

MINUTES OF THE PUBLIC HEARING - CONDITIONAL USE PERMIT MODERN YOGA
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Dominic Sciria
Absent: Kirk Roman
Others: Scott Packard, Gerald Wise and approximately 10 guests

In Mr. Roman's absence Mr. Sciria opened the Public Hearing at 7:00 P.M. by a reading of the following legal notice published in the September 23, 2021 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing Thursday, October 7, 2021, at 7:00 P.M. at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to approve a Conditional Use Permit for Modern Yoga at 10010 Brecksville Road, PP #604-18-011 **OR** 6910 Treeline Drive, PP #604-27-014, Brecksville, Ohio 44141.

Mr. James Atherton and his wife Joyce Fijalkovich, were present to request a conditional use permit to locate their yoga business in one of two possible locations. Ms. Fijalkovich commented they opened their Modern Yoga business in Strongsville in 2016. She used a PowerPoint presentation to illustrate the classes they offer, how successful their Strongsville business has become and how well they have integrated into that community. They would like to open another location in Brecksville and have been looking for several years for a suitable location that offered the space they require along with adequate parking. Two possible locations with their parking space counts are listed below. Both would require a conditional use permit.

- 6910 Treeline Drive – 62 parking spaces in the front, 62 parking spaces in the rear and the possibility of 30 more undeveloped parking spaces.
- 10010 Brecksville Road – 15 dedicated parking spaces with the possibility of 11 additional non-dedicated spaces.

Ms. Fijalkovich had letters from both landlords confirming the parking counts offered in their location. Modern Yoga has only a couple of big classes that are offered either early in the morning, before customary working hours, or after 5:00 p.m. They indicated they could offer notes from their real estate agent documenting the unsuitable locations they have considered over the past two years.

The hearing was opened to the public for comments. Ms. Lindsey Coe gave an enthusiastic endorsement of Modern Yoga's Strongsville location. There were no further questions. Mr. Sciria noted that this matter would be considered at the Work Session. The Public Hearing closed at 7:05 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRPERSON
DOMINIC SCIRIA, VICE CHAIRPERSON
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Dominic Sciria
Absent: Kirk Roman
Others: Scott Packard, Gerald Wise and approximately 10 guests

In Mr. Roman's absence Mr. Sciria opened the Regular Meeting of the Planning Commission at 7:05 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF SEPTEMBER 23, 2021

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of September 23, 2021 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Dominic Sciria
Abstain: Ron Payto
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF SEPTEMBER 23, 2021

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of September 23, 2021 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Dominic Sciria
Abstain: Ron Payto
Nays: None
MOTION CARRIED

SIGNS:

WCRF RADIO – 9756 BARR ROAD

Mr. Gary Mullins, of Mullins Signs, was present for the ground sign request of WCRF Radio. The new sign would be a replacement in the same location of the existing sign approved with deviations in 2003. Mr. Sciria mentioned that the deviations were 1) From the required 15 ft. setback to permit 5 ft., and 2) From the required 50 ft. distance from lot line to permit 30 ft. Commission members had no questions.

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for a double sided, 28.8 square foot per side, permanent, ground, identification sign for WCRF Radio, 9756 Barr Road, Brecksville Ohio, PP #603-10-005 as described in the application dated September 22, 2021, and attached plans from Mullins Signs including the following deviations:

- A deviation of 10 ft. from the Code requirement of 15 ft. from the right-of-way to permit a 5 ft. setback from the right-of-way
- A deviation of 20 ft. from the Code requirement of 50 ft. from the lot line to permit 30 ft. from the lot line.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Dominic Sciria
Nays: None
MOTION CARRIED

HERITAGE COLLECTABLES – 7660 CHIPPEWA ROAD

MINUTES OF THE REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 2

Ms. Danette Loeffler, Property Manager for Snider Company, was present to request a new tenant sign in Brecksville Town Center Shopping Center. The Heritage Collectables sign would be a direct replacement in size and location as the Crochet Innovations existing sign. The proposed sign has the approval of shopping center management. The Mayor asked about what the store would sell, which would include such items as coins, cards and anything that would be collectible.

