning the former church site will strengthen their ability to serve the community by addressing their critical infrastructure needs, which includes volunteer resources, programming space, and nonprofit collaborations. Stan Hywet depends on the annual support of hundreds of volunteers, of which many use shared spaces on the property with staff or use storage pods and sheds to store resources for the estate. Additionally, Stan Hywet does not have a dedicated space to host indoor educational programs. Furthermore, Stan Hywet desires to be able to offer affordable space to nonprofits to help support the facility's operational costs. As such, the former church is ideal because the site offers sufficient classroom, storage, office space, and off-street parking to meet current and anticipated future needs. No signage or changes to the exterior are proposed.

One objective of the LUDGP is to encourage the redevelopment of older neighborhood business districts. The property was Board of Zoning Appeals approved and developed in 1960 as the Grace Evangelical Lutheran Church. Since 1988, the property has also been used as a school with the last use by the World Harvest Church. Since all activities will be indoors during normal operating hours, the proposed reuse of this long-standing facility will not be intrusive to this Merriman Hills neighborhood. 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 the Land Use and Development Guide Plan and recommends **APPROVAL** of the petition of Stan Hywet Hall and Gardens, Inc. for a Conditional Use to establish an arts and cultural resource center at 989 N. Portage Path.

- (1) 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.
- (2) 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.
- (3) That the number, size, and location of all exterior signs shall conform to Section 153.345-.375 of the Zoning Code.