

PUBLIC HEARING TO CONSIDER REZONING FOR BRECKSVILLE ASSISTED LIVING  
BRECKSVILLE PLANNING COMMISSION  
Community Room - Brecksville City Hall  
May 23, 2013 Page 1

Present: Phillip Badalamenti, Robert Hotaling, Michael Harwood, Mayor Hruby, Ron Payto  
Kirk Roman, Dominic Sciria  
Others: Neil Brennan, Gerald Wise, and approximately 28 guests

Mr. Roman opened the Public Hearing at 7:00 P.M. by reading the following legal notice published in the May 13, 2013 issue of the *Plain Dealer*.

The Brecksville Planning Commission will hold a Public Hearing on May 23, 2013 at 7:00 P.M. in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the request for rezoning of PP # 601-30-034, 8736 Brecksville Road and PP #601-30-003 – Mill Road from an R-20 Single Family Residential District to Planned Facility Overlay District per Section 1156.

Messrs. Dan and Peter McCabe of Lake James Ltd, and Ms. Susan Meltzer, Architect for RDL Architects, Inc. were present to request the Planning Commission's recommendation on rezoning property to accommodate an assisted living facility and for preliminary building plan approval. Mr. Peter McCabe said their objective was to be on the November ballot for rezoning. Peter McCabe described their site as 3 ½ acres fronting on Brecksville Road immediately adjacent to St. Basil's Church on the south side. He commented that the priest at St. Basil's was supportive of the proposed project; it represented a good transition between the residential and commercial properties, and was a good location given the new nursing home across the street.

Ms. Meltzer had a PowerPoint presentation to guide the audience through her discussion of the project. She described how the original project had been adjusted to accommodate the concerns of the Commission and residents. The original 83 unit plan was reduced to 74 units. The portion of the building closest to Mill Road was scaled down from three floors to two and the parking pulled back from the Mill Road property as much as possible. The majority of the building was still three floors, with a center section at four stories. Ms. Meltzer explained the grading plan focusing on how the service area would be hidden by a five foot berm. She noted they identified a mature cluster of trees by Mill Road that would be preserved and she had representations of the extensive landscaping and trees planned for the site. Photos of sample retaining walls were shown and their locations identified on the site plan. Ms. Meltzer discussed the floor plan drawings beginning with the first floor in the four story section which would essentially be subterranean on three sides. She pointed out how the exterior materials of stone, brick and white siding would be used on each section of the building. The 65 parking spaces planned represented one space for every two beds and 28 employee spaces. Some setback variances would be requested relating to front and side yards.

Mr. Felix Martin, 7513 Hillbrook Oval, asked about entrances to the property and Ms. Meltzer confirmed that the only access to the property would be from Brecksville Road.

Ms. Lisa Minadeo, 6959 Mill Road, described the impact the 47 ft. high building would have on the view from the back of their property. She was concerned about the noise from the service drive running along their property line and the dumpster placement adjacent to a corner of their yard. She mentioned the glare of lighting, odors from the dumpster and possible water runoff from the site. Her father, Dominic Minadeo, presented a revised drawing to scale of the view from his back yard to the top of the proposed structure. He remarked that his backyard view to the north would effectively be erased by the project and his property devalued.

Ms. Gizella Hartman, 7610 Hillbrook Oval, felt the project would devalue her property, her most important life investment. She didn't understand why they were trying to put that big a building on a small site zoned residential when there was probably more suitable property in the community to the south. She was concerned about possible flooding from runoff and also mentioned the disturbance from extra traffic, deliveries and lighting on the property. Ms. Meltzer said the building operator could control delivery times, lighting on the site would be focused toward Rt. 21, and runoff on the site would be controlled. Mr. McCabe thought traffic on the site would be limited as few building residents would drive and staffing was at a much lower level than a nursing home.