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for a 15.84 square foot illuminated, wall sign for Heritage Collectables at Brecksville Town Center, 7660 Chippewa Road, Brecksville, Ohio as described in the application dated September 17, 2021 and attached pictures by SGD Design.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

FOGG BRECKSVILLE BUILDING ONE, LLC – 6611 W. SNOWVILLE ROAD (CC Approval)

Ms. Lindsey Coe, Property Manager for Ray Fogg Properties, indicated the requested ground sign was a new real estate sign advertising space available after the eviction of a tenant. Mr. Sciria mentioned the two deviations being requested as 1) From the Code restriction of one sign per lot to permit two signs, and 2) From the Code requirement of 40 ft. from the ROW to allow 15 ft. The reason for the 15 ft. setback was questioned and it was noted there were a lot of trees in the area.

Mr. Packard pointed out that temporary real estate signs were no longer covered in the new City signage guidelines. He saw no issue with this Fogg real estate sign request.

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for a single sided, 18 square foot, permanent, ground real estate sign for Fogg Brecksville Building One LLC, 6611 W. Snowville Road, as described in the application dated September 30, 2021 and attached sketches and contingent on approval by City Council including the following deviations:

- A deviation from Section 1187.10(c) requirement for a maximum number of 1 sign per lot to allow 2 signs per lot
- A deviation from Section 1187.10(c) requirement for a minimum of 40' from the right of way to allow 15'.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

FOGG BRECKSVILLE BUILDING TWO, LLC – 6101 W. SNOWVILLE ROAD (CC Approval)

Ms. Lindsey Coe, Property Manager for Ray Fogg Properties indicated the requested ground sign was a new real estate sign, the second of two being requested, advertising space available after the eviction of a tenant. Mr. Sciria mentioned again the two deviations being requested as 1) From the Code restriction of one sign per lot to permit two signs, and 2) From the Code requirement of 40 ft. from the ROW to allow 15 ft.

Mr. Packard pointed out that temporary real estate signs were no longer covered in the new City signage guidelines. He saw no issue with this Fogg real estate sign request.

MINUTES OF THE REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 3

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for a single sided, 18 square foot, permanent, ground real estate sign for Fogg Brecksville Building Two LLC, 6101 W. Snowville Road, as described in the application dated September 30, 2021 and attached sketches and contingent on approval by City Council including the following deviations:

- A deviation from Section 1187.10(c) requirement for a maximum number of 1 sign per to allow 2 signs per lot
- A deviation from Section 1187.10(c) requirement for a minimum of 40' from the right of way to allow 15'.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE - No Report

REPORT OF MAYOR HRUBY - No Report

REPORT OF CITY ENGINEER - No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

MODERN YOGA CONDITIONAL USE – 10010 BRECKSVILLE ROAD OR 6910 TREELINE DRIVE

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission recommend to City Council approval of a Conditional Use Permit for Modern Yoga at 10010 Brecksville Road **OR** 6910 Treeline Drive Brecksville, Ohio , as described in the application dated September 9, 2021 by James Joyce LLC, dba Modern Yoga and attached documentation.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

AMERICAN LEGION HALL ADDITION – 7400 CHIPPEWA ROAD

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission recommend to City Council **PRELININARY** and **FINAL** approval for a 105 sq. ft. office addition on the side of the building for American Legion Hall, 7400 Chippewa Road, PP #606-28-016, as described in the application dated September 17, 2021, and drawing A-1 by Ryba Architects, contingent on approval of City Council.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

RIZK/AGAIBY FRONT YARD SETBACK – 8819 SNOWVILLE ROAD

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission will hold a Public Hearing at 7:00 P.M on Thursday, October 28, 2021. at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front yard setback of 408.3' for Permanent Parcel #605-15-010, 8819 Snowville Road, Brecksville, Ohio 44141.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

