

BRUNSWICK CITY PLANNING COMMISSION

October 19, 2023 - Caucus

6:35 p.m.

Attendance:

Joe Shirilla, Chairman
Brad Saeger, Vice-Chairman
Abbas Hasan, Member
Jeff Arona, Member
John Rocha, Secretary
Kristi Piper, Council Representative
Matt Jones, City Engineer
Santo Incorvaia, Assistant Law Director
Grant Aungst, Community and Economic Development Director
Jennie Lods, Planning and Zoning Coordinator
Brian Ousely, 3185 Laurel Road
Susan Whittaker, 5576 Innovation Drive
Sam Tecca,
Kevin Schemrielt, 5325 Sleepy Hollow Road
Kyle Stallard, 317 Brookpoint Circle
Robert Ordel, 127 Pebble
Lance Osborne, 7670 Tyler Blvd.
Aaron & Lynette Ozanich, 1407 Jefferson
Doug Harsany, WEBEX
Andy Gray, 3660 Embassy Pkwy
James Martynowski, 7670 Tyler Blvd.
Ed Gonzales, 20852 Parkwood Lane
Frank Dascenzo, 400 Techne Center Drive
Michael Paolucci 400 Techne Center Drive
Amin Alsoussou, 17750 Princeton Circle
Travis Crane, 1310 Sharon Copley
Craig Moffat, 701 Finger Lakes Drive
Parker Hudson, 701 Finger Lakes Drive
Jim & Marcia Rosati, 922 Pearl Road
John Fadel, 818 Hanover Road

Chairman Shirilla called the meeting to order at 6:35 p.m.

The first item was **Rosati's Frozen Custard electronic moving message/digital display sign**

(Public hearing – conditional zoning certificate)

Location: 922 Pearl Road (former Honey Hut Ice Cream)

C-G District

Mr. Arona wanted to know if they were here about the ice cream cone on the sign and Miss Lods stated not the cone only the moving message sign because the cone got approved at Board of Zoning Appeals.

The second item was **Liquidation Outlet**
(Public hearing – conditional zoning certificate)
Location: 3333 Center Road (Marc's Plaza)
C-G District

Chairman Shirilla wanted to know when the new code was changed in regards to the 10,560 feet apart and Mr. Aungst answered 2022 it was put into place.

Mr. Arona wanted to know about the code regarding the 10,560 feet apart? Mr. Aungst said if it is a small box discount store it's not permitted within 10,560 feet of another small box discount store.

Mr. Hasan wanted to know if Planning Commission could not approve if it was within 10,560 feet of another small box discount store? Mr. Incorvaia said: No, Planning Commission does not have that power to approve. Mr. Arona also wanted to know why there was a list of schools and churches on the conditional zoning certificate and Grant said the applicant had included that.

The third item was **Sunbelt Brunswick**
(Detailed site plan)
Location: 2887 Westway Drive
I-L District

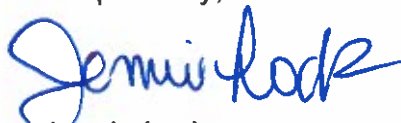
Miss Lods talked about the footcandles being over the 2.4 and Mr. Jones said nothing on the site has changed.

The fourth item was **New Brunswick Development SPD-9**
(Discussion plan)
Location: north of Brunswick Plaza (1480 Pearl Road)
Current zoning C-G District & R & M District
Proposed SPD-9

Miss Lods talked about the highlighted areas of the staff report in regards to the Planning Commission needing to decide on whether they feel this project meets the requirements to move forward as an SPD.

Chairman Shirilla adjourned the meeting at 6:48 p.m.

Respectfully,


Jennie Lods

BRUNSWICK CITY PLANNING COMMISSION

October 19, 2023

6:56 p.m.

Attendance:

Joe Shirilla, Chairman
Brad Saeger, Vice-Chairman
Abbas Hasan, Member
Jeff Arona, Member
John Rocha, Secretary
Kristi Piper, Council Representative
Matt Jones, City Engineer
Grant Aungst, Community and Economic Director
Santo Incorvaia, Assistant Law Director
Jennie Lods, Planning and Zoning Coordinator
Brian Ousely, 3185 Laurel Road
Susan Whittaker, 5576 Innovation Drive
Sam Tecca,
Kevin Schemrielt, 5325 Sleepy Hollow Road
Kyle Stallard, 317 Brookpoint Circle
Robert Ordel, 127 Pebble
Lance Osborne, 7670 Tyler Blvd.
Aaron & Lynette Ozanich, 1407 Jefferson
Doug Harsany, WEBEX
Andy Gray, 3660 Embassy Pkwy
James Martynowski, 7670 Tyler Blvd.
Ed Gonzales, 20852 Parkwood Lane
Frank Dascenzo, 400 Techne Center Drive
Michael Paolucci 400 Techne Center Drive
Amin Alsoussou, 17750 Princeton Circle
Travis Crane, 1310 Sharon Copley
Craig Moffat, 701 Finger Lakes Drive
Parker Hudson, 701 Finger Lakes Drive
Jim & Marcia Rosati, 922 Pearl Road
John Fadel, 818 Hanover Road

Item 1

Chairman Shirilla called the meeting to order at 6:56 p.m.

