

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
May 9, 2013 Page 1

Present: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Others: Neil Brennan, Gerald Wise, and approximately 13 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:00 P.M.

APPROVAL OF THE WOODLANDS OF SNOWVILLE PUBLIC HEARING MINUTES OF APRIL 25, 2013

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Woodlands of Snowville Public Hearing Minutes of April 25, 2013 be approved.

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

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 25, 2013

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of April 25, 2013 be approved.

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

APPROVAL OF THE WORK SESSION MEETING MINUTES OF APRIL 25, 2013

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of April 25, 2013 be approved.

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

SIGNS

CLEVELAND AUTOMOBILE DEALERS ASSOCIATION - 10100 BRECKSVILLE ROAD (CC Action)

Mr. Dennis Rose, representing the Cleveland Automobile Dealers Association, was present to request a temporary, ground real estate sign. The Commission noted the sign was a foot too high and located two feet too close to the right-of-way. Mr. Rose agreed to bring the sign within Code requirements.

It was moved by Mr. Roman, and seconded by Mr. Harwood, that the Planning Commission approve, and the Building Department issue a permit for, a 12 sq. ft., 2 sided, temporary, ground, real estate sign for Cleveland Automobile Dealers Association at 10100 Brecksville Road, Brecksville, Ohio as described in the application dated April 8, 2013, and shown in the attached pictures. The applicant indicated that the proponents of the sign would

be brought within City Code requirements by moving it two foot back from the right-of-way from where it presently stands at 13 ft. to 15 ft. from the right-of-way, and also making the sign 5 ft. in height instead of its current 6 ft. height.

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

BURGER FRESH (PERMANENT) – 8121 CHIPPEWA ROAD (CC Action)

Mr. Dan Hopkins of Signs By Tomorrow was present to request a permanent wall sign for Burger Fresh. He indicated that Burger Fresh was an offshoot of Austin's although it would be a separate building unit. Mr. Hopkins noted that the proposed sign was in keeping with signage within the shopping center. Mr. Badalamenti noted that the awning depicted was not part of the application and that it would require Planning Commission approval. Mr. Hopkins said he would come back for the awning approval.

Commission architects were concerned about how power would be supplied to the lighting strip and requested assurance it would be accomplished internally with no exposed conduit. It was decided to make internal stubbing of the lighting power a condition of signage approval.

It was moved by Mr. Roman, and seconded by Mr. Harwood, that the Planning Commission recommend to City Council approval of a 15 sq. ft. permanent, wall identification sign with external illumination for Burger Fresh, 8121 Chippewa Road, as described in the application dated April 22, 2013 and attached sketches by Signs By Tomorrow contingent upon City Council approval of the following deviation:

- A deviation from Section 1187.09(c) of 4 feet from the required 3 ft. minimum from the end of a building unit to permit a sign to extend 1 ft. beyond the building unit.

Approval is also contingent upon no exterior conduit being visible when the sign is completed and lighting is installed. This application does not include the request for an awning, which was depicted in the signage picture. If there is the intention to proceed with an awning it will have to be brought before the Planning Commission for consideration.

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

BURGER FRESH (TEMPORARY) – 8121 CHIPPEWA ROAD (CC Action)

Mr. Dan Hopkins of Signs By Tomorrow was present to request a temporary sign for Burger Fresh while the permanent sign was being constructed. The temporary sign would be a banner with the company logo and the words "Now Open". A deviation from the Code restriction of 15 days for a temporary sign was requested as the permanent sign was expected to take 4-5 weeks for completion.

It was moved by Mr. Roman, and seconded by Mr. Harwood, that the Planning Commission approve, and the Building Department issue a permit for a 10 sq. ft. temporary, wall, identification sign for Burger Fresh, 8121 Chippewa Road, as described in the application dated April 22, 2013 and attached sketches by Signs By Tomorrow contingent upon City Council approving the following deviation:

- A deviation from Section 1187.13(5)A to permit a temporary sign to remain for more than 15 days. This deviation was necessary to permit time for the permanent sign to be constructed.

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

LA-Z-BOY FURNITURE – 10391 BRECKSVILLE ROAD (CC Action)

Mr. Ted Durdel, owner of the La-Z-Boy warehouse store, was present to request a temporary, ground sign for their special event sale that occurs twice a year in the spring and fall. He indicated they have used the same sign for the last six or seven years. Two deviations were requested for sign size and height. The Commission asked why a new sign, compliant with Code requirements, was not made if their intention was to continue using the sign twice a year. Mr. Durdel agreed to bring the sign within Code requirements.

It was moved by Mr. Roman, and seconded by Mr. Harwood, that the Planning Commission approve, and the Building Department issue a permit for a 30 sq. ft., temporary, ground, special event sign for La-Z-Boy Furniture Galleries at 10391 Brecksville Road, Brecksville, Ohio as described in the application dated April 23, 2013 and shown in the attached drawings by DBLJ57 Inc., contingent upon in the future any sign to be displayed be modified or configured to require no deviation from City Code requirements.

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 the Patio Enclosure for Burntwood Tavern, the RITA Generator, and preliminary approval for Phase 1 of the Woodlands of Snowville.

REPORT OF MAYOR HRUBY - No Report

REPORT OF CITY ENGINEER - No Report

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

CONIFER ACRES ENTRYWAY LIGHTING – RIVERCREST DRIVE & BRECKSVILLE ROAD

It was moved by Mr. Roman, and seconded by Mr. Sciria, that the Planning Commission recommend to City Council approval of the lighting plan for the existing subdivision identification sign at entryway and landscaping for the Conifer Acres Subdivision located at the intersection of Rivercrest Drive and Brecksville Road

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

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
May 9, 2013 Page 4

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

BRECKSVILLE ASSISTED LIVING – 8736 BRECKSVILLE ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission schedule 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 44141 to consider the request for the rezoning of two (2) parcels: PP #601-30-034 – 8736 Brecksville Road, and PP #601-30-003 – Mill Road from an R-20 Single Family Residential District to a Planned Facility Overlay District per Section 1156.

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

The Regular Meeting closed at 10:12 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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

Minutes recorded by Nancy Dimitris

Present: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Others: Neil Brennan, Gerald Wise, and approximately 13 guests

Mr. Roman opened the Work Session at 7:28 p.m.

WOODLANDS OF SNOWVILLE SUBDIVISION – SNOWVILLE ROAD

Mr. Chris Bender of Snowville Joint Venture was present to request final approval for Phase 1A, consisting of 28 sublots, in the Woodlands of Snowville major subdivision. He indicated that they have been working with Messrs. Brennan, Wise and Matty to address the outstanding issues contained in Mr. Wise's April 25th letter and discussed at the April 25th Planning Commission meeting. He acknowledged that not all those issues had been resolved.

Mr. Wise detailed the current status of his review of the project in a May 9, 2013 letter to Mr. Brennan:

1. Upon approval by the City, the developer still needs to submit to the County, Cleveland Water, and Ohio EPA for their approval.
2. The City will assign full time construction inspection for this project.
3. Final Covenants and Restrictions have not been supplied for Engineering Review and are required.
4. All previous agreements made between the owner and adjacent property owners shall be honored as part of the Phase 1A development
5. The "Homeowners Association", "Declarations", and "Covenants and Restrictions" are either incomplete and/or redundant and require modifications
6. As submitted the dedication plat can't be recorded until after all improvements are complete and approved by the City Engineer and no home permits can be issued until such time.
7. The preservation and conservation easements require more specific language defining the rights of the future landowners,
8. Hatching on pages 2 and 3 to be adjusted (half-toned) so that the underlying information can be read.
9. Specific easements and verbiage to be added to the plat identifying the rear yard storm water facilities on sublots 5/6 and 8/9.
10. Relocate the gatehouse and/or storm sewer so they have a minimum of 10 ft. separation.
11. The location of stockpiles of surplus material from Phase 1A needs to be identified.
12. Verify that Pond D is not being fully excavated at this time.
13. Verify if the storm water management access drive between s/l 49 & 50 will be vacated after Phase 1B is constructed.
14. Material sections and structural calculations included in the improvement plans.
15. No modifications are to be made to the Standard Brecksville Detail Sheets.
16. Premium fill to be used on all trenches within the right-of-way.
17. Add specifications requiring the installation of signage around all preservation and conservation areas.

