

BRUNSWICK CITY PLANNING COMMISSION

October 17, 2024 - Caucus

6:41 p.m.

**Attendance:**

Joe Shirilla, Chairman  
Brad Saeger, Vice-Chairman  
Jeff Arona, Member  
John Rocha, Secretary  
Joe Delsanter, Council Representative  
Jenny Zoldak, City Engineer  
Jennie Lods, Planning and Zoning Coordinator  
Santo Incorvaia, Assistant Law Director  
Grant Aungst, Community and Economic Development Director  
Tom Ludwig, 1310 Sharon Copley Road  
Greg Clement, 296 Pearl Road  
Lucas Merkel, 131 Falmouth  
Travis Crane, 1310 Sharon Copley Road  
Chris Hampton, 102 Sawgrass, Williard Missouri

Chairman Shirilla called the meeting to order at 6:41 p.m.

The first item was **Culver's Restaurant mural**

(Public hearing – conditional zoning certificate)

Location: 3725 Center Road

C-G District

Chairman Shirilla talked about the Code Section that explains what a mural is. Vice-Chairman Saeger asked if they were deciding on whether or not that deemed that as mural at the meeting. Chairman Shirilla asked Mr. Incorvaia that question and he answered yes, they need to decide if it fits the definition of a mural.

The second item was **Mapleside Farms SPD-10**

(Revised discussion plan)

Location: 242, 250, 294, 296, and 298 Pearl Road; and 4532 and 4556 Boston Road

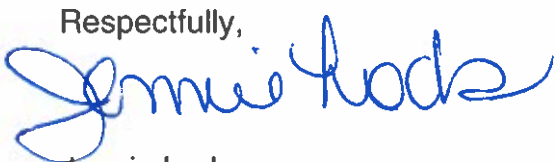
Current C-G & R-R Districts

Proposed SPD-10

Chairman Shirilla said they had made some changes and this was the fourth time they were coming before the Commission. Chairman Shirilla stated that they have to take into account what an SPD is this evening.

Chairman Shirilla adjourned the meeting at 6:44 p.m.

Respectfully,



Jennie Lods

# BRUNSWICK CITY PLANNING COMMISSION

October 17, 2024

6:55 p.m.

## **Attendance:**

Joe Shirilla, Chairman  
Brad Saeger, Vice-Chairman  
Jeff Arona, Member  
John Rocha, Secretary  
Joe Delsanter, Council Representative  
Jenny Zoldak, City Engineer  
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Tom Ludwig, 1310 Sharon Copley Road  
Greg Clement, 296 Pearl Road  
Lucas Merkel, 131 Falmouth  
Travis Crane, 1310 Sharon Copley Road  
Chris Hampton, 102 Sawgrass, Williard Missouri

## Item 1

Chairman Shirilla called the meeting to order at 6:55 p.m.

Miss Lods called the roll: 4 Present, 1 Absent (Abbas Hasan)

## Item 2

Announcements or Correspondence. There were no announcements or correspondence.

Vice-Chairman Saeger made a motion to excuse Mr. Hasan for just cause.  
Chairman Shirilla seconded the motion.  
4 Ayes, 0 Nays.

## Item 3

Approval of September 5, 2024 minutes.

MR. ROCHA MOTIONED TO APPROVE THE MINUTES FROM SEPTEMBER 5, 2024.  
VICE-CHAIRMAN SAEGER SECONDED THE MOTION. THE VOTE WAS 4 AYES, 1  
ABSTAIN (CHAIRMAN SHIRILLA)

Item 4 (a)

**Culver's Restaurant mural**

(Public hearing – conditional zoning certificate)

Location: 3725 Center Road

C-G District

Regarding the public hearing and conditional zoning certificate – Culver's Restaurant. Chris Hampton from Springfield sign was present.

Mr. Hampton said that Culver's is under a rebrand and the blue barn is a representation of the owner's farm to table type deal. The 84 is when they were established.

Chairman Shirilla asked Mr. Hampton if they were implementing this on the other establishments. Mr. Hampton answered yes if other cities will allow it and when they do the remodels, they will do this.

Chairman Shirilla talked about the staff review comments:

**Staff Review Comments:**

1. Section 1270.15(b)(11) states a mural is a graphic (artistic) expression applied directly to a building or structure, **which is not intended for advertisement purposes**; and pursuant to Section 1270.16(c), **murals shall be non-verbal**. Staff has concerns as to whether it complies with the above requirements, as there is wording on the mural. Chairman Shirilla didn't feel that there were any advertisements on this. This issue that needs discussed is the wording on there. "Welcome to Delicious", "Wisconsin with Love" and Chairman Shirilla wanted to know what the 1984 stood for and Mr. Hampton stated it was when they were established. Vice-Chairman Saeger said when he goes to the Culver's website, "Welcome to delicious" is there slogan so the impression he gets is it is an advertisement that would specifically be not permitted under the Zoning Code. Mr. Arona said he felt it had a verbal message as well and did not feel that it was a mural. He felt the advertising was there and wondered how the Commission should work through it. If it is deemed a sign there are issues that need to be worked through. Mr. Aungst had a conversation with one of the proposed owners and described to him what a mural is described as and suggested that he could make it bigger and put it directly on the building because right now it is not being painted on the wall, it is being hung on the wall. It needs to be graphic and artistic. Staff withheld recommendation because they are not sure it is considered a mural. Staff is not opposed to mural but it actually needs to be a mural. Chairman Shirilla acknowledged that this was something that is hanging and could easily be removed and replaced. Mr. Hampton stated that because the building is stucco it would be hard to paint this directly on the building but this is vinyl. Mr. Incorvaia felt that this did not meet the definition in our Code. Mr. Aungst stated that the city very much encourages murals and would bring a lot of character and interest if done correctly. Mr. Arona asked if it is deemed not a mural then does that make it a sign. Mr. Aungst said that would depend on the applicant and what would be presented next. If it is deemed a

sign then they would have to go before the BZA for a variance because they are currently over signage. Mr. Arona did not feel that this was a mural.

2. Pursuant to Section 1270.16(a)(1) and (2), respectively, the owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. Additionally, the permit application shall include a statement detailing the applicant's plans for the maintenance, repair or removal of the mural. Upon removal of the mural, the entire wall face shall be painted by the owner(s) or person in possession of the wall with quality exterior paint guaranteed by the manufacturer to last a period of ten years or more.
3. In accordance with Section 1270.16(b) and (c), respectively, neither the mural, nor placement of the mural, shall constitute a significant traffic safety hazard; endanger public health or safety; or be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location. Murals shall be non-verbal and shall not include trademarks, excluding the nameplate of the artist.
4. All requirements shall be adhered to on the conditional zoning certificate.

Chairman Shirilla opened it up to public comment period at 7:10 p.m.

Lucas Merkel of 131 Falmouth Court said the Commission said what he had come to say this evening that Welcome to Deliciousness is a trademark and feels that it is an advertisement. His definition is something artistic and locally created. If it included the Brunswick Clock Tower or the Brunswick Bee it would be less advertising and community focused. The community would be supportive and appreciative of that design. He felt that it wasn't too late to not do stucco on that side of the building because there are only a few layers of brick.

Chairman Shirilla asked Mr. Incorvaia if being that the building is not built yet, if the applicant decided to take this back, and come back and fulfill our Code fulfilling the graphic artistic mural does the Commission have the option to approve or not approve words? Could the Commission override that part of the Code? Mr. Incorvaia said there is not track in which the Commission could make a modification.

Mr. Delsanter said if it would be reapplied as a sign is there any indication that is could be approved without going to zoning? Chairman Shirilla said no because they over the allowed signage. Chairman Shirilla said the applicant could take the same thing and go to BZA for a variance or they could take it back and make it a true mural then reapply.

Public Hearing was closed at 7:15 p.m.

Chairman Shirilla asked Mr. Hampton if he knows his options. Chairman Shirilla said the Commission agreed it does not fit the requirements of a mural. His option is to table this and come back and read the requirements of a mural and see if they could fulfill those requirements, or go to the BZA and see if they could get a variance for a sign. Mr. Hampton said he would like to consult with corporate so he would ask to table it and see what corporate has in mind.

Vice-Chairman Saeger told the applicant that there are 3 things that are being presented that does not make it a mural. Number 1 is the Welcome to Deliciousness; Number 2 is this is a production printed sign and not artistic and Number 3 it is not directly on the building. If those items were addressed it could possibly be a mural.

**Staff Recommendations:**

Staff withholds recommendation, pending the Planning Commission's determination if the definition of a mural has been met.

There were no further discussions from the Commission.

VICE-CHAIRMAN SAEGER MADE A MOTION TO TABLE THE CONDITONAL ZONING CERTIFICATE FOR CULVER'S RESTAURANT AT THE REQUEST OF THE APPLICANT, 3725 CENTER ROAD, BRUNSWICK, OHIO.

Mr. Rocha seconded.

4 Ayes, 0 Nays

Item 4 (b)

**Mapleside Farms SPD-10**

(Revised discussion plan)

Location: 242, 250, 294, 296, and 298 Pearl Road; and 4532 and 4556 Boston Road

Current C-G & R-R Districts

Proposed SPD-10

Regarding the revised discussion plan – Mapleside Farms SPD-10. Greg Clement, Travis Crane and Tom Ludwig were present.

Mr. Ludwig said the plans have been updated with more information such as agricultural uses. There have been updated names to the districts, more detailed pieces about setbacks and are hoping to move forward with this tonight.

Chairman Shirilla stated that what the objective is here is to try and designate the property to be an SPD-10 and wanted Mr. Clement to explain what would be the benefit for the City to see that designation. Mr. Clement said they bought the property in 2010 as it was getting ready to go to auction. It was their intention to keep it intact when they purchased it. They understand what Mapleside has meant to the community for many

years. One of the things they have noticed that the majority of their revenue is in the Fall. As a business owner he is trying to find a year-round place to go for the City of Brunswick. He has been trying to find a way to improve the property so that it can enhance business all year round.

Chairman Shirilla wanted to know what they were going to put in these districts that are on the color rendering. Mr. Ludwig answered the Orchard District would be for agricultural, irrigation ponds, community and education programming for school groups. Festivals and events could happen in the grape orchard. Agricultural production and facilities that would facilitate the agricultural production.

The Homestead District could be a spot to build single family homes and could also be used as an agricultural district until the homes are built.

The Falls District and the Grove District are for guests of Mapleside Farms to stay in. They would be small cottage type dwellings that could be rented out.

The Overlook District would be where the winery, spa and shops would be.

Chairman Shirilla asked if they were still considering a hotel in the Overlook District? Mr. Clement said yes.

Mr. Arona wanted more clarity on the Homestead District, there would be no public in the Homestead until homes are built? Mr. Clement said yes that is correct, they currently farm that district right now. Mr. Arona would like to see more guidelines put into the Homestead District. Mr. Arona wanted to know if they would exclude the Homestead District until they know exactly what they are going to do with that area. Mr. Ludwig felt that was fair because it is a different type of use. Chairman Shirilla wanted to know what district the Homestead was in and Mr. Aungst answered it was in the R-R District and it is currently 17 acres.

Mr. Arona wanted to amend his thought because now he feels like it makes sense to have that in the SPD.

Mr. Clement understands the Commission wants more detail but he is not quite there yet. Chairman Shirilla also agreed that the Commission is used to having more details in order to grant an SPD. Chairman Shirilla said as far as what the SPD does for the City, he feels it preserves the property. Chairman Shirilla truly believes that they are at a point they need to take a look at the Code and decide if this falls into an SPD-10. He asked the Commission if any of the members felt different and the Commission said they agree with him.

Mr. Incorvaia went through Section 1268.04(a)(b) and (c) of the Code and read it out loud. Mr. Shirilla felt that they do not have what was read in the Code. Mr. Aungst said because it was a unique property, he doesn't think they are far off from a conceptual plan. There will not be much traffic on the property. Chairman Shirilla asked Mr. Incorvaia if the Commission could defer (a) because of the uniqueness of the property and still be able to move forward. Mr. Incorvaia answered yes. Chairman Shirilla was satisfied with (b) and (c).

Vice-Chairman Saeger said excellent job in bringing what they brought for the Commission. He feels there are a few things that they still need to tweak. He asked Mr. Clement if they are going to continue to farm until they are ready to develop? Mr. Clement answered yes. Mr. Aungst felt that the core is there within what they presented and agrees there needs to be minor tweaking.

Mr. Arona understands the importance of Mapleside to the community. He looks at the Overlook District and feels it needs to have specific guidelines that aren't there. Mr. Clement feels that they have a lot of the things there right now. Chairman Shirilla was talking about what were principal uses within the Overlook District on the Plan.

Chairman Shirilla read through Section 1268.01 (a)(b)(c)(d)(e) of the Code and the Commission agreed they meet all of those.

**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 determined the above purposes have 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. A more detailed conceptual plan shall be provided, similar to Brunswick Town Center SPD-2.
4. As permitted by Section 1278.03(h), the Planning Commission or City Council, during the course of site plan review, 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 cost of the consultant.
5. If the discussion plan is moved forward, a public hearing on the conceptual plan and development guidelines is required, pursuant to Section 1268.06(b).

**Staff Recommendations:**

Staff withholds recommendation, pending the Planning Commission's ruling if the requirements of a Special Planning District have been met.

There were no further discussions from the Commission.

VICE-CHAIRMAN SAEGER MADE A MOTION TO MOVE THE REVISED DISCUSSION PLAN TO A DETAILED PLAN AND PUBLIC HEARING FOR MAPLESIDE FARMS SPD-10, 242, 250, 294, 296, AND 298 PEARL ROAD; AND 4532 AND 4556 BOSTON ROAD, BRUNSWICK, OHIO.

Mr. Rocha seconded.

4 Ayes, 0 Nays

Item 5

Old Business – There was no old business.

Item 6

New business – Brunswick Toyota service garage addition and New Brunswick Development revised site plan.

Item 7



Public Comment Period – There were no comments from the public.

Item 8

Council Representative's Report – There was no council report.

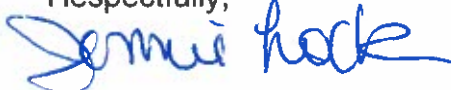
Mr. Saeger and Mr. Arona cannot attend the November 21, 2024 meeting so the Commission has moved the meeting to November 20, 2024. Mr. Incorvaia cannot attend the November 20, 2024 meeting so Mr. Nevar will be asked to sit in on that meeting.

MR. ROCHA MADE A MOTION TO ADJOURN

Vice-Chairman Saeger seconded the motion. The vote was 4 Ayes 0 Nays.

The meeting was adjourned at 9:05 p.m.

Respectfully,

  
Jennie Lods

# PLANNING COMMISSION STAFF REPORT

October 17, 2024

## **Culver's Restaurant mural**

(Public hearing – conditional zoning certificate)

Location: 3725 Center Road  
C-G District

### **Proposed Use & Background:**

A conditional zoning certificate application has been submitted by Springfield Sign, on behalf of Culver's Restaurant, to erect a 213.33 sq. ft. (80" high x 384" long) mural on the west elevation of the building.

Murals are a conditionally permitted use in the C-G District pursuant to Section 1260.04(q), as defined in Section 1270.15(b)(11), subject to Section 1270.16 of the Zoning Code.

