

Minutes of the Planning Commission Meeting

November 7, 2019

6:00 P.M.

Mayor Gallagher called the meeting to order.

PRESENT: Katie Gallagher, Mayor
Ron VanKirk, Council Representative
Jim Oper
Sue Grodek
Steven Coyle

ABSENT:

APPROVAL OF MINUTES:

Motion by Gallagher second by Oper to approve the minutes of October 3, 2019. **Vote Resulted:** *To APPROVE:* YES: Gallagher, Oper, Coyle, Grodek, VanKirk. No: None. Abstain: None (**APPROVED**)

A request from Adams Signs for digital gas price signs on fuel station canopy at 10250 Brookpark Rd PP# 433-17-002 Docket 11-2019-1. Mike was present from Adam Signs. Commissioner Kulcsar explained the details of the plans. The Building Department has no issues with the plans and no variances will be required. Mayor Gallagher asked if the Commission had any concerns or issues with the plans. No concerns brought forward. She then opened it up to the public. No concerns brought forward. After further discussion, **Motion** by VanKirk second by Gallagher to **APPROVE** the request. **Vote Resulted:** *To APPROVE:* YES: Gallagher, VanKirk Oper, Grodek, Coyle. (**APPROVED**) 11-2019-1

A request from Agile Signs for a sign package for Fairfield Inn at 5110 Tiedeman Road PP# 433-09-019 Docket 11-2019-2. Cione Belknap was present from Agile Signs. Commissioner Kulcsar explained the details of the plans. The Building Department has no issues with the plans and no variances will be required. Mayor Gallagher asked if the Commission had any concerns or issues with the plans. No concerns brought forward. She then opened it up to the public. No concerns brought forward. After further discussion, **Motion** by Gallagher second by Coyle to **APPROVE** the request. **Vote Resulted:** *To APPROVE:* YES: Gallagher, VanKirk Oper, Grodek, Coyle. (**APPROVED**) 11-2019-2

A request from Kimley-Horn and Associates, Inc. for a Conditional Use for a drive-through in an L-I, Light Industrial, district at 10330 Cascade Crossing PP# 433-10-018 Docket 11-2019-5. Tyler Reisfiter from Kimley-Horn was present also Rich McIluene from Starbucks. Commissioner Kulcsar explained the details of the plans. They will be circling the drive-thru to the opposite side to keep cars from queuing on to Cascade Crossing. The Building Department has no issues with the plans and no variances will be required. Rich explained they are excited to have another location in our market. He agreed with Commissioner Kulcsar's explanation of the plans and repurposing the existing building. VanKirk asked when they plan on opening. Rich explained around April or May. Mayor Gallagher asked if the Commission had any concerns or issues with the plans. No concerns brought forward. She then opened it up to the public. No concerns brought forward. After further discussion, **Motion** by VanKirk second by Gallagher to **APPROVE** the request. **Vote Resulted:** *To APPROVE:* YES: Gallagher, VanKirk Oper, Grodek, Coyle. (**APPROVED**) 11-2019-5

A request from Kimley-Horn and Associates, Inc. for preliminary site approval for a Starbucks drive-through at 10330 Cascade Crossing PP# 433-10-018 Docket 11-2019-6 Mayor Gallagher asked if the Commission had any

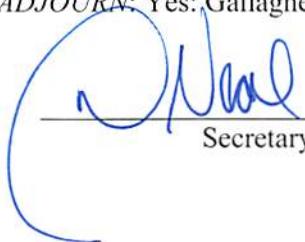
concerns or issues with the plans. No concerns brought forward. She then opened it up to the public. No concerns brought forward. After further discussion, **Motion** by VanKirk second by Coyle to **APPROVE** the request. **Vote Resulted: To APPROVE: YES: Gallagher, VanKirk Oper, Grodek, Coyle. (APPROVED) 11-2019-6**