DIGERONIMO COMPANIES – VALOR ACRES SITE – RESIDENTIAL PDA – LOT CONSOLIDATION & LOT SPLIT – BRECKSVILLE ROAD NORTH OF MILLER ROAD

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission recommend to City Council **PRELIMINARY** and **FINAL** approval of a lot consolidation of Parcels 603-21-089 and 603-21-088 and subsequent subdivision of the combined parcels to create Parcels 4-A, 4-B, 4-C and 5-A as detailed on the Lot Split and Consolidation plat by Neff & Associates dated September 16, 2021, subject to approval of City Council.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Nays: Dominic Sciria
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

CITY OF BRECKSVILLE REZONING – 8997 HIGHLAND DRIVE

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission will hold a Public Hearing at 7:05 P.M on Thursday October 28, 2021 at Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, for the proposed Zoning Map amendment of the City of Brecksville by rezoning PP #601-33-002 and #601-33-003, located at 8997 Highland Drive, Brecksville, Ohio, from R-8 Single Family to C-F Community Facilities.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

SHERWIN WILLIAMS CO INDUSTRIAL PDA CONDITIONAL USE – 6701 MILLER ROAD

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Brecksville Planning Commission will hold a Public Hearing on Thursday October 28, 2021 at 7:15 P.M at Brecksville City Hall, 9069 Brecksville Road,

MINUTES OF THE REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 5

Brecksville, Ohio, for the request of a conditional use permit of an Industrial Park Planned Development Area as permitted under Section 1157.37 for The Sherwin Williams Company, 6701 Miller Road, Brecksville, Ohio 44141.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto,
Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting closed at 8:07 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRPERSON
DOMINIC SCIRIA, VICE CHAIRPERSON
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Dominic Sciria
Absent: Kirk Roman
Others: Scott Packard, Gerald Wise and approximately 10 guests

Mr. Sciria opened the Work Session at 7:28 P.M.

MODERN YOGA CONDITIONAL USE – 10010 BRECKSVILLE ROAD OR 6910 TREELINE DRIVE

Mr. James Atherton and his wife, Joyce, were present to request a conditional use permit to locate their yoga business in one of two possible locations, 10010 Brecksville Road at Miller Road, or 6910 Treeline Drive along Chippewa Road. Mr. Sciria made reference to the presentation on Modern Yoga's request made at the public hearing earlier in the evening, which he would not require them to repeat.

Mr. Sciria remarked that the Code mentions compatibility with surrounding businesses in the consideration of a conditional use permit. The Athertons indicated at the Miller Road location there was a quilt store and a medical supplies company on either side of the vacant space they were considering. At the Treeline Business Park there was a vacant space and a medically related business next to the space they were considering. The Athertons felt their business would be compatible in both the locations they were considering.

The Athertons presented copies of documents from Tom Lunt, representing Treeline, Inc., and Larry Coven of Coven-Goldman Associates, representing the Brecksville Road property, documenting the parking available at both proposed sites as follows:

- 6910 Treeline Drive – 62 parking spaces in the front, 62 parking spaces in the rear and the possibility of 30 more undeveloped parking spaces.
- 10010 Brecksville Road – 15 dedicated parking spaces with the possibility of 11 additional non-dedicated spaces.

Mr. Payto pointed out that there were too many vacancies in the City and he supported the application. Mr. Lahrmer made the comment that every applicant for a conditional use permit was judged by the Planning Commission on the merits of their submission. Mr. Sciria commented that the Athertons had supplied all the information requested of them by the Commission. There were no further questions and the Work Session recessed into the Regular Meeting for a motion.

AMERICAN LEGION HALL ADDITION – 7400 CHIPPEWA ROAD

Mr. Sal Salupo was present on behalf of the American Legion Hall's request to construct a small, 7'4" x 14', office addition on the north side of the building. Mr. Wise commented that the addition would not reduce the parking count and he had no issue with it. Mr. Salupo said the American Legion Hall needed the additional space for the storage of the increase in shipments they have had. He noted that all the labor for the project was being donated. There were no questions and the Work Session recessed into the Regular Meeting for a motion.

