

MINUTES OF THE PUBLIC HEARING TO CONSIDER REZONING FORMER MCDONALDS PROPERTIES
BRECKSVILLE ROAD
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
June 8, 2017 Page 1

Present: Michael Harwood, Robert Hotaling, Mayor Hruby, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer, Ron Payto
Others: Scott Packard, Gerald Wise, and approximately 11 guests

Mr. Hotaling opened the Public Hearing at 7:00 P.M. by reading the following legal notice published in the May 29, 2017 issue of the *Plain Dealer*

The Brecksville Planning Commission will hold a Public Hearing on June 8, 2017 at 7:00 P.M. in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the request for the rezoning of PP # 601-34-015, 601-34-082 and 601-34-016, 8998 Brecksville Road, Brecksville, Ohio 44141, split zoned properties from L-B Local Business and R-8 Single Family to all L-B Local Business District.

Mr. Sam Petros of Petros Development was present on behalf of his request to have the properties he recently purchased on Brecksville Road from McDonalds rezoned to all Local Business District. Currently a rear portion of the property was zoned R-8 Single Family. McDonalds was able to use that property for parking under a conditional use permit granted by court decision to McDonalds in 1977 until such time as they vacated the property. Mr. Petros would like to revitalize the building for another user, or raze the building and redevelop the entire property. Due to City Code changes over the years the option of a conditional use permit was no longer possible. No prospective tenant for the property has been identified, however there have been inquiries from a financial institution and a medically related user. Mr. Petros planned to keep the same grassed buffer from the Olde Towne residential area.

Mr. George Frey, 9011 Cedar Street, asked what portion of the property was residentially zoned and was told a good portion of the parking lot in the rear of the building was residential. Mr. Dennis King, 7008 Daisy Avenue, reviewed the history of how McDonalds secured the conditional use permit which resulted from a legal judgement after McDonalds took the matter to the courts.

Mr. Dave Honeycutt, 8995 Cedar Street, wondered how residents could be assured the new business on that land would be a benign use such as a financial or medically related tenant. Mr. Petros pointed out that deed restrictions imposed on the property by McDonalds prevented any use of the property by an establishment that served or sold food, which would eliminate any type of restaurant as well as a lot of other establishments.

Ms. Lisa Honeycutt, 8995 Cedar Street, and some other residents questioned why the residential land had to be rezoned. She thought a financial user wouldn't need much parking and there was also parking across the street in the City lot. Mr. Petros indicated it was difficult to market the property without being able to identify parking for the site. He pointed out that rezoning could be a yearlong process. He also felt a user would be identified by the time the issue came before the voters. It was also pointed out that any potential user would undergo a rigorous approval process through the Planning Commission and City Council. Mr. Harwood quoted from Planning Commission Minutes of May 25th relating to restrictions that could be imposed on the redevelopment of the site relating to setting a maximum rear building line and the establishment of buffers from the parking area to the Olde Towne residential area.

Mr. Dennis King, 7008 Daisy Avenue, felt the Olde Towne neighborhood was not well known to other Brecksville residents and he thought the City did not do enough to protect the character of that area. Mr. Honeycutt, 8995 Cedar Street, was worried about crime and wanted to see double the buffers proposed between the commercial property and his residential neighborhood. Residents commented that for good or bad they had become accustomed to McDonalds over the last thirty years and were concerned about the problems an unknown user might mean for the future. Mr. Petros thought any future use for the property would be less intrusive than McDonalds with its high volume traffic, late night hours, drive through, and noise from kids in the parking area.

Mayor Hruby, as a resident of the Olde Towne area, had a vested interest in how the McDonalds property developed. He explained that the judge's intention years ago in ruling for a conditional use permit in the rear of

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the property was to keep the back residential to prevent a retail usage there and push the commercial usage to the upper, street side, portion of the property. He assured residents that the Planning Commission would be working with Mr. Petros toward the least intrusive use of the site where the current parking area would remain unchanged, or if possible even a greater buffer between that property and the Olde Towne residents be established.

Ms. Jessica Wilms, 8987 Cedar Street, was worried that a two story building on that property would create a corridor for noise to bounce off buildings. Mr. Frey, 9011 Cedar Street, was also interested in noise control as he could currently hear the tennis balls bouncing in the City courts across the street. Ms. Honeycutt, 8995 Cedar Street, had small children so she was particularly interested in not having a business with early morning hours or truck deliveries that would wake her children up. Mr. Petros suggested heavily landscaping the buffer area with a solid row of pine trees, which would screen the area from view and help with noise control. Residents asked for, and Mr. Petros agreed to, ten more feet of buffer from the parking area to their residential property.

