

AKRON CITY PLANNING COMMISSION

MEETING OF APRIL 18, 2025 - 9:00 A.M.

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

(1) CORRECTION and APPROVAL of Minutes of March 14, 2025

(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-2025-11-CU** – Petition of Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a digital outdoor advertising display at 800 Flora Avenue

C. **PC-2025-12-CU** – Petition of Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a static outdoor advertising display at 800 Flora Avenue

D. **PC-2025-13-CU** – Petition of Exotic Leaf, LLC, for a Conditional Use to establish a vape shop at 1328 Copley Road

E. **PC-2025-14-CU** – Petition of Middlebury Housing, LLC, for a Conditional Use to construct three two-family dwellings at 733, 737 and 745 Excelsior Avenue

F. **PC-2025-15-CU** – Petition of Shade McMillan for a Conditional Use to construct an oversized garage at 711 Delaware Avenue

G. **PC-2025-16-CU** – Petition of Wonder World Child Development Center for a Conditional Use to construct a child daycare business center at 698 Diagonal Road

H. **PC-2025-17-CU** – Petition of Tiffanie Goler for a Conditional Use to establish a Type A daycare home at 355 St. Leger Avenue

I. **PC-2025-18-V** – Councilmatic request to vacate a portion of Salem Avenue, from Landon Street west to its terminus

(3) RENEWALS

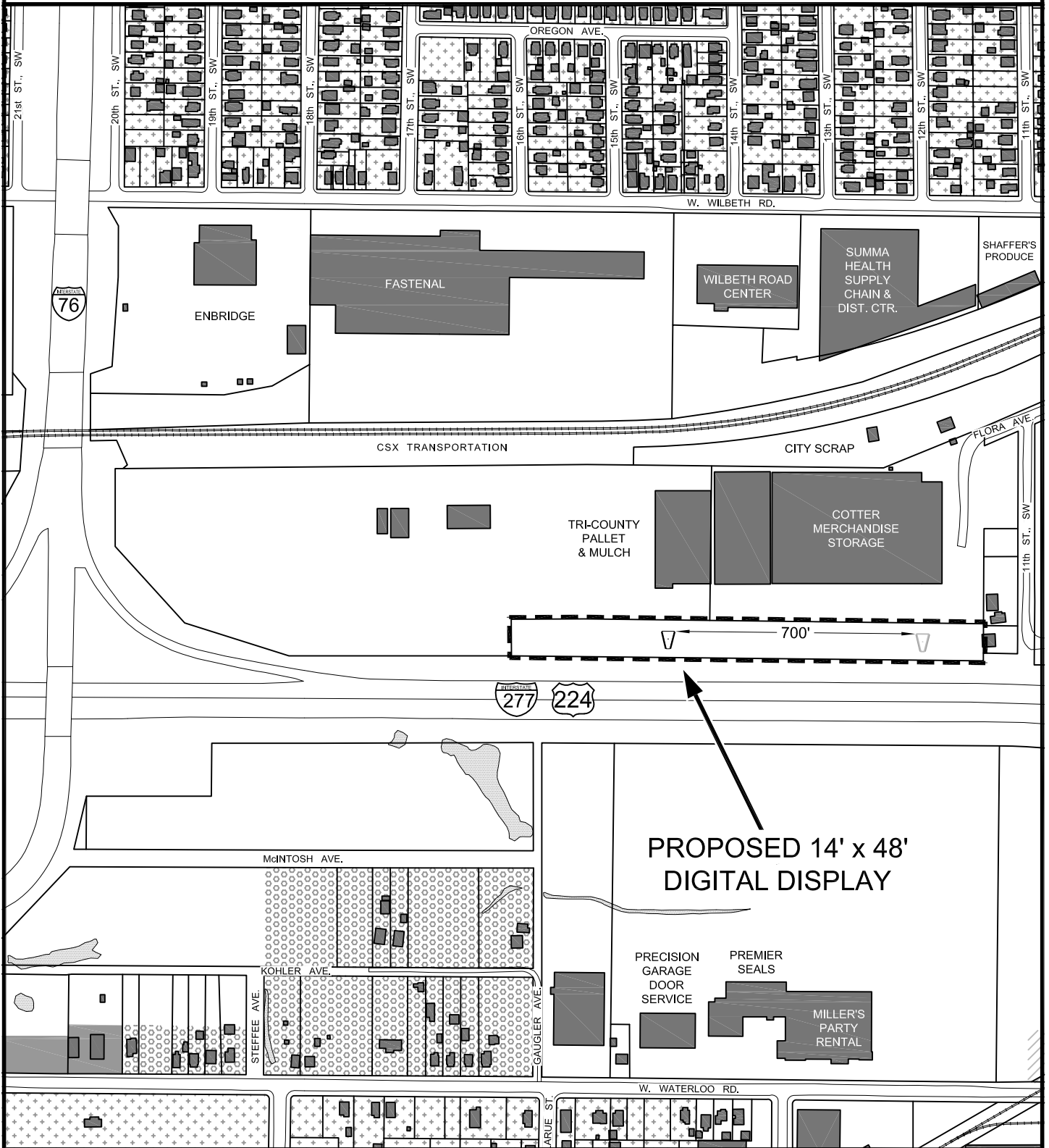
PC-2025-11-CU

Petition of Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a digital outdoor advertising display at 800 Flora Avenue

- U1 Single Family Residential
- U2 Apartment House
- U3 Retail Business
- U4 Commercial
- U5 Ordinary Industry



Created 03/19/2025 jwh
Revised 03/19/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION ITEM # 2B
PC-2025-11-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025

WARD: 9
COUNCILPERSON: Boyes

SUBJECT: PC-2025-11-CU – Petition of Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a digital outdoor advertising display at 800 Flora Avenue

GENERAL LOCATION: North side of Interstate 277/US Route 224, east of Interstate 76

LAND USE OF THIS PROPERTY: Vacant land

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE: Commercial and industrial
SOUTH SIDE: Transportation, vacant land and commercial
EAST SIDE: Industrial and residential
WEST SIDE: Industrial and transportation

ZONED: Ordinary Industry Use District (U5, H3, A2)

SIZE OF LOT & AREA: Approximately 110 feet x 1,335 feet (3.37 acres)

COMMENTS:

GKG Investments, LLC, a holding company for Kenjoh Outdoor, is the owner of a narrow parcel of land containing 3.37 acres along the north edge of Interstate 277, east of the Interstate 76 interchange. The lot is located to the rear (west) of a residential dwelling addressed as 2482 11th Street, SW, and to the south of commercial structures addressed as 820 and 840 Flora Avenue. Surrounding land uses include commercial and industrial to the north; Interstate 277, vacant land, and commercial to the south; industrial and residential to the east; and industrial and Interstate 76 to the west. The property is zoned Ordinary Industry Use District (U5, H3, A2) in accordance with the Land Use and Development Guide Plan.

The Petitioner, Kenjoh Outdoor, is requesting permission to place an outdoor advertising display (billboard) to a height of 65 feet. An outdoor advertising display requires Conditional Use approval, regardless of the zoning district in which it would be placed.

The double-sided V-shaped billboard would be located approximately 450 feet east of the west end of the property, roughly centered north to south on the lot. This location

was selected based upon the Petitioner's understanding of the required distance of 500 feet from a ramp along an expressway as required by the Ohio Department of Transportation (ODOT). The digital panels, each measuring 48 feet in width by 14 feet in height (672 square feet), would be supported by a steel monopole column 48 inches in diameter. The structure, with a base elevation approximately 10 feet above the interstate surface, would reach an overall height of 65 feet above ground level. The base of the structure would be hardsurfaced.