RIZK/AGAIBY FRONT YARD SETBACK – 8819 SNOWVILLE ROAD

Mr. Ted Otero, Otero Signature Homes, was present to request a public hearing be set to consider a frontyard setback of 408.3 ft. at 8819 Snowville Road. The home to the east of the lot had a 384 ft. frontyard setback and to the west of the lot was the Petros' Village Development.

Mr. Wise had no issue with the proposed setback request. He pointed out that a grinder pump would be necessary in the basement. The Mayor asked about the rear yard setback which Mr. Wise said would be 621.9 ft. The Work Session recessed into the Regular Meeting to set a Public Hearing.

DIGERONIMO COMPANIES – VALOR ACRES SITE – RESIDENTIAL PDA – LOT CONSOLIDATION & LOT SPLIT – BRECKSVILLE ROAD NORTH OF MILLER ROAD

Mr. Joshua Decker, Project Executive, was present on behalf of a request for a lot consolidation and lot split of the Valor Acres Residential PDA. The request was to create Parcels 4-A, 4-B, 4-C and 5-A for financing and TIFF requirements. Mr. Payto asked if those parcels would then be subdivided further later on. Mr. Decker confirmed that there would be a further split later and he outlined the parcels where each component of the residential development would be placed.

Mr. Wise pointed out that three of the four plats being created would not have right-of-way frontage. They would, however, have right-of-way access through a Parkview Drive easement. Mr. Wise said if the County accepted the easement access, his office would have no problem with the plats.

Mr. Sciria pointed out that without the easement the Commission would not be considering the proposed landlocked parcels. He reiterated his previously stated opinion that the proposed residential development was too narrow and he would be voting “no”. Mr. Bandsuh indicated that even though he voted “no” on the April 29, 2021 motion to approve preliminary plans for the Valor Acres Residential PDA, he had no objection to supporting the creation of the requested parcels.

Mayor Hruby asked if the southern property line between the Residential PDA and the Sherwin Williams property could be moved further to the south to provide about 60 foot more width for the residential component. Mr. Decker doubted Sherwin Williams would entertain such a proposal as it would mean reworking plans they have already completed for the relocation of the stream on the site. There were no further questions and the Work Session recessed into the Regular Meeting for a motion.

CITY OF BRECKSVILLE REZONING – 8997 HIGHLAND DRIVE

Mr. Packard was present to represent the City’s proposal to rezone the property at 8997 Highland Drive from R-8 Single Family to C-F Community Facilities to accommodate a change in use of the former Center for the Arts usage to house the City’s Engineering Department. The Engineering Department has outgrown their current space. Moving the four full-time engineering employees with their three cars and a truck to use the former Center for the Arts building should not disturb the surrounding residential neighborhood.

The Mayor pointed out that the site had at one time housed the library, and most recently the Center for the Arts, both uses involving day and evening hours with traffic in and out using the parking lot. The City at one time wanted to build a garage on the property and experienced a negative reaction from surrounding neighbors relating to space constraints, lighting, noise and traffic concerns. Mayor Hruby felt the proposed use of the Engineering Department, who are mostly off site during business hours, would represent the least intrusive use of the property. He felt it was time to schedule a public hearing with the objective of putting the proposed use on the ballot for the Brecksville voters to consider. The Work Session recessed into the Regular Meeting to set a Public Hearing.

SHERWIN WILLIAMS CO INDUSTRIAL PDA CONDITIONAL USE – 6701 MILLER ROAD

Mr. Packard was present on behalf of Sherwin Williams’ request for an Industrial PDA Conditional Use Permit for their Valor Acres property. He noted that this request was consistent with other conditional uses on the site and would permit preliminary planning to proceed. There were no questions and the Work Session recessed into the Regular Meeting to set a Public Hearing.

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
October 7, 2021 Page 3

The Work Session closed at 8:07 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRPERSON
DOMINIC SCIRIA, VICE CHAIRPERSON
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris