

Brunswick City Planning Commission

July 2, 2020 - Caucus

6:00 p.m. – Video teleconference

Joe Shirilla, Chairman
John Rocha, Recording Secretary
Brad Saeger, Member
Nick Hanek, Council Representative
Matt Jones, Consulting City Engineer
Pamela Plavecski, Planning & Zoning Coordinator
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community & Economic Dev. Director
Kim Harrington, 3660 Center Road, Suite 117, Brunswick
Travis Crane, TGC Engineering, 1310 Sharon Copley Road,
Sharon Center
Mark Leszynski, MVL Construction Services, 16270 Lake Forest
Drive, Strongsville
Phil Klonowski, Klassic Custom Decks, 2921 Center Road,
Brunswick
Matt Weber, civil engineer for Klassic Custom Decks
Eric Olson, Olson Law Office, 6500 E. Westfield Boulevard,
Indianapolis, IN
Anthony Rocco, Dayton Freight (no address given)

Chairman Joe Shirilla called the meeting to order at 6:05 p.m.

The first item was the review of the public hearing for text amendments to Chapter 1266 I-L Light Industrial District amending permitted and conditionally permitted uses. Mr. Aungst explained there was an update to the Comprehensive Plan, which City Council adopted on January 27, 2020. He noted the Plan Update encourages the highest and best use of land in the I-L District. He commented there is currently a moratorium in place for warehousing and motor freight garages and truck or transfer terminals.

The second item was the discussion of the public hearing for the Klassic Custom Decks expansion detailed site plan, rear setback variance, and 8' fence height variance, 2931 Center Road. Mr. Aungst noted the applicant obtained a permit for the existing masonry wall at 2921 Center Road in 2017. Mr. Shirilla and Mr. Saeger stated that adding planters to soften the hardscape in front of 2921 Center Road would be acceptable, in lieu of the required 10' wide landscape strip and plantings, and they would consider granting a modification. Mr. Shirilla commented the 8' high fence is acceptable, to which Mr. Saeger and Mr. Rocha concurred.

The third item was the review of the discussion plan for the Ritchie property proposed SPD-7 subdivision plan, 834 Pearl Road. Mr. Jones commented there is a substantial amount of natural features on the site. He explained the riparian setback has been expanded to meet the wetland boundaries. Ms. Plavecski stated Mr. Arona informed her today, as he could not attend tonight's meeting, that he is not in favor of the private drives by Sublots 14 through 18, and east of Sublots 32 through 34.

Mr. Shirilla adjourned the meeting at 6:26 p.m.

Respectfully,

Pamela Plavecski

Brunswick City Planning Commission

July 2, 2020

6:30 p.m. – Video teleconference

Joe Shirilla, Chairman
John Rocha, Recording Secretary
Brad Saeger, Member
Joe Delsanter, Council Representative
Matt Jones, Consulting City Engineer
Pamela Plavecski, Planning & Zoning Coordinator
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community & Economic Dev. Director
Kim Harrington, 3660 Center Road, Suite 117, Brunswick
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Phil Klonowski, Klassic Custom Decks, 2921 Center Road,
Brunswick
Matt Weber, civil engineer for Klassic Custom Decks
Eric Olson, Olson Law Office, 6500 E. Westfield Boulevard,
Indianapolis, IN
Anthony Rocco, Dayton Freight (no address given)

Item 1

Chairman Joe Shirilla called the meeting to order at 6:31 p.m.

MR. SHIRILLA MOTIONED TO EXCUSE VICE CHAIRMAN ARONA AND MR. HASAN FOR JUST CAUSE.

Mr. Rocha seconded the motion. The vote was 3 Ayes 0 Nays.

Ms. Plavecski called the roll: 3 present 2 absent (Mr. Arona and Mr. Hasan).

Item 2

There were no announcements or correspondence.

Item 3

MR. ROCHA MOTIONED TO APPROVE THE MINUTES OF JUNE 18, 2020.

Mr. Saeger seconded the motion. The vote was 3 Ayes 0 Nays.

