

MINUTES OF THE PUBLIC HEARING TO SET FRONT YARD SETBACK 9515 CHIPPEWA RD.
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
May 4, 2017 Page 1

Present: Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Robert Hotaling
Others: Gerald Wise, and approximately 38 guests

In Mr. Hotaling's absence Mr. Sciria opened the Public Hearing at 7:02 P.M. by reading the following legal notice published in the April 20, 2017 issue of the *Sun Star Courier*

The Brecksville Planning Commission will hold a Public Hearing at 7:00 P.M. on Thursday, May 4, 2017, in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to establish a front yard setback of 125' for Permanent Parcel No. 601-37-004, 9515 Chippewa Road, Brecksville, Ohio 44141.

Mr. Frank Rini of Rinello Builders was present to request a front yard setback be established for a new home at 9515 Chippewa Road. The requested setback of 125 ft. would meet the Code requirement of Section 1151.23(a)(3) for lots on an arterial street. It was noted that the Planning Commission is being asked to establish the front yard setback, because code provides that the Commission shall determine the front yard setback for a new home when the frontage of adjacent homes is more or less than the 125 ft setback required by the Planning and Zoning Code.

Commission members had no comments and the hearing was opened up for discussion from the public present. Mr. John Burkart of 9701 Chippewa Road, the property adjacent on the east, thought the proposed setback was more than he would like, however he would not object to it. His main concern was water runoff. He has taken care of the property in question for years and noticed over the last few years that the property backyard has become wetter and wetter. Mr. Wise responded that this meeting was concerned only with establishing a front yard setback. He advised that at the time the plans reach the Building Department for permits an assessment would be made for storm water management. Mayor Hruby mentioned that even though 125 ft. was the Code setback requirement the Commission would be willing to consider moving the front setback closer to the street, depending on circumstances specific to that lot. It was pointed out that once the front yard setback was established by the Commission the home could not be moved closer to the street, however it could be moved an additional 10 ft. from the street to 135 ft. After further consideration Mr. Burkart did not think moving the home closer to the street would be advantageous as it would align the new home with his and the privacy of both home owners would be impacted.

Ms. Pam Stephanoff, 8718 Bradford Lane, spoke for herself and Barbara Ruper, 8712 Bradford Lane about the flooding problem they have both experienced. Ms. Ruper has a flooded basement and Ms. Stephanoff has water running by on both sides of her home undermining and cracking her driveway. Ms. Stephanoff would like to see the front yard setback closer to Chippewa Road so there would be more rear yard to absorb water runoff. Mr. Wise commented that the placement of the home would not matter as the topography of the land was to drain downward toward Bradford Village.

Mr. Sciria explained that the issue would be discussed at the Work Session later in the evening. With no further discussion, the Public Hearing closed at 7:16 P.M.

THE BRECKSVILLE PLANNING COMMISSION

ROBERT HOTALING, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
KIRK ROMAN, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE PUBLIC HEARING TO SET FRONT YARD SETBACK 9515 CHIPPEWA RD.
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MINUTES OF THE PUBLIC HEARING TO CONSIDER ZONING AMENDMENT TO PROHIBIT MEDICAL MARIJUANA ACTIVITIES IN ALL USE DISTRICTS
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
May 4, 2017 Page 1

Present: Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Robert Hotaling
Others: Gerald Wise, and approximately 38 guests

In Mr. Hotaling's absence Mr. Sciria opened the Public Hearing at 7:16 P.M. by reading the following legal notice published in the April 21, 2017 issue of the *Plain Dealer*.

The Brecksville Planning Commission will hold a Public Hearing on May 4, 2017 at approximately 7:10 P.M in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the proposed Zoning Code Amendment of Section 1189.01 by adding Subsection (N) to prohibit Medical Marijuana Activities in all Use Districts.

Mr. Sciria commented that City Council had asked the Planning Commission to approve and recommend a zoning code amendment be placed on the ballot to add Subsection (N) to Zoning Code Section 1189.01 to prohibit the cultivation, processing or sale of medical marijuana in all Use Districts in Brecksville. City Council's intention would be to have the proposed amendment on the November ballot.

Mayor Hruby noted that by State law communities can make restrictions on medical marijuana except in the case of accredited research laboratories, which would need to be accommodated in the appropriate zoning district. He said that City Council felt it would be sending the wrong message to the community not to restrict activities related to medical marijuana. Mr. Harwood added that Council has already had two readings on the proposed amendment with the third and final reading scheduled for their May 16, 2017 meeting.

