

REGULAR MEETING

PLANNING COMMISSION

DATE: August 20, 2019

AGENDA

STATE OF OHIO

COUNTY OF CUYAHOGA

TIME: 6:00 P.M.

WORKSESSION – 5:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**

- a. Approval of Minutes of the Work Session of May 21, 2019
- b. Approval of Minutes of the Regular Meeting of May 21, 2019
- c. Approval of Minutes of the Public Hearing of May 21, 2019

4. **NEW BUSINESS**

- a. Dawn Smith, 348 Broadway Avenue – seeking a conditional use approval for a training and event center.
- b. Extreme Renovations representing U-Haul, 19000 Rockside Road – seeking approval to install truck return canopy and a liquid propane above ground dispenser tank.

5. **MISCELLANEOUS**

6. **ADJOURNMENT**

Bedford, Ohio

August 20, 2019

Planning Commission met in a Work Session at Bedford City Hall on Tuesday, August 20, 2019 at 5:35 p.m.

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

Also Present: Secretary Michelle Hollo and Building Commissioner Calvin Beverly.

Ms. Briggs had a correction to the minutes of the Public Hearing on May 21, 2019. A Scrivener's error will be corrected on page 8, paragraph 4.

Dawn Smith, 348 Broadway Avenue – seeking a conditional use approval for a training and event center.

Mr. Mallis has concerns with an event center, seven days a week until midnight, because there are homes in the area. Mr. Mallis explained problems the City has experienced with rentals for parties at Ellenwood Center which is in a residential neighborhood. Discussion held regarding what is meant by training center and event center and it was agreed it is too vague.

Ms. Smith recently received approval from the Planning Commission and City Council for a day care at this location before she purchased the property. Ms. Smith learned about necessary repairs after she acquired the property, it will be costly to do all the renovations and repairs and she is not ready to use as a day care center at this time.

Discussion held regarding if there would be fencing or a buffer because of the close proximity of the houses on Leonard. Comparison was made to the Eagles Club and houses on Grand Park Circle. It was also discussed the number of parking spaces in the parking lot and event parking will not be permitted on Leonard.

The types of events were discussed. Mr. Mallis has no objection to office training, business meetings, and those types of uses. These types of uses do not usually go past 9:00 p.m. Mr. Mallis is going to suggest amending the hours of operation to 8:00 a.m. to 6:00 p.m. and to require that the parking lot must be able to accommodate all parking by attendees. Mr. Mallis will also recommend the use be limited to business meetings, trainings, and other office type uses. He is not in favor of fundraising events and graduation parties.

Extreme Renovations representing U-Haul, 19000 Rockside Road – seeking approval to install truck return canopy and a liquid propane above ground dispenser tank.

Mr. Beverly stated a truck canopy has been constructed in the lot on Rockside Road. The truck canopy was not part of the original Planning Commission approval and construction documents were not submitted. Trucks drive under the canopy and this is where the trucks are cleaned. All U-Haul facilities have truck canopies.


U-Haul is also seeking approval to install a 1,150 gallon propane tank in the middle of the parking lot. Mr. Beverly checked with Assistant Chief Solar and he has no concerns with what is being proposed. The installation and location of the propane tank is acceptable with the Fire Department. Mr. Beverly does not have authority or jurisdiction over propane tanks.

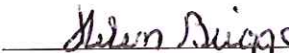
Discussion held about U-Haul locating pods out front and electrical work being done in the building. U-Haul has had a temporary certificate of occupancy for several months. The final certificate of occupancy needs to be issued but not until the completion of back and side steps, electrical utility rooms, and rooms around electrical distribution equipment.

Ms. Briggs inquired about the canopy. Mr. Beverly replied that U-Haul just submitted drawings for the canopy and propane tank yesterday. The submittal is lacking information on the fabric for canopy. In looking at the picture of the propane tank, it is clearly an advertisement.

Mr. Mallis said that per the minutes of the previous Planning Commission approval, the Broadway location is to be relocated to the Rockside location no longer than 24 months. It is now 21 months. Mr. Mallis has reached out to Mr. Ochocki and has not received a definitive timeline about the status of the relocation. Mr. Mallis will inquire on a deadline for relocation.

Meeting adjourned at 6:05 P.M.


Secretary


Chairman

Bedford, Ohio

August 20, 2019

Planning Commission met in regular session at Bedford City Hall on Tuesday, August 20, 2019 at 6:13 p.m. The roll was called. Present: Dzomba, Mowery, Briggs, Mallis. Absent: Powers. Also in attendance was Building Commissioner Calvin Beverly.