Mr. Sciria asked about the financial guarantees in relation to the recording of the plat. Mr. Bender said they intend to record the plat upon City Council approval and deposit the funds in an escrow account.

Mr. Bender noted there was some question on whether the guardhouse planned for the entrance island would fit in that area, even with variances. He would like to remove the submitted landscape plan and resubmit it without the guardhouse.

Mr. Wise asked about plans for the retaining walls and Mr. Bender didn't have plans but said they would be masonry. He confirmed that the retaining walls would be needed for sublots 15, 16, 17, 18 and 19.

Mr. Harwood pointed out there were 17 items in the civil documents not completed. He said final approval was requested; however building could not begin until all issues were resolved. Mr. Sciria commented that the Commission sometimes gives final approval when minor issues are outstanding contingent upon final approval by the City Engineer and/or others. He said the issues involved here were substantial and the Commission wouldn't be passing off their responsibility.

There was some discussion on whether the outstanding civil issues could be resolved in time to be on the Commission's May 23rd agenda. Mr. Wise mentioned the required EPA permit would take four to six weeks. The Commission recommended Mr. Bender contact Mr. Wise to coordinate all the elements of permits and data required in order to come back for final approval when all outstanding issues have been resolved. The request was tabled.

CONIFER ACRES ENTRYWAY LIGHTING – RIVERCREST DRIVE & BRECKSVILLE ROAD

Mr. Dave Tilk, President of the Conifer Acres Homeowners Association, was present with a lighting proposal for uplighting existing landscaping in their entryway and installation of a flood light for their entryway sign. The Commission was being asked to approve the concept and location of a lighting plan. Mr. Wise had no problem with approval at this stage. He said the applicant would need to return to the Commission for approval of the roadway permit and to review installation plans in the right-of-way. There were no questions and the Work Session recessed into the Regular Meeting for a motion.

WALGREENS PARKING LOT EXPANSION – 8966 BRECKSVILLE ROAD

Messrs Larry Brozek, Northeast Regional Development Manager, Walgreens, and Brian Crider, civil engineer, were present to review a proposed parking lot expansion plan. Mr. Brozek said they have, according to the Commission's suggestion at their March 7th meeting, reduced the parking count from 61 to 49 spaces. They have also made progress with the homeowner adjacent to the property they wish to develop. Two plan options were presented: 1) The preferred option of keeping the existing garage that the neighboring property owner would like to take over; and 2) An option without the garage featuring a flat area if the garage cannot be saved due to the grade change.

In answer to a question by the Mayor, Walgreens planned to use all of the additional lot up to the approximately 27 ft. being deeded to the neighbor. Mayor Hruby thought in the plan originally discussed with him Walgreens planned to use only 40 ft. of the additional lot in total. Mr. Crider said there would be approximately 42 ft. of additional pavement. They would like to remove the existing retaining wall that is in jeopardy of failure and slope the land up to the garage the neighbor would like to keep without having to install another retaining wall. Mr. Harwood pointed out the mathematics of property lines, setbacks, and the grade change didn't work in favor of keeping the garage. Mr. Brozek said if the first plan to save the garage was not viable they would request the backup plan of removing the garage to more gradually slope up the land to the neighbor's property. Mr. Crider confirmed that in that case they planned to turn 27 ft. of the lot to the west to the neighbor. That 27 ft. would be fairly flat and then slope gently down to the Walgreens lot. A six foot fence was planned along with screening pines.

Mr. Wise indicated that the application was marked for preliminary and final approval yet there were no construction plans, consolidation plat, lighting plan, storm water calculations, etc. The discussion so far felt like a consultation, with no definitive plan developed for him to review.

Mr. Tom Sitko, 7036 Arlington, owner of the adjacent parcel to the west was present. He wanted to keep the garage to screen the view of MacDonald's and provide a little more value to his lot that would be devalued by the parking lot expansion. The Commission said that while it might be possible to retain the garage, the plans

presented did not accurately depict that situation. Mr. Harwood advised that to keep the garage some civil engineering work would be required that would probably include a retaining wall.

