



VILLAGE OF OAKWOOD
PLANNING COMMISSION
MEETING MINUTES

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MEETING DATE: DECEMBER 6, 2021

TIME OF MEETING: 7:00 P.M. MEETING

PLACE OF MEETING: OAKWOOD VILLAGE – COUNCIL CHAMBERS

PRESENT: Rand Broadstreet - Chairperson
Mary Davis
Peter Duffy
Malinda Harp

Ross Cirincione - Assistant Law Director
Dan Marinucci - Chief Building Official
Gary Gottschalk - Mayor

ABSENT: Tracy Moore

The Meeting was called to order at approximately 6:57 P.M. by Rand Broadstreet, Chairperson.

NEW BUSINESS: **CONTRACTOR:** **CAMPBELL CONSTRUCTION**
CASE # PC21-126: **MR. DAVID AULGER**
OWNER: CHAMBERS WASTE SYSTEMS OF OHIO
DBA: WASTE MANAGEMENT, AARON JOHNSON
7450 OAK LEAF OVAL, OAKWOOD VILLAGE, OH
44146 PP #795-50-016 Mr. Aulger is coming before the
Planning Commission to request approval to erect a 32,025-sq.
ft. addition to the existing building. (Section 1101 & 1140 of
the Codified Ordinance)

Mr. Broadstreet stated: Do I hear a motion to table this case until more research information is available?

MOTION TO TABLE CASE # PC21-126: **UNTIL FURTHER RESEARCH INFORMATION IS FORTHCOMING** was made by **Peter Duffy**, seconded by **Mary Davis** and upon roll call the **MOTION TABLED** unanimously.

CASE # PC21-127: **OWNER: MR. JAMES JOHNSTON**
MR. CAL HEINTZ & ASSOCIATES, LLC
21941 FORBES ROAD, OAKWOOD VILLAGE, OH
44146 PP #795-03-003 Mr. Johnston is coming before the
Planning Commission to request approval to erect a 30' X 60'
(1,800-sq. ft.) addition to the existing building. (Section 1101
& 1140 of the Codified Ordinance)

Mr. Cirincione stated: would anyone giving testimony and evidence tonight please raise your right hand to be sworn in. *Do you swear that the testimony and evidence you will present to this Planning Commission tonight is the truth, the whole truth, and nothing but the truth so help you God?*

YES! James Johnston - 21941 Forbes Road - Oakwood Village, OH 44146

YES! Cal Heintz & Associates, LLC -Residential, Commercial & Structural Design
(216) 513-7690 cal@cjheintz.com

Mr. Duffy: I would like to know what you are planning on doing, and if you read the letter from our Village Engineer, Ed Hren dated December 6, 2021 or if you have any comments or concerns about that letter?

Mr. Johnston: I just received this letter. I understand Ed Hren needs a survey. I have no problem getting a survey. When we initially started this, I was trying to see if I could add on to the building. That is why I am in front of you tonight to see if I could do this before I spend \$10,000.00 on a survey, and you guys tell me I can't. I just didn't want to do this backwards.

There are other questions now with zoning and stuff. That was a motorcycle shop when I bought it. It's been a motorcycle shop since 1992, and now I hear you saying I might not be able to do that; I'm confused.

Mr. Cirincione: The problem we face is that we are not sure this conforms to the current zoning. The problem is with the prior application, which was tabled with Waste Management and that is: Is an expansion of a non-conforming use permissible at this location? I frankly don't know the answer to that, but I do know that is an answer we need to have before we move forward with it. So, there are actually two problems. The first one is: is this going to be permissible under the current zoning and the proposed use?

As I understand it, the proposed use is for repairs, storage and motorcycles awaiting repair. As noted by our Engineer, Ed Hren in his December 6, 2021 letter to the Planning Commission, the section of the Codified Ordinance which governs General Business District, **does not list this kind of use.** It seems to be similar to the list which is under a different use which is Motor Service Districts. I spoke with Ed on this and **we need to legally clarify whether this is something that can be permitted on these premises.**

Mr. Johnston: Being that it was already a motorcycle shop, and while it was, the zoning changed, would it not be grandfathered in?