Ms. Lods called the roll: 5 Present 0 Absent

Item2

Announcements or Correspondence. There were no announcements or correspondence.

Item 3

Approval of October 5, 2023 minutes.

Vice Chairman Saeger wanted it corrected that he was not in fact at the meeting on October 5, 2023 and it showed him on the attendance. Miss Lods had corrected that mistake.

MR. ROCHA MOTIONED TO APPROVE THE MINUTES FROM OCTOBER 5, 2023. MR. HASAN SECONDED THE MOTION. THE VOTE WAS 4 AYES, 1 ABSTAIN – (VICE-CHAIRMAN SAEGER)

Item 4 (a)

Regarding Public hearing – conditional zoning certificate – Rosati's Frozen Custard electronic moving message/digital display sign, Ed Gonzales was present.

Rosati's Frozen Custard electronic moving message/digital display sign

(Public hearing – conditional zoning certificate)

Location: 922 Pearl Road (former Honey Hut Ice Cream)
C-G District

Ed Gonzales with fast signs was present and said they are in complete compliance with the code with the current sign proposal. Chairman Shirilla wanted to know if the ice cream cone was approved at the Board of Zoning Appeals and Miss Lods said that was correct. Chairman Shirilla wanted to make sure there were no further messages being shown on the sign and Mr. Gonzales said no. Mr. Arona wanted to know if the word drive through with the X on the drawings will be there? Mr. Gonzales stated no drive thru words will be on the base, it will be just a blue base.

Public Hearing was opened at 7:01 p.m. No one appeared but Chairman Shirilla read the letter that was received by mail from property owner at 859 Pearl Road. Public Hearing closed at 7:03 p.m.

The Staff Review Comments were addressed as follows:

1. The electronic moving message/digital display ground sign shall comply with Section 1270.17, in particular, in accordance with Section 1270.17(a)(3), the copy (lettering) shall be limited to two colors with a uniform and non-changing contrasting background. Colors shall remain uniform and shall not alternate within any word or message.

The applicant will comply.

2. The electronic moving message/digital display ground sign shall be located a minimum of 2' from the Pearl Road right-of-way and a minimum of 15' from the side property lines.

The applicant will comply.

3. All requirements shall be adhered to on the conditional zoning certificate.

The applicant will comply.

4. Necessary permits and inspections for the electronic sign shall be obtained from the Division of Building.

The applicant will comply.

Staff Recommendations:

Staff recommends approval of the conditional zoning certificate.

There were no further discussions from the Commission.

MR. ARONA MADE A MOTION TO APPROVE THE CONDITIONAL ZONING CERTIFICATE FOR ROSATI'S FROZEN CUSTARD ELECTRONIC MOVING MESSAGE/DIGITAL DISPLAY SIGN, 922 PEARL ROAD, BRUNSWICK, OHIO (FORMER HONEY HUT ICE CREAM) IN THE C-G DISTRICT. APPLICANT CONFIRMED NO DRIVE THRU MESSAGE WILL BE ON THE BASE AND THE ICE CREAM CONE WAS APPROVED BY BZA.

Mr. ROCHA seconded.

5 ayes, 0 nays

Item 4 (b)

Regarding the public hearing and conditional zoning certificate – Liquidation Outlet, Frank Dascenzo was present.

Liquidation Outlet

(Public hearing – conditional zoning certificate)

Location: 3333 Center Road (Marc's Plaza)

C-G District

Mr. Dascenzo was present and stated that he didn't feel that this store fits into the classification of a small box discount store and the merchandise will sell for much more than ten dollars. Chairman Shirilla wanted to know if Mr. Dascenzo's only reason for believing it was not a small box discount store was due to the fact things would be sold for more than ten dollars? Mr. Dascenzo replied yes, that was his main reason. Mr. Dascenzo wanted to know exactly when the Code was passed and Mr. Aungst replied: in 2022.

Mr. Incorvaia said what they are presenting is contrary to the original application that was submitted to the building department. The original application stated: everything five dollars and less. The next submittal was liquidation outlet with no additional information and there was still an indication that most of the items would be sold for ten dollars or less. Mr. Dascenzo said that was submitted prior to them knowing the Code. The applicant is trying to meet the Code and feels that they are in compliance with the Code. Mr. Dascenzo felt Dollar General that used to be there was allowed to be there. Chairman Shirilla wanted to know what was the purpose of submitting four different store names? Was it to slide under the Code? Mr. Dascenzo said no it was not. They did everything they could do to meet the Code. Mr. Dascenzo felt that the way the Code is written it would prevent a Hallmark Card shop to open there. It would prohibit an Ulta Beauty and many other stores were named.

Mr. Hasan stated that regardless of what would be allowed to go into that location is beside the point, it's what the Code states and tenants need to follow the ordinances. Mr. Hasan said when they started out, they wanted to sell items for five and below and once they read the Code, they changed that amount. Mr. Hasan feels that he does not see a lot of higher priced items on the list. Everything starts at one or five dollars so he is having a hard time thinking they will end up selling 50 percent or more of items that are over ten dollars. Mr. Dascenzo said that list is just a range of different merchandise. Mr. Dascenzo passed out pictures to the Board members with various merchandise that would be sold.

Chairman Shirilla stated he looked at the wording that says most of the products are being sold for ten dollars or less. Mr. Incorvaia said if more than 50 percent of the products are being sold for ten dollars or less it's considered a small box retail store per Code. Chairman Shirilla read the some of the business plan and felt that more than 50 percent of the items were being sold for ten dollars and less.

Mr. Aungst wanted to go over a brief history of how the applicant got to Planning. The city was not aware applicant was moving in until they asked for occupancy. Mr. Aungst went and looked at another location the applicant owned in Brook Park, Ohio and it was clearly like a dollar store in his opinion. Mr. Aungst spoke with Mr. Dascenzo about this and at it was at that point the applicant started trying to modify what they had originally submitted.

Vice Chairman Saeger asked Mr. Incorvaia about what would come next once the board decides if this is or isn't a small box discount store. Mr. Incorvaia replied: if the Planning Commission finds it's a small box discount store, then it will get denied due to the fact it is within the 2-mile radius from another small box discount store. If the Planning Commission approves it then the owner moves in. Vice Chairman Saeger was concerned about the owner changing how they run the store after it gets approved, for example: what if they start selling items for ten dollars or less? Mr. Incorvaia said they would not be able to continue to operate and the city could shut them down. Mr. Aungst said that would be a challenge.

Amin Alsoussou of 17750 Princeton Circle, Strongsville, Ohio addressed the board. Mr. Alsoussou is the owner of the Liquidation Outlet. He stated that he started with the five dollar deals because he didn't understand the Code. Once he understood the Code, he brought in bigger ticket items such as arts and crafts. He owns a warehouse on E 55th in Cleveland that he stores the merchandise in. He stated that it's a liquidation outlet and they sell things for 50 percent off their original price. Most of his items are over ten dollars. They have a lot of framed art they would like to sell from the warehouse and not many places in Brunswick sell framed art.

Mr. Incorvaia asked Mr. Alsoussou if he initially submitted an application stating that all items would be five dollars and below and if a different application was submitted stating that they were a Liquidation outlet? Was a separate application submitted? Mr. Alsoussou said he believed he did. Mr. Incorvaia just wants to clarify what type of store this is going to be. This is what the Planning Commission is trying to understand. They could go to the BZA and ask for a variance. Mr. Alsoussou stated not being able to open has been very hard on him especially because he has a lot of Fall items he would like to sell. Mr. Incorvaia stated that the Planning Commission is just trying to follow the Code and no one is against the store opening.

Mr. Hasan also stated to the applicant that the Planning Commission has to go by the Code that is in front of them. He does not see something that validated that the merchandise will be sold for more than ten dollars.

Mike Paolucci addressed the Board as the lawyer for the owner – Mr. Paolucci stated his address at 400 Techne Center Drive, Suite 400, Millford, OHIO. He was concerned that the change in the application has been the focus on most of the conversation. He feels that the tenant is trying to meet the requirements of the Code and that is why he changed the application. Mr. Paolucci talked about Mr. Aungst visiting the Brook Park location and stated that the store does not look as it did when Mr. Aungst visited it. In addition, Brook Park's demographics are not the same as Brunswick.

Mr. Hasan asked Mr. Incorvaia how long are conditional zoning certificates valid for? Mr. Incorvaia replied: If we approve it as a small box discount store, then we cannot approve the conditional zoning certificated. If it is a retail store then no conditional zoning certificate is required and it would be turned over to the Building Department. Lastly, the applicant could table the matter.

Mr. Arona stated that we have a public hearing before us for a conditional zoning certificate and whether this is a small box discount store or not. Is this the Planning Commission's responsibility to determine whether or not this is a small box discount store? Mr. Incorvaia said if Planning Commission determines that it is not a small box discount store then we can proceed accordingly. Or, Planning Commission could deny it and they could go to BZA.

Mr. Hasan asked Mr. Incorvaia what would happen if they found it to be a small box discount store? Mr. Incorvaia replied that the Planning Commission would have to deny it. Mr. Hasan said secondly, if it is not a small box discount store then there is no need for the conditional zoning certificate? Mr. Incorvaia said that is correct and then the applicant would go to the Building Dept.

Mr. Dascenzo wanted to make a point that on the application, they were told they have to fill that out in order to come to the Planning Commission. He wanted to be clear they do not feel they are a small box discount store.

Vice Chairman Saeger asked Mr. Incorvaia that if the applicant fills out another application, could they go straight to the building department? Mr. Incorvaia said that is correct.

Mr. Aungst stated that they need to pick one. It would not be a fast process because the fire department would have to get involved along with proper inspections.

Chairman Shirilla read the Code regarding small box discount stores. He discussed the list of items the store was going to sell. There are no food items they will be selling. And most items are ten dollars or less. Chairman Shirilla feels that all these points make them a small box discount store.

Mr. Hasan said the applicant is challenging the fact that they are not a small box discount store. Mr. Hasan feels that the application is not valid. Chairman Shirilla feels that the application in front of the Planning Commission is valid. Mr. Hasan feels that the applicant should table this and they should go straight to the building department.