Section 153.385 of the Zoning Code establishes the development requirements for advertising displays permitted as a Conditional Use, and this proposal meets most of the requirements. However, a minimum distance of 1,000 feet between billboards is required. The Petitioner is also proposing a static bulletin under separate application, to be placed 700 feet to the east, on the same property. The Planning Staff is of the opinion that the digital billboard could be moved further west by at least 200 feet, still meeting the minimum distance from a ramp while increasing the separation distance between the two billboards. Also, a noncombustible display is limited in height to the lesser of the height district in which it is located, or 50 feet. In this instance, 50 feet would be the maximum allowable height—15 feet less than proposed. However, the proposed height would be similar to the approved heights of several recently approved displays and should not impose on the surrounding area. In addition, advertising displays along expressways are to be a minimum of 660 feet from the edge of the right-of-way of a "primary highway." However, a precedent has been established allowing similar billboards in proximity to interstate highways and other expressways. Although a lighting study has not been submitted with the application, it is expected that digital display would comply with national lighting requirements as set forth by the International Sign Association (ISA) and Outdoor Advertising Association of America (OAAA).

The proposed digital advertising display is along a well-traveled highway. A sound wall that will soon be installed to screen the neighborhood of homes on 7th and 8th streets to the east should not affect the installation or visibility of the display. At a height of 65 feet and digital faces oriented toward the highway, the billboard should not impose on the neighboring uses and should contribute to a vibrant business environment by providing an efficient means for local businesses to communicate with consumers.

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 Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a digital outdoor advertising display at 800 Flora Avenue, subject to the following conditions:

- (1) That the outdoor advertising display be limited to 672 square feet in area, and that the height be limited to an overall height of 65 feet above the grade at which it is constructed.

- (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.
- (3) That all surfaces of the structure shall be kept in good repair, in a safe condition, 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.
- (4) That the copy of the digital advertising display shall not flash, rotate or have the appearance of moving, and the message and the image shall remain illuminated and unchanged a minimum of eight seconds at a time.
- (5) That the Petitioner obtain all necessary permits.

JH/emd

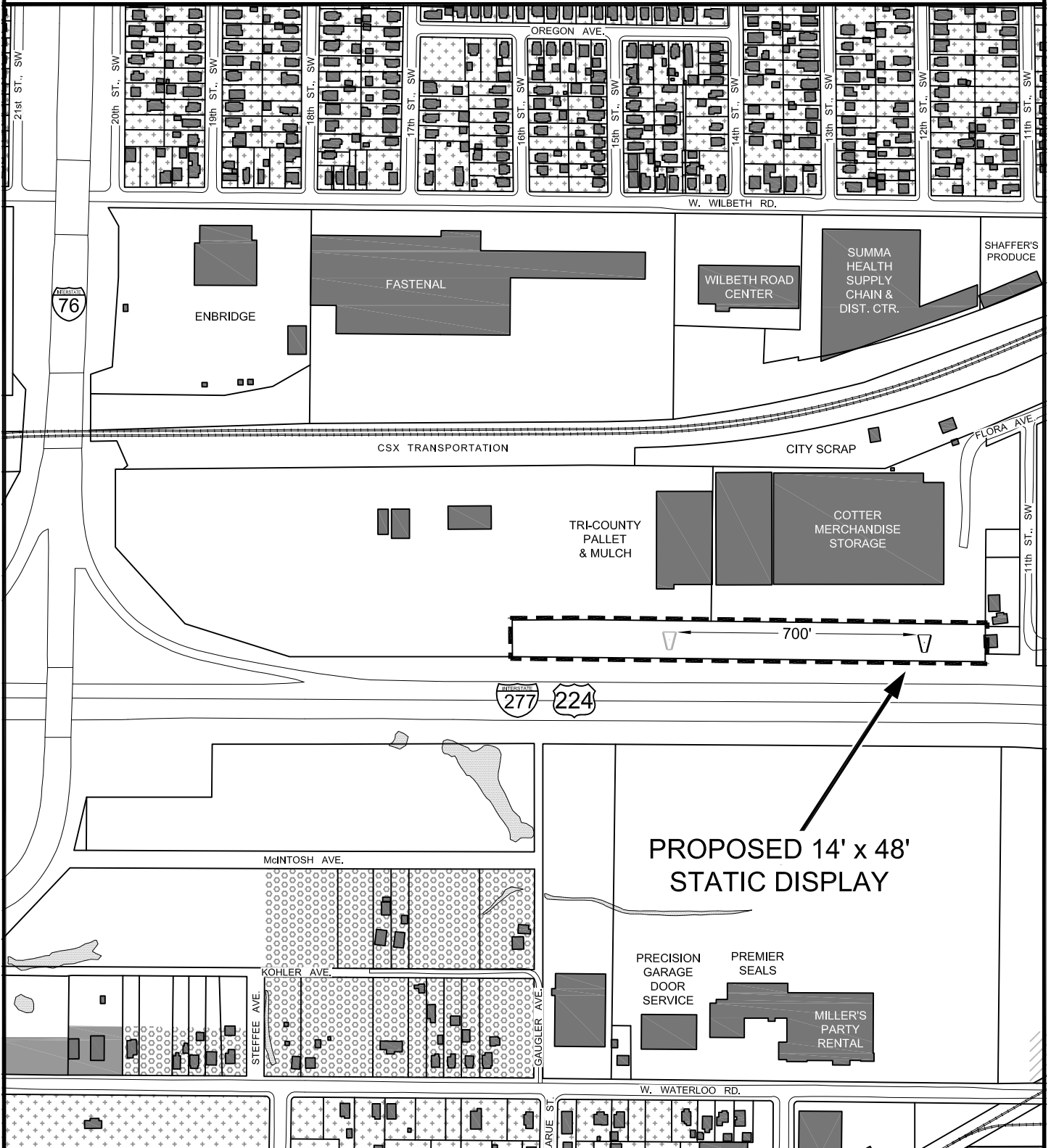
PC-2025-12-CU

Petition of Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a static outdoor advertising display at 800 Flora Avenue

- U1 Single Family Residential
- U2 Apartment House
- U3 Retail Business
- U4 Commercial
- U5 Ordinary Industry



0 400'
Created 03/19/2025 jwh
Revised 03/19/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2C**
PC-2025-12-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD: 9**
COUNCILPERSON: Boyes

SUBJECT: PC-2025-12-CU – Petition of Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a static outdoor advertising display at 800 Flora Avenue

GENERAL LOCATION: North side of Interstate 277/US Route 224, east of Interstate 76

LAND USE OF THIS PROPERTY: Vacant land

LAND USE IN THE SURROUNDING AREA:

NORTH SIDE: Commercial and industrial
SOUTH SIDE: Transportation, vacant land and commercial
EAST SIDE: Industrial and residential
WEST SIDE: Industrial and transportation

ZONED: Ordinary Industry Use District (U5, H3, A2)

SIZE OF LOT & AREA: Approximately 110 feet x 1,335 feet (3.37 acres)

COMMENTS:

GKG Investments, LLC, a holding company for Kenjoh Outdoor, is the owner of a narrow parcel of land containing 3.37 acres along the north edge of Interstate 277, east of the Interstate 76 interchange. The lot is located to the rear (west) of a residential dwelling addressed as 2482 11th Street, SW, and to the south of commercial structures addressed as 820 and 840 Flora Avenue. Surrounding land uses include commercial and industrial to the north; Interstate 277, vacant land, and commercial to the south; industrial and residential to the east; and industrial and Interstate 76 to the west. The property is zoned Ordinary Industry Use District (U5, H3, A2) in accordance with the Land Use and Development Guide Plan.