Mr. Sciria explained that the issue would be discussed at the Work Session later in the evening. With no further discussion, the Public Hearing closed at 7:19 P.M.

THE BRECKSVILLE PLANNING COMMISSION

ROBERT HOTALING, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
KIRK ROMAN, SECRETARY

Minutes recorded by Nancy Dimitris

REGULAR MEETING MINUTES
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
May 4, 2017 Page 1

Present: Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Robert Hotaling
Others: Gerald Wise, and approximately 38 guests

In Mr. Hotaling's absence Mr. Sciria opened the Planning Commission Meeting at 7:19 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 6, 2017

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of April 6, 2017 be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF APRIL 6, 2017

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of April 6, 2017 be approved.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE - No Report

REPORT OF MAYOR HRUBY

The Mayor reported the ballot item related to rezoning certain parcels along Rt. 82 to office/lab without any other conditional use was passed by the voters overwhelmingly. The impacted property owners along Rt. 82 sent a letter of gratitude for the City's efforts on their behalf. He also noted the school levy passed which would result in 5.99 mills being added to property taxes.

REPORT OF CITY ENGINEER - No Report

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

ANDREW'S FRONT YARD SETBACK – 9515 CHIPPEWA ROAD

It was moved by Mr. Sciria and seconded by Mayor Hruby that the Planning Commission recommend to City Council the establishment of a front yard setback of 125.0 feet at 9515 Chippewa Road, Brecksville, Ohio, Permanent Parcel No. 601-37-004, as described in the application dated March 3, 2017 and shown on the Site Improvement Plan by Howard R. Selee & Associates, Inc., dated March 17, 2017.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, 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.

MEDICAL MARIJUANA ZONING AMENDMENT

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission recommend to City Council the proposed Zoning Code Amendment of Section 1189.01 by adding subsection (N) to prohibit Medical Marijuana Activities in all Use Districts in the City of Brecksville.

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, 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.

MCNAIR SOLAR PANEL INSTALLATION 8028 PERSHING DRIVE

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission will hold a Public Hearing on May 25, 2017 at 7:00 P.M. in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the request for a residential Solar Photovoltaic System which requires deviations regarding the size of the system to be installed at 8028 Pershing Drive, Brecksville, Ohio 44141, as required by Section 1186.06(b)(1).

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, 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.

AT & T GENERATOR INSTALLATION – 9069 BRECKSVILLE ROAD

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning recommend to City Council approval of the installation of a 4' by 10' Kohler 50 kw natural gas generator for AT&T, within the existing tower compound at 9069 Brecksville Road, Brecksville, Ohio, as described in the application dated January 25, 2017, and attached redlined plans by Benchmark Services, Inc., all dated March 18, 2016.

- T-1 Title Sheet
- SP-1 General Notes
- A-1 Site Plan
- S-1 Foundation Details
- E-1 Wiring Details
- E-2 Panel & Penetration Details
- E-3 Panel & Penetration Details
- E-4 ASCO ATS Specifications

ROLL CALL: Ayes: Michael Harwood, Eric Lahrmer, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

REGULAR MEETING MINUTES
BRECKSVILLE PLANNING COMMISSION
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The Regular Meeting closed at 10:00 p.m.

THE BRECKSVILLE PLANNING COMMISSION

ROBERT HOTALING, CHAIRMAN
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Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
May 4, 2017 Page 1

Present: Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Robert Hotaling
Others: Gerald Wise, and approximately 38 guests

In Mr. Hotaling's absence Mr. Sciria opened the Work Session Meeting at 7:26 P.M.

ANDREW'S FRONT YARD SETBACK – 9515 CHIPPEWA ROAD

Mr. Frank Rini of Rinello Builders was present to request a front yard setback be established for a new home at 9515 Chippewa Road. This matter was addressed at a public hearing earlier in the evening. The Mayor asked about the scheduled building plans for the home in case further time was needed by the engineer to research the impact on determining the setback relative to drainage issues. Mr. Rini responded that the Andrew's hoped to begin construction later in May. He added that the construction plans included a walkout basement that might be negatively impacted by moving the home too far forward. Mr. John Burkart of 9701 Chippewa Road, the property adjacent on the east, commented that at a 125 ft. setback, he would see Mr. Andrew's garage. If the setback was moved closer to the street, his windows would align with those of Mr. Andrew's, negatively impacting both their privacies.