Chairman Shirilla stated that the Planning Commission has to follow Code and set precedence. If they reapply with building, building is not going to make that decision on whether they are a small box discount store. Chairman Shirilla asked Mr. Incorvaia if the applicant would have to submit a different application.

Mr. Aungst felt that based on what we have been given, this appears to be a small box discount store.

Vice Chairman Saeger thinks that the scenarios they are talking about is if the Planning Commission finds that this is not a small box discount store, then they will need to fill out a different application. Another scenario would be to withdraw the application and submit another one stating they are not a small box discount store. Mr. Paolucci asked if they file an affidavit and satisfies Mr. Aungst, does the Planning Commission's jurisdiction come to an end? Mr. Incorvaia replied: Yes.

Vice Chairman Saeger asked Mr. Incorvaia if we still needed a public hearing if the applicant decides to withdraw the application? Mr. Incorvaia replied: NO.

Chairman Shirilla asked the applicant what he wanted to do. Mr. Paolucci also asked the applicant what he wanted to do. The applicant, Mr. Alsoussou decided he wanted to

withdraw the application and submit another one explaining everything better with a very descriptive list of items.

There will be no public hearing.

The Staff Review Comments were addressed as follows:

1. The proposed Liquidation Outlet store is less than 10,560 feet away from an existing small box discount store located at 3840 Center Road (Dollar General).
Applicant withdrew the application
2. The applicant has provided the Administration with multiple differing business names and uses, some of which appear to fall within the definition of a small box discount store.
Applicant withdrew the application
3. All stipulations shall be adhered to on the conditional zoning certificate.
Applicant withdrew the application

Staff Recommendations:

Staff withholds recommendation until the above Staff Review Comments are addressed.

Item 4 (c)

Regarding the detailed site plan – Sunbelt Brunswick, Craig Moffat and Parker Hudson was present.

Sunbelt Brunswick

(Detailed site plan)

Location: 2887 Westway Drive
I-L District

Craig Moffat and Parker Hudson of 701 Finger Lakes Drive, Wake Forest, NC 27587.

Mr. Hudson presented over WEBEX. Mr. Moffat discussed elevations. Chairman Shirilla wanted to know how high the masonry was? Mr. Moffat stated 4 feet. Nothing has changed with the floor plan. The site plan shows where the asphalt is and there are details to show the slotted fence. They clarified the hard surface storage yard in the back has not changed. They have met all the staff comments and performance standards. They have changed the photometrics to 1.8 where they were at 2.8.

Matt Jones does not have an issue with what is being presented. The applicant has nothing further to add.

The Staff Review Comments were addressed as follows:

1. Pursuant to Section 1266.07, any assembly, production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products within the I-L District shall be conducted so as not to create odor, dust, noise, vibrations, smoke, glare, radiation, or electromagnetic interference in amounts greater than those permitted by appropriate Federal, State and/or performance standards established by this Section. Performance standards in compliance with Section 1266.07 shall be submitted with the detailed site plan.
Applicant will comply
2. A photometrics plan has been submitted indicating a minimum 0.6 footcandle level for parking and pedestrian areas, pursuant to Section 1276.14(a). However, the side drive has an average illumination level of 2.8 footcandles; Section 1276.14(c) permits a maximum of 2.4 footcandles.
Applicant has changed the 2.8 footcandle to 1.8.

Staff Recommendations:

Staff recommends approval of the detailed site plan, provided the above items are addressed.

VICE CHAIRMAN SAEGER MADE A MOTION TO APPROVE THE DETAILED SITE PLAN FOR SUNBELT BRUNSWICK, 2887 WESTWAY DRIVE.
Mr. Arona seconded the motion. The vote was 5 Ayes, 0 Nays

Item 4 (d)

Regarding the discussion plan – New Brunswick Development SPD-9, Lance Osbourne and Andy Gray were present.

New Brunswick Development SPD-9

(Discussion plan)

Location: north of Brunswick Plaza (1480 Pearl Road)
Current zoning C-G District & R & M District
Proposed SPD-9

Miss Lods stated that the Planning Commission needed to make sure this discussion plan qualifies as an SPD before they can go any further with the case.

Mr. Osbourne of 7670 Tyler Blvd., in Mentor, OH 44060 addressed the park along with Mr. Gray of 3660 Embassy Parkway.

Mr. Osbourne has an agreement to acquire almost 19 acres. They have been trying to come up with a plan even though there are some restraints on the site. There are sanitary easements that cross the property and a 50-foot fall on the topo. It goes northwest and heads west into a paver street. Then heads east over towards Pearl Road and then south again. They are proposing a mixed-use development. Mr. Osbourne went over what they would be putting on the different acres. He discussed

the entire site with the Planning Commission. Mr. Gray stated that he feels it is a mixed - use development. He hopes it will bring a lot of life into that area. He feels they are meeting a lot of the requirements as far as density, parking and setbacks. There is emergency access for the fire department around the entire facility. They feel they are going above and beyond the Code. They will be lining the under - side of the balconies to prevent possible fire from spreading. They feel they have met all the staff comments.

Mr. Arona said before we get into the aesthetics of the property, we need to make sure this qualifies as an SPD. Mr. Osbourne feels they put the allowable uses in there. They cannot put a footprint on the retail basis just yet without knowing what the tenants would be. Mr. Arona would like to see the retail basis. He would like to know what they foresee. Mr. Arona also feels one pocket park is not enough and would only service one section of the site and would need to see more of them throughout the entire site. He feels that the entire plaza could use updates. He would like to see a larger block toward 303 be used as commercial. Mr. Gray mentioned there is not a lot of frontage on this property to work with.

Vice Chairman Saeger wanted to know the difference between this property as an SPD vs. zoned a denser residential. There may be differences in setbacks for them and another thing that is concerning is the traffic and would like a traffic study performed. There would have to be a rather restrictive requirement with storm water, you can't make things worse, you have to make them better. He would recommend a more restrictive storm water to protect surrounding residents. Mr. Gray assured the Planning Commission that the standards will be improved regarding the storm water.

Chairman Shirilla asked Ms. Piper if there was a moratorium in effect for apartments? Mr. Aungst answered no. The code was upgraded to stricter requirements. The purpose of this discussion plan is to see if they meet the SPD requirements. What he sees so far is not an SPD. He only sees parking, garages and apartments. Chairman Shirilla will not support 4 story apartments. Most of the frontage is going to be a parking lot. 6 apts. and 9 parking garages on a small lot is what he sees. Chairman Shirilla feels they have failed to merit this site as an SPD.

Mr. Aungst stated the applicant did work with the fire department with safety issues with it being 4 stories high. Chairman Shirilla wanted to know what these apartments would bring to the city because they are only 570 sq. ft. Chairman Shirilla wants to see a lot more in order to consider this an SPD. He feels that it is not creative enough to be an SPD.

Mr. Hasan stated he doesn't mind 4 stories but agrees with Chairman Shirilla on some of the issues. Currently its zoned C-G and R-M, he asked the applicant what are we really gaining out of this? Unless there is something new and different that they are bringing to the table, he doesn't see anything.

Mr. Jones wanted the Planning to Commission to think about what the comparison would be if they developed it at current zoning vs SPD.

Public Comment Period has opened at 9:19 p.m.

Ms. Jolly of Jefferson Ave. brought pictures showing flooding issues. Chairman Shirilla said this would be improved if this project was approved. He wanted to know what she thought about the project? She answered she does not like it.

Lynette Ozanich of 1407 Jefferson has lived there for 28 years and is worried about the green space. They have a secluded quiet neighborhood and it is a big concern she has.

Brian Ousley of 3105 Laurel Road feels that area is a disaster during the morning hours. The concept is great but a bad location. He feels it does not fit the neighborhood. He also felt that the City of Brunswick does not have enough emergency workers to handle the amount of people with the growing apartment buildings.

Public Comment Period Closed at 9:27 p.m.

Mr. Jones said developing this area will improve the flooding issues.

Mr. Osbourne will submit a new discussion plan for the Planning Commission.

The Staff Review Comments were addressed as follows:

1. Pursuant to Section 1268.01, the purposes of the SPD Special Planning District are as follows:
 - (a) To regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the Zoning Code;
 - (b) To promote creative and sensitive site planning;
 - (c) To provide for a greater range or mixture of compatible uses than would be allowable in the standard zoning districts of this Code, while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment;
 - (d) To provide an effective method for the City to guide the development of such areas so as to preserve unique characteristics or to provide for the greater range or mixture of land uses when appropriate and;
 - (e) To create a regulatory structure which will allow more flexible and creative design of the built environment, within the limits of the approved conceptual development plan, than is possible with the lot-by-lot design approach of a conventional zoning district.

The Planning Commission and City Council shall determine if the above purpose has been met.

2. In accordance with Section 1268.05(c), in order for City Council to create an SPD, they must first make written findings that the proposed SPD will meet the objectives of Section 1268.01, as listed above, and that one or more of the following conditions exist with the proposed SPD:
 - (1) A concentration of existing or proposed retail, service or industrial establishments serving as a business activity center for the community.
 - (2) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities.
 - (3) 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.
3. Provide the amount of common open space; for comparison, Section 1286.04(a) for multifamily and mixed-use development requires a minimum of 35% of the development area, excluding the right-of-way. Common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents and their guests of a multifamily complex. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas, and individually controlled land.
4. Balconies are shown for private open space for each multifamily dwelling; for comparison, Section 1286.04(d) regarding multifamily and mixed-use development states private open space at the ratio of 100 square feet per unit shall be provided.
5. Provide the amount of recreation space; for comparison, Section 1286.04(c) regarding multifamily and mixed-use development requires a minimum of 5.8% of the development area, excluding the right-of-way. Recreation space shall be appropriately improved for use by residents and their guests, and shall include a mix of activities, such as play apparatus; active use areas for tennis, basketball or comparable activities; areas for sitting or gathering; open play fields, and walkways or other recreation improvements (except walks adjacent to a private street or drive). All recreation space shall have a least dimension of 50 feet. In multifamily developments of more than four acres, at least one recreation area shall be a block with minimum dimensions of 100' x 100' and the balance shall be in large blocks to support its intended recreation use. Improvements to recreation space may be considered for park and recreation credits as provided by Chapter 1232.
6. Pursuant to Section 1282.06(c), when any multifamily use abuts any residential zone, a minimum 15' side and/or rear screening yard is required with either a staggered double row of evergreens and trees from Plant Lists "B" and "C", 15'

on-center, plus a single row of 6' tall hedge from Plant List "E"; or a 6' tall wall or fence and trees from Plant List "A", 25' to 35' on-center.

