

REGULAR MEETING

PLANNING COMMISSION  
STATE OF OHIO  
COUNTY OF CUYAHOGA

DATE: March 17, 2015

AGENDA

TIME: 6:30 P.M.

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WORK SESSION – 6:00 P.M.  
Briggs term expires May 2015

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - a. Approval of Minutes of the Work Session of February 18, 2015 (roll call)
  - b. Approval of Minutes of the Regular Meeting of February 18, 2015 (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. REACH Counseling Services, 5445 Smith Road, Brook Park, OH 44142 – Education Alternatives, 314 Union Street, Bedford is seeking to open a Type I Group Home within an R2 District – 1927.02 Conditional Uses/1915.24 Group Home (Tabled 2/18/15) (roll call)
  - b. Chris Chubbuck, Royce Allen Construction, 946 Elmwood Dr., Macedonia, OH – Bentbrook Development is seeking to construct in Phase I 18 single family homes/Phase II 20 single family homes (roll call)
  - c. Tim MacVittie, 6467 Main St., Williamsville, NY – Uncle Bob’s Self Storage, 1455 Broadway Ave., Bedford is seeking renovate both exterior and interior of the existing office building – §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](http://www.bedfordoh.gov))

Planning Commission met in a Work Session at Bedford City Hall on Tuesday, March 17, 2015 at 6:00 P.M.

Present: Dickard, Dzomba, Briggs, Powers. Absent: Mallis. Also Present: Secretary Lorree Villers, Law Director John Montello. [Building Commissioner Calvin Beverly was absent this evening] Also present: Tim MacVittie, 6467 Main St., Williamsville, NY.

The Commission did not have any issues with the minutes of the Work Session or the Regular Meeting minutes of February 18, 2015. Secretary Villers said the minutes could not be approved this evening due to lack of votes. Mrs. Briggs and Mr. Powers were absent that evening which only left two (2) votes for approval.

**REACH Counseling Services, 5445 Smith Road, Brook Park, OH 44142 – Education Alternatives, 314 Union Street, Bedford who is seeking to open a Type I Group Home within an R2 District – 1927.02 Conditional Uses/1915.24 Group Home. (Tabled 2/18/15)**

Mr. Montello explained the Commission/Administration tabled this item at the February 18, 2015 meeting to research additional information. It was determined the current group home in question was approximately 2,000+ feet away from the requested site so it was not an issue. The Commission reviewed the February minutes and questioned the ages of the children that would be there at the same time. At the February meeting, Mr. Dzomba understood the children would be of the same age group. Questions arose whether it was a “group home” or Type 1 Child & Adolescent Residential facility [Ohio Administrative Code 5122-30-03]. Secretary Villers read the application which referred to the facility as a Type 1 Child & Adolescent Residential Home; it was Mr. Beverly’s memo that describe it as a Type 1 “group home”. Nobody knew if the definitions were considered the same or if the two could be considered the same type of facility. Basically the applicant was asking for a “Conditional Use” and per Mr. Beverly’s memo the Commission needed to give approval since it was in an R-2 District. It was determined the applicant also owned the home. Mr. Montello reviewed the restrictions of Ordinance No. 9225-14 (a) – (e) and none applied to his knowledge. Per the attachment, REACH was required to be licensed by the Ohio Department of Mental Health and Addiction Services and was a non-profit 501(c) (3). The facility would provide personal care services, mental health services for children and adolescents with a serious emotional disturbance or need of mental health services who have been referred by or are receiving mental health services.

**Chris Chubbuck, Royce Allen Construction, 946 Elmwood Dr., Macedonia, OH – Bentbrook Development is seeking to construct in Phase I 18 single family homes/Phase II 20 single family homes.**

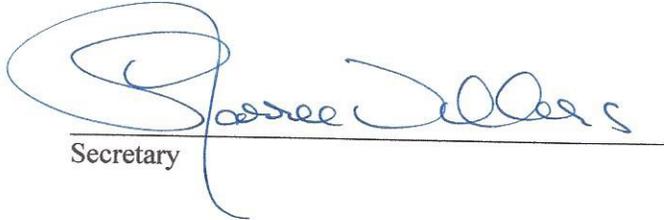
Mr. Montello stated Chris Chubbuck representing Royce Allen Construction withdrew his application for the proposed Bentbrook development after the meeting was scheduled so the Commission would have to remove this request from the agenda. He assumed this topic would be before the Commission at a later date. He explained the applicant was requesting to start the first of two phases for this development. Phase I would be 18 single family homes and Phase II would be 20 single family homes. This specific development was started years ago by another applicant and was never completed.

**Tim MacVittie, 6467 Main St., Williamsville, NY – Uncle Bob’s Self Storage, 1455 Broadway Ave., Bedford is seeking renovate both exterior and interior of the existing office building – §1305.09 Building Plan Review [Tim MacVittie joined the Work Session 6:15 p.m.]**

Mr. Montello explained Bob’s Self Storage was originally before the Commission in April 2013. The applicant was looking to renovate both the exterior and interior of the existing office building to increase

parking spaces for the office along with relocation of the current fence. The Commission was pleased with the appearance of the building but questioned if the side facing Broadway Avenue could be dressed up a little because the wall was blank. Mr. MacVittie said it probably won't be a problem; however, Daniel Schwanz would have to make that decision at the Regular Planning Commission meeting this evening. It was determined the inside renovations would also have an ADA compliant restroom. The current second floor apartment would not be used as a living space as it was years ago.

Work Session adjourned at 6:20 P.M.

  
Secretary

  
Chairman

Bedford, Ohio

March 17, 2015

Planning Commission met in Regular Session at Bedford City Hall on Tuesday, March 17, 2015 at 6:30 P.M. The roll was called. Present: Dickard, Dzomba, Powers, Briggs. Absent: Mallis. Also in attendance was Law Director John Montello.

Motion made by Briggs and seconded by Powers to excuse Mr. Mallis. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

The minutes of the Work Session of February 18, 2015 and the minutes of the Regular Meeting of February 18, 2015 could not be approved this evening due to lack of votes. Mrs. Briggs and Mr. Powers were absent that evening which only left two (2) votes for approval.

Motion made by Dzomba seconded by Briggs to table the minutes of the Work Session of February 18, 2015 and the minutes of the Regular Meeting of February 18, 2015. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

*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.*

**REACH Counseling Services, 5445 Smith Road, Brook Park, OH 44142 – Education Alternatives, 314 Union Street, Bedford is seeking to open a Type I Group Home within an R2 District – 1927.02 Conditional Uses/1915.24 Group Home**

Present: Keaton Swartz, General Counsel, Education Alternatives and Dr. Christine Swartz, PhD, PCC, Chief Clinical Mental Health Officer for REACH Counseling Services.

This topic was tabled at the February 18, 2015 meeting. Mr. Montello explained that there was another group home located at the corner of Union Street and Broadway Avenue but after some research the other group home was approximately 2,000 feet away so it was not an issue per Ordinance No. 9225-15.

Mr. Keaton Swartz, previously sworn in, explained the property was zoned as an R-2 and the home would be used for single family purposes because a group home were defined as a single family under Ohio Law. This specific home was actually considered a Type 1 Residential Treatment Center and they were requesting a conditional permit to operate it as a group home. Mr. Montello referenced Ordinance No. 9225-15 which listed the five (5) restrictions. He questioned whether Educational Alternatives (EA) was considered a school in the traditional sense. Mr. Swartz replied Codified Ordinance Chapter 1915.24 did not define what was considered a school and the ORC doesn't offer a definition. He agreed EA was not a school in a traditional sense. Mr. Montello concurred with Mr. Swartz. Mr. Montello felt REACH's Conditional Use request could be granted subject to compliance with all city codes and ordinances. Mr. Swartz said since 314 Union Street was in a residential area they would have to comply the same ordinances, statutes, codes as any other residential home in Bedford. There weren't special requirements for group homes because they were considered a residential home. For example, if someone moved to Bedford in a residential area they would not have to comply with the commercial building code. Mr. Montello said Mr. Swartz would have to talk to Building Commissioner Calvin Beverly regarding the requirements/codes. That was not this Boards decision nor his decision this evening. If Mr. Swartz and Mr. Beverly didn't agree then REACH/Mr. Swartz could appeal the decision. Mr. Montello explained Mr. Beverly was researching whether they would need to install a sprinkler system.

Mr. Montello asked if there was going to be any signs installed. Mr. Swartz replied no, they wanted to blend into the community. Mr. Dzomba asked about the age differences. Mr. Swartz explained the

children would be close together in age. These types of questions were addressed through the licensing procedure with OhioDMHAS not the Planning Commission. OhioDMHAS would address any types of issues directly with REACH by regulating the age group, sex of the child or amount of people in the home. The facility could not operate until they become licensed.

