



Dear Members of the Planning Commission

Regarding: 05/28 Agenda Items

#4. Akron Children's Hospital

We could not find a variance on file for the fencing, so they will be applying for a variance for the fencing. The example of the fence was included with their submission, and Design Review had no issue with the proposed fencing.

This item received Design Review approval on 05/18. They did have a few conditions: (1) that they add a sidewalk from Center Ridge Road to the main entrance on the east side of the building, and (2) to change the monument signage from stone to brick to match the building. The Board asked them to investigate the stairwell added to the southeast corner of the building to see if there is a wall to make it align with the current architecture of the building. The Board also asked them to investigate the parapet because currently it looks tacked onto the building; their suggestions were to either change the color to be less stark or to set the parapet back slightly. It is my responsibility to have the applicant send these updates to me. Approval was granted with the two conditions, and these two suggestions and the plans you have will not address these comments. Any substantial changes to the design of the building would require them to go back in front of the Design Review Board, and the applicant is aware of that.

#5. Playa Bowl

I spoke with Ray about the safety concerns. Ray said as long as there are bollards, planters, or a combination of the two at the old entry and exit of the drive-thru, then there is no issue from a Building Code standpoint.

#6. Riverdale Homes

This received Design Review approval on 05/18 with no conditions. The applicant moved the front door and removed the overhang above the parking easement.

#7. Terra Hilliard Bluffs

I include two sets of minutes for this in your packets. However, this project went to numerous pre-preliminary meetings. If you want to review all sets of minutes, they are available on the website in their submission package.

#10. Eagens Residence

We do not list basketball courts as a permitted or prohibited Use within the R-1 District. Under Section 1127.39, it states that when the Use is not specifically stated, it is the goal of the Planning Commission to determine a permitted Use that it is similar to. If the proposed Use does not meet the zoning requirements for the permitted Use, they will need to obtain a variance(s).

1127.39 SIMILAR USES.

Within each zoning district established by the Development Code and amendments thereto, uses of land or structures, which are compatible with each other, are permitted in the district. To the extent that new types of uses are created and are not addressed by this Development Code, this Section provides the procedure by which the Planning Commission may make a determination that a new use is similar to a use permitted in a district.

(a) Determination. A proposed use may be permitted as a similar use when the Planning Commission determines that such proposed use is in compliance with the following provisions:

- (1) The proposed use is not prohibited in any other district;*
- (2) The proposed use is not listed as a permitted building or use in any other district;*
- (3) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;*
- (4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.*

(b) Assignment to Districts. If the Planning Commission approves the proposed similar use, then the similar use shall be added to those districts that allow the principal or conditional use that is most similar, as identified in the Planning Commission's determination.

#11. T-Fitness Studio

I had sent this to the Law Department for their review of the legitimacy of the agreement. However, I was told this is a civil matter, and they did not want to give their legal opinion on this matter.

Sincerely,

Dylan Minek
Planning and Community Development Administrator