Item 4(a)

Regarding the public hearing for the text amendments to Chapter 1266 I-L Light Industrial District amending permitted and conditionally permitted uses, Mr. Aungst provided background information. He explained the Comprehensive Plan was updated, which was a process that took two and one half years, that was formally adopted by City Council on January 27, 2020. He stated there is currently a moratorium on warehousing, along with motor freight garages and truck or transfer terminals.

Councilman Hanek commented this legislation came out of the Planning & Zoning and Economic Development City Council Committees. He stated City Council wants to ensure the best use of the existing land in the I-L District and limit the impact on the surrounding areas. He explained the proposed text amendments take away permitted uses that don't produce a positive effect, and Council wants to turn the Comprehensive Plan Update into making positive results.

Mr. Shirilla commented numerous meetings were held on the Comprehensive Plan Update incorporating public input and outsourcing the update to professionals with a non-biased view. He stated he feels the text amendments are written properly and according to the Comprehensive Plan Update; Mr. Saeger and Mr. Rocha concurred.

Mr. Shirilla declared the public hearing open.

Mr. Anthony Rocco, of Dayton Freight and Stream Edge Properties; and Mr. Eric Olson, Olson Law Office, 6500 E. Westfield Boulevard, Indianapolis, Indiana, were present. Mr. Olson explained they own a large 30-acre parcel in Brunswick that will be greatly impacted by the proposed text amendments and they object to these changes.

Mr. Shirilla asked how long Stream Edge Properties has owned the land; Mr. Olson responded since 2018. Mr. Aungst explained City Council adopted the moratorium on warehousing and motor freight garages and truck or transfer terminals on July 23, 2018. He said Stream Edge Properties acquired the property in December of 2018 and that the previous property owner was notified of the moratorium.

Mr. Incorvaia explained the Planning Commission makes a recommendation as to whether or not to adopt the text amendments, but City Council is the governing body that adopts the legislation.

Mr. Rocco stated he sent a memo to Mr. Aungst on April 18, 2018 regarding the proposed motor freight garage for the 30-acre parcel, and said there was no mention of a moratorium on this type of use at that time. He noted they closed on the property in August, 2018. He explained they currently operate their business in Cleveland, but would move their operation to Brunswick, bringing 147 jobs and \$7.1 million in payroll. Mr. Rocco commented that 26

acres of the property can be accessed from West 130th Street, and they purchased an additional four acres to have an entrance and exit through Industrial Parkway. He said the project cost will be \$15 to \$19 million, and noted the proposed building meets the setback requirements.

Mr. Shirilla asked what type of business will be going on there; Mr. Rocco responded they are a LTL carrier. They will have an 80' wide dock; the trucks will be out of the establishment by 9:00 a.m. and will return by 5:00 p.m.

Mr. Aungst reiterated the moratorium was adopted by City Council on July 23, 2018, and the previous owner and real estate company were aware of this. He noted there could be as many as 600 trucks per day coming in and out of this facility, which would be generating noise and dust near a residential district. He stated a tax abatement and revenue generated by this business is not an issue.

Mr. Shirilla stated the Planning Commission will consider the actual text amendments; not how it affects one business. He said he doesn't think income tax will benefit from this business, as probably most of the drivers are out of state. He noted the Commission has to look at the I-L District as a whole and said the proposed motor freight business is not the best use of this property. Mr. Rocco commented the combined 147 truck drivers and dock workers live in the greater Cleveland area.

There was no further public comment, so Mr. Shirilla declared the public hearing closed.

Mr. Incorvaia thanked Mr. Olson and Mr. Rocco for their comments. He explained when the Comprehensive Plan was updated, it was done publicly. He said the City of Brunswick brought in a professional consultant to take a look at what changes should be made, i.e. changes that benefit the health, safety, and welfare of the community. He commented it took two and one half years to adopt. He explained it is up to City council to adopt the changes recommended by the Comprehensive Plan Update and stated the moratorium was put in place after careful consideration by City Council. He said it would be prudent for the Planning Commission to move forward with a recommendation. Mr. Hanek stated the proposed legislation will come back to City Council for a second reading following the Planning Commission's recommendation.

