

PUBLIC HEARING - REZONING PP #604-08-008 FROM R-8 TO OFFICE/LABORATORY
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
December 3, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer
Others: Eric Hall, Gerald Wise and approximately 14 guests

Mr. Roman opened the Public Hearing at 7:00 P.M. by reading the following legal notice published in the November 19, 2020 issue of the *Sun Star Courier*.

The Brecksville Planning Commission will hold a Public Hearing Thursday, December 3, 2020 at 7:00 P.M. in the Ralph W. Biggs Council Chambers of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, for consideration of a zoning change of a portion of the Sherwin-Williams property from R-8 Residential to O-L, Office Laboratory, Permanent Parcel #604-08-008 Brecksville Road, Brecksville, Ohio 44141.

Ms. Julie Young, Vice President for Global Corporate Communications, and Mr. Tim Muckley, Director of Corporate Real Estate, were present to share with the Planning Commission, and the public present, the status of Sherwin-Williams' development plans for their research and development complex on 118 acres of the Valor Acres/Dalad properties. The R & D building was projected to be 500,000 square feet with proposed staffing of 800-900 employees. Ms. Young said the multi-year construction project was scheduled for completion in 2024. In conjunction with the City of Brecksville, Sherwin-Williams was requesting rezoning of a small portion of land, from residential to office/lab, to match the other zoning on the site and provide them more flexibility in developing their overall site plan for the complex.

Mr. Muckley said their nationwide search for a location for their new R & D complex started two years ago. While there were many prospective sites, Sherwin-Williams chose northeast Ohio, and Brecksville in particular, for the strength of the community, good access to highways, excellent schools and the fact that people like to live in our community. Mr. Muckley described the development as a three phase process: 1) Programming, 2) Design, and 3) Construction. He noted they were just in the first phase of development where processes and equipment needs were being defined. If the programming phase could be completed in the first quarter of 2021 they could proceed to the design phase in the second half of 2021.

Mr. Muckley commented that 33 acres of the 118 acre Valor Acres/Dalad site was either conservation easement or otherwise unusable land providing a lot of green space on the site. A map of the parcel illustrating the zoning was passed out. He indicated the building setback line from Westview Drive residents would be 450 feet. The main access to the site would be off Miller Road, with a secondary access on Brecksville Road. At this time only surface parking was planned, however a parking structure could be planned in the future. The R & D building was expected to be two or three stories.

Mr. Muckley said that Sherwin-Williams was 100% committed to developing a master plan for this new project that provided for future expansion. In that regard, they believe it was essential to rezone a portion of the residential property at the beginning of the planning process to provide them the flexibility to fully define their master plan. Sherwin-Williams looked forward to working with Brecksville in the years to come.

Planning Commission members, and the public present, had no questions. Mr. Roman noted that this matter would be considered at the Work Session later in the evening. The Public Hearing closed at 7:12 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRPERSON
DOMINIC SCIRIA, VICE CHAIRPERSON
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
December 3, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer
Others: Eric Hall, Gerald Wise and approximately 14 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:12 P.M. Messrs. Sciria and Payto attended the meeting via conference call.

APPROVAL OF THE REGULAR MEETING MINUTES OF NOVEMBER 5, 2020

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of November 5, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF NOVEMBER 5, 2020

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission Work Session Meeting Minutes of November 5, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

SIGNS:

SALON LEGACY – 7620 CHIPPEWA ROAD (CC Action)

Ms. Sara Waseman and Kim Koph were present to request a wall sign for Salon Legacy's new location in the courtyard corner unit at the Town Center shopping center. The proposed sign requested a size deviation from the 4.3 sq. ft. permitted by Code to allow 7.1 sq. ft. Mr Hall commented that, but for the small size of the building frontage in the pie shaped unit, a deviation would not be requested. In all other regards i.e. lettering size, style, and color, the sign was consistent with other signs in that area and compliant to Code.

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission approve, and the Building Department issue a permit for, a 7.1 square foot, permanent, wall, identification sign for Salon Legacy at 7620 Chippewa Road, Permanent Parcel #606-28-005, as described in the application dated November 2, 2020, and information attached, subject to approval by City Council of the following deviation:

- A deviation from the Section 1187.09(c) requirement that the maximum size of single face area be 4.3 square feet to allow 7.1 square feet.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE

Mr. Harwood reported that, at their last meeting, City Council passed the Millside Centre Ground Sign.