Mr. Cirincione: I believe it could be a non-conforming use. That is what we have to check out. You may be right. We have to take a look at that issue; is it grandfathered or not grandfathered in.

Mr. Johnston: I'm on the schedule to get a survey. Hopefully it will be sometime next week. I've already talked to somebody about that.

Mr. Cirincione: I would caution you about that. Until we research whether or not it is a permitted use, there is no sense in going out and spending that kind of money and we conclude "you can't do it".

Mr. Johnston: I know Ed wants the survey, but I just want to know if I can do it.

Mr. Cirincione: We will try to have that answer for you in the next week or so. That will give you time to get the survey.

Mr. Johnston: Okay, that's fair. Thank you!

Mr. Heintz: This particular parcel was actually zoned Local Business District. This building was built in 1974 based on what I researched online in the Oakwood Village ordinances. It changed from Local Business to General Business in 1976.

Mr. Cirincione: We have to take a look at what that means legally.

Mr. Heintz: One of the things that is a factor is that the lot is only 75-feet wide. Everything that is in the General Business District now requires 200-feet of frontage. This parcel in that respect is not going by the definitions of your own ordinances. It was legal at the time it was setup and initially established, but once the district changed then it became non-conforming from the perspective of how much frontage it had.

Mr. Cirincione: The problem then is if the expansion of the non-conforming is permissible or not? That is a legal question. I don't have the answer to that so we need to do the research.

Mr. Duffy: Is it worthy to listen to what their hopes and intentions are or just table everything?

Mrs. Davis: They will have to come back anyway to explain it.

Mr. Heintz: On behalf of James and myself, our intentions of knowing that we did not have a survey, and wouldn't get full approval is that we would at least go through the process and get preliminary approval subject to having the survey. Now this other nuance that just showed up this afternoon at 5:42 P.M. relative to the legality of whether or not he can even be a motor cycle shop in this district can be resolved.

We can present our position if we don't violate any setbacks, and then the subsequent meeting relative to the ABR is acceptable and provides us with a preliminary approval. Once you get the piece with the legality, and the survey that shows whether we need a variance or not, we can work through that process.

Mr. Cirincione: I'm sorry, I would disagree. I think that's backwards. I think we need to establish whether it's legal or not *before* we have the discussion and either granting or denying the preliminary plans.

Mr. Duffy: James, we meet on the first Monday of the month. This is December so our next meeting would be held in January of 2022. Would this delay be a hardship for you?

Mrs. Hines: The next Planning Commission meeting will be Monday, January 3, 2022.

Mr. Heintz: So, can we establish what needs to be established between now and the next meeting?

Mr. Johnston: You guys are going to do the research and let me know if it's legal or not. If it is, I come back and present everything. If it's not then it's a moot point.

Mr. Heintz: What about the survey? Where is the survey going to fit in?

Mr. Cirincione: We don't want to see the applicant spend money if the use is not permitted. Once we come to an opinion, then we will let you and the Planning Commission know and go from there.

Mr. Duffy: If that information comes out next week, as you indicated it may, when will we as the Planning Commission be notified as to what that decision is or what the process will be?

Mr. Cirincione: Once we issue the opinion, I would make sure the applicant and his representative are notified with a copy of that. We would copy the Planning Commission members as well.

Mr. Johnston: The research that you have to look up, discuss and decide on is whether or not I can add on to my existing shop that is there, or is my existing shop going to be a problem now also?

Mr. Cirincione: Will take a look at it. We don't want to leave any of these questions outstanding.

Mr. Johnston: I've been there for a year. I bought it in December of last year, and I've been open all year.

Mr. Cirincione: You're doing those kinds of repairs now?

Mr. Johnston: I bought the existing business, and I kept it open instead of watching it close.

Ms. Harp: So, to expedite the process, if you tell him that the expansion is committed, and he has a legal “go” then his next step would be to get the survey so that when he comes back before us, things can move smoothly. If he comes back before us and he still doesn’t have a survey, he will be in the same place.