Mr. Richard Polcen, 6935 Mill Road, said his position against the project was well documented from previous meetings. He felt the proposed use of the residential site was wrong and the mass of the project too large for the

property size. While the residential Mill Road area was not as historic as Old Towne, Mr. Polcen said the project would destroy the quaint feel of the older neighborhood. He reminded everyone that the project would be highly visible during the five months when trees were leafless.

Ms. Susan Nickle, 6888 Mill Road, was concerned the development would add to the water runoff and increase the possibility of flooding at the juncture of Mill and Brecksville Roads. Ms. Meltzer said the project would be engineered to control the water runoff and she expected the City to be very exacting in stormwater management requirements for the project.

Ms. Kathleen Thomas, 6952 Mill Road, had recently invested considerable money in home improvements. She felt the proposed project would negatively impact property values and ruin their quiet neighborhood with 24 hour traffic, noise and lighting. Her view of the area now was dominated by mature trees. She thought the tall trees depicted in their landscape plan renditions would take many years to mature.

Mr. Daniel Schreiber, 6928 Mill Road, was interested in the proposed lighting levels planned in the parking lots abutting Mill Road. Ms. Meltzer thought they would be minimal. Mr. Harwood pointed out the lighting would have to meet Code foot candle requirements. Mr. Schreiber asked if a drive to the church was planned and Mr. McCabe responded that no drive was planned. He asked about retention on the site and Mr. McCabe described areas of underground retention and a swale. Mr. Schreiber recalled the term "spot zoning" being used last year when the project was discussed. Mr. McCabe maintained his viewpoint that the project was a nice transition from the community facility church to the surrounding commercial uses.

Mr. Roman explained that the issue would be discussed again at the Work Session. With no further discussion, the Public Hearing closed at 7:37 P.M.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
PHILLIP BADALAMENTI, SECRETARY  
Minutes recorded by Nancy Dimitris

REGULAR MEETING  
BRECKSVILLE PLANNING COMMISSION  
Community Room - Brecksville City Hall  
May 23, 2013 Page 1

Present: Phillip Badalamenti, Robert Hotaling, Michael Harwood, Mayor Hruby, Ron Payto  
Kirk Roman, Dominic Sciria  
Others: Neil Brennan, Gerald Wise, and approximately 28 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:37 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 9, 2013

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of May 9, 2013 be approved.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF MAY 9, 2013

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of May 9, 2013 be approved.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that at their last meeting City Council approved two signs for Burger Fresh, and the lighting plan for Conifer Acres.

REPORT OF MAYOR HRUBY

Mayor Hruby reported that the lot split being requested on Katherine Drive was for Applied Medical Technologies to build a new 100,000+ sq. ft. building. They are currently negotiating with the City for an economic development package. The Mayor said the Cheer World agenda item was actually part of a Fogg Development request to retrofit their building to accommodate this usage of young people attending classes for cheering. He reminded the Commission that Larry Coven in the past has asked for this non-conforming use.

The Mayor invited everyone to the Memorial Day parade on Monday. Flag carriers were still needed. The large parade would start at City Hall at 10:45 a.m. Congressman Joyce and Lt. Colonel Hamski, who will be graduating from West Point, would both be speaking after the parade.

REPORT OF CITY ENGINEER – No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

BLOSSOM HILL OVERLAY ZONING

It was moved by Mr. Roman and seconded by Mr. Harwood that the Brecksville Planning Commission will hold a Public Hearing on June 4, 2013 at 7:00 p.m. in the Community Room of the Brecksville City Hall, 9069 Brecksville Road, Brecksville Ohio to consider recommendation to City Council the rezoning of PP #603-10-001 to overlay the

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existing Community Facility District with Office District zoning with the exception of Section 1155.03(a)(1) R-60 buildings and uses.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

WEIGAND LOT CONSOLIDATION – 6916 DAISY AVENUE.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council a lot consolidation of PP #601-34-030 & 605-34-081 to create Parcel A 1.2907 acres at 6916 Daisy Avenue, Brecksville, Ohio as described in the plat by Elewski & Associates dated March 29, 2013, contingent upon approval of the City Engineer including revised mapping.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

