

REGULAR MEETING

AGENDA

**PLANNING COMMISSION
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: April 3, 2018

TIME: 6:00 P.M.

WORK SESSION – 5:30 P.M.

Expiring term: Dickard 9/15 (4 yr)

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Regular Work Session of March 20, 2018 (roll call)
- b. Approval of Minutes of the Regular Meeting of March 20, 2018 (roll call)

4. **NEW BUSINESS** (Swear- in applicants)

The Chairman shall inform those present that according to a ruling by the Law Department, anyone wishing to speak at a public hearing is to rise, raise their right hand and the following oath administered. "Do you solemnly swear or affirm that the statements you are about to make are the truth." - Please give your name and address for the record.

- a. Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road (Ref: §1935.02 / §511.06 – P.P. 811-38-002 – 003 - 004) (roll call)
- b. Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., is requesting conditional use approval to use the building located at 1200 Broadway Avenue for "The Redemption Center Church (Ref §1927.02 – P.P. 814-19-013) (Roll call)

5. **MISCELLANEOUS**

6. **ADJOURNMENT**
(roll call)

PLEASE TURN OFF ALL CELL PHONES BEFORE PLANNING COMMISSION MEETING
(Planning Commission Minutes and Agendas posted at www.bedfordoh.gov)

(Please contact the Building Department at 440-735-6530 for application questions)

Planning Commission met in a Regular Work Session at Bedford City Hall on Tuesday, April 3, 2018 at 5:30 p.m.

Present: Powers, Dzomba, Dickard, Briggs. Absent: Mallis.

Also Present: Commissioner Calvin Beverly.

The Commission members did not have any corrections to the March 20, 2018 Work Session and the March 20, 2018 Regular minutes.

Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road (Ref: §1935.02 / §511.06 – P.P. 811-38-002 – 003 - 004)

After a brief discussion the Commission had concerns about the following:

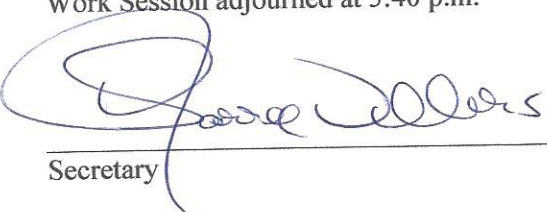
- 1) What kind of entertainment was going to be at the establishment because of the closeness of the residential houses?
- 2) What kind of food was going to be served; sandwiches or meals?
- 3) If there was going to be alcohol served.

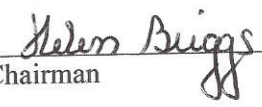
Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc.,? is requesting conditional use approval to use the building located at 1200 Broadway Avenue for “The Redemption Center Church” (Ref §1927.02 – P.P. 814-19-013)

Mr. Beverly explained any buildings or structures occupied by or used for the meeting or congregation of churches/Sunday schools had to be a minimum of 35 feet from any public right-of-way. This specific building was 17 feet from the street. Bedford was a 5.4 mile radius and already had too many churches which were non-tax paying entities. He felt it was not the best use for the building. Mr. Dzomba commented the church would not be paying any taxes but would still benefit from the City services that were provided. Mrs. Briggs had concerns about the following: 1) People wearing heels crossing the street, 2) Family with children crossing the street, 3) The elderly/handicap crossing the street. When the former business was at this location those traveling on Broadway Avenue were not considerate of the pedestrians crossing the street.

Mr. Beverly said if the Commission approved the applicant's request the Commission's recommendation would have to be approved by Council and then an application would have to be submitted to the Board of Zoning Appeals for a variance.

Work Session adjourned at 5:40 p.m.


Secretary


Chairman

Planning Commission met in Regular Session at Bedford City Hall on Tuesday, April 3, 2018 at 6:02 p.m. The roll was called. Present: Powers, Dzomba, Dickard, Briggs. Absent: Mallis.

Also in attendance: Building Commissioner Calvin Beverly.