The Mayor reminded everyone that this was a rezoning issue the Commission was being asked to recommend to Council. Mr. Sciria reviewed the language of the Code relative to adherence to the Master Plan, sensitivity to the surrounding neighborhood and vegetation. It was mentioned that this would be the second home to be removed from the Olde Town community for Walgreen's development. The Mayor commented that the electorate established special zoning to preserve the historic character of the Olde Town area

Mr. Payto reiterated his opinion that Walgreen's didn't have a parking problem. He felt Walgreen's needed to address the unsafe retaining wall as quickly as possible. Mr. Brozek commented that they have a permit to temporarily fix the wall. He would like a resolution on the parking issue so they can decide on whether to make a temporary or permanent fix to the retaining wall. Mr. Brozek said their goal is to provide more parking which would, hopefully, increase the store's struggling retail sales. He did acknowledge that the store's smaller size at 9,800 sq. ft. compared to their typical store of over 14,000 sq. ft. was also a factor in sales performance.

The Mayor remembered at the last meeting Walgreens expressed little interest in the lower parking lot to the south. He thought they mentioned possibly reconfiguring the entrance to the store and the landscaping. The Mayor asked if Walgreens had any intention of splitting off the lower strip of land on the south side of the building and selling it to MacDonald's. Mr. Brozek said there was no such option being discussed. Mr. Hotaling asked if they had considered a drive through situation. Mr. Crider said a drive through was considered for the northwest corner of the property, but stacking and traffic conflicts discouraged that option.

Mr. Harwood didn't feel they had presented a viable plan, which would be supported by the adjacent neighbor. Mr. Sciria would not support the expanded parking plan because of its negative impact on the Olde Towne community. Mr. Brozek said it appeared that no matter what plan was presented, even if the neighbor was in agreement, the Commission would not support a rezoning request. An informal poll of the Commission confirmed no support for the rezoning request to expand parking.

Mr. Crider said they are proceeding with a temporary rock netting fix to the retaining wall which would buy them some time until a permanent solution was identified.

SOUTH EDGERTON ROAD

Mr. Mike Merle was present representing Fogg-Brecksville Development Company's request to vacate a portion of South Edgerton Road, consolidate eight parcels of land, and improve the new South Edgerton Road. The property involved forty acres between Miller and Snowville Roads bordered by I-77. Mr. Merle said the current configuration of the road creates some odd shaped and useless parcels that could not be graded and would not work well for industrial traffic. Mr. Merle said the plan before the Commission portrayed how the land could be developed; however no users have been identified. He was looking for input from the Commission on the proposed shortening of the road and development of a temporary cul-de-sac.

Mr. Wise wondered why the developer wouldn't wait until the land was sold to develop the street. Mr. Merle's experience with industrial development was that roads had to be developed first to attract clients. Usually prospective clients had a timeline, and don't want the risk of whether the road and improvements would materialize within their timeline.

Mr. Wise said no vacation plat would be required as that section of South Edgerton was a private road. He indicated that the proposed plan would be adding about 1,500 parking spaces so a traffic study would be required on the proposed roadway and it also should depict increased traffic on Miller Road, Southpointe Road, Snowville Road, and Brecksville Road. Mr. Payto was concerned about safety with only one access road ending in a cul-de-sac. He thought a better plan would have two access roads for safety and traffic flow. Mr. Merle said providing another access would take out ten acres of property and not be good for either the developer or the City. He pointed out two other one access cul-de-sacs in that area.

Mr. Wise mentioned the possibility of another I-77 ramp off Miller Road. He couldn't answer Mr. Merle's question of whether that might involve a taking of some property. The Mayor asked if the intention was to ask for immediate dedication of the street and Mr. Merle thought that would happen a couple years after development. Mr. Badalamenti asked about a name for the road and Mr. Merle thought they would consult the Planning Commission on that issue.

Mr. Merle said they would like to move forward with engineering if the Commission was supportive of the plan. Mr. Sciria thought a public hearing would be required. He thought an important issue would be whether the road should end in a cul-de-sac or be a through road. Mr. Sciria thought a traffic study, safety services study and even economic development advice would provide enough information for the Commission to schedule a public hearing when the project comes back for review.

