

REGULAR MEETING

**PLANNING COMMISSION
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: April 5, 2016

AGENDA

TIME: 6:30 P.M.

**WORK SESSION – 6:00 P.M.
AMENDED**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a. Approval of Minutes of the Work Session of February 16, 2016 (roll call)
- b. Approval of Minutes of the Regular Meeting of February 16, 2016 (roll call)

4. NEW BUSINESS (Swear- in applicants)

The Chairman shall inform those present that according to a ruling by the Law Department, anyone wishing to speak at a public hearing is to rise, raise their right hand and the following oath administered. "Do you solemnly swear or affirm that the statements you are about to make are the truth." - Please give your name and address for the record.

- a. Motorcars ACURA, 18123 Rockside Road, Bedford - Dick Marcellino / Doty & Miller Architects who is seeking to construct two additions to the existing structure: 3,490 square foot Showroom addition and 3,150 square foot Service Area (roll call) (BZA 4/26/16)
- b. Al & Ann Boroski, 209 Broadway Avenue, Bedford is seeking clarification regarding City of Bedford Codified Ordinance Section §1938.02 (a) (2) regarding the minimum 50,000 square feet requirement for a used car dealership - §1938.02 Permitted Uses (roll call)
- c. Bill Zukie, 1401 King Road, Hinckley, OH, representing Rockside Limited Partnership (Enterprise Rent-A-Car) located at 19550 Rockside Road, is seeking to update the exterior store front and construct a new vestibule - §1305.09 Building Plan Review (roll call)

5. MISCELLANEOUS

**6. ADJOURNMENT
(roll call)**

**PLEASE TURN OFF ALL CELL PHONES BEFORE PLANNING COMMISSION MEETING
(Planning Commission Minutes and Agendas posted at www.bedfordoh.gov)**

Bedford, Ohio

April 5, 2016

Planning Commission met in a Work Session at Bedford City Hall on Tuesday, April 5, 2016 at 6:01 P.M.

Present: Dickard, Dzomba, Powers, Briggs, Mallis. Absent: None.

Also Present: Secretary Lorree Villers, Law Director John Montello. Absent: Building Commissioner Calvin Beverly.

There were no changes to the February 16, 2016 Work Session or Regular Planning Commission meeting minutes.

Motorcars ACURA, 18123 Rockside Road, Bedford - Dick Marcellino / Doty & Miller Architects is seeking relief from Section 1938.06 (a) of the Codified Ordinances of the City of Bedford for a variance setback of 26' 8" since the existing basement wall is at this dimension (BZA 4/5/16)

This item was required to go before the Board of Zoning & Appeals on April 26, 2016 because of the variance issue. Mr. Mallis explained with the addition of the showroom to the front of the building the building would be closer to the street. After review of the information the Commission did not have any issues as long as it was contingent on the approval of the Board of Zoning & Appeals.

Al & Ann Boroski, 209 Broadway Avenue, Bedford is seeking clarification regarding City of Bedford Codified Ordinance Section 1938.02 (a) (2) regarding the minimum 50,000 square feet requirement for a used car dealership

The Commission questioned what they were actually supposed to clarify. Mr. Mallis explained there was a difference of opinion between his stance and the applicants. A "parcel" was considered land/property not the footage of the "structure/building". From a previous discussion he had with Mrs. Boroski he understood she wanted to include the footage of the lower level of the two story building to the parcel square footage which was not possible. For example, adding the basement/lower level to the 44,400+ parcel equaling 50,000+ footage; there was a difference between parcel/land/property footage and structure/building footage. Mr. Ciuni reviewed the deed information, the tax maps and the County Auditor's information and determined the "parcel" did not have the allotted 50,000 footage as stated in the codified ordinance for a used car dealership. The codified stated: "*A used car or truck dealership or used vehicle leasing/renting establishment shall have the minimum of 50,000 square feet located on contiguous parcels*". The codified mentioned nothing about structures/buildings being included.

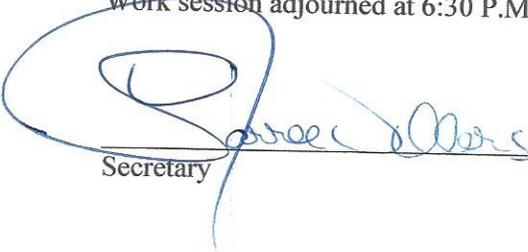
Questions were raised regarding the off-road delivery and unloading of the vehicles.

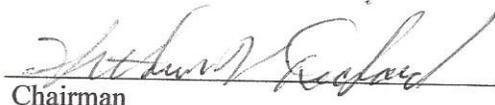
The next item would be added to this evening's agenda per the Commission.