REPORT OF MAYOR HRUBY - No Report

REPORT OF CITY ENGINEER - No Report

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

SHERWIN-WILLIAMS REZONING -BRECKSVILLE ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council a zoning change of a portion of the Sherwin-Williams property from R-8 Residential to O-L Office/Laboratory, Permanent Parcel #604-08-008, Brecksville Road, Brecksville, Ohio 44141 and submitted to the voters at the May 4, 2021 election. The application incorporates, by reference, the attachments including the Overview, various appendices and the Site Map.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

PETROS HOMES FRONT YARD SETBACK – 9075 HIGHLAND DRIVE

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission will hold a Public Hearing at 7:00 p.m. on Thursday, January 7, 2021, in the Ralph W. Biggs Council Chambers of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front yard setback of 165 feet for Permanent Parcel #601-33-008, 9075 Highland Drive, Brecksville, Ohio 44141.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

MARKOVIC SOLAR PANELS- 9933 HILLSDALE ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission will hold a Public Hearing on Thursday, January 7, 2021, at 7:05 p.m. in the Ralph W. Biggs Council Chambers of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to consider the request for a residential Solar Photovoltaic System which requires a deviation regarding the location of the system proposed to be installed at 9933 Hillsdale Road, Brecksville, Ohio 44141.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

OTERO SIGNATURE HOMES FRONT YARD SETBACK – 4900 EDGERTON ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission will hold a Public Hearing at 7:10 p.m. on Thursday, January 7, 2021. in the Ralph W. Biggs Council Chambers of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front yard setback of 200 feet for Permanent Parcel #604-03-104,4900 Edgerton Road, Brecksville, Ohio 44141

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

ESBER/LOUCAIDES LOT SPLIT & CONSOLIDATION – 10380 & 10400 BARR ROAD

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council **preliminary** and **final** approval of a lot split and consolidation to create Parcel A, 4.3 acres, located at 10400 Barr Road, Brecksville, Ohio, PP # 604-23-012 and Parcel B, 4.4 acres, located at 10380 Barr Road, Brecksville, Ohio, PP #604-23-003, as described in the application dated November 4, 2020 and the plat dated October 30, 2020 by Exacta Land Surveying, subject to approval by City Council and the Board of Zoning Appeals of the following variance:

- A variance from Section 1151.26(8) that requires 10 feet from paved structures to side or rear lot lines to allow 7.1 feet from side lot line and 9.4 feet from a portion of rear lot line at 10400 Barr Road.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting recessed into the Work Session, and reopened to make a motion.

VOULGARIS LOT CONSOLIDATION – 7368 OLD QUARRY LANE

It was moved by Mr. Roman and seconded by Mr. Harwood that the Planning Commission recommend to City Council **preliminary** and **final** approval of a lot consolidation to create Parcel A, 1.4 acres, located at 7368 Old Quarry Lane, Brecksville, Ohio, by combining PP #601-24-072 and PP #601-24-071, as described in the application dated November 16, 2020 and the plat dated November 17, 2020, by Hoffman-Metzker, Inc., subject to approval by City Council and Mr Wise's request that the Cuyahoga County "pre-approval letter" be provided.

ROLL CALL: Ayes: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto,
Kirk Roman, Dominic Sciria
Nays: None
MOTION CARRIED

The Regular Meeting closed at 7:50 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
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December 3, 2020 Page 4

Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION
BRECKSVILLE PLANNING COMMISSION
Council Chambers - Brecksville City Hall
December 3, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Ron Payto, Kirk Roman, Dominic Sciria
Absent: Eric Lahrmer
Others: Eric Hall, Gerald Wise and approximately 14 guests

Mr. Roman opened the Work Session at 7:12 P.M.

SHERWIN-WILLIAMS REZONING -BRECKSVILLE ROAD

Mr. Tim Muckley, Director of Corporate Real Estate for Sherwin-Williams, was present to request the Planning Commission's recommendation to City Council for the rezoning of a small portion of residentially zoned land on their development site be rezoned to office/lab to be consistent with the zoning on the rest of their parcel and afford them the flexibility to develop the site to meet their master plan objectives for the company.

Mayor Hruby described the portion of Sherwin-Williams' site in the northwest corner that would be considered for rezoning from residential to office/lab. He indicated that, except for a small piece of property by the cul-de-sac, residential zoning and a conservation area would still remain to buffer the Westview Drive residents. The request to rezone was coming up now to provide Sherwin-Williams flexibility as they enter the design phase of the project. The Mayor advised that last week the residents of Westview Drive were invited to participate in a conference call on the Sherwin-Williams development. All resident questions were addressed. There were no negative comments, only the typical concerns of residents about development next to their property. Mayor Hruby assured the residents that there would be opportunity for their input at Planning Commission and City Council meetings during the development process. He also mentioned that, even after the property is rezoned, any development on that property would have to come before the Planning Commission for recommendation to City Council. Mayor Hruby reviewed the schedule below leading up to putting the rezoning on the May, 2021 ballot. He added that residents could attend any of the City Council readings, on the proposed rezoning, to voice their opinion:

Planning Commission Public Hearing & Final Approval	December 3, 2020
Referred to Council & Legislative Committee	December 15, 2020
First Council Reading	January 5, 2021
Second Council Reading	January 19, 2021
Last Council Reading (90 days)	February 2, 2021
Election Date	May 4, 2021

At the Mayor's request Mr. Muckley reiterated a point made at the earlier public hearing, that the closest setback a building could be to the Westview Drive properties would be 450 ft. At this point though, he couldn't comment on whether there would be any construction on the piece to be rezoned. The Work Session recessed into the Regular Meeting for a motion.

PETROS HOMES FRONT YARD SETBACK – 9075 HIGHLAND DRIVE

Mr. Gary Naim was present to ask that a front yard setback be established for a home he plans to build on Highland Drive. He indicated that the two neighbors to the South, who would be most affected by his home, had setbacks of 175 ft. and 180 ft. Mr. Naim felt a setback of 165 ft. would provide the most privacy for and from those neighboring properties. He had spoken to the neighbor to the right who was in agreement with the 165 ft. setback. The properties to the North are around a bend in the road and buffered from his property by a ravine. Mr. Naim commented that years back there was a home on the property in about the same location as he was proposing. Mr. Wise said the setback seemed reasonable.

The Mayor had a concern for the adequacy in the depth of the sanitary sewer along Highland. Mr. Wise commented that the sanitary sewers were deep along Highland however, if there was an issue a pump would be required. There was no further discussion and the Work Session recessed into the Regular Meeting to set a Public Hearing.

MARKOVIC SOLAR PANELS- 9933 HILLSDALE ROAD

Mr. Stuart Lipp, of Better Together Solar, was present on behalf of a request for a 24 solar panel system for a new home to be constructed at 9933 Hillsdale Road. A deviation was requested from the Code rear roof installation requirement, to permit the panels to be installed on the side facing (south) roof elevation. There were no comments from Commission members. The Work Session recessed into the Regular Meeting to set a Public Hearing.

CAMBRIDGE VILLAGE LOT SPLIT, FRONT YARD SETBACK CONSULTATION- 7757 CAMBRIDGE DRIVE

Mr. Bob Kinley was present, for a third consultation, regarding a front yard setback for a proposed new lot on Brecksville Road. Two setbacks were being considered, 75 ft. and 100 ft. The setback at 75 ft. would also be the best option from a drainage consideration. Mr. Wise had no further comment and Mr. Kinley was advised he could move forward in planning for a 75 ft. setback.

OTERO SIGNATURE HOMES FRONT YARD SETBACK – 4900 EDGERTON ROAD

Mr. Ted Otero, of Otero Signature Homes, was present to request a front yard setback to be established for the Calvin Palguta property, PP # 604-03-104, 4900 Edgerton Road. The neighbor to the East of the property was set back at 485 ft. To the West were the rear yards of Bristol Lane properties. A 200 foot setback was requested, which represented the highest point on the property. That setback would be good for drainage, provide adequate privacy from the front and a good buffer from Bristol Lane residents. Commission members had no questions and Mr. Wise was fine with a 200 ft. setback. The Work Session recessed into the Regular Meeting to schedule a Public Hearing.

ESBER/LOUCAIDES LOT SPLIT & CONSOLIDATION – 10380 &10400 BARR ROAD

Mr. Ken Esber and his wife, Terry, were present to request a lot split and consolidation for their Barr Road property. There was an inground swimming pool located on their neighbor's property at 10400 Barr Road when they purchased the property at 10380 Barr Road in 1999. The pool partially encroaches on the property at 10380 Barr Road. Through the years, as the neighboring property changed hands, it was always unpleasant to deal with explaining the encroachment. The Esbers would like to split off a portion of their property to allow the entire pool to be located at 10400 Barr Road. The Loucaides, who live at 10400 Barr, were agreeable to the property exchange. Mr. Roman read the following excerpt from a December 3, 2020 letter from the Loucaides directed to the Planning Commission.

(paragraph 2) We are writing today to explain our request and express our support for the variance pertaining to the lot split. We purchased the home/property located at 10400 Barr Road in 2019. At that time, we were unaware that the pool deck encroached on the neighboring lot. The proposed property line adjustments are a result of extensive discussions with our neighbor (Ken Esber), and in our mutual interest to formally resolve this issue. We have carefully gone over all of the documents that you attached last week and feel they are in proper order. The proposed dimensions were chosen because they allow us to access the fence and side yard and they allow Mr. Esber to easily access the landscaping beds on his property. We respectfully ask that you grant the requested variance so that this long-standing issue is finally resolved.

The Loucaides submitted the above letter in place of appearing in person due to COVID concerns. Mr. Esber believed the lot split would solve the problem and relieve him of the responsibility/liability of the pool. Mr. Wise asked that 1) The drawing be modified to identify how the bearing of the Barr Road centerline was being established, and 2) Provide a copy of Cuyahoga County's "pre-approval" letter. Commission members had no questions and the Work Session recessed into the Regular Meeting for a motion.

VOULGARIS LOT CONSOLIDATION – 7368 OLD QUARRY LANE

Ms. Paraskev Voulgaris was present on behalf of a lot consolidation request. She and her husband own two adjacent lots on Old Quarry Lane, one with a home on it and one undeveloped. They recently discovered the vacant lot was unbuildable and would like to incorporate it into their other lot. Mr. Wise had no problem with the request. He asked that a copy of Cuyahoga County's "pre-approval" letter be provided. Commission members had no questions and the Work Session recessed into the Regular Meeting for a motion.

The Work Session closed at 7:50 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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Minutes recorded by Nancy Dimitris