Mr. Cirincione: As I said, we’re going to try to get that to you next week so that hopefully you will have time to get the survey taken care of.

Mr. Johnston: The surveyor knew I was coming tonight, and he told me to call him tomorrow to let him know how things went. I’ll tell him to keep me on the schedule for some time towards the end of next week. Hopefully I’ll know something before your next meeting. When will that be, January 4, 2022?

Mrs. Hines: The next Planning Commission meeting will be held on Monday, January 3, 2022.

Mr. Johnston: That I can work with.

Mr. Marinucci stated for the record: For over a month, I have been working with Cal Heintz on this project. I have been trying to get a mixture of the building codes. The issues are finally all resolved. They are doing their due diligence.

Mr. Duffy: With all of that being said, I propose that we table this case.

MOTION TO TABLE CASE # PC21-127: UNTIL ALL ISSUES AS DISCUSSED HAVE BEEN CLEARED UP was made by **Peter Duffy**, seconded by **Rand Broadstreet** and upon roll call the **MOTION TABLED** unanimously.

CASE # PC21-128: **APPLICANT: BENEXT AWNING & GRAPHICS,
MR. ALDO DURE, OWNER
BUSINESS OWNER: PMF CLE FITNESS STUDIO,
MR. ROBERT MATHIS, OWNER
23250 BROADWAY AVENUE, OAKWOOD VILLAGE,
OH 44146 PP #795-06-022** Mr. Dure is coming before the Planning Commission to request approval for a 29.1-sq. ft. wall sign on existing building. (Section 1101.01, 1140.03 & 1165 of the Codified Ordinance)

Mrs. Davis: Mr. Dure, would you like to explain what you will be doing.

Mr. Dure: (*Referring to drawings*) These are the channel letters. They will be flash mounted into the wall. The square footage is 29.1-sq. ft. with a 12-foot elevation. There will be LED lightings inside the letters. The PMF CLE letters will be red. The acrylic sheets will be 1/8” thickness. It will be vinyl applied, so in the day the PMF CLE letters will look black (dark) and at night the Fitness Studio letters will light up white.

Mr. Duffy: Ross, how are we doing the square footage?

Mr. Cirincione: I don't have the chart in front of me. I missed this one. I didn't know it was on the agenda. Mr. Dure, what is the front footage of the building?

Mr. Dure: The front footage of the building is 42-feet.

Mr. Broadstreet: I would like to know why this front footage is not determined by the Building Department before these people even get here?

Mr. Marinucci: I don't know. I didn't see this until tonight.

Mr. Duffy: I would say based on everything I see, it is reasonable to assume that the square footage is within the requirements, and to make it contingent that the application must first be confirmed [that the square footage is accurate].

Mr. Marinucci: I am in agreement with the square footage as stated earlier by Mr. Dure.

Mr. Cirincione: I'm still looking for the Code, but since I can't find it, I will not disagree with you Mr. Duffy. We can pass this subject to the measurements approved by the Building Department. We would need a copy of the front linear footage.

Here is what I would suggest. In going over the applications, whenever we get a sign application, what we need to ask Debbie to do (and we must make a note) is to ask the applicant to list the linear feet of the front footage of the building, and how that relates to the square footage of the sign that they are requesting under **Ordinance 1185.06**. If we do this right at the application process, this should save everybody the trouble of looking.

Mayor Gottschalk: Should the new owners be advised on what is going on in terms of what the signage is and the colors are as well?

Mrs. Davis: I would assume that the sign person would talk to the owner and explain it to them.

Ms. Harp: This building is in a shopping center. What businesses are you adjacent to?

Mr. Dure: It is right next door to Sam's Club.

Mayor Gottschalk: I thought you were next door to Woodcraft?

Mr. Dure: I'm next door to Sam's Club and on the other side is Woodcraft.

Mrs. Davis: What are the hours? Will the lights be on at night or are they just going to be on for so long?

Mr. Dure: Typically, the lights will be on in the winter from 5:00 P.M. until 11:00 P.M. and no longer than midnight.