The Petitioner, Kenjoh Outdoor, is requesting permission to place an outdoor advertising display (billboard) to a height of 65 feet. An outdoor advertising display requires Conditional Use approval, regardless of the zoning district in which it would be placed.

The double-sided V-shaped billboard would be located 157 feet west of the east end of the property, roughly centered north to south on the lot. This location was selected as providing sufficient separation distance from two nonconforming residences to the east. The externally illuminated static panels, each measuring 48 feet in width by 14 feet in height (672 square feet), would be supported by a steel monopole column 48 inches in diameter. The structure, with a base elevation approximately 12 feet above the interstate surface, would reach an overall height of 65 feet above ground level. The base of the structure would be hardsurfaced.

Section 153.385 of the Zoning Code establishes the development requirements for advertising displays permitted as a Conditional Use, and this proposal meets most of the requirements. However, a minimum distance of 1,000 feet between billboards is required. The Petitioner has also proposed a digital bulletin under separate application, to be placed 700 feet to the west, on the same property. Also, a noncombustible display is limited in height to the lesser of the height district in which it is located, or 50 feet. In this instance, 50 feet would be the maximum allowable height—15 feet less than proposed. However, the proposed height would be similar to the approved heights of several recently approved displays and should not impose on the surrounding area. In addition, advertising displays along expressways are to be a minimum of 660 feet from the edge of the right-of-way of a “primary highway.” However, a precedent has been established allowing similar billboards in proximity to interstate highways and other expressways. Although a lighting study has not been submitted with the application, it is expected that digital display would comply with national lighting requirements as set forth by the International Sign Association (ISA) and Outdoor Advertising Association of America (OAAA).

The proposed externally illuminated static advertising display is along a well-traveled highway. A sound wall that will soon be installed to screen the neighborhood of homes on 7th and 8th streets to the east should not affect the installation or visibility of the display. At a height of 65 feet and digital faces oriented toward the highway, the billboard should not impose on the neighboring uses and should contribute to a vibrant business environment by providing an efficient means for local businesses to communicate with consumers.

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 Dan Nielsen, dba Kenjoh Outdoor, for a Conditional Use to place a digital outdoor advertising display at 800 Flora Avenue, subject to the following conditions:

- (1) That the outdoor advertising display be limited to 672 square feet in area, and that the height be limited to an overall height of 65 feet above the grade at which it is constructed.

- (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.
- (3) That all surfaces of the structure shall be kept in good repair, in a safe condition, 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.
- (4) That the copy of the digital advertising display shall not flash, rotate or have the appearance of moving, and the message and the image shall remain illuminated and unchanged a minimum of eight seconds at a time.
- (5) That the Petitioner obtain all necessary permits.

JH/emd

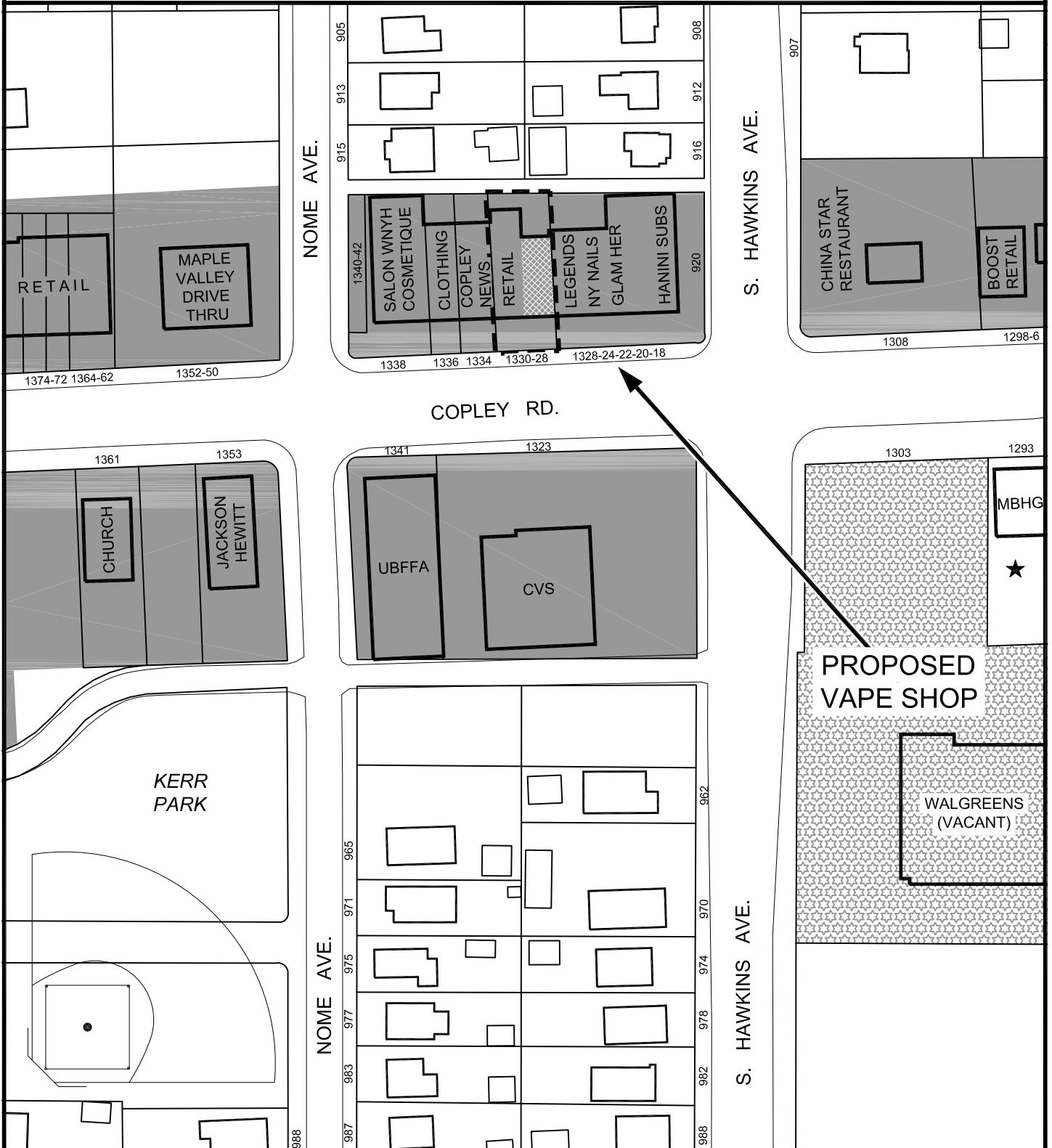
PC-2025-13-CU

Petition of Exotic Leaf LLC for a Conditional Use to establish a vape shop at 1328 Copley Road

- ★ Conditional Use
- U1 Single Family Residential
- U3 Retail Business
- ▨ Unified Planned Development (UPD-43)



0 100'
Created 03/17/2025 jwh
Revised 03/17/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2D**
PC-2025-13-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD:** 4
COUNCILPERSON: Davis

SUBJECT: **PC-2025-13-CU** – Petition of Exotic Leaf, LLC, for a Conditional Use to establish a vape shop at 1328 Copley Road

GENERAL LOCATION: North side of Copley Road, west of S. Hawkins Avenue

LAND USE OF THIS PROPERTY: Retail

LAND USE IN THE SURROUNDING AREA:

NORTH: Residential
SOUTH: Retail
EAST: Retail
WEST: Retail

ZONED: Retail Business Use District (U3, H1, A2)

SIZE OF LOT & AREA: 44 feet by 114 feet = 5,016 square feet of area

COMMENTS:

Exotic Leaf, LLC, is the lessee of a retail building at 1328 Copley Road, located on the north side of Copley Road, west of S. Hawkins Avenue. The property contains 5,016 square feet of area. Surrounding uses are residential to the north and retail to the south, east, and west. The property is zoned Retail Business Use District (U3, H1, A2) in accordance with the Land Use and Development Guide Plan.