Bill Zukie, 1401 King Road, Hinckley, OH, representing Rockside Limited partnership (Enterprise Rent-A-Car) located at 19550 Rockside Road, is seeking to update the exterior store front and construct a new vestibule - §1305.09 Building Plan Review

Secretary Villers noted this item would have to be added to the agenda this evening for Commission consideration. The Commission did not have any major issues with the addition of the new vestibule which would update the exterior of the front of the store.

Work session adjourned at 6:30 P.M.


Secretary


Chairman

Planning Commission met in Regular Session at Bedford City Hall on Tuesday, April 5, 2016 at 6:34 P.M. The roll was called. Present: Dickard, Dzomba, Briggs, Powers, Mallis. Absent: None. Also in attendance was Law Director John Montello. Building Commissioner Calvin Beverly was not in attendance this evening.

Motion made by Dzomba and seconded by Briggs to approve the minutes of the Work Session of February 17, 2016. The roll was called. Vote – Yeas: Dickard, Dzomba, Briggs, Mallis. Nays: None. Abstain: Powers. Motion carried.

Motion made by Briggs and seconded by Dzomba to approve the minutes of the Regular Meeting of February 17, 2016. The roll was called. Vote – Yeas: Dickard, Dzomba, Briggs, Mallis. Nays: None. Abstain: Powers. Motion carried.

Chairman Dickard informed those present that according to a ruling by the Law Department, anyone wishing to speak at a public hearing is to rise, raise their right hand and the following oath administered. "Do you solemnly swear or affirm that the statements you are about to make are the truth." Then give your name and address for the record.

Secretary Villers read into the record the following items from the agenda.

Motorcars ACURA, 18123 Rockside Road, Bedford - Dick Marcellino / Doty & Miller Architects is seeking relief from Section 1938.06 (a) of the Codified Ordinances of the City of Bedford for a variance setback of 26' 8" since the existing basement wall is at this dimension (BZA 4/5/16)

Present: Chuck Miller, Doty & Miller Architects spoke on behalf of Dick Marcellino.

Chuck Miller, previously sworn in, explained there were three phases of the project: 1) removal and relocation of the electrical transformer, 2) expansion of the Service Department regarding four (4) additional bays; one being used for Volvo and 3) cover the existing basement with a new showroom using/enclosing the existing structure. He showed pictures of the existing covered parking area that would be enclosed using matching materials and colors. The new construction would utilize the line of the existing walls for a clean line. He added this project had to be approved first by the National Franchise using the same materials and colors. He said none of the parking spaces would change just the structure. Mr. Dzomba asked if the existing roof would be used. Mr. Miller replied yes.

Motion made by Mallis and seconded by Dzomba to approve Motorcars ACURA, 18123 Rockside Road, Bedford - Dick Marcellino / Doty & Miller Architects who is seeking relief from Section 1938.06 (a) of the Codified Ordinances of the City of Bedford for a variance setback of 26' 8" since the existing basement wall is at this dimension contingent on the approval of the Board of Zoning & Appeals of April 26, 2016 subject to compliance with all city codes and ordinances.

The roll was called. Vote – Yeas: Dickard, Dzomba, Briggs, Powers, Mallis. Nays: None. Motion carried unanimously.

Al & Ann Boroski, 209 Broadway Avenue, Bedford is seeking clarification regarding City of Bedford Codified Ordinance Section 1938.02 (a) (2) regarding the minimum 50,000 square feet requirement for a used car dealership

Present: Al & Ann Boroski, 209 Broadway Avenue, Bedford.

Ann Boroski, previously sworn in, passed out additional materials for the Commission to review. She gave a brief history of the property, the land use, surrounding dealers and the uniqueness of the land. She felt this opportunity was a "win, win" because it would create new jobs for the area, revenue for the City and allowing them the opportunity to reface their building and resurface their parking lot. The improvements would enhance and upgrade the Bedford Automile. She was asking for the continuance of the property as it had been utilized for many years in maintaining vehicles. The materials submitted this evening showed: the Legal Description of the Commercial Class of 57,036 square feet, Pin to Pin Description of 44,406 lot size, Street level of Jay Honda of 16,937 square feet, proposed for Stewart Auto Group of 20,014 square feet with parking areas and showroom. Plus, the Quarter Mile Finish 7,686 square feet, proposed lower level service areas for Stewart Auto Group, and Quarter Mile Finish lower level service areas. Reference as: Street Level documentation pages 1-8 and the Lower Street Level, Proposed Service Areas for Stewart Auto Group and Quarter Mile Finish Service Areas. (see attached)

A representative spoke on behalf of the Stewart Auto Group. He explained the delivery truck would pull into the lot to load and unload their vehicles not disrupting traffic flow or pattern. The truck would pull in one direction and pull out the other. Mr. Mallis asked what the operation consisted of. The representative replied the business was primarily a dealership but they also offered services. Mr. Powers asked how many parking spaces the renters needed for parking. The representative replied, a couple spaces for Quarter Mile Finish.