Motion made by Dzomba and seconded by Mallis to approve the absence of John Powers. The roll was called. Vote – Yeas: Dzomba, Mowery, Briggs, Mallis. Nays: None. Motion carried unanimously.

Motion made by Mallis and seconded by Dzomba to approve the minutes of the Work Session of May 21, 2019. The roll was called. Vote – Yeas: Dzomba, Briggs, Mallis. Nays: None. Abstain: Mowery. Motion carried.

Motion made by Dzomba and seconded by Mallis to approve the minutes of the Regular Meeting of May 21, 2019. The roll was called. Vote – Yeas: Dzomba, Briggs, Mallis. Nays: None. Abstain: Mowery. Motion carried.

Motion made by Mallis and seconded by Dzomba to approve the minutes as amended (Scrivener's error) of the Public Hearing of May 21, 2019. The roll was called. Vote – Yeas: Dzomba, Briggs, Mallis. Nays: None. Abstain: Mowery. 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.

Dawn Smith, 348 Broadway Avenue – seeking a conditional use approval for a training and event center.

Present: Dawn Smith, Kiddie Kampus Child Enrichment Center, 20 W. Grace Street, Bedford, OH 44146.

Ms. Smith, having previously been sworn in, stated she has been at Kiddie Kampus for 14 years and that the child care center is at capacity. Ms. Smith had previously requested a child care conditional use for 348 Broadway Avenue. She bought both properties in which she had been a tenant, and were previously owned by Gary Zillan. She intends to do many significant things to upgrade the properties. Ms. Smith was not aware when she bought 348 Broadway it had a water and mildew problem. Before she puts the child care center in there, she wants to remedy these problems. Mr. Beverly has been at the property and has advised Ms. Smith what needs to be done to improve the property.

In the meantime, Ms. Smith is looking to use 348 Broadway as an event center. She would partner with the School District and the Schools would have some training sessions. When in the child care business, you are under the regulations of the State of Ohio. They are looking to lease the space. Ms. Smith is looking for a fix for her mortgage. She came up with an event center in the meantime because it is not going to be utilized constantly. Events would be baby showers, wedding rehearsals, repasses, and the community could use that building as an event center. It also falls under office use. There is a gazebo outside. It is not a big place, but a quaint and small place. If there would be alcohol, she is aware she would have to have a police officer. There are cameras already installed. Someone would be on the

premises for each event. There would be no teenage parties. It would be for family type situations. She does not want to make chaos or a nuisance of that property. She will respect the community. She has five neighbors and plans on meeting with them and invite them over and make sure everyone is on the same page. She still wants to put the playground in and continue with her other ideas. It is a wonderful place for a family reunion with the playground and gazebo. The day care would still use the building. It is a multi-use facility she is asking permission for.

Mr. Mallis stated he does not have any issue with the days, but is concerned about the hours 6:00 a.m. to midnight because it is next to a residential area. Ms. Smith responded she would not allow people to be outside after dusk. The events would be inside the building. The hours include clean-up after an event.

She has received inquiries from organizations to lease space. Professional development classes sometimes are half a day and sometimes all day and they are interested in it as a training facility.

Ms. Briggs inquired on how many parking spaces. Ms. Smith responded about 30 parking spaces. Ms. Smith has spoken with Brooks Insurance and he told her she could use his parking space. Ms. Smith also met with the candy company at the end of Leonard Street and she could use his parking lot. Her event center is not intended to hold big events and would not require massive parking. Her lot and Brooks Insurance lot would be sufficient. Ms. Smith does not have anything in writing from Mr. Brooks but she will get something from him.

Ms. Briggs said there is concern with the amount of parking that is available and parking overflow onto the street and neighbors having trouble getting in and out of their driveways. We do not want to see the street become an extension of the parking lot. Mr. Mallis said that there have been other situations when a property owner would say it is okay for someone to use a parking lot and the owner sells in a year and the new owner does not want that and now it becomes an issue. Another concern is if parking is at the end of Leonard, now there are individuals walking up and down the street.

Mr. Mallis said the part of the application where it indicates as far as the business organizations, meetings, trainings, conferences, retreats, or seminars is spot on. We have experienced concerns from neighbors regarding other parking issues. Mr. Mallis looked at a map and it showed 21 painted spaces. Ms. Smith replied that she also owns the lot behind it. She considered extending the parking lot, but she would like to put in a playground.

Mr. Dzomba asked if she would be installing a fence. Ms. Smith said she wants to speak with her neighbor and she wants them to partner. She does not want a privacy fence, but wants it to be quaint and community friendly. She does not want to put something up and close it off. She would allow neighbors to use the playground. If there is an issue, she wants her neighbors to come to her. She does not want to disrupt the community and respects that.