The Petitioner is requesting permission to establish a vape shop at this location. The nearest vape shop is over 2500 feet away. A vape shop that intends to sell 25% or greater nicotine vape products and vape accessories and is greater than 2500 feet from another, requires Conditional Use approval.

The Petitioner has stated that they intend to sell items such as disposable nicotine vapes, Kratom tablets, capsules, disposable Delta-8 and 9 vapes and cartridges, rolling papers, gummies, Delta-8 and 9 nuggets, hookahs, water pipes, and various nicotine vape juices and vape accessories. These items for sale were revealed in an on-site inspection. Further, the inspection revealed that a large sign had been placed on the façade declaring the location to be a dispensary with 'No medical required' which implies that they are operating as a licensed marijuana dispensary. The Petitioner

states that they will be open seven days a week, from 10 a.m. to 10 p.m. and will employ four people. They further state that they will “meet Ohio’s legal requirements for retail sale, adhering to current regulations and staying informed about any legislative changes all within the bounds of state law.” However, there are currently no State of Ohio regulations in place that regulate the sale of hemp-derived products like Delta 8, 9, and the various gummies and nuggets that are currently for sale at this location. Therefore, it is understood that there will be little, if any, oversight by the state to regulate this business. The Petitioner’s submitted wall signage depicts a lollipop and child-like font which suggests an intention to attract children.

Objectives of the Land Use and Development Guide Plan include providing well planned, designed and located business areas of sufficient size and location to service the needs of the population; developing retail areas in such a manner that they do not harm adjacent residential areas; and discouraging the overdevelopment of retail activities that lead to retail blight. The products offered for sale are in many ways indistinguishable from the heavily state-regulated medical and recreational marijuana sales. Together with the child-like signage proposed, it is unclear if their target audience would be of legal age to obtain the items sold therein. This older section of Copley Road already struggles with crime and predatory businesses that target low-income residents, that operate without proper permits, and the proposed use and development is intrusive not only to the abutting residential properties to the north but the surrounding neighborhood. In addition to this, the inclusion of this use would encourage unhealthy activities with long term consequences for individuals and the community, while forgoing the same benefits for taxation as the marijuana dispensaries, which on top of receiving a Conditional Use, are held to strict standards and licensing by the state and limited to a finite number of licenses per municipality. For these reasons, the Planning Staff is unable to support this request.

RECOMMENDATION:

The Planning Staff in accordance with Section 153.450 recommends **DISAPPROVAL** of the petition of Exotic Leaf, LLC, for Conditional Use to establish a vape shop at 1328 Copley Road.

MA/bl

PC-2025-14-CU

Petition of Middlebury Housing, LLC,
for a Conditional Use to construct three
two-family dwellings at 733, 737, and
745 Excelsior Avenue

★ Conditional Use

□ U1 Single Family Residential

■ U3 Retail Business

▨ U4 Commercial

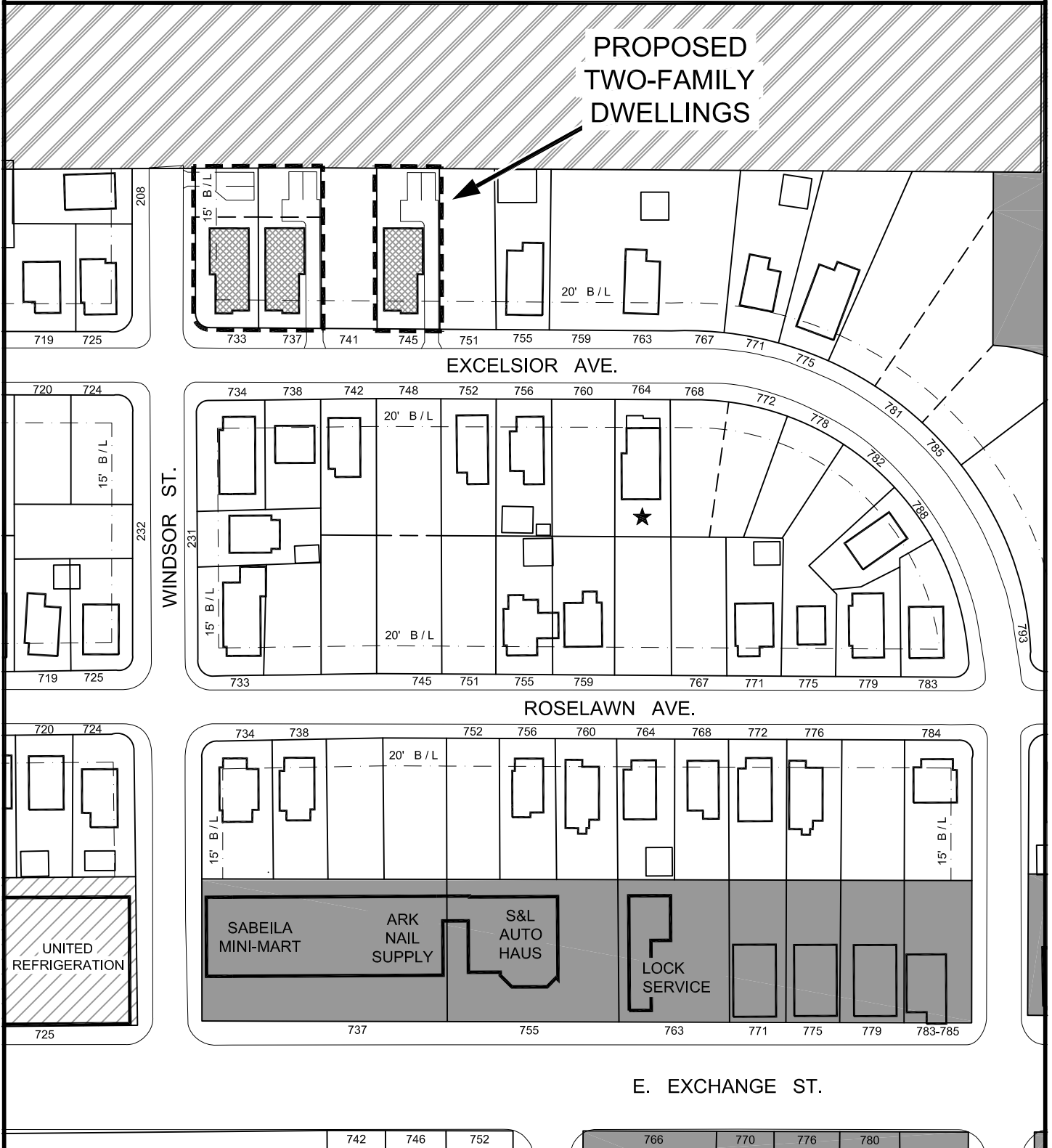
▨ U5 Ordinary Industry



0 100'
Created 03/18/2025 jwh
Revised 03/18/2025 jwh



PROPOSED
TWO-FAMILY
DWELLINGS



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2E**
PC-2025-14-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD:** 10
COUNCILPERSON: Connor

SUBJECT: PC-2025-14-CU – Petition of Middlebury Housing LLC for a Conditional Use to construct three two-family dwellings at 733, 737, and 745 Excelsior Avenue

GENERAL LOCATION: Northeast corner of Excelsior Avenue and Windsor Street

LAND USE OF THIS PROPERTY: Single-Family Residential (Vacant Land)

LAND USE IN THE SURROUNDING AREA:

NORTH: Industrial (Vacant Land)
SOUTH: Single-Family Residential, Apartments
EAST: Single-Family Residential
WEST: Single-Family Residential

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

SITE AREA: Four lots totaling 16,133 square feet

COMMENTS:

Middlebury Housing, LLC, is the owner of four vacant properties comprising 16,133 square feet, located at 733, 737, and 745 Excelsior Avenue, on the northeast corner of Excelsior Avenue and Windsor Street. The four properties will be reconfigured to yield three lots, each 45 feet by 119.5 feet and 5,378 square feet in area. Land uses in the surrounding area include vacant industrial to the north, single-family residential to the east and west, and single-family residential and apartments to the south. The property is zoned Single-Family Residential Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan (LUDGP). The property is located within the study area of the 2019 Middlebury Neighborhood Plan.

