

REGULAR MEETING

PLANNING COMMISSION
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: October 16, 2018

AGENDA

TIME: 6:00 P.M.

WORK SESSION – 5:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a. Approval of Minutes of the Regular Work Session of August 7, 2018 (roll call)
- b. Approval of Minutes of the Regular Meeting of August 7, 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. Adrian Delgado, Vapor House LLC, 34280 Vine Street, Unit B, Eastlake/1472 Mentor Avenue, Painesville is seeking a retail electronic cigarette store at 701 Broadway Avenue in the Historical District (§1944.03 (n)) (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 and/or Building Commissioner Calvin Beverly at 440-735-6531 for questions)

Planning Commission met in a Work Session at Bedford City Hall on Tuesday, October 16, 2018 at 5:31 p.m.

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

Also Present: Secretary Lorree Villers, Building Commissioner Calvin Beverly and Law Director John Montello.

Adrian Delgado, Vapor House LLC, 34280 Vine Street, Unit B, Eastlake/1472 Mentor Avenue, Painesville is seeking a retail electronic cigarette store at 701 Broadway Avenue in the Historical District (§1944.03 (n))

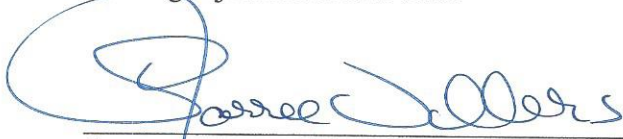
Mr. Beverly explained he was not opposed to the business and understood from the applicant it was retail sales only. The Commission was not clear as to what items were sold in these stores whether there would be paraphernalia type items. There was discussion regarding the motion wording for the Cigar Store application requesting a conditional use approval based on no sales of paraphernalia, medical marijuana and/or a hookah lounge. This was approved unanimously by the Commission and Council in April 2018.


Mrs. Briggs submitted some additional information she had researched that claimed E-cigarette use by American high school students increased 900% from 2001 to 2015. In 2017, e-cigarettes were the most commonly used tobacco product among high school and middle school students, even though overall tobacco use decreased according to the Centers for Disease Control and Prevention. See attached articles: "Teens who vape: Underage e-cigarette use heats up" and "Should the FDA limit access to e-cigarettes". The Commission and Mr. Beverly figured it was one's own preference if they smoked or consumed alcohol; not of the Commissions.

The Commission was not in favor of the store being located in the Historical Downtown District; however, there were other vacant locations available in Bedford.

Mr. Montello told the Commission they had to state their reason(s) if they were voting no on the recommendation to Council.

Meeting adjourned at 5:45 P.M.


Secretary


Chairman

Planning Commission met in Regular Session at Bedford City Hall on Tuesday, October 16, 2018 at 6:01 p.m. The roll was called. Present: Dzomba, Mowery, Briggs, Mallis. Absent: Powers. Also in attendance: Building Commissioner Calvin Beverly and Law Director John Montello.

Motion made by Dzomba seconded by Mallis to approve the minutes of the Work Session of August 7, 2018. The roll was called. Vote – Yeas: Dzomba, Briggs, Mallis. Abstain: Mowery. Nays: None. Motion carried.

Motion made by Mallis seconded by Dzomba to approve the minutes of the Regular Meeting of August 7, 2018. The roll was called. Vote – Yeas: Dzomba, Briggs, Mallis. Abstain: Mowery. Nays: None. Motion carried.

At 6:02 p.m., motion made by Dzomba seconded by Mowery to recess the Planning Commission meeting to allow the applicant time to arrive in case he was running late. The roll was called. Vote – Yeas: Dzomba, Mowery, Briggs, Mallis. Nays: None. Motion carried unanimously.

At 6:12 p.m., motion made by Mallis seconded by Dzomba to reconvene the Planning Commission meeting. The roll was called. Vote – Yeas: Dzomba, Mowery, Briggs, Mallis. 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.]

Adrian Delgado, Vapor House LLC, 34280 Vine Street, Unit B, Eastlake/1472 Mentor Avenue, Painesville is seeking a retail electronic cigarette store at 701 Broadway Avenue in the Historical District (§1944.03 (n))

Chairman Briggs announced Adrian Delgado, Vapor House LLC, 34280 Vine Street, Unit B, Eastlake/1472 Mentor Avenue, Painesville was not present.

Mr. Mowery and Mr. Mallis stated this business did not seem to fit in the Historical District besides those businesses that were grandfathered.

Mr. Mallis said based on the application for the ultimately approved Cigar Store the Commission and Council identified other items paraphernalia, hookahs, cigarettes and papers that a vapor store would sell. The Cigar Store was approved under restrictions of this nature and was in a B-2 shopping district and the Historic District seemed to have a little more specialized zoning requirements.

Chairman Briggs referred to an article from the FDA which stated: "Unless major e-cigarette manufacturers find a solution to the public health issue 60 days (from the time of the warning on September 12), the FDA said it could require them to stop selling flavored tobacco pods altogether". This issue has been in the news sparking a great deal of controversy and shouldn't be in the Historic District.

Mr. Dzomba and Mr. Beverly did not have any comments.

Clerk Villers asked Law Director Montello since the applicant was not present should the Commission take action on the request. Mr. Beverly stated the applicant was notified of the meeting, Mr. Mallis felt the motion should be voted on and Mr. Montello did not make a ruling.

Motion made by Mowery seconded by Mallis to approve the application of Adrian Delgado, Vapor House LLC, 34280 Vine Street, Unit B, Eastlake/1472 Mentor Avenue, Painesville is seeking a retail electronic cigarette store at 701 Broadway Avenue in the Historical District (§1944.03 (n)) and subject to Building Department approval and compliance with all city codes and ordinances.

The roll was called. Vote – Yeas: None. Nays: Dzomba, Mowery, Briggs, Mallis. Motion failed unanimously.

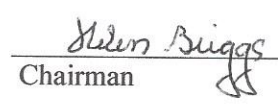
Chairperson Briggs stated the recommendation of the Planning Commission would be before City Council for final approval on Monday, November 5, 2018 at 8:00 p.m.

ADJOURNMENT

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

Meeting adjourned at 6:15 P.M.


Secretary


Chairman