

## Brunswick City Planning Commission

October 21, 2021

6:30 p.m. – Caucus

Joe Shirilla, Chairman  
Jeff Arona, Vice Chairman  
John Rocha, Recording Secretary  
Abbas Hasan, Member  
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 Development Director  
Roger Burzanko, Hounds Town USA, 34483 Summer Lane, Avon  
Mike Gould, Hounds Town USA, Ronkonka, NY  
Mark Puentes, 21477 Littlebrook Lane, Strongsville  
Bobby Knight, Knight Development, 3933 Center Road, Brunswick  
John Sommers, 1159 Glencove Commons, Brunswick  
Linda Plavchan, 1151 Glencove Commons, Brunswick  
John Stolarczyk, 1154 Glencove Commons, Brunswick

Chairman Joe Shirilla called the meeting to order at 6:40 p.m.

The first item was the review of the public hearing for text amendments regarding mobile food service operations, bed and breakfast establishments, and multifamily dwellings, Ordinance Nos. 88-2021, 90-2021, 91-2021, 92-2021 & 93-2021. Regarding Ordinance No. 88-2021, Mr. Arona asked who was the originator of this legislation; Mr. Aungst responded City Council and the Administration discussed the proposed ordinance. Mr. Shirilla inquired if food trucks are allowed at a private residence; Mr. Aungst replied yes. Mr. Hasan commented he thought it is a good idea to clarify where food trucks are allowed under certain conditions. Mr. Arona asked if the Summer Celebration and St. Ambrose summer festival will be allowed to have food trucks; Mr. Aungst replied they are allowed to have them currently as a special event, but these would be included in the proposed legislation.

Mr. Hanek explained one of the food truck owners requested increased hours of operation and to require a background check only for the owner/operator; not for all the employees. Additionally, he stated it was suggested that the permit should be valid for one year, instead of 90 days.

The second item was the discussion of a comparable in character determination for the Hounds Town USA dog daycare and overnight boarding facility, 1148 Pearl Road

(Shenandoah Square plaza). Ms. Plavecski noted the owner withdrew the use of the existing fenced outdoor yard from their application, as the Board of Zoning Appeals tabled their variance request. Ms. Plavecski commented the Planning Commission and City Council have previously approved a comparable in character determination for a similar dog daycare and overnight boarding facility in the Gateway Plaza.

Mr. Incorvaia explained the Planning Commission has to hear this comparable in character determination because the Zoning Code doesn't list a dog daycare and overnight boarding facility as a permitted or conditionally permitted use in the C-G General Commercial District. He read the comparable in character definition to the audience.

Mr. Shirilla adjourned the meeting at 7:00 p.m.

Respectfully,

Pamela Plavecski

Brunswick City Planning Commission

October 21, 2021

7:00 p.m.

Joe Shirilla, Chairman  
Jeff Arona, Vice Chairman  
John Rocha, Recording Secretary  
Abbas Hasan, Member  
Brad Saeger, Member  
Nick Hanek, Council Representative  
Matt Jones, Consulting City Engineer  
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John Sommers, 1159 Glencove Commons, Brunswick  
Linda Plavchan, 1151 Glencove Commons, Brunswick  
John Stolarczyk, 1154 Glencove Commons, Brunswick

Item 1

Chairman Joe Shirilla called the meeting to order at 7:05 p.m.

Ms. Plavecski called the roll: 5 Present 0 Absent.

Item 2

There were no announcements or correspondence.

Item 3

MR. ROCHA MOTIONED TO APPROVE THE MINUTES OF OCTOBER 7, 2021.

Mr. Saeger seconded the motion. The vote was 5 Ayes 0 Nays.

#### Item 4(a)

A public hearing was held for text amendments regarding mobile food service operations, bed and breakfast establishments, and multifamily dwellings, Ordinance Nos. 88-2021, 90-2021, 91-2021, 92-2021 and 93-2021.

Regarding Ordinance No. 88-2021 concerning mobile food service operations, Mr. Arona inquired about the need for a site plan; Mr. Aungst responded the city needs traceability as to where the food trucks will be located. Mr. Arona asked if all food truck employees must be registered; Mr. Aungst replied City Council requested to keep track of the employees. Mr. Arona commented Mr. Hanek suggested that only the owner needs to have a background check and that the permit should be valid for one year. Mr. Aungst commented the food truck owner needs to get permission from the property owner as to where they can set up their business.

The Planning Commission discussed hours of operation for the food trucks and decided upon the following: 8:00 a.m. to 9:00 p.m. Monday through Thursday and Sunday, and 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

Mr. Shirilla asked about temporary seating for the mobile food service trucks; Mr. Aungst replied other cities don't allow it. Ms. Plavecski clarified that the permit would be valid for one calendar year (January through December). Mr. Saeger suggested changing the word "event" in Section 866.02(a) to "commencement of operation", to which the Commission agreed.