A request from John J. Rakauskas for a Conditional Use for a recreation facility in an MF-PD, Multi-Family Planned Development, District at 8707 Memphis Ave PP# 432-21-001 Docket 11-2019-3. John J. Rakauskas was present as well as Larry Vassil. Commissioner Kulcsar explained the details of the plans. He stated they are trying to use the same existing Conditional Use at this location. The history on this parcel is that it was originally approved to be a church. The church ran out of funds during construction and work stopped. The current owner purchased the property and at that time agreed to work with the Recreation Center for programs. The reason is that the only way to have this Conditional Use in the MF-PD zoned area is for it to be a municipal recreation facility. That agreement he had with the Brooklyn Recreation Center only worked for one season. The other problem with this property was the current owner was also to complete the construction as per the plans that were approved for the church. The Building Department has tried on several occasions to have the current owner amend his plans and that has never materialized. The Building Department sent the current owner a notice in July of this year letting him know his current Conditional Use was void. Larry Vassil explained this property was marketed as zoned recreational and he wanted to move his OhioNets program to this location. He explained the idea of how they wanted to use the existing building as the baseball field and put up an inflated dome structure to put the volleyball courts in. The original plans showed a sixty three foot tall structure. They have revised the plans. The structure will be about forty three feet now. Larry explained the sports that would be played in the facility. He then stated he will make the exterior renovations needed to get the zoning approval. Mayor Gallagher explained that she thinks the fact that this parcel being allowed to be used with the current Conditional Use of a municipal recreation facility is a stretch of our code. She feels to approve this type of use there should have to be some kind of joint relationship where the residents of the city have some kind of benefit. She stated that the Conditional Use they are requesting is a huge stretch of our Zoning Code even if the Commission was in favor of it. Van Kirk asked if they were looking in to partner with our Recreation Center. Larry explained he would like to partner with the school and city as they had done in the past with Parma. There was discussion on the activities and times facility would be used. Oper asked if the Parma facility is closed. Larry explained yes it is. VanKirk asked Commissioner Kulcsar what the current height of the existing building is. Commissioner Kulcsar explained per the old plans it is thirty two feet. There original plans show the dome being sixty feet tall and they have revised them to be forty one feet which he feels is a bit more conducive for the area. VanKirk stated he felt that when he read it was going to be sixty feet he did not even want to consider the approval he feels the new plans with the lower height looks much more appealing. He also stated he agrees with the Mayor as there should be some kind of agreement with the Recreation Center for resident use of the building. John explained how they changed the plans and the basic layout. There was discussion on the exterior finishing of the existing building plans. Larry stated the exterior of the dome could be whatever color we wanted. Mayor Gallagher asked what the life on the domes was. Larry stated about 20 years and then you can reskin the exterior. Commissioner Kulcsar explained the Fire Department looked at plans and they will need an access drive to the back corner of each side. Mayor Gallagher does not feel we are even close to being able to approve this and justify it to the public. Mayor Gallagher asked if the Commission had any concerns or issues with the plans. VanKirk stated that this property has been a thorn in the side of the city and an eyesore for a very long time. Mayor Gallagher explained she feels there needs to be a contract weighted heavily toward our resident for use at guaranteed times with guaranteed programs not just at the convince of the facility owners when they are not busy, to be able to justify this Conditional Use. The fact the current owner sent it out on his real estate flyer that this property was zoned for recreational is completely false and we called him out on that. Grodek stated she does not feel she has enough background information on this to be able to make a decision on this today she asked what the next steps would be. Commissioner Kulcsar explained they can come up with a list of questions. We can also request they meet with the Recreation Center to discuss options and defer the decision until next month. Mayor Gallagher opened it up to the public. Kathleen Pucci read the conditional use regulations per City of Brooklyn Codified Ordinance 1129.01(c) 3 &4. She also stated that by adding the dome it is going to change that property completely and people live in that neighborhood and it will be detrimental to the enjoyment of their properties and will also affect

their property values. She feels that this is something the Commission needs to seriously consider. She also stated that it is not that we don't want this facility in the area it would be a great asset. She does not think in the middle of a residential neighborhood putting the dome in is appropriate. Dan Enovitch of 9008 Outlook stated this property is all fill. The creek used to go up to Memphis and they filled it back in the 60's. It then was intended for residential multifamily planned development, there was going to be condos going in there. When they did soil testing they discovered that because of the back fill they would have to go down almost forty feet with pylons in order to build the structure. Because of this it made it economically unfeasible so they dropped that project. Dan stated he was on the Planning Commission and had made a lot of decisions for the city. He then stated the one he regrets the most is approving the church to build on this property. He continued that according to the zoning laws you cannot prohibit a church from going in regardless of the zoning. The Planning Commission was required to approve the site plans. They agreed that it would be a beautiful building and passed the site plans through. He stated that low and behold in the middle of construction they ran out of money and they could not sell it. He then reiterated that to this day he regrets approving that. He then went on to the plans that are being proposed. He stated it is an architectural nightmare, it is a bubble building in the middle of a residential neighborhood. He stated it does not make sense architecturally to have this big balloon in that location. This is supposed to be our main street we cannot have a structure like this here. It is not acceptable for me or my neighbor to have to look at this hot air balloon that will have a motor running to keep it inflated. He feels they should look at another area in our city. Dan asked Larry where other facilities like this are located. Larry stated he has a competitor on Tiedeman (Hausermann). Dan stated there is one off of Snow Road. Dan stated most volleyball facilities are in industrial areas not residential areas. Dan stated he granddaughters play volleyball so he know about these facilities. He stated he agrees with the concept but not in his backyard. He also feels there will be no way to hide the dome. He stated if Larry wants to build a structurally appealing building that will meet his needs he would consider it but not the blow up dome. His final point was that this Zoning changing should have to go to the vote of the people not a conditional use approval by the Planning Commission. Mayor Gallagher agreed with Dan. She stated in the past this was a stretch on the code. This request does not have a public use factor it needs to be approved. VanKirk stated he agreed with Dan we should not be stretching the law. Commissioner Kulcsar reminded the Commission that a Municipal Recreation Facility is a conditional use in the MF-PD. VanKirk stated the key word is Municipal. Mayor Gallagher stated she spoke to the Law Director in regards to this and he does not stretch in code. Oper stated so the step that would be appropriate is for them to get a vote from the people to have that area rezoned. Mayor Gallagher stated yes and because of this area being back filled it will be very hard to be able to develop anything on this property. After further discussion, **Motion** by VanKirk second by Gallagher to **DENY** the request. **Vote Resulted:** To **DENY:** YES: Gallagher, VanKirk, Oper, Grodek, Coyle. **(DENIED) 11-2019-3**

A request from John J. Rakauskas for preliminary site approval for a recreation facility at 8707 Memphis Ave PP# 432-21-001 Docket 11-2019-4. After further discussion, **Motion** by VanKirk second by Grodek to **DENY** the request. **Vote Resulted:** To **DENY:** YES: Gallagher, VanKirk, Oper, Grodek, Coyle. **(DENIED) 11-2019-4**

There being no further business, **Motion** by Gallagher second by VanKirk to adjourn. **Vote Resulted:** To **ADJOURN:** Yes: Gallagher, VanKirk, Coyle, Grodek, Oper. **(ADJOURNED)**


Secretary


Chairperson