MR. SAEGER MOTIONED TO RECOMMEND APPROVAL TO CITY COUNCIL TO ADOPT THE TEXT AMENDMENTS TO SECTIONS 1266.02 AND 1266.04 OF THE ZONING CODE.

Mr. Rocha seconded the motion. The vote was 3 Ayes 0 Nays.

Item 4(b)

Concerning the public hearing for the Klassic Custom Decks expansion detailed site plan, rear setback variance, and 8' fence height variance, 2931 Center Road, Mr. Mark Leszynski, of MLV Construction Services; Mr. Phil Klonowski, owner; and Mr. Matt Weber, civil engineer, were present.

Mr. Leszynski explained when the monument sign was installed at 2921 Center Road, landscaping was planted around it. He suggested removing the river rock in the right-of-way and planting grass there. Mr. Shirilla suggested adding planters where the 10' landscape strip is required to be located. Mr. Saeger noted the river rock is in the right-of-way; not near the 10' landscape strip. Mr. Shirilla stated the landscape improvements should be behind the right-of-way line on the Klassic Custom Decks property.

Mr. Leszynski suggested adding four large planters in front of the existing masonry wall at 2921 Center Road; two planters each would be on either side of the drive, next to the decorative columns. Mr. Saeger stated he would be willing to consider granting a modification to the required 10' perimeter screening strip at the right-of-way if the four planters would individually measure 2' deep by 3' long by 2' tall, using plants from Plants Lists D or E.

The Staff Review Comments were addressed as follows:

1. As the building has been moved 6' further north, the new structure is located 42' from the rear (north) property line. A variance of 8' will be required to meet the 50' minimum rear yard setback required by Section 1260.05(c) when adjacent to a residential district or use (residential property on Catherine Drive). In the course of exercising its site plan review powers under Chapter 1278, the Planning Commission, as permitted by Section 1244.04(b)(1), may, in specific cases, with the consent of City Council and upon proper written applications, vary or permit exceptions to any of the provisions of Chapter 1260 (C-G General Commercial District) if the Commission expressly finds that both (1) such variance or exception will not violate the spirit or intent of the Chapter and (2) that a more harmonious and compatible development will result. Mr. Shirilla stated he was in favor of the variance, as this will allow the new building to align with the existing structure.
2. On Sheet L-100, verify there is a minimum 10' wide landscape strip along the Center Road right-of-way in front of 2931 Center Road, pursuant to Section 1282.06(e). The species comply with Section 1282.11(b) and (d), but a notation should be added that the Ivory Lilac trees from Plant List B will be planted 20' to 30' on-center, with the row of Neon Flash Spirea from Plant List D planted 3' to 4' on-center. Also, indicate on Sheet L-100 that 10% of the total front yard area not used for parking or circulation will be landscaped with trees, shrubs, planting beds and/or perennial borders and beds selected by the owner. Mr. Leszynski stated they will comply with the above requirements.
3. For the existing property at 2921 Center Road, as discussed earlier in the meeting, in lieu of the front yard landscaping along Center Road required by Section 1282.06(e) and (g), Mr. Saeger stated he would be willing to consider granting a modification if four planters would be installed, each individually measuring 2' deep by 3' long by 2' tall using shrubs from Plants Lists D or E. Ms. Plavecski commented some of the shrubs in these plant lists may be too large for the planters. Mr. Shirilla stated the City

Engineer can review the species and height of the shrubs in the planters, to which Mr. Jones agreed.

Mr. Shirilla declared the public hearing open; no one appeared, so he declared it closed.