The Petitioner is requesting permission to construct three new two-family dwellings at 733, 737, and 745 Excelsior Avenue. The proposed lot area for each dwelling is 5,378 square feet with a street frontage of 45 feet. The sum of the proposed side yards for each dwelling is 17 feet. Per zoning code Section 153.305 B. 2, a minimum lot area of 7,000 square feet and a street frontage of at least 60 feet are required for two-family dwellings. Under Section 153.305 E. 3. b., the sum of the widths of the side yards for a

two-family dwelling shall not be less than 18 feet. Because the project site is within a Single-Family Residential Use District, and the lots sizes and setbacks do not meet development requirements, Conditional Use approval is needed for these two-family dwellings.

The Petitioner is proposing to build three two-family residential dwellings in the Middlebury neighborhood. The proposed homes are two-and-one-half-stories, with first floor and upper floor dwelling units. The first floor unit has three bedrooms and one bath. The upper unit has four bedrooms and two baths. The homes have gable roofs and full front porches. They will be clad in horizontal vinyl siding and contrasting vinyl board and batten or shingle siding in the roof gables.

The proposed two-family housing type is very compatible with the existing residential context. The developer has previously constructed a two-family home at 764 Excelsior Avenue. Numerous other two-family and multi-family dwellings exist in the Roselawn-Excelsior area of the Middlebury neighborhood. Twenty-three of the 74 residential buildings in the surrounding eight-block area are two-family or multi-family structures, which is 31 percent of the total. The proposed two-family units will be constructed on lots that are similar in size to those that other two-family homes in the neighborhood are built on.

Building two-family dwellings on these vacant lots will have many benefits:

- Infilling vacant land with new housing provides more residents with “eyes on the street” to increase neighborhood security.
- Two-family dwellings provide an affordable housing option compared to buying or renting a full-size single-family detached home.
- Two-family dwellings can make access to home ownership easier, because rental income from one of the units can subsidize the mortgage for the owner of the two-family dwelling.
- The first floor unit offers single-story living that is desired by some older residents or needed by those with mobility challenges.
- The proposed units will be only a 3-minute walk from the #6 and #19 Metro RTA bus lines, which offer access to desirable destinations such as jobs, school, and shopping. Living close to transit reduces transportation costs for residents, while also supporting the viability of the Metro RTA system.

The proposed two-family units help achieve the goals of the Land Use and Development Guide Plan and the 2019 Middlebury Neighborhood Plan by promoting construction of a full range of housing types and price ranges that meet the requirements and desires of the city’s population. The Neighborhood Plan calls for

the construction of “Missing Middle” housing units, such as two-family units, townhouses, and small multi-family units. The Plan specifically designates Excelsior Avenue as an appropriate location for these Missing Middle types. The Neighborhood Plan notes that these units should be built on existing lots of record in order to maintain the density that supports the walkable neighborhood that Middlebury residents say they want. The proposed Middlebury Housing two-family homes will help accomplish many of the City’s stated goals, including providing affordable housing options, repopulating our neighborhoods, and providing access to transportation choice for residents.

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 Middlebury Housing LLC to construct three two-family dwellings at 733, 737, and 745 Excelsior Avenue, in accordance with submitted plans dated March 24, 2025, and subject to the following conditions:

- (1) That the structure and layout of the dwellings conform substantially to the approved plans as shown; however, minor changes may be approved by the Department of Planning and Urban Development.
- (2) That the structures will incorporate variety in appearance between the units, including siding types, front porch roof configuration, and porch column types.
- (3) That the Petitioner restore and repair drive aprons, curbing, and sidewalks along the Excelsior Avenue and Windsor Street frontages at their expense, and comply with Section 98.21 of the Code of Ordinances.
- (4) That the rental property be registered with the City of Akron Housing Division and Summit County Fiscal office.

DD/emd

PC-2025-15-CU

Petition of Shade McMillen for a Conditional Use to construct an oversized garage at 711 Delaware Avenue

□ U1 Single Family Residential



0 100'
Created 003/21/2025 jwh
Revised 03/21/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2F**
PC-2025-15-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD:** 8
COUNCILPERSON: Bolden

SUBJECT: **PC-2025-15-CU** – Petition of Shade McMillen for a Conditional Use to construct an oversized garage at 711 Delaware Avenue.

GENERAL LOCATION: East side of Delaware Avenue, south of Mayfair Road

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: 206 feet x 119 feet for an area of approximately 24,500 square feet

COMMENTS:

Shade McMillen is the owner of a single-family residence at 711 Delaware Avenue. The property has 206 feet frontage along Delaware Avenue with a depth of 119 feet, containing 24,500 square feet. 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 is seeking approval to construct an oversized garage and pavilion in the rear yard of his residential property. Since the Zoning Code permits accessory structures of not more than 900 square feet for this property, a Conditional Use approval is necessary.

The proposed garage will measure 32 feet in width, 40 feet in length (1,280 square feet), with a height of 22 feet, 2 inches. An outdoor covered pavilion attached to the south side of the garage will measure 20 feet by 20 feet, (400 square feet) with a height of 15 feet. All together the area of the structure will be 1,680 square feet. The structure would be situated 16.5 feet from the back property line and 10.5 feet from the northern side yard property line. It will be set on a concrete foundation and constructed as a wood frame structure with a brick veneer on the front and south elevations to match the dwelling, and vinyl siding on the rear and north elevations.

The front will feature an 18 feet by 8 feet garage door and a 9 feet by 8 feet garage door on the western elevation. The second floor will feature a 15 feet by 40 feet loft to be used for personal storage. The southern elevation will have a man door and an 8 feet by 8 feet glass garage bay door for access between the garage and pavilion. The pavilion will be open on the other three sides with a stone fireplace set within the eastern side and raised planters surrounding the remaining perimeter of the pavilion. The structure will have a metal roof with a dormer centered over the garage. Gutters and downspouts will be tied into the ground for proper drainage.