Motion made by Dzomba seconded by Dickard to excuse Mr. Mallis. The roll was called. Vote – Yeas: Powers, Dzomba, Dickard, Briggs. Nays: None. Motion carried unanimously.

Motion made by Dickard seconded by Powers to approve the minutes of the Work Session of March 20, 2018. The roll was called. Vote – Yeas: Powers, Dzomba, Dickard, Briggs. Nays: None. Motion carried unanimously.

Motion made by Dzomba seconded by Dickard to approve the minutes of the Regular Meeting of March 20, 2018. The roll was called. Vote – Yeas: Powers, Dzomba, Dickard, Briggs. Nays: None. Motion carried unanimously.

Chairperson Briggs informed those present that according to a ruling by the Law Department, anyone wishing to speak at a public hearing is to rise, raise their right hand and the following oath administered. "Do you solemnly swear or affirm that the statements you are about to make are the truth." Then give your name and address for the record.

Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road (Ref: §1935.02 / §511.06 – P.P. 811-38-002 – 003 - 004)

Present: Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio

Mr. Washington, previously sworn in, gave a history of all the places in which he worked, retired from Lincoln Electric and a co-owner of Tomorrow's Stars of Bedford on Northfield and Columbus Roads. He said he worked at Lincoln Electric 28 years and their motto was "Safety, Quality and Out-put" which he planned to follow. He currently had a Purchase Agreement, was in the process of a Title Search and had the building inspected. His vision, intent and family dream was to have various types of entertainment such as: poetry, art, comedy, various types of music and community participation. The food/menu would be similar to Applebee type foods and limited drinks. The hours of operation were not carved in stone and was open for suggestions and he planned to be a team player. He was willing to be respectful to the residential neighbors. It was determined the nearby day care was not an issue. Mr. Powers asked what the menu was going to have on it. Mr. Washington replied his daughter was currently working on the menu but he figured healthy meats, a chef salad, fish and sandwiches. It was determined the other two (2) parcels could be utilized for an outside sitting area or patio. Mr. Washington explained he was focusing on the building improvements and landscaping first before a patio would be determined. Mr. Powers pointed out Codified Section 511.06 spoke to the noise level exceeding eight-five (85) dBA on any member of the audience by such person or by any person engaged or employed by such person. Mr. Washington reiterated he had not put a lot of thought of having a patio at this point. Mr. Powers suggested this item be tabled until April 17, 2018 because he felt the questions that needed to be addressed were: the patio, security, liquor, entertainment and menu. Mr. Washington was flexible in regards to the patio versus setting area. Mr. Powers said since the buildings were block sound traveled and the glass doors did not hold back noise and was not a very good sound barrier. He was asking these questions because he thought City Council might want to know the answers. Mr. Washington was willing to make whatever adjustments were necessary. Mr. Powers said he was sold on everything but the entertainment noise level concern.

Kathy Williams, 491 Lamson Avenue, said since there was a liquor license it was basically going to be a bar. She asked what caliber of food he would be serving. There was a difference between a restaurant and something that has bar food. She wanted to know if the kitchen was up to code. Mr. Beverly said the building had been vacant for a number of years and renovations were necessary. It was determined the inside would have to be remodeled. Mr. Washington explained the kitchen was small so there was not going to be a huge restaurant. Mrs. Williams said there was a difference between in restaurant food and bar food. Mr. Beverly said the estimate of construction was approximately \$30,000. Mrs. Williams pointed out the previous businesses at this location were not of this nature and noise travels.

Motion made by Powers seconded by Dzomba to table the application of Gregory Washington, 16202 Corkhill Road, Maple Heights, Ohio who is proposing to open a restaurant / entertainment establishment located at 339 Columbus Road. The roll was called. Vote – Yeas: Powers, Dzomba, Dickard, Briggs. Nays: None. Motion carried unanimously.

Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., is requesting conditional use approval to use the building located at 1200 Broadway Avenue for “The Redemption Center Church” (Ref §1927.02 – P.P. 814-19-013)

Present: Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio and Paul Testa, President of Testa Enterprises, 2335 Second Street, Cuyahoga Falls.