Mr. Bill Krinek, 9703 Chippewa Road, suggested that cleaning out the creek behind the properties might provide some relief from the flooding. Ms. Pam Stephanoff, 8718 Bradford Lane, asked that her concerns voiced at the public hearing about flooding on her property be addressed. Mr. Sciria agreed with a comment by Mr. Wise at the public hearing that due to the topography moving the house 25 ft. in either direction would make no difference in the drainage toward Bradford Lane. Mr. Harwood suggested a site visit involving the two Bradford residents at the time of permitting to determine what could be done about drainage. Mr. Sciria advised that Mr. Hotaling was in favor of the 125 ft. setback based on the proposal submitted to Commission members. There was a general consensus to approve a 125 ft. setback. The Work Session recessed into the Regular Meeting.

MEDICAL MARIJUANA ZONING AMENDMENT

Mr. Sciria reiterated his comments from an earlier in the evening public hearing that City Council asked the Planning Commission to approve and recommend a zoning code amendment be placed on the November ballot to add Subsection (N) to Zoning Code Section 1189.01 to prohibit the cultivation, processing or sale of medical marijuana in all Use Districts in Brecksville. Mr. Sciria noted that Mr. Hotaling supported the proposed amendment and urged its placement on the November ballot. There was no further discussion among Commission members and the Work Session recessed into the Regular Meeting for a motion.

MCNAIR SOLAR PANEL INSTALLATION 8028 PERSHING DRIVE

Messrs. Eben McNair, home owner, and Jon Pierson of Third Sun Solar, were present to request solar panels to be installed on the rear facing roof of a detached garage. A deviation from the 25% roof maximum coverage was being requested to allow 75% roof coverage. Mr. Pierson reviewed their compliance in all the required warning labeling. In response to a Commission question, Mr. McNair said the solar panels would not be visible to his neighbors. Mr. Sciria mentioned that Mr. Hotaling had no objection to the deviation request based on the fact that the panels would be rear facing and not visible to neighbors. The Work Session recessed into the Regular Meeting to set a Public Hearing.

AT & T GENERATOR INSTALLATION – 9069 BRECKSVILLE ROAD

Mr. Sean Bobbitt was present representing AT&T's request for a permanent generator as a battery backup for the communications tower behind the City service building at 9069 Brecksville Road. Mr. Wise indicated the generator would be located within an existing equipment area serving the tower. The Mayor noted AT&T's cooperation in the City's request for a natural gas generator in lieu of the diesel powered one on the original

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
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proposal. Mr. Sciria added that Mr. Hotaling had no issue with the proposed generator and there were no comments from Commission members. The Work Session recessed into the Regular Meeting for a motion.

CHASE BANK – 8889 BRECKSVILLE ROAD

Mr. Tim Meseck, Architect, was present with revised plans for the proposed Chase Bank to request a public hearing be set. He reviewed the first consideration of the proposed project by the Commission on January 5, 2017 which featured the bank centered on the lot, through the review March 9th of a revised plan with a streetscape placement of the building closer to Brecksville and Chippewa Roads.

Mr. Meseck indicated surveys were done along the Stagehouse property, the Doughnut Shop property and for the curb cuts along the south side of Chippewa Road directly across from the property. They have shifted the ATM a little further west to allow approximately 12 ft. of space on the Doughnut Shop property line. The building has also been shifted to permit a seven foot sidewalk between the building and the parking to the north.

Mr. Meseck commented that the alternate site plan drawn to address the Commission's suggestion to rotate the longest elevation of the building to face Brecksville Road featured only 15 parking spaces. He indicated they would have seven offices and two teller lines for a total of nine employees needing parking spaces leaving not enough for bank clients. The architecture of the building has been altered to present a frontage and better pedestrian experience along both Chippewa and Brecksville Roads. Mr. Meseck noted they were still recommending a single entry on the north side of the building for the safety and convenience of their clients.

Mr. Wise offered the following comments detailed in his May 4, 2017 letter to Mr. Scott Packard in the Building Department:

- Per Code a formal preliminary plan requires full size plans to common engineering scale.
- Submitted plan does not detail the work required in the SR 21 ROW. The tree lawn should match the center of town south of SR 82.

The following is minimally required for final plan submission:

- Retaining walls will require a detailed submission, per City requirements at time of final plan submission or a separate submittal prior to construction.
- Specify all storm and sanitary sewer pipe materials.
- Include sanitary test tee at the ROW and include Cuyahoga County Department of Public Works standard detail and general notes page.
- Storm sewer calculations.
- Storm water management calculations or calculations that support why storm water management will not be required.
- The City commercial drive apron detail will need to replace the current drive apron detail.