Mr. Mallis inquired if this building was once a residential home. Ms. Smith responded yes, a long time ago. The man who lived there had an insurance company there.

Mr. Mallis discussed a motion for approval based on a couple of items. The house was originally residential that has evolved into a commercial building. Mr. Mallis recommends adjusting the hours of operation to 8:00 a.m. to 6:00 p.m. and also concentrating on the use of business organizations, business meetings, trainings, conferences, and retreats. As previously stated, must stay away from teen parties. Also, at this time, must be able to accommodate people in the current parking lot on who would be using the facility and not utilizing the street as overflow parking. The Commission could revisit the parking should there be agreements with other parties. If the business at the end of the street agrees, patrons having to walk down the residential street could cause an issue. Ms. Smith mentioned she knows the

realtor who owns the Auto Zone and that could be another place for additional parking on Broadway. She will talk to him and return with a written approval.

Mr. Beverly wanted to clarify with Ms. Smith that she is not asking to vacate the conditional approval as a day care, but asking to use this as a supplement until such time as it is a day care. Ms. Smith replied right, absolutely.

Discussion continued regarding recommended motion by Mr. Mallis. Ms. Smith did not understand if the event center is approved. Mr. Mallis is recommending to the Planning Commission the hours of operation be changed from 6:00 a.m. to 12:00 a.m. to amended hours of operation until 6:00 p.m. and approving the uses stated in her letter of businesses, business organizations, providing space for meetings, trainings, conferences, retreats and seminars. The current parking will not allow for fundraising events and graduations. Ms. Smith replied Kiddie Kampus had their graduation there. Ms. Smith spoke with someone at the City who suggested changing the hours to 11:00 p.m. It was determined it was the City attorney she spoke with. The day care is still open at 6:00 p.m. Events do not end at 6:00 p.m. and asked this be reconsidered. Ms. Smith is not adamant on the 12:00 a.m. time, but the child care is still open at 6:00 p.m. Parent meetings occur after 6:00 p.m. because parents work. Mr. Mallis replied that a parent meeting is not an issue. The concern is to say an event center is very vague. A Kiddie Kampus graduation is a different level than that of an 18 year old's graduation and there could be 200 people there. Ms. Smith said the building's capacity could not hold 200 people. It is a small space, possibly 40-50 people. Two people in a car would require 25 parking spaces. Mr. Mallis explained there was a similar situation with a facility being used for events. That facility turned into chaos with the Police Department. Mr. Mallis will not make a recommendation to just state event center. He asked Ms. Smith to provide additional specifics to the Building Commissioner. Seminars, business meetings and trainings are mostly conducted during normal business hours and normal business hours on Saturdays. Ms. Smith replied that because people work, they need to do these types of events after work so it would have to be past 6:00 p.m. Ms. Briggs stated events held after 6:00 p.m. would have to be held indoors because the concern is noise.

Ms. Briggs also suggested the list of events be outlined more concretely than what is stated in the application. There is a lot of gray area that could go either way and there should be a list of exactly what types of events could be held. Ms. Smith responded it does state family meetings, religious meetings, reunions, picnics, celebrations, baby showers, wedding showers, and weddings and things of this nature. Ms. Smith is not looking to have children's parties or teenage parties.

Mr. Mallis inquired what hours Ms. Smith would consider acceptable. Ms. Smith responded the center should close by 11:00 p.m. as suggested by the City's attorney and at dusk the event has to be inside the building. Ms. Briggs would like to see the hours at 8:00 or 9:00 p.m. because she is considering the neighbors next door. There is not a buffer between the facility and the houses. Ms. Smith agreed to 6:00 p.m. to 9:00 p.m. as being reasonable. Ms. Briggs stated a family union should be at a facility where there are neighbors not so close. She is concerned with possible complaints.

Mr. Mallis explained his concerns are based on the City's experiences. The City runs the Ellenwood Community Center. There is a buffer, large parking and events are supposed to be inside. For example, people attending a family union will go outside at 10:30 at night to smoke because smoking is not allowed in the building. This upsets the neighbors especially late at night. Again, Ms. Smith agreed to change the hours to 9:00 p.m.

Mr. Dzomba suggested the Planning Commission needs more details in writing before approval.