Mrs. Hines: Mr. Broadstreet, I have a question about the Zoom meeting that is going to be held on Wednesday at the ZBA meeting. Will the people from out of town have their own equipment to Zoom in?

Mr. Cirincione: We will actually be relying on Niki Chuppa (the Police Chief's Administrative Assistant) who will be at the meeting. She has talked with the out of state people, and they have arranged their presence via Zoom.

Mrs. Hines: Okay, I just wanted to know. Thank you!

Mrs. Davis: I would like to make a motion to approve Case # PC21-128.

MOTION TO APPROVE CASE # PC21-128: SUBJECT TO THE CONFIRMATION OF THE SQUARE FOOTAGE BEING DETERMINED BY THE LINEAR FOOTAGE OF THE BUILDING was made by **Mary Davis**, seconded by **Malinda Harp** and upon roll call the **MOTION PASSED** unanimously.

OTHER MATTERS FOR DISCUSSION:

Status of the Vet Center at 24197 Broadway Avenue, Oakwood Village, OH 44146:

Mayor Gottschalk: Mr. Chairman, what is the status of the Vet Center on Broadway Avenue? I thought it was going to be on the agenda tonight.

Mrs. Davis: That was on the agenda last month.

Mr. Cirincione: The Vet Center was approved last month, but it's subject to the action of the Zoning Board for variances on Wednesday, December 8th. It's going to be an in-person meeting, but they are going to have representatives on Zoom from out of state.

Update on Case PC-21-128: Benext Awning & Graphics, Mr. Aldo Dure

Mr. Cirincione: I found the code information after James Johnston from Hips & Hogs Motorcycle Shop left. They are well within the required linear footage for the front of the building. He said it was 42-feet. It actually came out to 40 to 44-feet and up to 105-sq. ft. of sign area. They are well under that.

Mrs. Davis: Do we open that case back up?

Mr. Cirincione: No. We made it subject to them complying. The Code Section is 1185.06.

Mrs. Davis: Can someone inform Mr. Johnston of this?

Mr. Marinucci: I am in agreement with the square footage, and I will inform Mr. Johnston.

Resignation of Mary Davis from the Planning Commission:

Mary Davis: I will be putting in my notice of resignation as an Oakwood Village Planning Commission member at the end of this month, December 31, 2021 due to the fact that I will become a Councilperson of the Oakwood Village Council as of January 1, 2022. John Lasko will replace Mary Davis seat on the Planning Commission.

The Planning Commission will miss Mary and wishes her well!

Mary Davis: Mayor, you said you were going to call John Lasko to ask him about filling the position. He needs to know so he can be here for the first meeting in January 2022.

Mr. Broadstreet: There will be times when we're not going to have a quorum if we don't get these two seats filled.

Replacement for Tracy Moore, Planning Commission Member:

Mr. Broadstreet: We will need a replacement for Tracy Moore, Planning Commission Member. He has missed quite a few meetings sense he has been on the Planning Commission.

Mrs. Hines: Tracy has missed (5) five out of 13 meetings held this year. I have called to give him reminders of the meetings, especially when we are in need of a quorum.

Mr. Broadstreet: He doesn't give any notice when he doesn't show up! I've had a talk with him twice about his absences. I told him, "If you can't do this, you have to find somebody else." He said "oh no, no, I will be here", and then he doesn't show up!

MOTION TO APPROVE REGULAR PLANNING COMMISSION MINUTES FOR NOVEMBER 1, 2021 was made by **Mary Davis**, seconded by **Peter Duffy** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO APPROVE SPECIAL PLANNING COMMISSION MINUTES FOR NOVEMBER 8, 2021 was made by **Rand Broadstreet**, seconded by **Peter Duffy** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO ADJOURN MEETING was made by **Rand Broadstreet**, seconded by **Peter Duffy** and upon roll call the **MOTION PASSED** unanimously.

Meeting Adjourned at approximately 7:34 P.M.

Rand Broadstreet
Chairperson

Cynthia Hines
Recording Secretary