BRECKSVILLE UNITED METHODIST CHURCH SHED REPLACEMENT – 65 PUBLIC SQUARE.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Brecksville Planning Commission recommend to City Council approval of a 140 sq. ft. prefab shed for storage for Brecksville United Methodist Church as described in the application dated May 6, 2013 and attached drawing and pictures contingent upon City Council approval of the following variance:

- A variance from Section 1151.26 requires that there be a 10 ft. setback from the side lot line and from the rear line. The variance being moved for, and requested, constitutes a variance from Section 1151.21 of 4 ft. from the required 10 ft. to permit a 6 ft. setback from the property line.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

CHEER WORLD – 6400 W. SNOWVILLE RD.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission will hold a Public Hearing at 7:10 p.m. on June 4, 2013 in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville Ohio 44141 to consider the request for a Conditional Use Permit to permit a training and practice facility in a Manufacturing Distribution/PDA district at 6400 West Snowville Road, PP #604-24-002.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

KATHERINE DRIVE LOT SPLIT – KATHERINE DRIVE

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council approval of a lot split of PP #604-14-019 to create 2 lots (12.0738 acres and 23.7850 acres) on Katherine Boulevard as described in the plat by Christopher J. Dempsey, labeled Resubdivision Plat No. 3 of Brecksville Woods Corporate Park dated May 15, 2013 contingent upon approval by City Council of the following variances:

1. A variance from Section 1117.09 Design of Lots to permit a non-rectangular lot.
2. A variance from Section 1157.29(b)(2) Minimum Width lot width of 300 feet.
3. A variance from Section 1117.09(a) requirement that the arc of the front lot line must be no less than 60% of the required width to allow an arc that measures 125.94 ft.

Contingent also upon the following two contingencies:

- Review and approval by the City Law Director
- An assessment on Parcel 2-1(c) will be required by the City to determine how it will be divided by for the purposes of this lot split.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

The Regular Meeting closed at 9:30 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
PHILLIP BADALAMENTI, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION  
BRECKSVILLE PLANNING COMMISSION  
Community Room - Brecksville City Hall  
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Present: Phillip Badalamenti, Robert Hotaling, Michael Harwood, Mayor Hruby, Ron Payto  
Kirk Roman, Dominic Sciria  
Others: Neil Brennan, Gerald Wise, and approximately 28 guests

Mr. Roman opened the Work Session at 7:46 P.M.

BLOSSOM HILL OVERLAY ZONING

Mayor Hruby related a discussion he had with City Council and the Law Director on the uses of the Blossom Hill property. He described the current community facility uses of the site in addition to some longtime office usage dating from before the City owned the property. As the City plans to move forward with further development of the property it was determined that an overlay zoning to include office usage should be pursued. The Mayor envisioned office usage by entities that were not totally governmental, but not commercial in nature. Leasing would need to be open to the public, but he expected office use generally affiliated with the City in some way. Residents in the Blossom area would receive notification of the public hearing, although the Mayor did not expect controversy and termed the rezoning a "housekeeping" measure. In order to put the issue on the November ballot the City requested a special Planning Commission meeting be scheduled for June 4<sup>th</sup>. The Work Session recessed into the Regular Meeting for a motion to set a public hearing.

WEIGAND LOT CONSOLIDATION – 6916 DAISY AVENUE.

Mr. Mark Weigand purchased the lot next door to his and in November razed the house on that lot. He would like to consolidate the two parcels and keep the newly purchased land as green space. The Mayor commended him on the well maintained appearance of both lots. Mr. Wise commented that beyond a minor matter that was being taken care of by the surveyor he had no issue with the proposed lot consolidation. The Work Session recessed into the Regular Meeting for a motion.

BRECKSVILLE UNITED METHODIST CHURCH SHED REPLACEMENT – 65 PUBLIC SQUARE.