Mr. Sciria commented that Mr. Hotaling thought the submitted plans represented a traffic flow improvement, however he was still concerned about the three parking spots on the east side of the building. He felt there would be an issue for those cars to back out because of vehicles entering from Rt. 82. Mr. Hotaling liked the architectural changes and was okay with either the original orientation or 90 degree rotation of the building on the site. He would still prefer, though, to see some retail use other than a bank located on the site. Mr. Meseck indicated the three parking spaces referenced, along with four close to the ATM, would be designated for employee parking. Employees would arrive early in the morning to use those parking spaces. Customers would naturally be guided to parking spaces closer to the bank entrance.

The Mayor reported a call from a Mr. Mike Oravec, who owns the adjacent Stage House property, objecting to the large size of the structure. He also voiced his concerns again about the bank as a use for the property and their proposed north/south orientation of the building. He thought the back of the building facing Rt. 82 (Chippewa Road) would be problematic. Mr. Meseck maintained that their three sided architectural frontages on the south, west and north sides of the building was complementary to all the adjacent buildings. Keeping the

north facing entrance allowed them to provide the critical 25 parking count and also represented the safest entry and exit for employees and customers to and from the site.

Mr. Payto felt the longest elevation of the building should face Rt. 21 (Brecksville Road) to align with the Red Brick Store and the Stagehouse buildings. If that orientation was feasible, he thought the building should be flipped so the restroom/storage/blank wall side faced north and east, the utility service entrances would also be on the north elevation and the window side with offices and conference room would run along Rt. 82 (Chippewa Road). Mr. Payto suggested orienting the parking at 90 degrees. In a rough five minute sketch Mr. Payto was able to fit 21 parking spaces on the site with the longest elevation along Rt. 21. He wondered if a number of parking spaces just under 25 could be acceptable. Mr. Meseck pointed out that 36 spaces was their preference and that any amount under 25 could compromise the success of the project. He noted that their placement of parking was also tied into safe traffic flow between cars and pedestrians on the site as well as the functionality of the ATM.

Mr. Lahrmer felt the bank building's most prominent facade should line up with the adjacent buildings along Rt. 21 (Brecksville Road) to take advantage of its key downtown location and have a presence on the square. He noted that the actual entrance to the building could still be from the parking lot on the east side of the building. Mr. Lahrmer added that the alternate plan with the prominent facade facing Rt. 21 would also be safer as customers would not have to walk between cars in the parking lot. A straw poll of Commission members present indicated they were in favor of the alternate plan with the prominent facade facing Rt. 21. Mr. Harwood asked if the alternate plan facing Rt. 21 with a reconfigured parking count closer to 25 could be presented to their programming group. Mr. Meseck didn't feel a parking count under 25 would represent a viable plan for their group, but he was willing to consult with their programmers.

There was a question on whether pavers or landscaping was preferred along Rt. 21 and there was a general consensus to continue the hardscape of pavers as done in front of the Red Brick Store. Mr. Meseck asked for any input on the massing of the building and received the general commentary that it was appropriate for the site. Mr. Meseck would take the Commission's suggestions relative to re-evaluating the parking count as it would relate to an orientation of the building with the prominent facade along Rt. 21 (Brecksville Road) back to their programming group. They would also consider flipping the building to have the restrooms/lounge/storage side facade facing the Stagehouse and the windowed side, with offices and conference room, facade facing Rt. 82 (Chippewa Road).

Mr. Lastoria, who was in the audience, said that he appreciated the Commission's suggestions, but was concerned about a property owner's rights being subverted by six members of the Commission who would only settle for their view of the perfect development of the property. He envisioned a convenience store located on the site, if Chase walked away from the bank project.

THE CROSSINGS AT BRECKSVILLE RE-ZONING – 4100 & 4122 ROYALTON ROAD

Present: Winn Bishop, Senior Vice President of Development and Construction for Smith/Packett
Jon Pinney, Lawyer
Aubury Holmes – Smith/Packett Development Manager
Dan Neff – Neff & Associates – Project Engineer

Mr. Pinney had revised plans for their high end, \$35 million eldercare facility that represented what he felt was a good transition from commercial property to residential development. Their plans were revised to address residents' concerns on building massing, height and buffering. The site was re-engineered and through grading the height of the building was reduced and a better buffer provided on all four sides of the building. Mr. Pinney pointed out that the facility would not be a burden on the school system. It would bring more jobs to the community as well as provide increased tax revenue. He spoke about the additional costs for making changes to the plan which have strained the project budget, as well as time constraints to set a public hearing with an objective of being on the November ballot.

Ms. Holmes had three options to present to the Commission. Their preferred four story option would maximize green space and buffers, as well as improve residents' quality of life by shortening walking distances. The three story plan featured a decreased setback to provide a bigger buffer, along with the relocation of a 70 space parking lot along the residential side to another spot on the site and replaced it with a memory garden. A hybrid version of the plan would combine a four story center of the building with the remainder at three stories. Through grading the building would be lowered to give the effect of a three story building. The buffer between the residential property line was increased from 20 ft. to 41 ft. and the buffer to the building increased to 91.6 ft. Mr. Pinney summarized by commenting that buffers around the entire building were doubled.

Mr. Neff spoke about proposed grading which would lower the building on the site. The parking lot would be lowered about seven feet, which should eliminate headlight glare from cars entering the site in the evening. A portion of the land drains to the front of the property to be handled by storm water management. They anticipate no change to watersheds or the rear of the property including the creek. The anticipation was that the rear of the property would become a conservation easement.

Mr. Sciria related Mr. Hotaling's comments, including his concern about saturation of the market that might result in the facility becoming apartments in the future. At this time, however, he felt the usage was appropriate and, if there was consensus to move the development forward, the three story plan would be preferable.

Mr. Sciria felt the suggested usage was appropriate, however he could also envision office development on the site. The 187 unit complex, including the 90 independent living apartments, would accommodate about 250 seniors with an average age of 87. Brecksville already has two similar facilities, one not even open yet, so he questioned whether the facility was intended to serve Brecksville residents and noted that the Commission would not even consider the construction of a 90 unit independent living apartment complex, if one was proposed as a free standing building, not associated with an assisted living facility. Mr. Sciria noted that the Danbury eldercare facility in Broadview Heights recently cancelled plans for expansion as they have not filled their existing space as projected. To date the developer has not provided a demographic study or pro forma to confirm the need for such a massive facility to serve Brecksville residents. He also felt the facility might represent an inordinate drain on the City's safety forces.

Mr. Sciria pointed out that a 700 foot long building with a 60,000 sq. ft. footprint, and a probable finished height of 45 ft. to 60 ft. above grade was too massive for the size of the property and its proximity to single family homesites. Even at 40 ft., the buffer between the adjacent residential neighborhood and this development was inadequate. Mr. Sciria pointed out that in office/lab development the setback from residential was 150 ft., there would not be a 7 day a week/ 24 hour operating facility on the property and the buildings would have to be screened from the view of adjacent homesites.. He indicated the 100 ft. setback from Rt. 82 for apartments units was also inadequate. Mr. Sciria also suggested that the entrance to the building face east with the rear of the building abutting residential property to the west.

Mr. Sciria felt that an extension of Kenmare might provide a better engineering solution for the neighborhood and address access to this property and the office lab properties immediately to the east. Mr. Payto was in favor of a study on dual access that could help alleviate some of the traffic congestion on Rt. 82. Mr. Neff reiterated their willingness to consider an easement agreement for shared access. Mayor Hruby pointed out that Rt. 82 would be widened in 2019 and any development plans would need to take that into consideration. Mr. Wise mentioned that there could be no discussion of shared access until projects were identified for the other properties.

Mr. Lahrmer remarked that it appeared the Commission was agreeable to the usage, but concerned about the massive size of the complex. It was questioned whether the project could be scaled back to perhaps 90 assisted living units. Mr. Pinney said a \$10 million 90 unit facility would not have the quality finishing of the project they are planning. They have planned a very high end desirable facility.

The Commission decided to open up the meeting to comments from the public present. Mr. Harwood thought residents should consider the development options recognizing that the property would probably never be developed as residential housing. He advised that office/lab development could produce a three story building with none of the architectural appeal of the proposed facility. Mr. Matt Nelson, 4057 Lake Park Drive, lived on the

dead-end of the street in the woods. He knew that the property would be clear cut of the mature trees and no amount of buffer would disguise a massive building. He was concerned for the safety of small children in his neighborhood. Mr. Pinney said that although it wasn't a consolation to everyone, they would be agreeing to a permanent conservation easement to protect a portion of the property. Mr. Payto asked if a 100 ft. buffer to preserve some of the mature trees would help. Mr. Nelson was agreeable to that, but suggested that office/lab development leaving a blank parcel as a buffer between office and residential properties would be even better. Mr. Roman reminded everyone that property owners had the right to develop their land within zoning and code requirements.