Mr. Shirilla inquired if the Planning Commission had any questions concerning Ordinance Nos. 90-2021, 91-2021, 92-2021 and 93-2021; they agreed the ordinances were acceptable as written.

Mr. Hasan suggested that in Section 866.02(c), a background check should only be for the owner/operator of the mobile food truck.

Mr. Shirilla declared the public hearing open.

Mr. Mark Puentes, 21477 Littlebrook Lane, Strongsville, stated he is glad changes are being made to the proposed mobile food service legislation. He explained he operates a knock-down facility with two tables covered by a canopy and goes to various locations. Mr. Puentes said he was hoping that a permit wouldn't take long to obtain, as sometimes he is asked to attend a function at short notice. Mr. Aungst noted once a food truck owner is licensed, a permit shouldn't take more than a couple of days to process.

Mr. Bobby Knight, Knight Development, 3933 Center Road, asked why are the hours of operation being restricted; Mr. Aungst replied mobile food service trucks are conditionally permitted, so the hours are restricted. Mr. Knight stated the hours of operation should be determined by the food truck owners.

Mr. Hanek asked if t-shirt sales would be allowed; Mr. Aungst answered that would be addressed as a separate ordinance. He said an addition to Section 866.06 should be made whereby sales are limited to food, as defined in Section 866.01(a).

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

Further discussion continued regarding additional amendments to Ordinance No. 88-2021, to which the Planning Commission agreed, as listed below.

MR. ARONA MOTIONED TO RECOMMEND APPROVAL TO CITY COUNCIL OF ORDINANCE NOS. 90-2021, 91-2021, 92-2021 AND 93-2021 AS PROPOSED. ADDITIONALLY, THE PLANNING COMMISSION RECOMMENDS APPROVAL TO CITY COUNCIL OF ORDINANCE NO. 88-2021 WITH THE FOLLOWING REVISIONS:

1. SECTION 866.02(a) – “APPLICATIONS FOR A MOBILE FOOD SERVICE OPERATION PERMIT SHALL BE FILED WITH THE DIVISION OF BUILDING NO LESS THAN TEN (10) DAYS PRIOR TO THE COMMENCEMENT OF OPERATION.”
2. SECTION 866.02(c) – “A B.C.I. AND F.B.I. WEB CHECK MUST BE COMPLETED THROUGH THE MEDINA COUNTY SHERIFF’S OFFICE AND PROVIDED WITH THE ORIGINAL APPLICATION FOR THE OWNER/OPERATOR.”
3. SECTION 866.02(8) – “A SITE PLAN OR DESCRIPTION SHOWING THE PROPOSED LOCATION OF THE MOBILE FOOD SERVICE OPERATION.”
4. SECTION 866.04 – “ALL PERMITS ISSUED HEREUNDER SHALL BE VALID FOR A PERIOD OF ONE (1) CALENDAR YEAR (JANUARY THROUGH DECEMBER) FROM THE DATE OF ISSUANCE.”
5. SECTION 866.05 – “NO MOBILE FOOD SERVICE OPERATIONS SHALL BE CONDUCTED BEFORE 8:00 A.M. OR AFTER 9:00 P.M. MONDAY THROUGH THURSDAY AND SUNDAY, OR BEFORE 8:00 A.M. OR AFTER 11:00 P.M. ON FRIDAY AND SATURDAY.”
6. CREATE SECTION 866.06(a)(11) – “SALES ARE LIMITED TO FOOD, AS DEFINED IN SECTION 866.01(a).
7. CREATE SECTION 866.06(b)(7) – “NO ON-STREET PARKING IS PERMITTED; PARKING MUST BE ON A PRIVATE SITE.”
8. CREATE SECTION 866.06(e)(8) – “THERE SHALL BE NO SEATING OR TABLES PROVIDED FOR PUBLIC USE.”
9. CREATE SECTION 866.06(f) – “TRASH CONTAINERS SHALL BE SUPPLIED AND REMOVED BY THE MOBILE FOOD TRUCK OWNER, AND COOKING GREASE SHALL BE REMOVED FROM THE SITE.”

Mr. Hasan seconded the motion. The vote was 5 Ayes 0 Nays.

#### Item 4(b)

Regarding the Hounds Town USA comparable in character determination, 1148 Pearl Road (Shenandoah Square plaza), Mr. Roger Burzanko, manager, and Mr. Mike Gould, owner; and Mr. Bobby Knight, Knight Development (property owner), were present.

Ms. Plavecski explained Mr. Burzanko stated he would not be using the existing outdoor fenced area, as the Board of Zoning Appeals tabled his request for an 8' rear yard setback variance.