7. The top floor balcony ceilings should be constructed of similar non-combustible material comparable to what is used on the balconies.
8. Provide a sidewalk connection near the driveway from Pearl Road to the townhomes for pedestrian access, pursuant to Section 1278.09(d).
9. In accordance with Section 1278.03(h), during the course of reviewing a site plan, the Planning Commission or Council may find that the assistance of a qualified consultant is necessary to fully determine the effects of the proposal. The applicant shall pick the consultant, subject to Planning Commission approval, and shall bear the costs of the consultant.

None of the staff comments have been met, the applicant will be coming back with another discussion plan.

Staff Recommendations:

Staff withholds recommendation until the above items are addressed.

MR. HASAN MADE A MOTION TO CONTINUE DISCUSSIONS OF THE PLAN AT A FUTURE DATE PER THE APPLICANTS REQUEST FOR NEW BRUNSWICK DEVELOPMENT SPD-9, NORTH OF BRUNSWICK PLAZA (1480 PEARL ROAD) Vice Chairman Saeger seconded the motion. The vote was 4 Ayes, 1 Nays (Chairman Shirilla)

Item 5

Old Business - There was no old business.

Item 6

New business – Costa 10-Minute Oil Change Public Hearing and conditional zoning certificate and Castek Inc. site plan review.

Item 7

Public Comment Period – Held earlier in the evening.

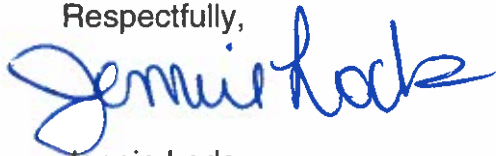
Item 8

Council Representative's Report – No Report. Mr. Arona announced he would not be attending the next meeting on November 2, 2023.

MR. ROCHA MADE A MOTION TO ADJOURN
Vice Chairman Saeger seconded the motion. The vote was 5 Ayes 0 Nays.

The meeting was adjourned at 9:37 p.m.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jennie Lods", written in a cursive style.

Jennie Lods

PLANNING COMMISSION STAFF REPORT

October 19, 2023

Rosati's Frozen Custard electronic moving message/digital display sign

(Public hearing – conditional zoning certificate)

Location: 922 Pearl Road (former Honey Hut Ice Cream)
C-G District

Proposed Use & Background:

A conditional zoning certificate application has been submitted by Rosati's Frozen Custard to erect an electronic moving message/digital display ground sign that will replace the existing Honey Hut ground sign. The sign will consist of a 28.88 sq. ft. sign face area, with a 6'-4" height, comprised of a 4'-4" high sign face area and 2' high base, in compliance with the maximum 40 sq. ft. sign face area and maximum 7' height permitted by Sections 1270.17(b) and 1270.05 – Table B of the Zoning Code.

Electronic moving message/digital display signs are a conditionally permitted use in the C-G General Commercial District, pursuant to Section 1260.04(r), subject to Section 1270.17 of the Zoning Code.

Staff Review Comments:

1. The electronic moving message/digital display ground sign shall comply with Section 1270.17, in particular, in accordance with Section 1270.17(a)(3), the copy (lettering) shall be limited to two colors with a uniform and non-changing contrasting background. Colors shall remain uniform and shall not alternate within any word or message.
2. The electronic moving message/digital display ground sign shall be located a minimum of 2' from the Pearl Road right-of-way and a minimum of 15' from the side property lines.
3. All requirements shall be adhered to on the conditional zoning certificate.
4. Necessary permits and inspections for the electronic sign shall be obtained from the Division of Building.

Staff Recommendations:

Staff recommends approval of the conditional zoning certificate.

Liquidation Outlet

(Public hearing – conditional zoning certificate)

Location: 3333 Center Road (Marc's Plaza)
C-G District

Proposed Use & Background:

A conditional zoning certificate application has been submitted by Liquidation Outlet to operate a small box discount store. Small box discount stores are a conditionally permitted use in the C-G General Commercial District, pursuant to Section 1260.04(x), as defined in Section 1242.02(76.1) of the Zoning Code, subject to a minimum distance of 10,560 feet between each small box discount store.

A small box discount store is defined as “a retail store between 3,000 and 15,000 square feet that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off-premises consumption, most of which are sold for ten dollars (\$10.00) or less, and that does not dedicate at least fifteen percent (15%) of shelf space to fresh food and produce.”

Hours of operation will be Monday through Saturday from 10:00 a.m. to 8:00 p.m., and Sunday from 12:00 p.m. (noon) until 6:00 p.m.

