

REGULAR MEETING

AGENDA

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

DATE: February 5, 2019

TIME: 6:00 P.M.

WORK SESSION – 5:30 P.M.

Elect 2019 Chairman
Elect 2019 Vice-Chairman
(Briggs term expires May)

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a. Approval of Minutes of the Regular Work Session of October 16, 2018 (roll call)
- b. Approval of Minutes of the Regular Meeting of October 16, 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. Motion to Elect 2019 Chairman (roll call)
- b. Motion to Elect 2019 Vice-Chairman (roll call)
- c. Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents (roll call)
(§1927.02 / §1915.24) – (Adm. Code 5122-30-01 / 5122-30-03 / 5122-30-11 / 5122-30-14)
- d. Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week (roll call)
(§1305.09 / §1935.02)

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)

Bedford, Ohio

February 5, 2019

Planning Commission met in a Work Session at Bedford City Hall on Tuesday, February 5, 2019 at 5:31 p.m. Present: Powers, Mowery, Briggs, Mallis. Absent: Dzomba. [Mr. Dzomba joined the Commission after the Work Session adjourned]

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

The Commission had no corrections to the October 16, 2018 Work Session or Regular Minutes.

The Commission agreed to re-elect Mrs. Briggs as Chair and re-elect Mr. Powers as the Vice-Chair.

Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents
(§1927.02 / §1915.24) – (Adm. Code 5122-30-01 / 5122-30-03 / 5122-30-11 / 5122-30-14)

Upon receipt of the application Mr. Beverly called Mr. Zayed because the renter on file was a different name than what was on the application plus he needed to know the exact number of people who would potentially be living in the Group Home because of the codes. He was informed by Mr. Zayed that the previous renter had been evicted because of the several Criminal Nuisance complaints. Mr. Beverly informed Mr. Zayed he needed to schedule a Rental Inspection since there was a change in renters. He understood from Mr. Zayed that Ms. Johnson currently had four children so there was (5) five people living in the home. Mr. Beverly told Mr. Zayed per the codes, you can't mix family with Group Home residents. Mr. Zayed told Mr. Beverly that 172 John Street would be the Group Home and Ms. Johnson would be living elsewhere in one of his other rentals.

The Commission needed clarification on the following: 1) who would be residing at 172 John Street, 2) how many people would be in the Group Home, 3) proof Ms. Johnson would live elsewhere, 4) the required certifications, and 5) approval from the Fire Department.

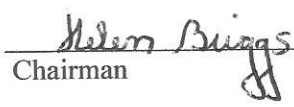
Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week
(§1305.09 / §1935.02)

Mr. Beverly explained this was a Permitted Use; however, the Commission's duty was to review the exterior alterations. The Commission was very pleased with the detail of the submitted documents and the only concerns were: 1) if 11 spaces were enough for parking, and 2) potential dumpster/grease smells for the nearby neighbors. It was determined the homes were not near the business and Mr. Mallis wondered if the property was being sold as two parcels. There was a previous interest in the property and at that time the adjoining parking lot was included.

At 5:33 p.m., Sam Sparks joined the Work Session and clarified he was purchasing both parcels so parking was not an issue. He explained this business was based more toward carryout customers; however, there would be indoor restaurant table service. Discussion was held regarding the new trend where restaurants were installing roll up/overhead door type systems for an outdoor atmosphere. He submitted a menu with hours of operation and prices along with a Mission Statement. The Commission was very pleased.

Meeting adjourned at 5:50 P.M.


Secretary


Chairman

Planning Commission met in Regular Session at Bedford City Hall on Tuesday, February 5, 2019 at 6:01 p.m. The roll was called. Present: Powers, Dzomba, Mowery, Briggs, Mallis. Absent: None. Also in attendance: Building Commissioner Calvin Beverly. [Absent: Law Director John Montello]

Nominations were opened for the 2019 Chair and Vice-Chair positions.

Motion made by Dzomba and seconded by Mallis to elect Mrs. Briggs again as the Chair. The roll was called. Vote – Yeas: Powers, Dzomba, Mowery, Briggs, Mallis. Nays: None. Motion carried unanimously.

Motion made by Briggs and seconded by Mowery to elect Mr. Powers again as the Vice-Chair. The roll was called. Vote – Yeas: Powers, Dzomba, Mowery, Briggs, Mallis. Nays: None. Motion carried unanimously.

Motion made by Dzomba seconded by Mallis to approve the minutes of the Work Session of October 16, 2018. The roll was called. Vote – Yeas: Dzomba, Mowery, Briggs, Mallis. Abstain: Powers. Nays: None. Motion carried.

Motion made by Powers seconded by Dzomba to approve the minutes of the Regular Meeting of October 16, 2018. The roll was called. Vote – Yeas: Dzomba, Mowery, Briggs, Mallis. Abstain: Powers. Nays: None. Motion carried.

[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.]

Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents
(§1927.02 / §1915.24) – (Adm. Code 5122-30-01 / 5122-30-03 / 5122-30-11 / 5122-30-14)

Present: Tiffany Johnson, 172 John Street.