As there were several people in attendance on this item, the Planning Commission agreed to move the public comment period up on the agenda.

In order to make a comparable in character determination of a dog daycare and overnight boarding facility to a veterinary hospital and clinic, Mr. Shirilla asked Mr. Incorvaia to read the list of permitted uses in the C-G General Commercial District. He noted a precedent has already been set, as the Planning Commission made a determination for this same use at a location in the Gateway Plaza.

Mr. Gould explained their facility is a necessity to their customers, and they have locations in seven states. Mr. Shirilla inquired as the fenced area is no longer being used, will this facility be as successful as one that has an outdoor area. Mr. Gould replied very few of their locations have an outdoor area for the dogs; he said it is more of a luxury. He explained their facility is temperature controlled, and it is either too hot or too cold in northeast Ohio to leave dogs outside. Mr. Hanek commented the outside space could still be used if they meet the 50' rear yard setback by moving the fence. Mr. Gould explained they limit the number of dogs outside at one time.

Mr. Incorvaia explained the Planning Commission will need to determine if they feel the dog daycare and overnight boarding facility is comparable in character to a veterinary hospital and clinic either with or without the outdoor fenced area. Mr. Hasan suggested limiting the number of dogs outside to three. Mr. Burzanko stated they are holding off on the outdoor play area at this time, but they would like to have a maximum of five dogs outside at one time if they decide to use the fenced-in area. Mr. Knight commented this is an existing fenced area; in order to meet the 50' rear setback requirement, there would have to be a fence inside the fenced area.

Ms. Plavecski suggested the Planning Commission could recommend approval to City Council of the comparable in character determination, whereby if the fenced outdoor area is used, it must meet the 50' rear yard setback and be constructed of materials similar to the existing fence. A maximum of five dogs under employee supervision would be permitted outside at one time.

Mr. Gould commented there is no impact on the environment, as the dog waste is contained.

Mr. Shirilla declared the public comment period open.

Mr. John Sommers, 1159 Glencove Commons, Brunswick, stated he has to deal with the ramifications of the application if it is approved. He said he sees no reason to allow the dogs outside, and the fence should be removed or relocated to meet code. He stated the Glencove Commons homeowners only have Mr. Gould's word that the dogs won't be barking while they are outside.

Ms. Linda Plavchan, 1151 Glencove Commons, Brunswick, said there shouldn't be a fence within a fenced yard. She said she is also concerned about sufficient parking and noted there is Marco's Pizza that would be next to the dog daycare facility.

Mr. John Stolarczyk, 1154 Glencove Commons, stated he is the president of the Glencove Commons Homeowners Association. He commented he is concerned about property values decreasing and the number of dogs outside at one time. He also stated the fence should be removed or relocated to meet the 50' setback requirement.

Mr. Bobby Knight, Knight Development, 3933 Center Road, Brunswick, explained there is an existing 6' high vinyl fence which could be moved to meet the 50' rear setback requirement. He also said they are sound-proofing the interior of the tenant space to reduce noise and stated there is plenty of on-site parking. Mr. Burzanko commented they will have three to five employees. Mr. Shirilla inquired if there will be any retail in the tenant space; Mr. Burzanko replied there will be a small portion of retail to sell leashes and dog treats.

Mr. Aungst commented that Glencove Commons was constructed after Shenandoah Plaza. Mr. Incorvaia explained the existing fence is nonconforming; therefore, no activity is permitted within 50' of the residential property line. Mr. Knight reiterated they can move the fence to meet the 50' rear setback requirement. Mr. Shirilla summarized by stating if the outdoor space is used, it must comply with code; a maximum of five dogs supervised by employees is permitted outside at one time; and he feels the comparable in character determination has been met.

Mr. Arona inquired about the percentage of dog daycare and boarding at the facility; Mr. Gould answered 70% dog daycare and 30% boarding. He stated there is no drop-off of dogs permitted when the facility is closed. Mr. Burzanko reiterated they are using sound mitigation on all the walls to reduce noise. Mr. Gould commented he has cameras on his phone to watch the activity at the facility.

MR. HASAN MOTIONED TO RECOMMEND APPROVAL TO CITY COUNCIL, PURSUANT TO SECTION 1280.01(b) OF THE ZONING CODE, OF A COMPARABLE IN CHARACTER DETERMINATION, AS DEFINED IN SECTION 1242.02(26), OF A DOG DAYCARE AND OVERNIGHT BOARDING FACILITY TO A VETERINARY HOSPITAL AND CLINIC FOR HOUNDS TOWN USA, 1148 PEARL ROAD (SHENANDOAH SQUARE PLAZA), WHICH IS

A PRINCIPALLY PERMITTED USE IN THE C-G DISTRICT, IN ACCORDANCE WITH SECTION 1260.02(e), SUBJECT TO THE FOLLOWING:

1. IF A FENCED OUTDOOR AREA IS USED FOR THE FACILITY, THE FENCED AREA MUST MEET THE 50 FT. REAR YARD SETBACK REQUIRED BY SECTION 1260.05(c) AND BE CONSTRUCTED OF A SIMILAR MATERIAL TO THE EXISTING FENCE.
2. A MAXIMUM OF FIVE (5) DOGS UNDER EMPLOYEE SUPERVISION SHALL BE PERMITTED OUTSIDE AT ONE TIME.