Mr. Sciria brought up the possibility of creating a PDA on the property which would enable the Planning Commission to establish greater setbacks than those permitted by City Code. With a PDA the rear of a building would have to be at least 221 ft. from the rear property line. Parking could be limited to perhaps 80 ft. from the rear property line. Mr. Petros was agreeable to accomplishing all the desirable setbacks through deed restrictions which he would impose upon himself. Mr. Packard suggested the rezoning be considered as currently written for recommendation to City Council. City Council could choose to alter the proposal to a PDA at some point before it reached the ballot. In that way there would be time to consult the Law Director on the best method to achieve rezoning and redevelopment of the property for all involved.

Mr. Hotaling explained that the issue would be discussed at the Work Session later in the evening. With no further discussion, the Public Hearing closed at 7:50 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 CONSIDER CITY OF BRECKSVILLE REZONING (FORMER CEI SUBSTATION)
BRECKSVILLE PLANNING COMMISSION
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Present: Michael Harwood, Robert Hotaling, Mayor Hruby, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer, Ron Payto
Others: Scott Packard, Gerald Wise, and approximately 11 guests

Mr. Hotaling opened the Public Hearing at 7:50 P.M. by reading the following legal notice published in the May 25, 2017 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing on June 8, 2017 at 7:05 P.M. in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio to consider the request for the rezoning of PP #601-34-017, 9012 at Brecksville Road, Brecksville, Ohio 44141 from R-8 Single Family District to C-F Community Facilities District.

Mayor Hruby outlined the history leading up to the City's acquisition of properties across Brecksville Road from City Hall for the new police station. The City acquired the former CEI Substation property which he described as essentially unbuildable because of a watercourse running through it. The City's intention was to leave it as green space or perhaps develop parking for the new police station. The City may also purchase the Antrobus house (9056 Brecksville Road) if it becomes available. The City assisted Windward Hills with a razing of a house there. Mayor Hruby mentioned there would be no future expansion of the police station to the north. The request before the Commission would be to rezone the former CEI substation parcel to Community Facilities District to match the zoning of the properties acquired for the new police station.

Mr. Miles Pauer, a Board member of the Windward Hills HOA, commented that their community would be having its annual meeting on Tuesday of the next week and he felt there would be many questions on the new police station. The Mayor offered to attend their meeting with the police station architect and a City Council member to address their concerns. Mr. Pauer felt there would not be enough time during that meeting to conduct their necessary business and discuss the police station. Mr. Pauer would be calling City Hall to set up a separate meeting for residents to discuss the police station. He did ask about the proposed lighting level for the building and parking lot. The Mayor said parking would be low level bollard lighting and the pole lighting would be similar to the Community Center level, all with a consideration to surrounding residential areas.

Mr. George Frey, 9011 Cedar Street, asked why the land for the police station had to be totally clear cut, especially well in advance of any construction on the site. He objected to huge buffer trees being removed next to his property. He was also upset about the displacement of wildlife on the site caused by the clearing. Mr. Wise advised that due to Army Corps restrictions their permit to clear had an April 1st deadline. Those restrictions were related to the mating season for endangered species of wildlife.

Mr. Dave Honeycutt, 8995 Cedar Street, was concerned about the recent flooding in that area. Mr. Wise acknowledged that the culvert plugged with debris causing flooding. He tried to request permission to extend the culvert and provide another inlet, which was denied by the Army Corps. The City now plans to redo the head wall with a larger trash gate. Mr. Harwood commented that the proposed police station incorporates underground retention. The Mayor added that clearcutting was required on the property due to the grading necessary on the site. He indicated the building would look like one story, but would be a two story building with a walk out lower level.

Mr. Frey asked about the setbacks for the police station. Mr. Packard shared a print of the new station site with members of the public. Mr. Hotaling explained that the issue would be discussed at the Work Session later in the evening. With no further discussion, the Public Hearing closed at 8:05 P.M.

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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
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Present: Michael Harwood, Robert Hotaling, Mayor Hruby, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer, Ron Payto
Others: Scott Packard, Gerald Wise, and approximately 11 guests

Mr. Hotaling opened the Planning Commission Meeting at 7:19 P.M.

APPROVAL OF THE PUBLIC HEARING MINUTES OF MAY 25, 2017 ON A SOLAR SYSTEM AT 8028 PERSHING DRIVE

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission Public Hearing Minutes of May 25, 2017 on a Solar System for 8028 Pershing Drive be approved.

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

APPROVAL OF THE REGULAR MEETING MINUTES OF MAY 25, 2017

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of May 25, 2017 be approved.

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

APPROVAL OF THE WORK SESSION MEETING MINUTES OF MAY 25, 2017

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of May 25, 2017 be approved.

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

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that City Council at their last meeting approved the McNair Solar Panel Installation, the Petros Homes Lot Split on Snowville Road, and final plans for the New Police Station.