Staff Review Comments:

1. The proposed Liquidation Outlet store is less than 10,560 feet away from an existing small box discount store located at 3840 Center Road (Dollar General).
2. The applicant has provided the Administration with multiple differing business names and uses, some of which appear to fall within the definition of a small box discount store.
3. All stipulations shall be adhered to on the conditional zoning certificate.

Staff Recommendations:

Staff withholds recommendation until the above Staff Review Comments are addressed.

Sunbelt Brunswick

(Detailed site plan)

Location: 2887 Westway Drive
I-L District

Proposed Use & Background:

At their meeting on September 7, 2023, the Planning Commission moved the discussion plan to a detailed site plan to construct a 24,000 sq. ft. equipment rental facility, along with outside storage, on a 13.82-acre site. The proposed lot width of 298' meets the minimum 100' width required by Section 1266.05(b). The site complies with the minimum 50' front yard setback, and minimum 25' side and rear yard setback required by Section 1266.05(c), (d), and (e), respectively. The 27'-1" building height meets the maximum 55' height permitted by Section 1266.05(f).

Wholesale establishments are a principally permitted use, pursuant to Section 1266.02(b). Hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday.

A stormwater detention pond is indicated in the front yard near Westway Drive. A 400' sq. ft. fuel island and 640 sq. ft. concrete pad are located on the east (rear) side of the building.

The majority of Staff Review Comments from the September 9, 2023 were addressed as follows:

1. Outdoor storage is proposed for the facility; pursuant to Section 1266.06, the Planning Commission approved enclosing this area with a 6' high chain link fence with black slats that will be topped with barbed wire, as permitted by Section 1464.06(b) of the Building Code; a portion of the fence will be galvanized. As requested, the fence has been indicated on the site plan (Sheet C4).
2. Striping and dimensions of the two handicap spaces, including one van-accessible space, has been shown on the site plan, in accordance with Table 1106.1 and Section 1106.5 of the 2017 Ohio Building Code.
3. The building elevations have been relabeled as "front", "back", "right" and "left".
4. Split-face block has been added on the north and south elevations between the garage doors along the bottom portion of the building, along with the addition of wall sconces by the man-doors.
5. The proposed fire hydrant locations have been indicated on Sheet C6.
6. In compliance with Section 1282.06(f), a landscape plan has been submitted indicating that 5% (750 sq. ft.) of the total front yard area will be landscaped with trees, shrubs, planting beds, and/or perennial borders and beds in a design selected by the owner.
7. Signage will be provided stating that no retail sales or retail rentals will be available at this location, as this type of use is prohibited by Section 1266.01.

Staff Review Comments:

1. Pursuant to Section 1266.07, any assembly, production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products within the I-L District shall be conducted so as not to create odor, dust, noise, vibrations, smoke, glare, radiation, or electromagnetic interference in amounts greater than those permitted by appropriate Federal, State and/or performance standards established by this Section. Performance standards in compliance with Section 1266.07 shall be submitted with the detailed site plan.
2. A photometrics plan has been submitted indicating a minimum 0.6 footcandle level for parking and pedestrian areas, pursuant to Section 1276.14(a). However, the side

drive has an average illumination level of 2.8 footcandles; Section 1276.14(c) permits a maximum of 2.4 footcandles.

Staff Recommendations:

Staff recommends approval of the detailed site plan, provided the above items are addressed.

New Brunswick Development SPD-9

(Discussion plan)

Location: north of Brunswick Plaza (1480 Pearl Road)
Current zoning C-G District & R-M District
Proposed SPD-9

Proposed Use & Background:

Pursuant to Section 1268.04 of the Zoning Code, a conceptual plan and development guidelines have been submitted to rezone approximately 28.2141 acres from the existing C-G General Commercial District and R-M Medium Density Residential District to create Special Planning District No. 9, consisting of six parcels as follows: Permanent Parcel Nos. 003-18C-02-072, 003-18C-02-081, 003-18C-02-082, 003-18C-02-089, 003-18C-02-011, and 003-18C-02-108, which meets the minimum 10 acres to establish a SPD required by Section 1268.05(a).

The development will consist of four subdistricts as follows: 216 residential apartments consisting of two 3-story buildings containing 30 units each, and three 4-story buildings containing 41 units each, including 10 detached garages; one 4-story mixed-use building with four retail tenant spaces on the first floor and 33 units on the second through fourth floors; 63 townhomes with attached garages; and future commercial development. The density of the residential townhomes is a maximum of 7 units per acre, and the apartments have a maximum density of 28 units per acre. The maximum building height for the apartments is 65', with a maximum 3-story height for the townhomes.

For the apartments, a total of 361 parking spaces will be provided consisting of 256 unenclosed spaces; 97 spaces in garages; and 8 handicap spaces (2 van-accessible). The number of handicap spaces complies with Table 1106.01 and Section 1106.5 of the 2017 Ohio Building Code. Parking spaces measure 9' wide by 19' long, in compliance with Table 1276-3 for 90° angle parking spaces. The aisle width for two-way traffic meets the minimum 24' required by the above Table. Pursuant to Section I(C)(4)(a) of the SPD-9 Development Guidelines for the townhomes, each dwelling unit will have two parking spaces per unit in a garage which is physically attached to and directly accessible from the dwelling unit, along with a driveway that will accommodate two standard size cars.