Mr. Saeger seconded the motion. The vote was 5 Ayes 0 Nays.

Item 5

There was no old business.

Item 6

There was no new business.

Item 7

The public comment period was moved up further on the agenda during the Houndstown USA item.

Item 8

Mr. Hanek gave the Council Representative's Report. He said he is excited about the proposed food truck legislation and appreciates the Planning Commission's work on this item. He commented the Plum Creek trail is unofficially open and is approximately 0.8 mile long each way.

MR. ROCHA MOTIONED TO ADJOURN THE MEETING.

Mr. Saeger seconded the motion. The vote was 5 Ayes 0 Nays,

The meeting was adjourned at 8:57 p.m.

Respectfully,

Pamela Plavecski



## PLANNING COMMISSION STAFF REPORT

October 21, 2021

### **Text amendments**

(Public hearing)

Text amendments to the City of Brunswick Codified Ordinances are proposed as follows:

Ordinance No. 88-2021: An ordinance establishing Chapter 866 to regulate mobile food service operations.

Ordinance No. 90-2021: Delete Section 1252.04(h) in its entirety, whereby removing bed and breakfast establishments as conditionally permitted uses in the R-L Low Density Residential District.

Ordinance No. 91-2021: Delete Sections 1254.03(f), (g), and (i) in their entirety, whereby removing cemeteries, privately-owned recreational facilities, and bed and breakfast establishments as conditionally permitted uses in the R-M Medium Density Residential District.

Ordinance No. 92-2021: Delete Section 1260.04(o) in its entirety, whereby removing multifamily dwellings as a conditionally permitted use in the C-G General Commercial District.

Ordinance No. 93-2021: Amend Section JDOD.3 of the Design Guidelines to allow townhomes, single-family attached units, single-family detached residential units, apartments (including studio apartments), work-live units, flats, home offices above garages, retail below apartments and hotels as conditionally permitted uses. There are no permitted uses in the Joint Development Overlay Districts.

The above proposed legislation is in keeping with the recommendations of the Advance Brunswick 2020 Comprehensive Plan Update.

City Council held their first reading for the above legislation on September 13, 2021.

### **Staff Recommendations:**

Staff recommends approval to City Council of the proposed ordinances.

### **Hounds Town USA**

(Comparable in character determination)

Location: 1152 Pearl Road (Shenandoah Square)  
C-G District

**Proposed Use & Background:**

An application has been submitted to open a dog daycare, overnight boarding, and pet grooming facility in an existing tenant space in the Shenandoah Square plaza. There will be one full-time employee (after the first year) and six to ten part-time employees. There is an existing 6' high fenced area which will enclose a play area for the dogs.

The tenant is seeking a comparable in character determination, as defined in Section 1242.02(26), of a dog daycare and overnight boarding facility to a veterinary hospital and clinic, which is a principally permitted use in the C-G District, pursuant to Section 1260.02(e) of the Zoning Code. As authorized by Section 1280.01(b), the Planning Commission, with the approval of City Council, shall have the power to permit any use comparable in character to any of the specified uses listed under the principally permitted uses, permitted accessory uses, or conditionally permitted uses of any district. The Commission previously approved a comparable in character use for a similar type of facility in the Gateway Plaza on May 2, 2019, which was subsequently approved by City Council on May 13, 2019.

There is sufficient parking in the Shenandoah Square plaza to accommodate the above use, as required by Table 1276-1(d)(5)(A).

**Staff Review Comments:**

1. Pursuant to Section 1280.01(b), the Planning Commission, subject to City Council approval, shall determine if a dog daycare and overnight boarding facility is comparable in character, as defined in Section 1242.02(26), of a dog daycare and overnight boarding facility to a veterinary hospital and clinic, which is a principally permitted use in the C-G District, in accordance with Section 1260.02(e).
2. The fenced-in dog play area is located 42' from the rear property line adjacent to the residential multifamily use of Glencove Commons; Section 1260.05(c) requires a minimum 50' rear setback when adjacent to a residential district or use. The applicant is seeking a variance from the Board of Zoning Appeals on October 18, 2021.

**Staff Recommendations:**

Staff recommends approval to City Council of the comparable in character determination, pending the variance ruling by the Board of Zoning Appeals on October 18, 2021.