REPORT OF MAYOR HRUBY - No Report

REPORT OF CITY ENGINEER - No Report

SIGNS:

BCI WALL IDENTIFICATION SIGN – 6900 W. SNOWVILLE ROAD

Mr. Bob Bottomley of Fast Signs was present on behalf of a wall sign request for BCI Controls on West Snowville Road. The proposed sign met all Code requirements and Commission members had no questions. The Work Session recessed into the Regular Meeting for a motion

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for, a 19.31 sq. ft., non-illuminated, wall identification sign for BCI, 6900 W. Snowville Road, Brecksville, Ohio, as described in the application dated June 1, 2017 and attached drawing by Fast Signs.

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

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

PETROS DEVELOPMENT RE-ZONING – 8998 BRECKSVILLE ROAD

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission recommend to City Council to re-zone PP # 601-34-015, 601-34-082 and 601-34-016, 8998 Brecksville Road, Brecksville Ohio 44141, from L-B Local Business and R-8 Single Family to all L-B Local Business. This zoning change is proposed for the November 2017 election.

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

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

CITY OF BRECKSVILLE RE-ZONING (FORMER CEI SUBSTATION) – 9012 BRECKSVILLE RD.

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Brecksville Planning recommend to City Council to rezone the parcel, PP #601-34-017, 9012 Brecksville Road, Brecksville, Ohio 44141, from R-8 Single Family District to C-F Community Facilities District. This zoning change is proposed for the November 2017 election.

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

PETROS HOMES LOT SPLIT – 8545 SNOWVILLE RD.

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Brecksville Planning recommend to City Council approval of the lot split for 8545 Snowville Road, proposed lots B-1 and B-2 as depicted on the lot split plan by RM Kole and Associates Corp. dated May 10, 2017 contingent on the removal of all structures on proposed lot B-2, approval of the City Engineer and also contingent on Board of Zoning Appeals and City Council approval of the following variances:

Parcel B-1

- A variance from Section 1151.22 minimum lot width 175 ft. to allow 125 ft.

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- A variance from Section 1151.24 minimum front yard 125 ft. to allow 75 ft. for the existing house.
- A variance from Section 1151.24 minimum side yard 20 ft. to allow 11 ft. existing west side.

Parcel B-2

- A variance from Section 1151.22 minimum lot width 175 ft. to allow 148.10 ft.
- A variance from Section 1117.09 lots required to be generally rectangular to allow an irregular shape lot.

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

The Regular Meeting closed at 8:25 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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

Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
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Present: Michael Harwood, Robert Hotaling, Mayor Hruby, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer, Ron Payto
Others: Scott Packard, Gerald Wise, and approximately 11 guests

Mr. Hotaling opened the Work Session Meeting at 8:12 P.M.

PETROS DEVELOPMENT RE-ZONING – 8998 BRECKSVILLE ROAD

Mr. Sam Petros of Petros Development was present on behalf of his request to have the properties he recently purchased on Brecksville Road from McDonalds rezoned to all Local Business District. The rear, parking, portion of the property was currently zoned R-8 Residential. McDonalds was able to use that property for parking under a conditional use permit which expired when the property was sold to Mr. Petros. The R-8 portion of his site would be rendered unusable without rezoning to Local Business to match the building portion of the site. This issue was discussed at a public hearing earlier in the evening. The result of that hearing was a decision for the Planning Commission to recommend to City Council rezoning the property to entirely Local Business. Mr. Harwood remarked that the Law Director would be consulted on whether a PDA or deed restrictions on the property would be the best mechanism to address residents' concerns related to setbacks and buffering, and achieve the best development of the site. The Work Session recessed into the Regular Meeting for a motion.

CITY OF BRECKSVILLE RE-ZONING (FORMER CEI SUBSTATION) – 9012 BRECKSVILLE RD.

Mayor Hruby had outlined at a public hearing earlier in the evening the City's desire to rezone the former CEI Substation property on Brecksville Road to Community Facilities to match the zoning of the other properties acquired for the new police station. The former CEI property would be intended potentially for more parking for the police department, or just as green space. A watercourse on the property would prevent any substantive building on that site. Questions from the public at the public hearing were essentially related to the clearing of the site for the police department. There was no further discussion and the Work Session recessed into the Regular Meeting for a motion.

PETROS HOMES LOT SPLIT – 8545 SNOWVILLE RD.

Mr. Sam Petros of Petro Development was present to request a lot split on Snowville Road. The proposal would split off land with an existing house and create a new lot for future development of another home. Mr. Petros mentioned that some existing structures on the new Lot B-2 would be razed.

Mr. Sciria commented that the Commission did not usually create a dogleg lot, especially with the number of requested variances to make it work. Mr. Packard pointed out that a precedent would not be created as the Commission has approved irregular lots before. Mr. Wise noted that one was created recently for the Hipsley's just down the street on Snowville. The Mayor thought the lot split was a good idea and a good buffer to the new development area. With no further discussion the Work Session recessed into the Regular Meeting for a motion.

The Work Session closed at 8:25 p.m.

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