MR. SAEGER MOTIONED TO APPROVE THE KLASSIC CUSTOM DECKS EXPANSION DETAILED SITE PLAN, REAR SETBACK VARIANCE, AND 8' FENCE HEIGHT VARIANCE, 2931 CENTER ROAD, SUBJECT TO THE FOLLOWING:

1. AS PERMITTED BY SECTION 1244.04(b)(1) OF THE ZONING CODE, THE PLANNING COMMISSION RECOMMENDS APPROVAL TO CITY COUNCIL TO GRANT AN 8 FT. VARIANCE, RESULTING IN THE PROPOSED BUILDING BEING LOCATED 42 FT. FROM THE REAR (NORTH) PROPERTY LINE, WHERE SECTION 1260.05(c) REQUIRES A MINIMUM 50 FT. REAR YARD SETBACK WHEN ADJACENT TO A RESIDENTIAL DISTRICT OR USE (RESIDENTIAL PROPERTY ON CATHERINE DRIVE). IN THE COURSE OF EXERCISING ITS SITE PLAN REVIEW POWERS UNDER CHAPTER 1278, THE PLANNING COMMISSION HAS FOUND THAT BOTH (1) SUCH VARIANCE OR EXCEPTION WILL NOT VIOLATE THE SPIRIT OR INTENT OF THE CHAPTER AND (2) THAT A MORE HARMONIOUS AND COMPATIBLE DEVELOPMENT WILL RESULT.
2. ON SHEET L-100, VERIFY THERE IS A MINIMUM 10' WIDE LANDSCAPE STRIP ALONG THE CENTER ROAD RIGHT-OF-WAY IN FRONT OF 2931 CENTER ROAD, PURSUANT TO SECTION 1282.06(e). THE SPECIES COMPLY WITH SECTION 1282.11(b) AND (d), BUT A NOTATION SHALL BE ADDED THAT THE IVORY LILAC TREES FROM PLANT LIST B WILL BE PLANTED 20' TO 30' ON-CENTER, WITH THE ROW OF NEON FLASH SPIREA FROM PLANT LIST D PLANTED 3' TO 4' ON-CENTER. ALSO, INDICATE ON SHEET L-100 THAT 10% OF THE TOTAL FRONT YARD AREA NOT USED FOR PARKING OR CIRCULATION WILL BE LANDSCAPED WITH TREES, SHRUBS, PLANTING BEDS AND/OR PERENNIAL BORDERS AND BEDS SELECTED BY THE OWNER.
3. FOR THE EXISTING PROPERTY AT 2921 CENTER ROAD, THE FRONT YARD LANDSCAPE STRIP ALONG CENTER ROAD IS REQUIRED TO INCLUDE PLANTS AND MATERIALS IN COMPLIANCE WITH SECTION 1282.06(e) AND (g). IN LIEU OF THE PLANTINGS REQUIRED BY THE ABOVE SECTIONS, THE PLANNING COMMISSION WILL ALLOW FOUR (4) LANDSCAPING PLANTERS, EACH MEASURING 3 FT. LONG BY 2 FT. DEEP BY 2 FT. HIGH, WITH THE LOCATION OF THE PLANTERS, ALONG WITH THE SPECIES AND HEIGHT OF THE SHRUBS IN THE PLANTERS, TO BE APPROVED BY THE CITY ENGINEER. THE PLANNING COMMISSION, AS PERMITTED BY SECTION 1282.10(a), MAY APPROVE A LESS RESTRICTIVE LANDSCAPING OR SCREENING IMPROVEMENT IN INDIVIDUAL, UNIQUE SITUATIONS WHERE THE REQUIREMENTS OF THIS CHAPTER ARE CLEARLY INAPPLICABLE. IN APPROVING A LESS RESTRICTIVE REQUIREMENT, THE COMMISSION HAS FOUND THAT THE PURPOSE OF THIS CHAPTER, AS STATED IN SECTION 1282.01, HAS BEEN MET, THAT THE INTENT

OF THE SPECIFIC REQUIREMENT WILL BE MAINTAINED, AND THAT THE PUBLIC INTEREST WILL BE SERVED.

4. AS PERMITTED BY SECTION 1464.05(c) OF THE CODIFIED ORDINANCES, THE PLANNING COMMISSION HAS GRANTED A VARIANCE TO ALLOW AN 8 FT. HIGH FENCE ALONG THE NORTH (REAR) PROPERTY LINE, AS THIS WILL BE COMPATIBLE WITH THE EXISTING 8 FT. HIGH FENCE AT THE ADJACENT PROPERTY LOCATED AT 2921 CENTER ROAD, AND WILL PROVIDE SCREENING FOR THE ADJACENT RESIDENTIAL HOME ON CATHERINE DRIVE. IN THE COURSE OF EXERCISING ITS SITE PLAN REVIEW POWERS UNDER CHAPTER 1278, THE PLANNING COMMISSION HAS FOUND THAT BOTH (1) SUCH VARIANCE OR EXCEPTION WILL NOT VIOLATE THE SPIRIT OR INTENT OF THE CHAPTER AND (2) THAT A MORE HARMONIOUS AND COMPATIBLE DEVELOPMENT WILL RESULT.