Mr. Ziggy Nienczyk, 3766 Boxelder, wondered who would want to live next door to a building the size of a K-Mart and put up with the inconvenience and traffic congestion during perhaps two years of construction. He wondered if there was a plan to deal with a crisis situation with two emergency rooms in the same area.

Ms. Teresa McGroarty, 4026 Royalton Road, was currently surrounded by trees. She didn't think 40 ft. was enough buffer. She wondered why the zoning had to be changed.

Ms. Jayne Pandy, 9249 Pineview Oval, displayed a map on her iPad created by Peter Brodie, Central Lake Erie Project Manager, of the stream that runs through the property. He suggested the possibility of a 100 ft. conservation easement along the residential property. Ms. Pandy was advised that the proposed buffer between the project property and residential started at 20 ft., was now proposed at 40 ft., and the Commission hoped it could be increased beyond 40 ft. Mr. Bishop clarified that the buffer from the drive aisle to the property line was 40 ft., however the buffer from the property line to the building was 91 ft. Mr. Neff said that because of the challenges of the topography on that narrow lot they would be grading up to the property line so a 100 ft. buffer would not be possible.

Mr. Randy Goldthorpe, 3808 Lake Park Drive, was concerned if the back of the building should face the residential property. He mentioned the noise associated with the kitchen, dumpsters, deliveries, and employees congregating to smoke. Mr. Goldthorpe would rather see office/lab development. He suggested there would probably be a more suitable site for the project such as the old VA property, or the Snowville area.

Mr. Andre Yakeshchenko, 9241 Pineview Oval, would like to see a lower building of two stories and more buffer. He moved to the area for the trees and quiet and now he will see the massive building from several rooms in his house.

Ms. Nancy Slusarczyk, 4200 Royalton Road, (east of the proposed project) was concerned about a buffer on her side as she might still be in her house a few more years. Ms. Stacey Hutton, 3995 Lake Park Drive, was concerned that a 24/7 facility would disturb the quiet of their formerly hidden neighborhood and create a safety hazard for the young children in the neighborhood. She would like to see a bigger buffer and actually would prefer office/lab development.

Mr. Harwood remarked that inevitably someone would want to develop this property. It seemed that Commission members found the proposed use a good transitional use for the property, but felt that this development would be too big a complex for the property. There was always the chance that some development not as desirable would come along for that property. Mr. Neff felt that their facility would represent the lightest traffic and parking. Mr. Neff also felt that overage on the property could end up the same with office/lab and could involve a three story building. The Mayor reviewed the history of the property, which the City always envisioned as a buffer. He thought it was too bad the Figueroa property got separated with the other lots that were recently rezoned. Mayor Hruby theorized that the Broadview Heights property across the street may become retail development all the way to Broadview Road in the future. He felt the Commission should provide the applicant with some clear direction on the project this evening. The Mayor found the usage acceptable, but wanted a bigger buffer.

Ms. Karen Figueroa said she has no buffer and sees the commercial development across Rt. 82 when she steps out the door. They would like to move away but can't sell their land. Ms. Kathy Holt, 3595 Boxelder, said the proposed building was beautiful and thought a larger buffer and not cutting the trees would make the project more acceptable to residents.

Mr. Payto, after listening to commentary from the public and Commission members, felt the biggest issue was the size of the building. Mr. Harwood asked again if units could be cut from the plan. Mr. Pinney said the common areas and amenities were designed for the planned number of units. The total project was a first class facility designed for people who could afford to live there. Mayor Hruby suggested they call the property owner to the east to see if they could add that land to the project. Mr. Pinney said adding more costs would have to result in an expanded project for it to work financially. They were out of time to consider that and get the project on the ballot in November. He said the project would not work for 2018.

Mr. Sciria confirmed from a straw vote of Commission members present that there was not support for the project needed to set a public hearing. Mr. Pinney asked under what parameters the Commission would consider the project again. The Commission advised that if Smith Packett could address the scale of the building and provide a greater buffer of 100 ft., the Commission would consider the proposal again on May 25th, or even schedule a special meeting before that date.

The Work Session closed at 10:00 p.m.

THE BRECKSVILLE PLANNING COMMISSION

ROBERT HOTALING, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
KIRK ROMAN, SECRETARY

Minutes recorded by Nancy Dimitris