Ms. Johnson, previously sworn in, wished to open a Group Home in order to give a resident another option for care and so they can enjoy the amenities Bedford had to offer. She requested approval for (5) five residents; she fully understood if there were (6) six residents renovations to the property were necessary. Currently the property was move in ready. The residents would not be bedridden middle aged to elderly. She has been in this field since 2010, a nurse's assistant since 2005, licensed and listed on the Nurses Aid Registry, trained on autism, the Mental Health Department and the Ohio Department of Medicaid and previously had a day care center. Taking care of people was her passion plus her sister would be assisting her with the care of these residents. She said there would not be a lot of traffic or disrupt her neighbors. Her neighbors were already aware of her plans for a Group Home. She was in the process of an Occupancy Permit through the Building Department.

Mr. Mallis referred to the application that stated 5-6 residents. Ms. Johnson explained she had already passed the Fire Inspection for (5) five residents and the Housing Department approved (6) six residents. She had the inspections done prior to finding out she needed to apply to the Planning Commission. Mr. Mallis asked if she was living at 172 John Street. Ms. Johnson explained she and her sister would be taking care of the residents in this home.

Mr. Mowery asked if she had children living with her. Ms. Johnson explained if this request was approved by Council/the City she would be moving out. Mr. Zayed had other rental properties available for her and her family. Mr. Mowery understood the children would not be living at 172 John Street.

The Commission was in agreement that Ms. Johnson needed to submit verification/proof that she would not be living at 172 John Street with the Group Home residents and that Mr. Zayed had another address/home for her and her family to live. The concern was if she only had (2) two Group Home residents she may continue to live at 172 John Street. Ms. Johnson explained she could move in with her Grandmother if need be; however, Mr. Zayed claimed he had another rental home in Bedford Heights available. She said Mr. Zayed was aware of her intentions prior to renting the home to her. She said Mr. Beverly prior to the meeting contacted Mr. Zayed regarding the rental inspection and the Planning Commission application. The Building Department had a different renter's name living in the home which was evicted because of the Criminal Nuisance Ordinance.

Even though Ms. Johnson said she had other places to live Mr. Powers still was concerned about the number of people who could potentially end up living at 172 John Street. Ms. Johnson assured the Commission she would move out if this was approved. Mr. Mallis clarified Mr. Zayed needed to verify/prove she had another place to live. Ms. Johnson said she would drop off the documentation at City Hall. Mr. Mallis instructed her to submit the documentation to Secretary Villers.

Ms. Johnson explained being qualified for a Group Home was not easy. She was trained through the Mental Health Department in CPR, First Aid, Nursing assisting, State testing and so on; plus, the Mental Health Department was willing to come to the home for their training. She loved being educated and educating her sister. She also had nurses who were willing to assist at any time. Everyone was well rounded and educated on what it takes to run a Group Home. Opening a Group Home was not one of those ideas one wakes up in the morning and wants to open immediately. It takes training, education and certifications/licensed. Mr. Powers asked if her sister was licensed. Ms. Johnson replied her sister was her assistant and currently being trained. Ms. Johnson was already State Tested and the requirements for a caretaker were: CPR, First Aid and Mental Health Illness Classes. She explained the first step was City approval and then the State would visit the home and have the final say whether she could open a Group Home. The Commission agreed to table this item until the requested documentation was submitted.

Mr. Beverly introduced himself to her and explained if she wanted (6) six residents per the State there would be a need for fire suppression. Ms. Johnson understood the difference between (5) five and (6) six residents. Ms. Johnson thanked the Commission for their time.

Motion made by Mallis seconded by Powers to "table" the application of Tiffany Johnson, 172 John Street / owner Jamil Zayed 6529 Waxberry Drive, Seven Hills, is seeking to open a Residential Care Facility (Group Home) 24 hours 5-6 residents. The roll was called. Vote – Yeas: Powers, Dzomba, Mowery, Briggs, Mallis. Nays: None. Motion carried unanimously.

Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week (\$1305.09 / \$1935.02)

Present: Sam Sparks, 5843 Bear Creek Drive, Bedford Heights.

Mr. Sparks, previously sworn in, explained he wanted to open a seafood restaurant with some casual seating but mostly carryout. He submitted a menu and drawings from Architect Harlan Eberhardt. Mr. Mallis was pleased with the detailed application and drawings. He felt Mr. Sparks was very prepared. Mr. Mallis clarified from the Work Session discussion that the purchase of this property was (2) parcels which included the parking lot located at Northfield Avenue and Marion Drive. He was pleased with the hours

of operation and asked Mr. Sparks to be aware of the nearby residents even though Mr. Sparks would not be scheduling entertainment. Mr. Sparks stated he would not be serving alcohol or scheduling entertainment.

Mr. Sparks said for the past ten years he has owned Mr. Wonderful's Chicken & Waffles located in Maple Heights which was doing pretty well. Mr. Beverly asked him if he named the business after himself. Mr. Sparks thought that was funny.

Motion made by Powers seconded by Dzomba to approve/accept the application of Sam Sparks, owner, P.O. Box 46616 Bedford / Harlan Eberhardt, Architect is proposing to open a restaurant located at 339 Columbus Road - Blue Water Seafood Restaurant 7 days a week and subject to Building Department approval and compliance with all city codes and ordinances.

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

Chairperson Briggs stated the recommendation of the Planning Commission would be before City Council for final approval on Tuesday, February 19, 2019 at 8:00 p.m.

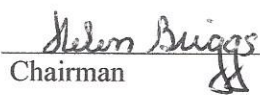
ADJOURNMENT

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

Meeting adjourned at 6:21 P.M.



Secretary



Chairman