No objections to the request have been received from any City department. The proposed structure will not create excessive noise, glare, or odor and will be compatible with the surrounding residences. The footprint does not exceed 40 percent of the required rear yard area on this large lot. The proposed garage will provide an amenity for outdoor enjoyment of a future pool, for the personal storage of vehicles and household equipment, and will add value to this property and neighborhood without imposing on surrounding 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 Shade McMillen for a Conditional Use to construct an oversized garage at 711 Delaware Avenue, in accordance with submitted plans and subject to the following conditions:

- (1) That the garage and pavilion shall not exceed 1680 square feet in area and shall not exceed 22 feet 2 inches in height.
- (2) That the Petitioner shall obtain all necessary building permits.
- (3) That the garage and pavilion shall only be used for accessory residential purposes.
- (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

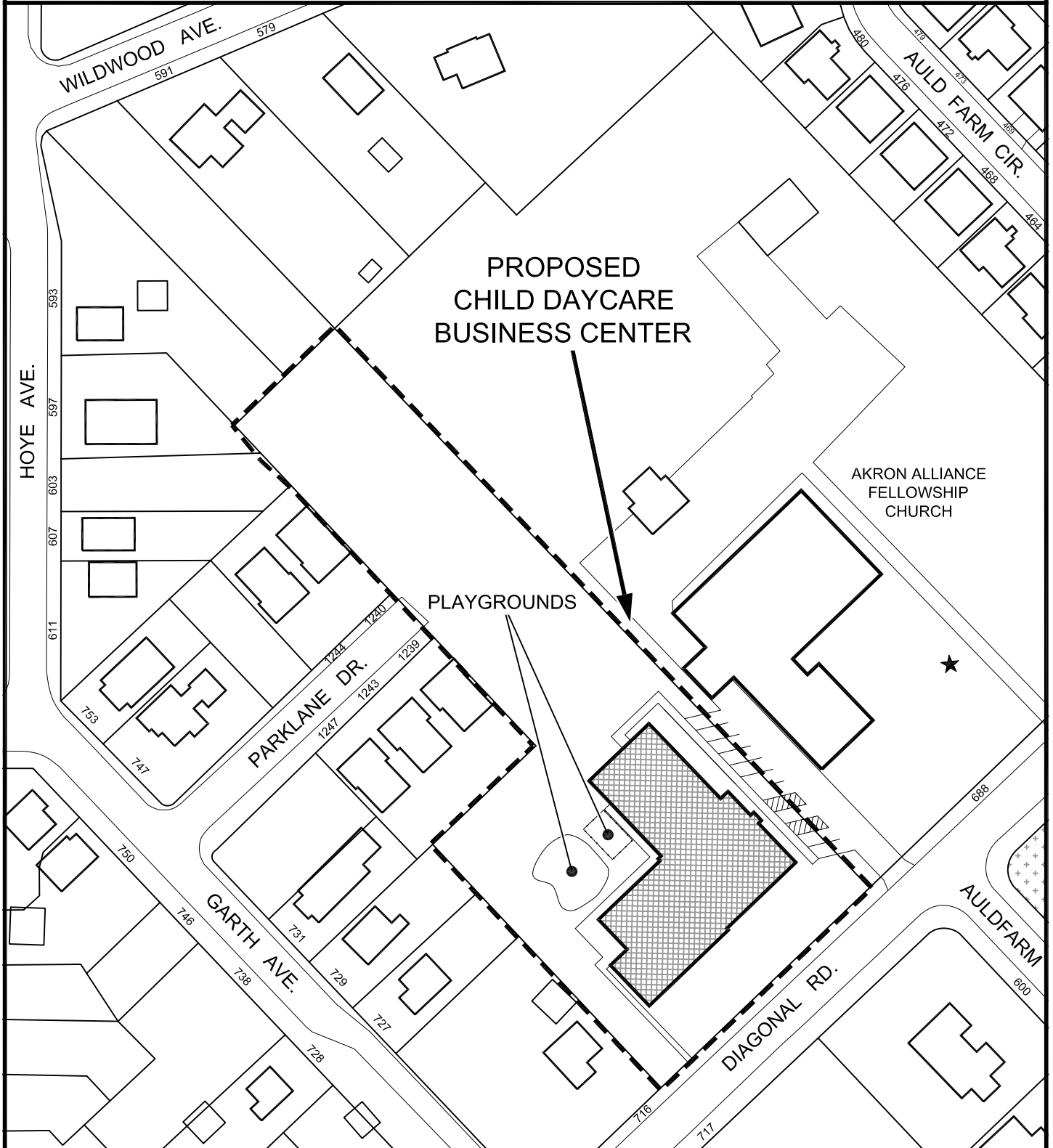
PC-2025-16-CU

Petition of Tyla Sherman, dba Wonder World Child Development Center, for a Conditional Use to construct a child daycare business center at 698 Diagonal Road

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



0 100'
Created 03/20/2025 jwh
Revised 03/20/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2G**
PC-2025-16-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD:** 3
COUNCILPERSON: Sommerville

SUBJECT: **PC-2025-16-CU** – Petition of Wonder World Child Development Center for a Conditional Use to construct a child daycare business center at 698 Diagonal Road.

GENERAL LOCATION: West side of Diagonal Road, north of Garth Avenue

LAND USE OF THIS PROPERTY: Vacant

LAND USE IN THE SURROUNDING AREA:

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

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

SIZE OF LOTS & AREA: 1.85 acres

COMMENTS:

Wonder World Child Development Center is the owner of two vacant lots on the west side of Diagonal Road, north of Garth Avenue. The combined parcels contain 1.85 acres of area. Surrounding uses are Wonder World and Akron Alliance Fellowship Church to the north, and residential to the south, east, and west. The property is zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan (LUDGP).

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

The proposed one-story, L-shaped building will encompass 14,000 square feet of area. Construction materials will consist of CMU and vinyl siding. The building will be centered within the wider portion of the combined parcels and sited 48.33 feet from the Diagonal Road right-of-way. The building's closest point will be 34.8 feet from the

western property line and 20 feet from the eastern property line. A fenced playground measuring 30' by 20', for infants, will be sited immediately west of the rear portion of the building, with an open playground for school-aged children west of the fenced-in area. An angled ten-space parking area will be to the east of the building, with overflow parking behind the abutting church. All vehicles visiting both properties will enter via the existing curb cut along the southwestern portion of 688 Diagonal Road, and leave via a drive to the east. The site plan depicts landscaped beds at the southwest and southeast corners of the building, with a row of arborvitae enclosing the playground area. The southwestern-most side of the building will contain dwarf burning bushes, with the southeastern-most side of the building containing dwarf English boxwoods. The rear portion of both properties will contain a proposed detention pond. The site plan also depicts a ground sign located west of the entry drive and 10 feet from the Diagonal Road right-of-way.

The proposed daycare building will contain space for eight classrooms, plus a kitchen/pantry, library, multi-purpose room, office space, and other accessory uses. Wonder World Child Development Center will be consolidating the abutting location and their 1360 East Avenue location into this facility. Care would be provided for an estimated 174 children, ranging from infants to school-aged. The days of the operation will be from Monday through Friday, from 7:00 a.m. to 6:00 p.m. There will be no overnight stays. Drop-off/pickup will occur in the parking area to the east of the building.

One objective of the LUDGP is to promote good design standards for buildings, signage, and parking areas. Another goal of the LUDGP is to guide the location of new retail development so that it will be convenient to residents served and will have minimal impact on adjacent properties. The existing detached garage near the northwestern-most corner of the property will be razed. Placing the building closer to the Diagonal Road setback will be harmonious with the dwelling to the west and is practical since the topography of the vacant lot drops off towards the rear (northwest portion) of the property. Further, the building materials of the proposed building will be harmonious with the neighboring residential developments. Although the Zoning Code requires a total of 16 parking spaces, the Planning Staff believe that the 12 proposed spaces plus available parking at the rear of the church will be sufficient. The Petitioner owns both properties, and the shared parking agreement between the existing and proposed development will function well and be more aesthetically pleasing than a parking lot in front of the proposed building. With the differing hours of operation between the church and daycare, any parking conflicts should be minimal.

