

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
February 20, 2014 Page 1

Present: Phillip Badalamenti, Robert Hotaling, Mayor Hruby, Michael Harwood, Ron Payto, Dominic Sciria
Absent: Kirk Roman
Others: Neil Brennan, Gerald Wise, and approximately 4 guests

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

APPROVAL OF THE GANLEY GROUND SIGN PUBLIC HEARING MEETING MINUTES OF FEBRUARY 6, 2014

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission Ganley Ground Sign Public Hearing Meeting Minutes of February 6, 2014 be approved.

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

APPROVAL OF THE REGULAR MEETING MINUTES OF FEBRUARY 6, 2014

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of February 6, 2014 be approved.

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

APPROVAL OF THE WORK SESSION MEETING MINUTES OF FEBRUARY 6, 2014

It was moved by Mr. Hotaling and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of February 6, 2014 be approved.

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

SIGNS

BRECKSVILLE CAR WASH (GROUND SIGN) – 8199 BRECKSVILLE ROAD - (CC Approval)

Mr. Terry Schoen, owner of the Brecksville Car Wash, was present for approval of an internally illuminated ground sign. He asked to amend the proposed sign before the Commission to include a component on the sign that would include non-flashing, non-scrolling, changeable lettering to advertise such things as "touch free", "detail with wash", and information related to changing weather conditions. The letter coloring would be the same as the rest of the sign and appear as a soft glow. Mr. Badalamenti asked why the word "Open" on the sign should be illuminated if the operation was open 24 hours. Mr. Schoen felt people might just drive by if the open sign was not illuminated.

Mr. Sciria indicated that since the City Code did not specifically address changeable lettering, it was not permitted. Commission members were concerned about setting a precedent and the prospect of more requests for changeable lettering signs. Mr. Schoen commented that the Shell and Marathon gas stations had changeable lettering signs. The Commission pointed out that only the price of gas was changeable on the gas station signs, which they decided could be permitted as the price of gas often changed daily. Mr. Brennan also pointed out that

both gas stations had manually changeable pricing on their signs before the time the Code Section was established. Their signs were grandfathered as an existing situation that was just converted from manual to electronic price changing. Mr. Schoen felt there was a correlation between their frequently changing pricing and the dependence of his business on constantly changing weather conditions. Mr. Harwood didn't feel changing weather conditions represented a hardship. He pointed out that customers of the Shell Station car wash had no trouble determining if it was open without a sign. There was a general consensus that the Commission was not prepared to vote on a changeable lettering component on the sign. Mr. Schoen asked for a motion on the sign as originally submitted.

It was moved by Mr. Hotaling seconded by Mr. Harwood that the Planning Commission recommend to City Council approval of a 26.0 sq. ft., double sided, internally illuminated, permanent, ground identification sign for Brecksville Car Wash, 8199 Brecksville Road, Brecksville, Ohio 44141 as described in the application dated February 3, 2014 and the drawing by GDI dated February 3, 2014, contingent on City Council's approval of the following deviation:

- A deviation of 26 sq. ft. from Section 1187.09 (b)(1) total permitted maximum area per building of 40 sq. ft. to permit a total maximum sign area of 66 sq. ft.

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

BRECKSVILLE CAR WASH (WALL SIGN) – 8199 BRECKSVILLE ROAD - (CC Approval)

Mr. Terry Schoen, owner of the Brecksville Car Wash, was present for approval of a vinyl, unlit, wall sign for his car wash. Commission members had no questions and a motion for approval was made.

It was moved by Mr. Hotaling seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for, a 14 sq. ft., permanent, wall identification sign for Brecksville Car Wash, 8199 Brecksville Road, Brecksville, Ohio 44141 as described in the application dated February 3, 2014 and the drawing by GDI dated February 3, 2014, contingent on City Council's approval of the following deviations:

- A deviation of 26 sq. ft. from Section 1187.09 (b)(1) total permitted maximum area of 40 sq. ft. to permit a total maximum sign area of 66 sq. ft., which is consistent with the ground sign.
- A deviation from the Section 1187.09(c) requirement that wall signs be 3 feet from the end of the building to permit the sign to be 1'4" from the end of the building.

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

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that at their last meeting City Council approved the Ganley ground sign and final plans for County Line Saloon Building Addition and the Cintas Building Expansion.

REPORT OF THE MAYOR

The Mayor reported that the economic development section on the City's web page would now include video links from local businesses with information about their companies, and why they located in Brecksville. This service would be offered at no charge to City businesses to nurture economic development and promote the Brecksville community. Mayor Hruby indicated Metro Health had applied for a clearing permit for their twenty acre site on the Southwest corner of I-77 and Route 82. He anticipated a multi-story building of approximately 70,000 sq. ft., open 24/7, and offering a wide variety of services that would only grow in the future.