Ms. Mary Kotnik was present representing the Brecksville United Methodist Church's request to replace a deteriorating shed with a new shed in the same location. Mr. Brennan pointed out that the shed was located in an unusable parking lot space. That space was on land that the Church sold to Chippewa Place, but had been granted an easement for a portion of the parking area. Mr. Brennan questioned whether a setback variance was required since the location was within an easement area. Mr. Sciria thought the Commission should make a motion with the variance and the Work Session recessed into the Regular Meeting for a motion.

CHEER WORLD – 6400 W. SNOWVILLE RD.

Mr. Ron Ganim was present on behalf of his request to move the Cheer World portion of their family Gymnastics World business in Broadview Heights to a location on Snowville Road because of increasing enrollment in both gymnastics and cheering. Because of their schedule commitments they needed to have the new Cheer World location operational by June 10<sup>th</sup>.

Mayor Hruby indicated that Fogg as the owner of the Snowville Road property made application on May 8<sup>th</sup> to retrofit their building without identifying the tenant. Mr. Tom Blaz of Fogg Development said they did not mention the intended use to the Building Department because they didn't question the appropriateness of that use. They were given a permit to proceed with retrofitting the building with the warning of the risk that the use would not be recommended to City Council for approval. Mr. Brennan said according to Code a conditional use permit would be required and a public hearing would need to be set. The Mayor advised that if a conditional use permit were granted and at some point that use was discontinued the conditional use permit would expire also.

Mr. Badalamenti asked about occupancy of the adjacent buildings. The space to the north was vacant and there was a crane repair company to the south. Mr. Ganim said the area appeared to be a low traffic, and quiet. He was not concerned about the surrounding manufacturing type businesses. Mr. Ganim thought the site was ideal

with its proximity to their Broadview Heights business. They needed the high ceilings for the cheering exercises and the parking was adequate. Mr. Ganim said they visited the site with the neighbors present to play the music used in instruction and the neighbors were not concerned. It was decided to add the public hearing for Cheer World to the special Planning Commission meeting on June 4, 2013. The Work Session recessed into the Regular Meeting for a motion to set a Public Hearing.

BRECKSVILLE ASSISTED LIVING - 8736 BRECKSVILLE RD.

Messrs. Dan and Peter McCabe of Lake James Ltd, and Ms. Susan Meltzer, Architect for RDL Architects, Inc., were present to request the Planning Commission's recommendation on rezoning property to accommodate an assisted living facility and preliminary building plan approval.

Mr. Wise indicated regrading of the right-of-way in front of St. Basil would have to be done to maintain a good line of sight. The island to the west of the property might have to be modified to accommodate the Fire Department's largest truck. Mr. McCabe commented they would make whatever adjustments were necessary to the parking area to satisfy the Fire Department's requirements. He indicated that St. Basil's supported the project and would probably have no problem with the regrading in the right-of-way.

Mr. Sciria commended all the work done so far on the proposed plan. He thought because the property was surrounded on three sides by non-residential use an assisted living facility could be a good use for the land. Mr. Sciria, however, was concerned about the mass and size of the building overwhelming the site. He suggested the architects review the criteria for a Planned Development Overlay which were the same as a Planned Development Area. The standards call for minimal impact on topography, grade, and vegetation, as well as architecture that blends into the site. PDA's often arrange development to create large, open areas. Mr. Sciria felt the view from the downtown area looking north would be of a massive structure. He noted the existing trees were not tall and the trees to be planted would take many years to provide adequate screening. Mr. Sciria thought the plan could still be refined to reduce its mass. He noted that if the Commission voted on the plan this evening they would be endorsing the plan as currently submitted for Council and ultimately the November ballot. Mr. Harwood pointed out that the time schedule should not drive the solution.

Mayor Hruby said the applicant could also put their rezoning request on the ballot by submitting an initiative petition in August. They could do that while still working with the Commission on the drawings. The developer could use the current plan in marketing the building to the public for signatures. The Mayor reviewed all the plan changes the developer has made to accommodate the residential property owners, who have maintained they would prefer residential development. He theorized that residential development of large homes with closer setbacks to their properties might not be desirable to the current residents either. Mayor Hruby commented that the best course of action might be for the developer to put the rezoning issue on the ballot by petition and continuing working with the Commission on scaling back the mass of the project with the objective of a more acceptable plan to submit in August with their petition.