There is a 30' distance between the apartment buildings on the western portion of the site, which is in keeping with the minimum 20' required by Section 1286-3(d) for multifamily and mixed-use development.

Regarding common open space, communal outdoor areas are indicated around each apartment building. Residential and commercial dumpsters are located on the west and east sides of the site. Snow removal areas are designated on the perimeter of the development. Pedestrian access for the development is indicated on Sheet 1, as required by Section 1278.09. A pocket park is located in the southwest corner of the site for recreation purposes. Two stormwater management ponds are shown: one along the west side of the development, and one located between the townhomes and the 3-story apartment building.

As indicated on Sheet PSK3, the building façade for the apartment buildings will be constructed with fiber cement lap siding (Hardie Board or equal), combined with brick veneer and Alside premium vinyl siding in earth-tone colors. A wood deck and balcony with PVC railings and spindles are shown. The roof will utilize asphalt shingles with a decorative gable constructed with staggered shake vinyl siding.

The apartment buildings will contain one and two-bedroom units, ranging in size from 790 sq. ft. to 980 sq. ft. for a one-bedroom unit, and 1,206 sq. ft. for a two-bedroom unit. For comparison purposes, Section 1286.02(b)(1) and (2), respectively, require a minimum of 800 sq. ft. for a one-bedroom unit and 950 sq. ft. for a two-bedroom unit.

A photometrics plan has been submitted indicating the average illumination level for the parking lots at 2.06 footcandles and the roadways at 1.99 footcandles, in compliance with the maximum 2.4 footcandles permitted by Section 1276.14(c). The lighting level adjacent to the residential property lines to the northwest complies with the maximum one footcandle allowed by Section 1276.14(d).

Staff Review Comments:

1. Pursuant to Section 1268.01, the purposes of the SPD Special Planning District are as follows:
 - (a) To regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the Zoning Code;
 - (b) To promote creative and sensitive site planning;
 - (c) To provide for a greater range or mixture of compatible uses than would be allowable in the standard zoning districts of this Code, while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment;
 - (d) To provide an effective method for the City to guide the development of such areas so as to preserve unique characteristics or to provide for the greater range or mixture of land uses when appropriate and;
 - (e) To create a regulatory structure which will allow more flexible and creative design of the built environment, within the limits of the approved conceptual

development plan, than is possible with the lot-by-lot design approach of a conventional zoning district.

The Planning Commission and City Council shall determine if the above purpose has been met.

2. In accordance with Section 1268.05(c), in order for City Council to create an SPD, they must first make written findings that the proposed SPD will meet the objectives of Section 1268.01, as listed above, and that one or more of the following conditions exist with the proposed SPD:
 - (1) A concentration of existing or proposed retail, service or industrial establishments serving as a business activity center for the community.
 - (2) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities.
 - (3) 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.
3. Provide the amount of common open space; for comparison, Section 1286.04(a) for multifamily and mixed-use development requires a minimum of 35% of the development area, excluding the right-of-way. Common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents and their guests of a multifamily complex. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas, and individually controlled land.
4. Balconies are shown for private open space for each multifamily dwelling; for comparison, Section 1286.04(d) regarding multifamily and mixed-use development states private open space at the ratio of 100 square feet per unit shall be provided.
5. Provide the amount of recreation space; for comparison, Section 1286.04(c) regarding multifamily and mixed-use development requires a minimum of 5.8% of the development area, excluding the right-of-way. Recreation space shall be appropriately improved for use by residents and their guests, and shall include a mix of activities, such as play apparatus; active use areas for tennis, basketball or comparable activities; areas for sitting or gathering; open play fields, and walkways or other recreation improvements (except walks adjacent to a private street or drive). All recreation space shall have a least dimension of 50 feet. In multifamily developments of more than four acres, at least one recreation area shall be a block with minimum dimensions of 100' x 100' and the balance shall be in large blocks to support its intended recreation use. Improvements to recreation space may be considered for park and recreation credits as provided by Chapter 1232.

6. Pursuant to Section 1282.06(c), when any multifamily use abuts any residential zone, a minimum 15' side and/or rear screening yard is required with either a staggered double row of evergreens and trees from Plant Lists "B" and "C", 15' on-center, plus a single row of 6' tall hedge from Plant List "E"; or a 6' tall wall or fence and trees from Plant List "A", 25' to 35' on-center.
7. The top floor balcony ceilings should be constructed of similar non-combustible material comparable to what is used on the balconies.
8. Provide a sidewalk connection near the driveway from Pearl Road to the townhomes for pedestrian access, pursuant to Section 1278.09(d).
9. In accordance with Section 1278.03(h), during the course of reviewing a site plan, the Planning Commission or Council may find that the assistance of a qualified consultant is necessary to fully determine the effects of the proposal. The applicant shall pick the consultant, subject to Planning Commission approval, and shall bear the costs of the consultant.

Staff Recommendations:

Staff withholds recommendation until the above items are addressed.