BRECKSVILLE ASSISTED LIVING – 8736 BRECKSVILLE ROAD

Mr. Peter McCabe of Lake James Ltd. was present on behalf of his request for preliminary approval of an assisted living facility on a 3.5 acre parcel adjacent to the southern property line of St. Basil's. In response to the Commission's suggestions at their April 25th meeting the following plan alterations have been made:

- Shortened the building on the Mill Road side by 30 ft.
- Reduced the number of beds from 83 to 74
- Elevation on the Mill Road side changed

They have also worked on addressing Mr. Wise's comments from his letter of April 25th. Mr. McCabe said their goal would be to have a public hearing on the project scheduled by the Planning Commission's May 23rd meeting so their project could be put on the November ballot for rezoning.

Mr. Howard Shergalis, Architect for RDL Architects, had a PowerPoint presentation showing the original plan against the revised plan. He reviewed the reduced size of the project. The improved visibility at the entrance on Brecksville Road would be achieved by not having an island drive and peeling back the berming on Brecksville Road. The smaller project has reduced the parking required and permitted the reduction in the slope of the drive from 10% to 7%. The back buffer from the parking lot facing Miller Road has been increased from 78 ft. to 102 ft. The West wing has been shortened by 35 ft. and stepped down in height. Mr. Shergalis said the residential parcel on Mill Road would remain residentially zoned.

Mr. Shergalis had a rendering of truck access using a 30 ft. panel truck. The presentation had examples of lock block masonry retaining walls that would be typical of a decorative retaining wall. Mr. Payto suggested consideration of stepped back retaining walls. Revised elevations were presented to show the size and scope of the reconfigured wing that was essentially reduced to two stories. Mr. Shergalis reviewed the topography drawing as it compared to adjacent buildings. Mr. Wise asked about wetlands and Mr. Shergalis said there were no wetlands on the site. He said issues involving grading and line-of-sight would be discussed as the project moves forward.

Mr. Payto wondered if the third floor could be removed, realizing they would be reduced to maybe 60 units. Mr. Shergalis commented that the Sun Rise nursing homes like the one in Parma that was mentioned have smaller and fewer units. The units they are proposing would be more spacious which they feel created a better quality of life.

Mr. Badalamenti was still concerned that the 4-story tall center component of the building appeared massive for the site. Mr. Sciria mentioned that by Code a PDA should fit the geography of the site with minimal change in grade and impact on the environment.

Mr. Dominic Minadeo, 6959 Mill Road, displayed a drawing depicting a six foot man in his backyard looking up at the massive side of the facility. He felt the project would impact his quality of life and devalue his property. Mr. Richard Polcen, 6935 Mill Road, reiterated a comment he has made that the proposed project was too big for the

site. He didn't feel there were enough trees and green space between his property and the facility parking lot. Mr. Polcen was concerned about the light infiltration and noise from the facility operating three shifts with the constant traffic on the site. Mr. John Lubert was concerned that all the additional drainage would cause more flooding of Chippewa Creek. He remembered having to evacuate a few years back because of the flooding and didn't think any more drainage was needed in that area. Ms. Kathy Thomas, 6952 Mill Road, was also concerned about the additional runoff of water from the hill. She has already lost some of her property to erosion and felt certain that other properties would be adversely affected. Ms. Thomas disagreed that trees would screen the facility. She said the church could be seen from her yard.

Mr. Payto spent some time with Mr. Shergalis over the project drawing indicating how the third floor could be removed and many of the lost units picked up in extensions of other areas. The entire structure would then be two stories.

Mayor Hruby said it appeared the adjacent residents would prefer to see residential development, even if those houses would be closer to their property than the proposed project. Ms. Minadeo, 6959 Mill Road, said that at least with residential development the lights would not be on 24/7 with 24 hour traffic. Mr. Polcen said with residential development he would get to know new neighbors, where he never expected to know anyone at the assisted living facility. Mayor Hruby didn't feel it was fair to the applicant to keep recommending changes to the project to appease the residents if the residents would never be in favor of the project. He remarked that the Commission had reviewed the proposal and they needed to move forward with a public hearing and be prepared to render a decision on whether to recommend a zoning change to City Council. Mr. Roman advised that setting a public hearing tonight in no way implied any decision on the project. The Work Session recessed into the Regular Meeting for a motion.

The Work Session closed at 10:12 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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

Minutes recorded by Nancy Dimitris