A Wonder World daycare has been operating in the adjacent church for 15 years. With most activities being conducted indoors and the outdoor play areas properly screened, the large building can accommodate a large number of children without having a detrimental effect on the nearby uses. Furthermore, the Traffic Engineer is not opposed to the parking area nor the flow of traffic. A daycare business center has had

a presence in this West Akron neighborhood for over a decade, and the proposed development will be a positive addition. 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 Wonder World Child Development Center, for a Conditional Use to establish a child daycare business center at 698 Diagonal Road in accordance with submitted plans entitled "Site Plan, Wonder World Child Development and Daycare Center; Dated: 3/6/25" 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 Petitioner submits 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 subject to the approval of the Traffic Engineer.
- (4) That all driveways and parking areas be hard surfaced and curbed to Bureau of Engineering specifications.
- (5) That the Petitioner provides adequate dustproofed off-street parking for construction workers and off-street storage space for materials and equipment during construction.
- (6) 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.
- (7) 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.

- (8) 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.
- (9) That all public utility services be installed underground and their locations suitably marked for safety.
- (10) 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.
- (11) That the dumpster enclosure shall be constructed of masonry and its location subject to the approval of the Department of Planning and Urban Development.
- (12) 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.
- (13) 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.

KEP/emd

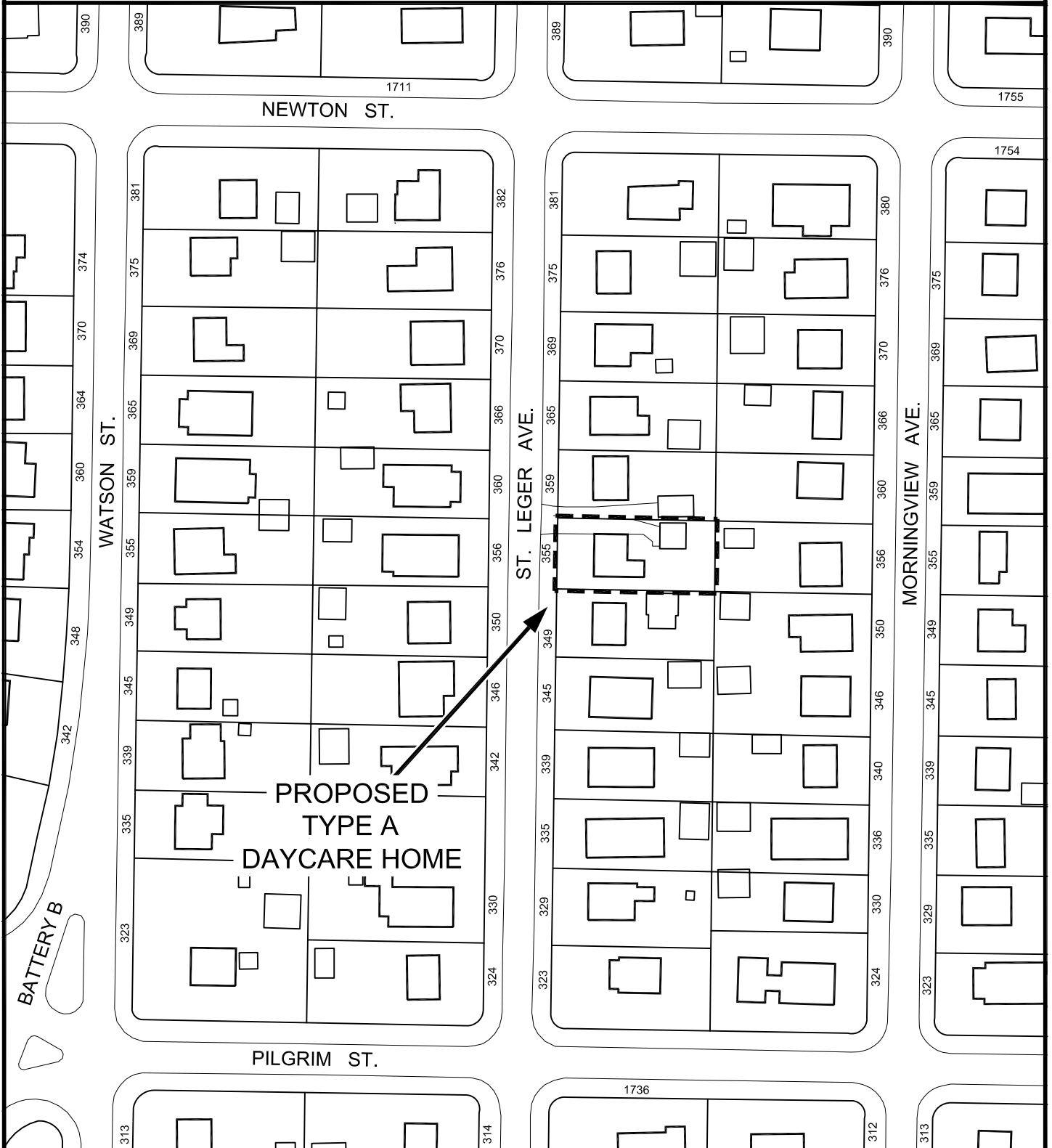
PC-2025-17-CU

Petition of Tiffanie Goler for a
Conditional Use to establish
a Type A daycare home at
355 St. Leger Avenue

 U1 Single Family
Residential



0 100'
Created 04/03/2025 jwh
Revised 04/03/2025 jwh



PROPOSED
TYPE A
DAYCARE HOME

MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 2H**
PC-2025-17-CU

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD:** 10
COUNCILPERSON: Connor

SUBJECT: **PC-2025-17-CU** – Petition of Tiffanie Goler for a Conditional Use to establish a Type A daycare home at 355 St. Leger Avenue.

GENERAL LOCATION: East side of St. Leger Avenue, south of Newton 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: 50 feet in width by 113.68 feet in depth = 5,684 sq. ft.

COMMENTS:

Tiffanie Goler is the lessee of a single-family residence located on the east side of St. Leger Avenue, south of Newton Street. The parcel contains 50 feet of frontage and 113.86 feet of depth for 5,684 square feet of area. The surrounding uses are all residential dwellings. The property is zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan (LUDGP).

The Petitioner is requesting permission to establish a Type A child daycare home at this location. The Zoning Code defines a child daycare business center as any facility in which childcare is provided for 10 or more children, therefore Conditional Use approval in a residence use district is required.

City of Akron Zoning Code requirements for daycares in residential districts are based on the number of children. Both the City of Akron and the Ohio Department of Jobs and Family Services (ODJFS) stipulate that any home may contain up to six children (Type B home provider) and State of Ohio licensure is only required if the childcare is paid with public funds. Further, ODJFS childcare rules stipulate that any approved provider with 7-12 children is considered a Type A home provider. Receiving zoning approval through the Conditional Use process is only one of many criteria established by the ODJFS. For example, a childcare provider must also be certified in infant/child CPR and First Aid, be trained in disease management and child abuse/neglect prevention, and maintain liability insurance. Additionally, childcare homes must provide ODJFS-approved outdoor space and meet staff-to-child ratios. Besides obtaining zoning approval, an applicant is also required to complete pre-licensing

training, undergo background checks, submit required documents, pay a fee, and pass pre-service inspections.

The proposed daycare home, Happy Bee's Childcare, would occupy the first floor of the 720 square foot ranch dwelling. Care would be provided for a maximum of twelve children, ranging in age from one to 14 years. The days of operation will be from Monday through Friday, from 6:00 a.m. to 6:00 p.m. Weekend and overnight care will be provided as needed. If approved, the Petitioner intends to hire two full-time and two part-time assistants. No changes are proposed for the interior or exterior of the house. The property contains a detached one-car garage in the rear yard. There is also on-street parking along St. Leger Avenue. The Petitioner has stated that if approved, either the rear yard will be enclosed by chain-link fencing or the children will be taken to a nearby park for outdoor recreation. No additional signage is proposed.