Mr. Rocha seconded the motion. The vote was 3 Ayes 0 Nays.

Item 4(c)

Regarding the discussion plan for the Ritchie property proposed SPD-7 subdivision plan, 834 Pearl Road, Mrs. Kim Harrington, owner; and Mr. Travis Crane, of TGC Engineering, were present.

Mr. Shirilla noted the comments from the Medina County Soil and Water Conservation District stated houses with basements may have limitations. Mr. Jones stated there is insufficient data to determine if sump pumps will be required. He said the water table level is above the basement and the builder needs to be aware of this. Mr. Jones commented there are two stormwater management basins and there is sufficient room to install additional ones if necessary.

The Staff Review Comments were addressed as follows:

1. Mr. Shirilla inquired what is the reason a Special Planning District is being requested; Mrs. Harrington responded there are trees and a ravine that winds through the property, and stated they are doing their best to preserve the stream and natural characteristics of the property. After further discussion, the Planning Commission considered, pursuant to Section 1268.05(c), that Conditions 2 and 3 could apply, respectively, which state: Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities; and lands which call for ingenuity and imagination by site designers and developers in keeping with overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height, lot size and related requirements of the Zoning Code. Mr. Shirilla asked if this property was developed with the R-L Low Density Residential District requirements, could the natural characteristics of the land be preserved; Mrs. Harrington replied she didn't think so.

Mr. Shirilla asked Mrs. Harrington if she is the developer and the builder; she answered she is the developer and they would work with a local builder. Mr. Shirilla asked about the price of the homes; Mrs. Harrington responded it would range from the low \$200,000's to \$300,000, depending on the lot location (lots located on the private drives take in the natural beauty and would be premium lots).

2. Regarding the variances required for the four wetland removal areas, the Commission agreed this would be addressed at the public hearing for the rezoning, conceptual plan, and development guidelines. Mr. Jones noted the Army Corps of Engineers has to approve any wetland removal and mitigation.
3. In accordance with Section 1278.09(d), a 4' wide sidewalk is shown on the south side of Street "A", but a sidewalk will not be installed on the north side of Street "A". Section 1230.01(b)(3) – Appendix H of the Subdivision Regulations indicates sidewalks on both sides of the street. Mr. Crane noted there is unusual topography in the development and they need to provide a designated guest parking area. He stated they may need to consider requesting a variance to the Subdivision Regulations. Mr. Jones commented the SPD-7 development guidelines could also address this.
4. An 18' wide private drive is shown extending from the west end of the cul-de-sac bulb leading to Sublots 14 through 18, along with east of Sublots 32 through 34. The Fire Department requires a minimum 20' wide drive for emergency vehicle access; Mr. Crane commented they can provide the 20' width.

Mr. Shirilla asked about the positive and negative factors of having private drives in SPD-7; Mr. Aungst responded the city doesn't have to plow private streets, but still has to provide other services. He noted City Council is not in favor of private drives. Mr. Aungst commented the private drive on the west side of the subdivision allows for five houses to be built on beautiful natural settings, and the private drive on the east side of the development is very short; almost similar to a driveway, and also allows the lots to partake of the natural beauty. He commented this is not that different from the Planned Unit Development (PUD) in Old Mill Village.

Mr. Shirilla stated he was concerned about a mix of public and private streets in the same development. Mrs. Harrington explained the private drive homeowners would be charged a higher maintenance fee. Mr. Shirilla asked if the same material will be used on the private drives that is being used for the public streets. Mr. Jones explained private drives allow for central drainage instead of curbs and drains. Mr. Crane stated they are trying to differentiate the private drives from the public streets, but they will comply with the 20' width and have concrete drives.