The Mayor mentioned a company in Brecksville wishing to bring another component of their business to Brecksville and locate their entire business in a new building to be built by Ray Fogg on West Snowville Road. Mayor Hruby indicated the FMI building on Snowville Road was recently sold. He anticipated a lot split of the two buildings on that parcel to accommodate ScratchOff, a company relocating from another city to that location at the corner of Snowville and Noble Roads. Mayor Hruby reported that 26 acres of property in the I-77 area on the east side of Rt.82 behind the office buildings was sold and a development plan might come before the Planning Commission later this year.

Mayor Hruby noted that since the electorate chose not to approve the proposed Charter Amendment to permit City Council to initiate zoning changes within only the manufacturing/distribution, office/lab and office zoning classifications, he planned to meet with the Law Director, the Legislation Chairman, and Mr. Harwood to suggest use changes that would be consistent within those zoning classifications. Proposed use changes would then be presented to the Planning Commission and City Council. The resulting ordinances would go before the voters for approval. If use changes were not approved by the voters, the current situation would continue with, perhaps, some layered zoning on some development parcels. The Mayor said construction under the existing zoning guidelines has been complicated by current development trends that often involve multiple uses within a single building.

REPORT OF CITY ENGINEER

Mr. Wise advised that he met with the Woodlands design consultant and their plans were to bring Phase IB before the Planning Commission in April.

The Regular Meeting closed at 8:35 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
BRECKSVILLE PLANNING COMMISSION
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Present: Phillip Badalamenti, Robert Hotaling, Mayor Hruby, Michael Harwood, Ron Payto, Dominic Sciria
Absent: Kirk Roman
Others: Neil Brennan, Gerald Wise, and approximately 4 guests

Mr. Hotaling opened the Work Session at 7:31 p.m.

USREY LOT SPLIT – 9820 WHITEWOOD ROAD

Ms. Beth Usrey was present to advance her quest to have a portion of a lot at 6580 Thorntree in the Timbers subdivision annexed to the back of her property at 9820 Whitewood. She had the gentleman who owns the 6580 Thorntree property present to answer questions, and had provided Commission members with a copy of the Timbers Covenants and Restrictions. She asked if the Commission could consider an approval of her request conditioned upon a thorough legal review of the deed restrictions and her compliance with any requirements of the Timbers Homeowners Association.

Mr. Badalamenti pointed out that the Timbers Covenants prohibit a resident from reducing their lot size. Ms. Usrey responded that her legal counsel's opinion was that it was not the Planning Commission's responsibility to uphold the Timbers Covenants. Mr. Badalamenti commented that the Commission, in the spirit of respecting the Timbers Covenants, might suggest she explore avenues with the Homeowners Association through an amendment and/or a majority vote to accomplish the lot reduction. The Mayor suggested the owner of the Thorntree property write the head of the Homeowners Association to initiate a dialog.

Commission members felt the real issue for their consideration was the two Code variances being requested for an irregular lot and less than the minimum 60,000 sq. ft. lot size. The Mayor commented that requests for creating an irregular lot have been granted before, however, reducing lot size below the minimum was not usually considered. Mr. Sciria read from Code Sections 1117.04 and 1117.09 relevant to lot shapes and sizes. The point was made that under Section 1117.09 a hardship variance could be supported for the Thorntree property owner not having use of the portion of his property divided by a ravine from his home. The homes adjacent to the 6580 Thorntree property have the same inaccessibility issue caused by the ravine so they might not object to the split. Regardless of whether Ms. Usrey constructs a pool, she has been and would like to continue maintenance of the Thorntree property adjacent to her rear property line.

The general consensus of the Commission was that while they had no objection to the proposed split/consolidation they would like the applicant to pursue the matter first with the Timbers Home Owners Association. The matter was tabled.

FOGG – SNOWVILLE LOT SPLIT – W. SNOWVILLE ROAD

Mr. Richard Neiden of Ray Fogg Building Methods was present for a consultation to create three buildable lots from their parcel at West Snowville and Andrews Circle. Two of the lots would front on West Snowville and the other would be accessible from Andrews Circle. One of the proposed lots on W. Snowville would require a variance from the five acre lot minimum to create a four acre lot. The lot size variance was being requested because wetlands restrictions infringed on the buildable size of the adjacent lot to the west. Mr. Neiden said it appeared the four acre lot, Parcel H, had no wetlands and plans would be to develop it for the business, Wholesale Suppliesplus. He acknowledged that the wetlands delineation was not current on the parcel.

Commission members agreed that a hardship existed that could warrant the variances requested. The Commission felt an updated wetlands delineation could significantly affect the proposed property lines and variances requested for the lots. Even if the applicant applied to the BZA they would be asking the same questions as the Planning Commission and also require an updated wetlands delineation. There was a general consensus that the proposed development plans were good for the community and the requested variances would not harm anyone. The Commission considered this initial review of the plans as a consultation. They pointed out that acquiring an updated wetlands delineation was the next critical step in the development process as the applicant could not move forward on any front without an updated report.

MINUTES OF THE WORK SESSION
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The Work Session closed at 8:35 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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KIRK ROMAN, SECRETARY

Minutes recorded by Nancy Dimitris