The Petitioner has stated that she is a credentialed Child Development Associate (CDA) and has operated a Type B daycare home at this location since 2022. Since most of the activities will be indoors and the children are dropped off and picked up at varying times of the day, providing care for up to six additional children should not have a detrimental effect on the abutting properties nor create traffic congestion. This Goodyear Heights neighborhood property is well-maintained, and Traffic Engineering has no concerns with drop-off and pick-up. This request to move from a Type B to Type A license will allow the Petitioner more flexibility in meeting her clients' daycare needs. Providing quality daycare service is beneficial to the entire city; as such, the Planning Staff supports this request.

RECOMMENDATION:

The Planning Staff in accordance with Section 153.450 recommends **APPROVAL** of the petition of Tiffanie Goler for a Conditional Use to establish a Type A daycare home at 355 St. Leger 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 be limited to two (2) square feet in area in conformance with Section 153.345-.375 of the Zoning Code.

PC-2025-18-V

Councilmatic request to vacate a portion of Salem Avenue, from Landon Street west to its terminus

★ Conditional Use

U1 Single Family Residential

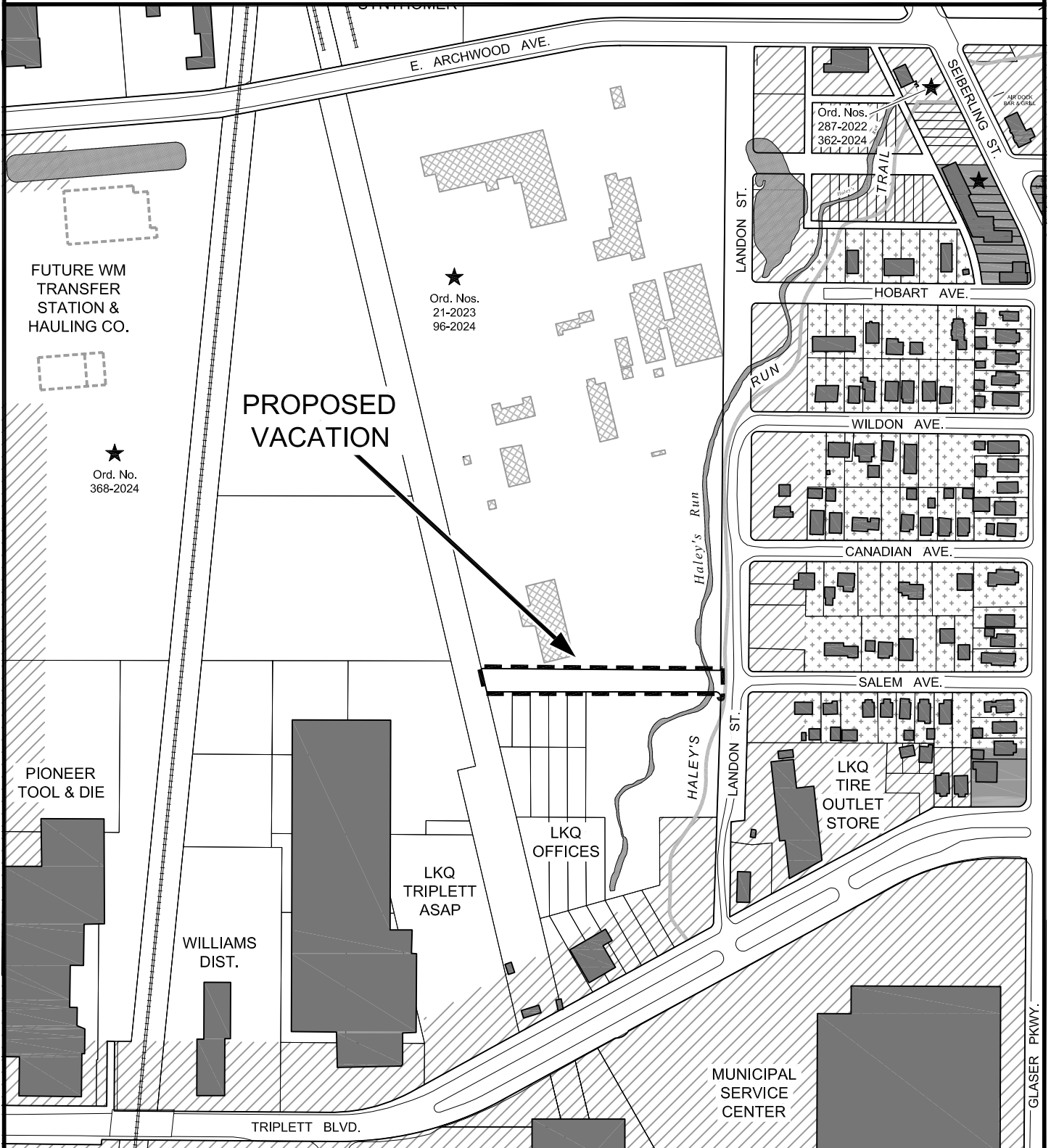
U3 Retail Business

U4 Commercial

U5 Ordinary Industry



Created 03/25/2025 JWH
Revised 04/03/2025 jwh



MEMORANDUM

TO: AKRON CITY PLANNING COMMISSION **ITEM # 21**
PC-2025-18-V

FROM: DEPARTMENT OF PLANNING AND
URBAN DEVELOPMENT

DATE: APRIL 18, 2025 **WARD:** 10
COUNCILPERSON: Connor

SUBJECT: PC-2025-18-V – Councilmatic request to vacate a portion of Salem Avenue, from Landon Street west to its terminus

GENERAL LOCATION: North of Triplett Boulevard, west of Seiberling Street

COMMENTS:

The Tenth Ward Councilperson has requested the Planning Staff investigate the vacation of a portion of Salem Avenue. The right-of-way is 45 feet in width, and the segment to be vacated extends from Landon Street west approximately 510 feet to its terminus. The street currently separates the former Goodyear Chemical Plant to the north from LKQ's auto salvage yard on the western portion of the land to the south. The width of the street, as well as the eastern portion of the land to the south, is covered with trees and undergrowth. Haley's Run and trail traverse the right-of-way just west of Landon Street.

The Planning Staff has not received any objections to the proposed vacation. No utilities are installed in this portion of Salem Avenue, and the street is not needed for any municipal purpose.

The vacation of Salem Avenue is part of an agreement between Industrial Realty Group (IRG), LKQ, and Western Reserve Land Conservancy. IRG, which manages the portfolio of former Goodyear properties, will transfer a portion of its property along Landon Street to the conservancy for the continued preservation and maintenance of Haley's Run and trail. The remaining portion of the acreage will be leased to LKQ for an expansion of its auto parts salvaging operation, which was previously approved (Ord. 21-2023). Although the precise distribution of the street area is still being determined, all parties agree on the vacation. The vacation will consolidate land in a sensible manner, allowing a growing business to expand while protecting a natural waterway and valuable open space. The Planning Staff is supportive of this request.

RECOMMENDATION:

The Planning Staff recommends **APPROVAL** of the vacation of a portion of Salem Avenue, from Landon Street west to its terminus, subject to the following condition:

- (1) That a vacation plat shall be prepared by the benefiting landowner(s), subject to the approval of the Service Director and the Law Director, and that said plat shall be recorded with the County of Summit Fiscal Office.