Paul Testa, previously sworn in, said he owned this empty building and after advertising it has become the most active property he has ever had; however, he thought the church was the right thing to do and a perfect use since it was built by the Sisters as a gathering hall. He assured the Commission/City the property across the street aka parking lot would stay with the vacant building. He explained he had to stay within the rules and regulations of the Historical Society Credits and the building would pretty much stay the same. The plan was to lease the building for five (5) years with the Purchase Agreement.

Pastor May, previously sworn in, was born in Bedford Hospital, lived at 474 Lamson Avenue, attended St. Pius in 1957, his mother was a 1941 graduate from Bedford High School and his Druso family currently owns the Sunoco Gas Station on Northfield Avenue. He listed his many education accomplishments, became a Doctor, a published author of five books, a photographer and told a story of how he was connected to the property through life experiences and was now coming back full circle to his Bedford roots. His wife was related to Shorty Miller in the Fire Department who also ran the M & M Store downtown Bedford.

Pastor May had already met with the State Historical Society representative and understood per the rules the outside could not be altered. He was a historian and would not change the outside appearance. The inside would become a sanctuary, worship and space for the children subject to Building Department approval and compliance with all city codes and ordinances. The facility would be the typical Church schedule, weddings and funerals.

Mr. Powers had concerns with the safety of the congregation crossing Broadway Avenue. Pastor May said in his limited research he had not found that an accident had ever happened. Mrs. Briggs agreed with Mr. Powers. Pastor May said part of the historicity of the property was exactly what it was and the quaintness of that he would love to keep. He was willing to strip the crosswalk, add signage, add a guard and figured with all the construction would come to more full attention. Mr. Beverly explained the Conditional Use required a minimum of a 35 foot setback from a public right-of-way for a church. Currently it was 17 feet and if approved by the Commission and Council it would have to be heard before the Board of Zoning Appeals for a variance on the required setback. It was determined the Commission could make the determination regarding the Parking Lot not being contiguous.

Kathy Williams, 491 Lamson, asked how many were in the congregation and would everyone be using the crosswalk. Pastor May replied 100 members and the people attending the services varied. Mrs. Williams thought an Officer was better than a guard. Mr. Testa pointed out when Catered Elegance had their business there people crossed the street all the time and there was a parking lot at the end of the building with handicap accessibility that would be used for elderly, children, handicap drop off. He said this was pre-existing condition. Mr. Beverly said the parking area at the south end would handle approximately 12 spaces. Mr. Testa explained the property line was close to the building and he was allowing the church to access to accommodate their visitors for drop off and turn around to exit the lot. He was working with the church on various issues to accommodate the church, the beautiful structures in keeping what the nuns already have there. He explained his office was in Cuyahoga Falls and where the car dealerships were located there was yellow striping and blinking ballads during business hours and motorists do slow down. Cuyahoga Falls also reduced the speed limit to 25 mph with Officer Presence.

Mr. Dzomba felt this issue should be tabled until the Zoning was straightened out. Mrs. Briggs wanted to find out what options were available for crossing Broadway Avenue even though it was Catered Elegance in the past. She would like to hear from the Police Chief. Pastor May said the weddings and funerals were not scheduled weekly like church services. Mrs. Briggs felt the issue should be tabled until further research is done.

Motion made by Dzomba and seconded by Powers to table the application of Reverend Neal W. May, 1109 Riverview Drive, Macedonia, Ohio – owner Testa Enterprises, Inc., who is requesting conditional use approval to use the building located at 1200 Broadway Avenue for “The Redemption Center Church”.

The roll was called. Vote – Yeas: Powers, Dzomba, Dickard, Briggs. Nays: None. Motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Powers seconded by Dickard to adjourn. The roll was called. Vote – Yeas: Powers, Dzomba, Dickard, Briggs. Nays: None. Motion carried unanimously.

Meeting adjourned at 6:47 P.M.


Secretary
Chairman