Mr. Mallis again stated he recommends a motion modifying the time from midnight to 9:00 p.m. for business meetings, trainings, conferences, and wants it specific that Ms. Smith must accommodate what

her current parking allows for and not what various neighbors suggested could be used or street parking. This parking must include staff members. Ms. Briggs suggested this application be tabled because Ms. Smith is going to submit a letter from Brooks Insurance. Mr. Mallis stated he does not believe the parking at the end of Leonard should be allowed. If it holds 10-15 spaces, people would be walking up and down the street at night. Ms. Smith stated Brooks Insurance is on the other corner of Leonard and no one would be going down the street.

Ms. Briggs suggested additional information, a list with bullet points of specifically the kind of events that could be held, and a letter from Brooks Insurance granting permission to use the parking lot.

Motion made by Dzomba and seconded by Mallis to table the application of Dawn Smith, 348 Broadway Avenue – seeking a conditional use approval for a training and event center until further detail is submitted regarding types of events to be held and written documentation from property owners granting permission to use parking spaces.

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

Ms. Briggs advised Ms. Smith to submit the requested information and the Planning Commission meeting will be rescheduled.

Extreme Renovations representing U-Haul, 19000 Rockside Road – seeking approval to install truck return canopy and a liquid propane above ground dispenser tank.

Present: Matthew Sumutku, 5328 W. 147th, Brook Park, OH 44142
Scott Ochocki, U-Haul, 19000 Rockside, Bedford, OH 44146 and 6000 Clark.

Mr. Sumutku, having previously been sworn in, stated they want to install a truck return canopy. It is where customers would return trucks and it is a sun shade for employees as they clean the trucks. They also want to install a propane filling station for customer use such as filling tanks for home grills and RV's.

Mr. Dzomba inquired if the canopy is basically for cleaning the trucks. Mr. Sumutku replied it would provide employees with sun shade or cover from rain.

Mr. Dzomba inquired if there is any chance of getting the propane station moved. It is an eyesore where it is situated now. It is good advertisement, but it takes away from the building and what we provide here in Bedford. Mr. Ochocki, having previously been sworn in, replied it is located there so it is out of the way of the trucks and returning trailers. It is centered in the middle of where there are storage buildings and where the lane is trying to keep it away from where the vehicles would go. It does provide exposure (advertising). Also, did not want it located too far away for the employees to go to fill the tanks.

Mr. Mallis asked for an update on the relocation (from Broadway to Rockside). Mr. Ochocki responded there are still people currently in the storage rooms on Broadway. Once that is vacated, then the home office will decide on that. Mr. Mallis wanted to know if they were notified. Mr. Ochocki stated they are moving out by attrition and there is an option if they want to move to the new building or move somewhere else. Discussion held regarding email communications between Mr. Mallis and Mr. Ochocki and the time frame of the relocation. Mr. Mallis clarified for the record in the official minutes of the previous Planning Commission meeting it was indicated the relocation would take 18 to 24 months and it was decided U-Haul would be looking to liquidate the property. Mr. Ochocki stated he is still trying to move his stuff down and he still does not have all his services at the new location. Mr. Mallis inquired

what other items are being waited on. Mr. Mallis stated he was previously told Mr. Ochocki is waiting on the Building Department. Mr. Ochocki replied these are the only two items he is waiting on.

Mr. Mallis clarified for the record the City has been very open and has worked with U-Haul tremendously. As for the location of the pods, the pods were placed and it was stated that is where they need to go. The line was trenched to the propane tank, so could the tank be moved? We know it cannot be moved as the work has already started. The canopy is already installed without coming to Planning Commission for approval. The walls are being built inside without obtaining approval. Mr. Mallis does not believe that working together is going both ways. Mr. Mallis is requesting a definitive timetable on the relocation to one site. That was part of the initial approval. This was not an approved use in the B-2 District. The City allowed it because U-Haul was grandfathered and the City is trying to work with U-Haul to expand the business. In the official minutes, it was stated 18-24 months for the relocation. Mr. Mallis had reached out to Mr. Ochocki at 18 months. It is now 21 months approaching 24 months with two locations up and running. That is not what was indicated at the previous meeting. The City is still willing to work with U-Haul but it does not seem it is being reciprocated.

Motion made by Mallis and seconded by Dzomba to table the application of Extreme Renovations representing U-Haul, 19000 Rockside Road – seeking approval to install truck return canopy and a liquid propane above ground dispenser tank until a definitive answer is received on what the timetable is for the consolidation to the new U-Haul location at 19000 Rockside Road, Bedford, Ohio.


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

Mr. Mallis advised Mr. Ochocki to provide the information to the Building Commissioner or the Clerk of Council.

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: Dzomba, Mowery, Briggs, Mallis. Nays: None. Motion carried unanimously.

Meeting adjourned at 6:53 P.M.


Secretary


Chairman