Mr. Swartz explained the children would be monitored 24/7 during their stay and hopefully attended Educational Alternatives (EA) during the day time hours. These children would not be unattended; they were emotionally handicapped children nor would they be driving cars. These children would not be unattended to go play in a nearby park or play elsewhere alone. This home would be monitored 24/7/365. Mr. Swartz asked if this could be approved this evening or if it needed to go the City Council he felt unnecessarily; he thought there might be some type of resistance from the neighboring residents. It was explained there was a procedure that needed to be followed and it would go before Council in April.

Mr. Montello noted the decision of the Planning Commission was not final, the item would still need to be considered by Council at the April 6, 2015 Regular Meeting.

Motion made by Powers and seconded by Dzomba to approve the application of REACH Counseling Services, 5445 Smith Road, Brook Park, OH 44142 – Education Alternatives, 314 Union Street, Bedford who is seeking to open a Type 1 Residential Treatment Center/Group Home within an R2 District and subject to compliance with all city codes and ordinances. [COB Chapter 1915.24]

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

It was noted the decision of the Planning Commission was not final, the item would still need to be considered by Council at the April 6, 2015 Regular Meeting.

**Chris Chubbuck, Royce Allen Construction, 946 Elmwood Dr., Macedonia, OH – Bentbrook Development is seeking to construct in Phase I 18 single family homes/Phase II 20 single family homes.**

Motion made by Dzomba and seconded by Powers to remove item letter “b” from the agenda. Chris Chubbuck representing Royce Allen Construction for the proposed Bentbrook Development withdrew this application after the meeting was scheduled. Mr. Chubbuck was seeking to construct in Phase I 18 single family homes and in Phase II 20 single family homes. The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

**Tim MacVittie, 6467 Main St., Williamsville, NY – Uncle Bob’s Self Storage, 1455 Broadway Ave., Bedford is seeking renovate both exterior and interior of the existing office building – §1305.09 Building Plan Review**

Present: Daniel Schwanz, Project Manager, Real Estate Management and Tim MacVittie, 6467 Main St., Williamsville, NY for Uncle Bob’s Self Storage, 1455 Broadway Avenue, Bedford.

Mr. Tim MacVittie and Mr. Daniel Schwanz, both previously sworn in, explained the request was to renovate both the exterior and interior of the existing office building to increase parking spaces for the office along with relocation of the current fence. Mr. Dzomba questioned if the colors were going to match from building to building and what the windows were going to be. Mr. Schwanz said the company had spent a lot of money on the project and it was going to be tastefully done, all the colors would match. Mrs. Briggs asked to see the right side or the side that faced the entrance to the City on Broadway Avenue. Mr. MacVittie referred to Page A-1 that showed a drawing and the elevation was going to look the same. Mrs. Briggs was not interested in adding any additional costs to the project but she asked if

there was a way to break up the blank wall facing Broadway Avenue. Mr. Schwanz explained Bedford was the first community to get the nationwide brand of Uncle Bob's Self Storage. He thought there was an option possibly a faux window. The new floor plan did not allow real windows in this area; there was a bathroom and office in this specific location. Mrs. Briggs told the gentlemen the pictures used in the presentation this evening looked very nice.

Motion made by Dzomba and seconded by Briggs to approve the application of Tim MacVittie, 6467 Main St., Williamsville, NY – Uncle Bob's Self Storage, 1455 Broadway Ave., Bedford who was seeking to renovate both the exterior and interior of the existing office building and subject to compliance with all city codes and ordinances and a decoration/faux window on the blank side.

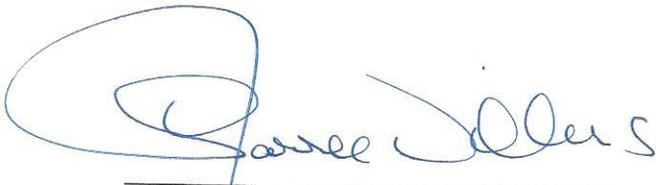
The roll was called. Vote – Yeas: Dickard, Dzomba, Powers, Briggs. Nays: None. Motion carried unanimously.

Mr. Montello noted the decision of the Planning Commission was not final, the item would still need to be considered by Council at the April 6, 2015 Regular Meeting. Mr. MacVittie and Mr. Schwanz both were from NY and wondered if they needed to attend the April 6, 2015 Council meeting. Mr. Montello would advise them after he spoke with City Manager Michael Mallis and Building Commissioner Calvin Beverly.

#### ADJOURNMENT

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

Meeting adjourned at 6:55 P.M.

  
Secretary

  
Chairman