Mrs. Briggs needed clarification of the square footage of the property/parcel/land. Mrs. Boroski explained when they purchased the property in 1977, the documentation included Broadway Avenue at a total of 57,036 square feet but pin to pin it was 44,406 square feet. It was explained to her if Broadway Avenue "went away" or "didn't exist" the property would be theirs. Mrs. Briggs was confused because Broadway Avenue was a legal highway so where was Broadway Avenue going to go? She asked Mrs. Boroski for additional documentation from the County regarding this statement. Mrs. Boroski did not have it with her this evening. Mrs. Briggs said the conflict was the square footage did not include Broadway Avenue. Mrs. Boroski had the plat from 1977 at home; all she had was the Legal Description of the Commercial Class of 57,036. Mrs. Briggs referred to the City Engineer's letter which stated it did not include the footage to the center line of Broadway Avenue. Mrs. Boroski stated the "pin to pin" was what was in the computer and was what really counted not what 'you own'. Mr. Montello said he was no Engineer but he knows a lot of properties square footage did include the center of the street. He said the street footage was not to be used in the calculation of the project. Mr. Montello asked Mrs. Boroski what "clarification" she was seeking from the Commission. The Stewart Auto Group representative clarified the "pin to pin" calculation Mrs. Boroski showed today included the 44,406 square footage of the property/parcel and the footage of the 13,000+ structure lower level totaling over 50,000 square feet to qualify to be a used car dealership. Mrs. Briggs said the codified stated "parcel" square footage not the footage of the structure. Parcel means land/property not the structure/building. She explained her home was a two story home and her "parcel" or land wasn't bigger because her home was constructed in two levels.

Motion made by Mallis and seconded by Dzomba to approve Al & Ann Boroski, 209 Broadway Avenue, Bedford who is seeking clarification regarding City of Bedford Codified Ordinance Section 1938.02 (a) (2) regarding the minimum 50,000 square feet requirement for a used car dealership subject to compliance with all city codes and ordinances.

The roll was called. Vote – Yeas: Dickard, Dzomba, Powers. Nays: Briggs, Mallis. Motion carried. Mrs. Briggs added she needed more verification on what everyone was considering square footage.

Secretary Villers stated this item would go before Council for final approval on April 18, 2016 at 8:00 p.m. She explained the Planning Commission makes its recommendation to Council and Council has the final say.

Motion made by Briggs and seconded by Mallis to add item "c" to the agenda this evening for consideration. The roll was called. Vote – Yeas: Dickard, Dzomba, Briggs, Powers, Mallis. Nays: None. Motion carried unanimously.

Bill Zukie, 1401 King Road, Hinckley, OH, representing Rockside Limited Partnership (Enterprise Rent-A-Car) located at 19550 Rockside Road, is seeking to update the exterior store front and construct a new vestibule - §1305.09 Building Plan Review

Present: Reed Patten, Architectural Design Studios, spoke on behalf of Bill Zukie.

Reed Patten, Architectural Design Studios, previously sworn in, explained this was a straight forward project looking to recreate a vestibule in the front of the store underneath an existing canopy roof. The same materials would be used for the addition. The parking would stay the same and the current side vestibule would be turned into a sitting/waiting area.

Motion made by Mallis and seconded by Dzomba to approve Bill Zukie, 1401 King Road, Hinckley, OH, representing Rockside Limited partnership (Enterprise Rent-A-Car) located at 19550 Rockside Road, who is seeking to update the exterior store front and construct a new vestibule subject to compliance with all city codes and ordinances.

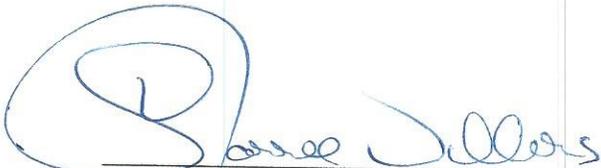
The roll was called. Vote – Yeas: Dickard, Dzomba, Briggs, Powers, Mallis. Nays: None. Motion carried unanimously.

Secretary Villers informed everyone this evening's items would be before Council for consideration on April 18, 2016 at 8:00 p.m.

ADJOURNMENT

There being no further business to come before the Board, it was moved by Mallis and seconded by Dzomba to adjourn. The roll was called. Vote – Yeas: Dickard, Dzomba, Briggs, Powers, Mallis. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:20 P.M.


Secretary


Chairman