



VILLAGE OF OAKWOOD
PLANNING COMMISSION MINUTES
May 6, 2024

ATTENDANCE

PRESENT

Rand Broadstreet Chair
Malinda Harp
John Latsko

Peter Duffy
Ross Cirincione Law
Joel Hladky

ABSENT

Daniel Marinucci, CBO

Meeting opened by Broadstreet 7:00PM

Roll call taken

OLD BUSINESS

PC#24-101

OWNER MARY WARREN
26294 PETTIBONE RD PP#795-26-020
OAKWOOD VILLAGE, 44146

Broadstreet: Call to order the Oakwood Planning Commission Meeting for May 6, 2024. First item on the agenda is PC 24-101. Did you receive the letter dated May 6, 2024? **Warren:** Yes, I did receive the letter from Chagrin Valley Engineering. **Harp:** Do you have any questions regarding the letter. **Warren:** I already got the survey on this land. They wanted me to get a survey because my plan was to put a garage on the side detached from my house. You guys needed it to be 12' away from the property line. My property is weird, it is less in the front more on the right-hand side. I want to attach a 16' X 16' addition to the house. I need some room. The house is a bungalow. I am trying to attach something to my sunroom. I have more than enough room to do that. **Harp:** Do you have a new survey? A new site plan. **Warren:** Yes. I submitted it to her, but if you need it, I can get in touch with the guy. **Harp:** Did you submit it to the Engineer. **Harp:** He has not reviewed it? The approval is subject upon your new site plan and a new survey. Which you have submitted? **Warren:** I went to the Building Dept., I submitted the plan with the addition to it. Maybe you need the original plan. **Cirincione:** If I can read paragraph 2. It says that the submitted information allows me to make recommendation for approval to the Planning Commission, however, subject to the conditions listed below. It does not allow me to provide the issuance of a construction permit by the Building Dept. Final approval requires the issuance of a construction permit contingent upon submission of a site plan prepared by an Ohio Registered Professional Surveyor. The site plan will be required to show the existing dwelling and the proposed addition with boundary information and all setbacks from right-of-way and the sideline, to confirm that no yard variances are required. At this point the Engineer is saying he can't tell from what he has, whether you will have to go to the Zoning Board for variances on the side yards. Storm water pollution prevention plan and all pertinent details will be required prior to the issuance of construction permit. **Warren:** What are they saying? Pollution? Whoever the contractor is they have to submit? **Cirincione:** Whoever the contractor is, they should be able to get the applications for all the approvals you need. As it stands now there is no way to tell from what has been submitted whether you will have to go to the Zoning Board to get variances. That is the setback from the right-of-way, the side yard. **Warren:** If I get a survey all that will be on there? **Cirincione:** The current site plan does not show that, according to the Engineer. **Warren:** A surveyor came out about a month ago, he has all the information on the survey. He will have to email me what he has. Then I will take that and get that cleared with everyone. Is that correct? I will get the original. **Cirincione:** Give that information to the Building Department and forward it to the Engineers office. He has also asked to see the connection between the downspouts to the public storm sewer which would be in conformity with the Codified Ordinances. You need to share this information

with the professional. That person will have to look at the letter dated May 6, and comply with that in order for you to proceed. I don't know how the board wants to proceed. It is possible according to what Matt Jones (Engineering) recommended the commission preliminary issue approvals subject to final approval of the site plan. **Harp:** I think we should follow the recommendation; we can give preliminary approval. There needs to be final approval of your site plan, it does not mean you're approved. **Duffy:** I would like to see where the addition is going. **Harp:** The new addition will be on the right side as you're coming onto your property? **Warren:** Yes. **Cirincione:** His recommendation is that the board grant preliminary approval for the proposed addition subject to final approval of the site plan by his office and the other conditions that are laid out in the May 6, 2024 correspondence. **Harp:** Motion that we approve subject to the contingencies that are found in the May 6, 2024 letter of the Village Engineer. Second Duffy.

CASE # PC24-101; TOPIC ADDITION TO EXISISTING HOME; FIRST HARP SECONDED DUFFY

VOTE: BROADSTREET: Y; DUFFY: Y; MS. HARP: Y; LATSKO: Y

RESULTS Preliminary approval so the contingencies that are found in the May 6, 2024 letter of the Village Engineer are completed.