Mr. Payto commended the developer on how they have worked to refine their original plans. He commented that in order for him to support their rezoning request they would have to reduce the height of the building further. Both Mr. Payto and Mr. Badalamenti were confident the project could be reduced in mass and still achieve the 74 units. Mr. Hotaling thought economics was the key to determine if the project was viable. Mr. Badalamenti added that while he could not support the plan in its current revision he would sign a rezoning petition because he believed the use was an appropriate one for the site. Mr. Payto made the comment that historically the voters look to see that issues have the support of the Planning Commission.

Mr. McCabe asked if the Commission could move forward with a recommendation for rezoning with the understanding that ultimately the project could not be built without the Planning Commission's recommendation to Council for approval. Mr. Sciria indicated that recommending the rezoning and preliminary plan to Council implied to Council and the voters that the Planning Commission supported the building plan in its current rendition. Mr. Sciria indicated though that a request for rezoning without an approved plan would restrict the Commission's control over the project to just making sure it was built to the zoning Code requirements. The Commission could in that case decide to not approve any variance requests. The developer in that instance would need to be able to

assure his client that the facility could be built within Code requirements. Mr. Brennan thought the petition request for rezoning would be for local business. If the land was rezoned local business and the assisted living facility was not built the rezoned land would be available for any number of uses.

Mr. Dan McCabe asked if they put the rezoning on the ballot by petition could they still work with the Commission, toward a plan the Commission could approve. The Mayor advised that they could seek rezoning using the current plan for marketing, which they wouldn't be held to if the rezoning passed. They would have to work with the Commission, however, toward approval of a plan to recommend to City Council.

The Commission was not prepared to vote on the submitted plan and it was determined there was not time for any plan refinement and consideration before the deadline for the November ballot through Council. Mr. Harwood noted the developer had the option of putting the rezoning issue on the ballot through petition and if successful developing the project to Code requirements for submission to the Planning Commission.

#### KATHERINE DRIVE LOT SPLIT – KATHERINE DRIVE

Messrs. Treavor Extine and Greg Seifert were present on behalf of a requested lot split on the south end of Katherine Drive to divide a 35 acre parcel into 23 acre and 12 acre parcels. Mayor Hruby noted that the 23 acre parcel was intended for a new 105,000 sq. ft. building for Applied Medical Technologies which would bring many new jobs to the City. The Mayor commented that the Planning Commission by Code was not permitted to create a non-buildable lot. He mentioned that the twelve acre parcel, which was already unbuildable, would be further restricted by a Code prohibition of building within 250 ft. of a power line. The Mayor thought the lot split was being requested because the new property owner did not want to pay taxes on 12 unbuildable acres. In his opinion the 12 wooded acres were a nice buffer between the manufacturing and residential property. Mr. Seifert acknowledged that the 12 acre parcel was unbuildable land and said Geis was happy to have it remain an undeveloped buffer area.

There was a general agreement that no matter what the Commission did the land would remain unbuildable. Considerable discussion ensued on the best way to present this special situation to Council. A motion with three variances and a stipulation of approval by the Law Director was drafted. The Work Session recessed into the Regular Meeting for a motion.

#### GALUCCI PROPOSED ASSISTED LIVING FACILITY

The Mayor mentioned he had been approached by Mr. Gus Galucci regarding building an assisted living facility on the property behind the Western Reserve Bank building. He had a conceptual drawing of a building which would be done by the same developer who built the Oakes of Brecksville nursing home. This small site was immediately adjacent to the Hillbrook subdivision and would face the same, if not greater, opposition from the residential property owners. The Mayor felt if an assisted living facility was built in the community there would only be one built.

The Work Session closed at 9:30 p.m.

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Minutes recorded by Nancy Dimitris