5. Mr. Crane agreed the sidewalk will be continuous that is interrupted by the five parking spaces south of Sublot 5.

MR. SAEGER MOTIONED TO MOVE THE RITCHIE PROPERTY SPD-7 DISCUSSION PLAN TO A PUBLIC HEARING FOR THE REZONING, CONCEPTUAL PLAN, AND DEVELOPMENT GUIDELINES, 834 PEARL ROAD, SUBJECT TO THE FOLLOWING:

1. AS DISCUSSED ABOVE, THE PLANNING COMMISSION CONSIDERED THE REASONS FOR DEVELOPING SPD-7, PURSUANT TO SECTION 1268.05(c), THAT CONDITIONS 2 AND 3 COULD APPLY, RESPECTIVELY, WHICH STATE: LAND THAT IS OCCUPIED BY SUBSTANTIAL NATURAL CHARACTERISTICS WORTHY OF PRESERVATION OR WHICH ARE HISTORIC AIDS TO THE IDENTIFICATION OF RESIDENTIAL COMMUNITIES; AND LANDS WHICH CALL FOR INGENUITY AND IMAGINATION BY SITE DESIGNERS AND DEVELOPERS IN KEEPING WITH OVERALL LAND USE AND OPEN SPACE OBJECTIVES OF THE COMPREHENSIVE PLAN, WHILE DEPARTING FROM THE STRICT APPLICATION OF USE, SETBACK, HEIGHT, LOT SIZE AND RELATED REQUIREMENTS OF THE ZONING CODE. HOWEVER, THE COMMISSION WILL MAKE A FINAL DETERMINATION AT THE PUBLIC HEARING.
2. REGARDING THE VARIANCES REQUIRED FOR THE FOUR WETLAND REMOVAL AREAS, THE COMMISSION AGREED THIS WOULD BE ADDRESSED AT THE PUBLIC HEARING FOR THE REZONING, CONCEPTUAL PLAN, AND DEVELOPMENT GUIDELINES.
3. IN ACCORDANCE WITH SECTION 1278.09(D), A 4' WIDE SIDEWALK IS SHOWN ON THE SOUTH SIDE OF STREET "A", BUT A SIDEWALK WILL NOT BE INSTALLED ON THE NORTH SIDE OF STREET "A". SECTION 1230.01(b)(3) – APPENDIX H OF THE SUBDIVISION REGULATIONS INDICATES SIDEWALKS ON BOTH SIDES OF THE STREET. A SOLUTION WILL BE PROVIDED OR A VARIANCE FROM THE SUBDIVISION REGULATIONS MAY BE NECESSARY.
4. AN 18' WIDE PRIVATE DRIVE IS SHOWN EXTENDING FROM THE WEST END OF THE CUL-DE-SAC BULB LEADING TO SUBLOTS 14 THROUGH 18, ALONG WITH EAST OF SUBLOTS 32 THROUGH 34. THE FIRE DEPARTMENT REQUIRES A MINIMUM 20' WIDE DRIVE FOR EMERGENCY VEHICLE ACCESS, TO WHICH THE APPLICANT HAS AGREED.
5. THE SIDEWALK WILL BE CONTINUOUS THAT IS INTERRUPTED BY THE FIVE PARKING SPACES SOUTH OF SUBLOT 5.

Mr. Rocha seconded the motion. The vote was 3 Ayes 0 Nays.

Item 5

There was no old business.

Item 6

There was no new business.

Item 7

No one appeared at the public comment period.

Item 8

Mr. Hanek gave the Council Representative's Report. He expressed his condolences to the Raso family on their loss and said applications are being accepted for the Ward 3 Council position until July 7, 2020. He noted that regulations on dollar stores may be forthcoming, and bids are going out to construct the trail between Plum Creek and Mooney Park.

MR. ROCHA MOTIONED TO ADJOURN THE MEETING.

Mr. Saeger seconded the motion. The vote was 3 Ayes 0 Nays.

The meeting was adjourned at 8:18 p.m.

Respectfully,

Pamela Plavecski