NEW BUSINESS

PC 24-103

JASON CANZONI

**7255 FREE AVE PP#795-03-045
OAKWOOD VILLAGE, OH 44146**

Broadstreet: Coming before the board to request approval for an athletic facility. **Harp:** This is not a public meeting is that correct? **Broadstreet:** This is not a public hearing. **Cirincione:** This is just for consideration. The board can recognize people if they want to make a statement. There is no debate back and forth. We do have audience members who have been given notification that this proposal is before these boards primarily before the Planning Commission, as Matt Jones said in his May 6, 2024, letter in regard to this, there are no site improvements because the building is already there. If there should be any kind of changes to the existing physical facility, that would be subject to further review. **Harp:** Another point for clarification, we are here to see if the board is going to grant a conditional, limited use, like, and similar use. **Cirincione:** This is to determine whether the Planning Commission considers this a like and similar use under the zoning provided in a light industrial district. **Harp:** Is there anyway we can have that section read, so we can have an understanding of what a like and similar use is? **Cirincione:** Light industrial provides the use regulations. In your presentation it looks like a large opening, for proposed uses that would accommodate baseball, lacrosse, football & soccer, that is all indoors. **Ebner:** Yes, it is all indoors. Everything is inside the warehouse building space. **Broadstreet:** What is currently in there now? **Ebner:** It is currently vacant. **Canzoni:** There was a wire manufacturer. A cable wire manufacturer was there before, but they have left. **Broadstreet:** Do you have a presentation that you want to give. **Ebner:** We are happy to. **Cirincione:** It lists currently in Subsection 02, the main buildings and uses permitted, office, laboratories as permitted, wholesale, office and showroom with accessory stores, goods, research, experimental testing and development. It also provides for service establishments, limited to the following kinds of establishments, bottling for beverages with preparation limited to use of previously processed basic liquids or solids. Cleaning establishments, laundries, dry cleaning, carpet cleaning, house supplies, electrical and household appliances, truck service and training center, manufacturing and assembly which includes fabrications, stamping extrusion, welding etc. Cosmetics, drugs, toiletries and other pharmaceuticals, clothing and textile products, fabrication of wood or metal, furniture, and cabinets. In Subsection 7, additional permitted uses, postal stations, fire and police stations, telephone exchanges, utilities, pumping stations, electrical distribution substations. Same as permitted uses as general business districts. Industrial then incorporates the requirements of additional use permitted uses as are permitted in general business districts. As well as when you go through the general business district, they build on each other in this code. **Harp:** This is not a general business district. **Cirincione:** What I am saying is that under limited industrial use it is permitted same as permitted uses in general business districts. In order to see what is permitted, we need to go to the general business district. The general business district language as we will see then says that the building use in that district will include those uses which are provided for in the local business districts. When I said it was involved, that is what I meant, it is the sections building on each other. I will read to you the regulations for general business. The general business will refer back to the local business. I will read local business. The local business under the code will be incorporated under

the general business district into the light industrial section. They are incorporated by reference. We need to first go to the light industrial which then goes to general business. Local business districts provide for permitted uses are residential uses, offices, professional, financial, governmental, retail uses, sale of baked goods, confectioneries, consumption of food and beverages, including a closed building provided for drive thru or drive in restaurants designed to be accessed by automobile are not permitted. The sale of drugs, gifts, antiques, flowers, wearing apparel, sale of hardware, personal services such as beauty and barber shops, interior decorating, laundry, laundromats, pressing, dry cleaning shops, repair services, these are extra retail uses are also permitted. That does not apply here. We are not talking about uses outside of the existing building. There is general language that says similar main use is permitted. Any other retail stores, shop or service not listed above, or any special use classification can be determined if it is a similar use, Planning Commission set the standards set forth (inaudible). That is essentially the local business. The general business district says that main uses, offices, research offices, laboratories, retail sales, same as permitted as retail sales in local business districts. Sale of general merchandise, sale of furniture, new automobile equipment. Automobile, bicycles, motorcycle services. Same as permitted in the main service uses in the local business districts. The local business districts I just read to you, are also incorporated in general business districts. Photographic development and printing, bowling alley, skating rinks, and indoor theaters. Frozen food lockers, mortuaries, radio intelligence, telephone services, parcel delivery, bus and taxi stations. Same use as conditional uses in local business districts. Clinics, outdoor amusements, golf driving ranges, miniature golf, veterinary clinics, commercial greenhouses. What it comes down to as we have been going through these sections, light industrial, general business, local business, the item that probably comes close to what this proposal says is under bowling alley, skating rinks and indoor theaters. Similar uses maybe permitted by the Planning Commission as similar uses, consequently any business use which is not accompanied by outside storage including motor vehicles which does not cater to a heavy customer, may be permitted by the Commission within this section. That is the determination you must make, as to whether or not this proposed use is similar to those which are listed in the combined three sections. Before making that determination, I think we need to hear from the applicants. **Canzoni:** We are here to seek approval to the alternative use similar use to roller skating, bowling; this is an athletic complex. I live in Sagamore Hills, born and raised here in Northeast Ohio, I have four children who play organized and recreational athletics. **Ebner:** I live in Broadview Hts., Ohio We are excited about the opportunity to talk to you and bring our business to the Village of Oakwood. I am a lifetime Clevelander. I have been coaching youth sports for 20+ years. What we are trying to build is a different sports training facility. Our philosophy of athletes making progress, which is what AMP stands for is teaching them not only to play sports safely and recreationally from the lowest level to the highest level, but to learn the value of sports as they grow. **Canzoni:** There are other complexes and athletic facilities similar to what we are doing, practice locations, places for the community to go play basketball, pickleball, it is also a recreational center. There is supply and demand for this type of facility. There are a lot of kids that are looking to tone their athletics or have some place indoors where they can go play during the winter months when it gets dark at 5:00p.m. I have been working with the Mayor in regards to summer camps as well. The sports that you see are catered to a large variety of individuals. We are mindful of the type of athletics that you would be able to accommodate. It appeals to a large population of people from basketball, boys and girls baseball, softball, lacrosse, soccer, volleyball etc. **Ebner:** When you talk about baseball, you think outdoor sports 300' fences. This is a training facility; it is very well managed on what we do from a training perspective. There is self-contained batting cages, everything is separate with nets a protection to the teen or folks who are using that space at that time. There will not be balls flying everywhere, it is very well contained. **Canzoni:** It is not just for teams, again it caters to the individual, coming and being able to rent a piece of the facility, whether it be basketball, pickleball, practice pitching or hitting, throwing a football, it caters to both teams and individuals, there will be recreational leagues, tournaments as well. We are talking about summer camps offering something for the community, a place for kids to go and participate and be a part of something. The visual layout that you have received gives you an understanding of some of the different areas, you can see there are eight-nine useable spaces for kids to use. **McWilliams:** People would have to call ahead to reserve time for a court. **Ebner:** They can call in, they can walk in, we will have a web application where they can go, select a time that they want, it is all automated. **McWilliams:** If that is available, they will be able to book that time. What about parking. **Canzoni:** There is parking directly in front of that building at 7255 Free. We are working very closely with the landlord to make sure the potholes are taken care of. There are holes where semi's were backing into that building regularly. The landlord will do improvements to some of those potholes, but we will have ample parking, we will also have the landscaping company that he owns next door on the south side of the lot. That will also be available to us for parking. Much of this business is a drop and go, parents are dropping their children off, they are there for an hour for a lesson or two hours for a practice, then parents pick them up. We don't anticipate there being heavy

parking and traffic. **Duffy:** What about for tournaments? **Canzoni:** Even if there is a tournament, we have one basketball court, we may have 30 cars. There is more parking for more than that. It is not going to be like if you go to a larger facility where they have 10 basketball courts, and there is a volleyball tournament with 500 people. We are not trying to do that. We are trying to be one team that wants to play another team and they rent the court. That would be the majority of the parking at one time. **Harp:** How many parking spaces would there be? **Canzoni:** Based on the layout that the landlord provided us, there are 22 spaces in front, additional spots 15-20 in the south lot. **Ebner:** We made sure we were mindful of the parking. There are two buildings on the premises, the landscaping company parking lot is not used, we asked under conditions should we move forward with this and be approved, can we use all the parking available on the entire facility. He said we can. **Harp:** How many parking spaces would that be? **Ebner:** I don't have an exact number. It is cindered, it is not mapped out. **Harp:** Have you considered traffic? **Ebner:** Yes. It is accessible from the freeways, there is ample space to turn around, there is an in and out to the driveway. There is a specific in and out that is very wide. Then you have parking down the side street, if potentially we would need an overflow. **Harp:** What side street? **Ebner:** The street that it is on. **Harp:** There is no parking on that street. **Ebner:** We did not know there was no parking on Free Ave. To your point, parking needs to be on the premises. Which we would abide by. **Harp:** Did you drive down Free Ave? **Ebner:** I have. **McDonald:** Would you have a membership fee, or individual fee, how is that priced out when you say the community can use this as well, are they allowed to join a membership, or do they have to pay individually? **Ebner:** Good question. We will offer both, we will offer memberships as well individual a-la-cart, renting of the space. When we met with the Mayor he did say that he wanted to make sure that we did have open days for the community to come use at no cost. We will work with that to make sure there are community days available for the residents to come in and use the facility. **Canzoni:** We did compare pricing models compared to other available facilities within a 20-25 mile radius, we made sure we were underneath that because we are a new business. **Harp:** Going back to my original question. Did you drive down Free Ave all the way to the end? **Ebner:** Yes, we did. Made the whole loop and came out the other side. **Harp:** It appears from your presentation the community is going to be critical to your success or failure. **Ebner:** Yes, the community is critical to our success. **Harp:** Did you canvas any of those houses that you passed on Free Ave? **Ebner:** We did not. **Harp:** Did you send any letter or flyer to any of the residents on Free Ave? **Ebner:** We were told this was step one. Before we start passing out literature, we wanted to make sure that we presented it. That is why we met with the Mayor first, we were told this was the next step. We are trying to follow protocol and not overstep. **McDonald:** Your marketing strategy is not just for the Oakwood Community but for surrounding communities, open to the City of Cleveland, what is your marketing strategy? **Ebner:** The marketing strategy is going to open it up to anyone who wants to rent the space. **Harp:** Have you considered security? **Ebner:** Yes. **Canzoni:** The premises would always be manned. We have thought about security systems and locked doors and the safety factors. **Harp:** Are you aware on Free Ave., there is the building that you would like to have, the landscaping business, there is an office building next door. Are you going to use that parking? On the corner of Forbes and Free, there is an office building. Every other structure on that street is a private residence. So that does not impact your decision to disrupt what is going on in all of those private residences. **Ebner:** With all due respect, we do not think we would be disruptful. Why would you consider this disruptful? **Canzoni:** There is nothing being performed outside the building, there will be traffic into the parking lot, then inside the building. **Harp:** Do you know how wide the street is once you turn off of Forbes Rd. to go to your facility? **Ebner:** I would assume wide enough. **Harp:** We are not going to assume. I am sure you will know it later. Does Free Ave. have shoulders? **Ebner:** Not sure, we did not look at that. **Harp:** Like a shoulder on the highway is wide, but on private streets they are smaller. Does Free Ave. have shoulders? **Ebner:** I don't recall but I do not think so. Is there a lot of foot traffic up and down that road? **Harp:** Do you know how many children live on that street? **Ebner:** Your main concern is the safety of the kids? **Harp:** Did you even inquire? **Ebner:** I'm not sure where we would get that type of information. **Harp:** You would knock on people's doors. **Ebner:** We would use this as an outlet, somewhere for the kids to go and participate in athletics. **Harp:** I have a problem. It would be a nice place for them to go if it was someplace else. Are you aware that right across the street from where you want to have drive in, things going on like tournaments on a street that should not even be a two-lane road. Are you aware there are three residences directly across the street? **Ebner:** Yes, we are aware of that. **Harp:** That is just three places you could have gone, did you go there? **Ebner:** Again, we followed the process that we thought we were supposed to follow. **Harp:** Would it have been reasonable for you to find out whether even going through this process was even necessary? **Ebner:** We met with the Mayor. The owner of this building told us this was step one. **Harp:** Mr. Canzoni, who are you representing. **Canzoni:** AMP athletics, we are a co-owned LLC partnership. **Harp:** So you don't own 7255. **Canzoni:** We will be leasing it. **Harp:** You are not a property owner, not an agent, you're constructing a new building. How were you able to submit this application? **Ebner:** I'm sorry what? **Harp:** In order for you to submit this application.

There are certain rights that are privy to property ownership, not only in Oakwood Village, but wherever you go. A property owner has the right to come here and say I want this, I want that. Our application requires that you be a property owner, agent or someone who is constructing a new building that owns the land. You are none of those. **Ebner:** We are looking to lease the space. We were sent that application from the office to fill out. Which we did. Nobody told us any different. **Canzoni:** We were asked to come here to present our use for the building. We are following what were asked to do, when we inquired. **Harp:** I don't see how we can proceed with your request of the permit, you are not qualified under any of the qualifications on the application. You can come back and do this again with the owner of the building here. Right now today, you don't have any standing to even be here. **Cirincione:** Do you have any formal agreement with the owner as far as the option, or a contract with him to use this property. **Canzoni:** Yes we do. **Cirincione:** I think there is sufficient standing to appear before this board. **Harp:** That is not what is required but statute. That is not what is required by this application. They could have circled agent, he could have given you the permission that you said he gave you and you could have circled agent. **Ebner:** We did not do that. We came here to present our business, we do have an agreement with the landlord in place. **Harp:** We do not know that. **Ebner:** Again that is why we are here, to talk with you. **Broadstreet:** Let us assume that we do have that. **Harp:** I am not going to assume. **Broadstreet:** We have a temperature here from the crowd, that you are not happy with this idea. This is not a public meeting but I would like to hear some concerns pro and cons before we make a recommendation, whether we proceed.

Concerns of the residence: Quiet street, no crime. With the traffic, going to be loitering, littering, disruption of our private street. Concerns about the children walking the street to go to school. Additional traffic. Narrow road, no sidewalks. Traffic getting out of Free onto Forbes is already congested. What if they want to purchase that property and expand, it is going to encroach on our properties. Possibility of not enough parking using street parking. Could they change the entrance onto Oakleaf instead of Free.

Ebner: Hours of operation will be 8AM to 9PM. On the weekends it will not be open that late. Not a 24 hour facility. **Cirincione:** It seems like there are many questions that have to be answered before the Commission is even close to making a decision. There are numerous concerns of the residents. I would suggest the commission table this to give you opportunity to meet with committee members, lay out what the benefits are. There are some concerns about how this would impact the children, accessing the facility, and traffic endangering children. Perhaps there could be another entrance to the facility that might be considered. If there is a way to come to an agreement that could meet the residents concerns, I think they should be explored. People have concerns that should be explored, so that it can be discussed back again with this board, so this board knows exactly where everyone stands. Are these problems surmountable. If this the wrong place at the wrong time. It is unique mixture with businesses in there with the residential. It is a sensitive balance. That would be my suggestion. It can be tabled so you can provide both the boards and residents with more information. **Harp:** My thinking, if we table this, we are tabling a legitimate application. It is my assertion based upon what they presented as an application, they don't have any standing to even be here. **Cirincione:** What needs to be done, is go to the owner, have the owner send correspondence to the Planning Commission, to the Building Department saying we have a legitimate contract and have the ability to make a presentation. As the owner of the building, he can do that. If you would like to see that document, I would not disagree with you. I suggest this be tabled. We have at least one member who is questioning your authority. She and I do not agree, but I would like to address that concern. Is that acceptable for them to provide the information that you want. **Harp:** We will table it pending that letter? **Cirincione:** It is also pending to get substantial what the applicant can do to meet the concerns of the residence. Whether or not once the safety concerns are met. There are kids on that street, it would be a good thing if they can be accommodated. **McDonald:** Perhaps even a different access, maybe Free is not the place for the access. **Ebner:** Our customer base, how can you assume they will go further down the street. Or a future tenant would not have more traffic based on their business than us. **Cirincione:** You will need to come back to this board and the administration. **Ebner:** I think there is a big misunderstanding about the amount of traffic. If I can explain. I am fond of listening to your concerns. There are a lot of facilities that are doing the same thing we are trying to do. It is very individualized, there is a couple of cars. The plot says there is space for 20 cars, that is far more than we will need. We are talking 3-4 cars at a time. It is very light traffic use, there is not going to be a 100 people in this building at one time. **Ebner:** If we have a basketball game that is two sets of teams total. That is all we can accommodate. We could have tournaments there but there is only one spot. We can only accommodate one game at a time. One of our fields will only accommodate ten kids. The batting cages one kid. **Canzoni:** Typically, the amount of

traffic are kids under the age of 18, they are not doubling up on cars, they are not driving themselves and parents are coming as well. **Broadstreet:** We are done for now, we are going to save these questions for when we have a public hearing. We are going to table this for now. We will do some more research, our applicants are going to do their thing. Do I hear a motion to table?

CASE # PC 24-103; **TOPIC** SIMILAR USE PERMIT ATHLETICS; FIRST DUFFY SECOND LATSKO

VOTE: BROADSTREET: Y; DUFFY: Y; MS. HARP: Y; LATSKO: Y

RESULTS Tabled to get concerns of residence addressed.

Motion to adjourn made by: HARP; Second: LATSKO

Vote to adjourn Broadstreet Y; Duffy: Y; Harp: Y; Latsko Y .

Adjourned 8:05 pm

Signed _____
Rand Broadstreet, Chair

Signed _____
Joel Hladky, Board Recording Clerk

Date approved: _____