### **Staff Review Comments:**

1. Section 1270.15(b)(11) states a mural is a graphic (artistic) expression applied directly to a building or structure, **which is not intended for advertisement purposes**; and pursuant to Section 1270.16(c), **murals shall be non-verbal**. Staff has concerns as to whether it complies with the above requirements, as there is wording on the mural.
2. Pursuant to Section 1270.16(a)(1) and (2), respectively, the owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. Additionally, the permit application shall include a statement detailing the applicant's plans for the maintenance, repair or removal of the mural. Upon removal of the mural, the entire wall face shall be painted by the owner(s) or person in possession of the wall with quality exterior paint guaranteed by the manufacturer to last a period of ten years or more.
3. In accordance with Section 1270.16(b) and (c), respectively, neither the mural, nor placement of the mural, shall constitute a significant traffic safety hazard; endanger public health or safety; or be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location. Murals shall be non-verbal and shall not include trademarks, excluding the nameplate of the artist.
4. All requirements shall be adhered to on the conditional zoning certificate.

**Staff Recommendations:**

Staff withholds recommendation, pending the Planning Commission's determination if the definition of a mural has been met.

**Mapleside Farms SPD-10**

(Revised discussion plan – rescheduled from September 19, 2024)

Location: 242, 250, 294, 296, and 298 Pearl Road; and 4532 and 4556 Boston Road  
Current C-G & R-R Districts  
Proposed SPD-10

**Proposed Use & Background:**

The Planning Commission, at their meeting on June 6, 2024, tabled the discussion on the conceptual plan and development guidelines for the proposed Mapleside Farms Special Planning District No. 10 to rezone eight existing parcels from the C-G General Commercial District and R-R Rural Residential District to an SPD.

Per the Planning Commission's suggestions, in addition to meetings with the Administration, revisions have been made to the Development Guidelines, highlighting the following:

1. Three of the districts have been renamed as follows: "The Falls District", "The Grove District", and "The Overlook District" (formerly "Cottage Falls District", "Cottage Groves District", and "High Street" District", respectively).
2. At staff's recommendation, major sections have been removed from the Development Guidelines: Section I - "Overview" - the subsections of "Introduction", "Current Operations", and "Future Considerations" have been eliminated, as these sections do not provide development guidelines.
3. Section B(b)(i) - "Rental dwellings": The time period for short-term rentals has been established as 30 days or less; mid-term rentals have been eliminated; and long-term rentals will be for 31 days or more.
4. Section B(c)(iv) eliminates the maximum floor area in "The Falls District" and "The Grove District" and establishes a minimum floor area (without a basement) of 600 sq. ft.
5. Section C(b) – Principally Permitted Uses: Small-scale retail uses such as gift shops, hobby stores, books, jewelry, antiques and apparel have been eliminated. However, personal services such as barber or beauty shops, health and wellness offices, artist or photographic studios or galleries have been added. Additionally, comparable in character uses are now subject to Planning Commission approval.
6. Section C(c)(i)(1) - the minimum front yard zone in The Overlook District has been increased to 40 feet, instead of the previous 30 feet.

7. Section D(c) pertaining to lot, height, and floor area requirements in The Homestead District – the minimum lot size of 0.5 acre has been eliminated. Also, the minimum lot width has been changed to 60 feet, instead of the previous 100 feet. Furthermore, a minimum lot depth of 130 feet has been added in lieu of a minimum lot size.
8. Common open space minimums for each district have been eliminated; instead, Section E(b) states the SPD shall provide common open space equal to 35% of the development area, excluding the right-of-way.
9. “Section “E” Development Standards” - the “Character Statement” has been deleted for each district, as this is subjective language that does not offer any standards.

**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 purposes have 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. A more detailed conceptual plan shall be provided, similar to Brunswick Town Center SPD-2.
4. As permitted by Section 1278.03(h), the Planning Commission or City Council, during the course of site plan review, 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 cost of the consultant.
5. If the discussion plan is moved forward, a public hearing on the conceptual plan and development guidelines is required, pursuant to Section 1268.06(b).

**Staff Recommendations:**

Staff withholds recommendation, pending the Planning Commission's ruling if the requirements of a Special Planning District have been met.