

PUBLIC HEARING

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

DATE: July 22, 2014

AGENDA

TIME: 7:00 P.M.

**PLANNING COMMISSION
PUBLIC HEARING**

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **NEW BUSINESS**
 - a. Proposed Ordinance rezoning property described herein from "R-2" to "B-2A" classification – (P.P. Nos. 811-01-020 and 811-01-021 located at 32 Greencroft Road)

4. **ADJOURNMENT**

Bedford Planning Commission met for a **Public Hearing** at Bedford City Hall on Tuesday, July 22, 2014 at 7:00 P.M. The roll was called. Present: Dickard, Dzomba, Powers, Briggs, Mallis. Also in attendance were Building Commissioner Calvin Beverly and Planning Secretary Lorree Villers. Absent: None. Also present: Bruce Rinker, Attorney at Law for Penske Automotive Group, Assistant Law Director John Montello.

Secretary Villers read the properties to be rezoned from "R-2" to "B-2A" classification were P.P. Nos. 811-01-020 and 811-01-021 located at 32 Greencroft Road.

The Public Hearing was for the rezoning property described herein from "R-2" to "B-2A" classification P.P. Nos. 811-01-020 and 811-01-021 located at 32 Greencroft Road

The Planning Commission had previously discussed this topic on June 17, 2014 with Attorney John Monroe, Mansour, Gavin, Gerlack & Manos Company, LPA, North Point Tower, 1001 Lakeside Avenue, Suite 1400, Cleveland, Ohio. At this meeting the Commission made a motion to approve the request. "Motion made by Dzomba seconded by Briggs to approve the application request for rezoning of properties for Motorcars Acquisition V, LLC, Penske Automotive Group, 32 Greencroft Road, Bedford, Ohio for P.P. 811-01-020 and P.P. 811-01-021 from R-2 to B-2A Zoning Classification subject to compliance with all City Codes and Ordinances."

Bruce Rinker, Attorney at Law, North Point Tower, 1001 Lakeside Ave., Suite 1400, Cleveland, Ohio 44114, having previously been sworn in, said he was present this evening representing Motorcars Acquisition V, LLC; wholly owned subsidiary of Penske Automotive Group. The request was previously heard from his partner John Monroe, Mansour, Gavin, Gerlack & Manos Company, LPA for a positive recommendation of the rezoning of two (2) parcels located at 32 Greencroft Road. Mr. Rinker reviewed the June 17, 2014 Planning Commission minutes and understood the City/Commissions support in the request of the parcels used for inventory storage for the past many years. The rezoning would be consistent with the how the property had been used by Penske Automotive Group. Recently Penske Automotive Group made a significant reinvestment in Mercedes Benz of Bedford. The recent construction improved the drainage off the site away from the residential area, improved fence providing curbing and paving; all things put together improved the preexisting function of the site. He felt the zoning map be amended to reflect what the reality of this site was really. He understood the purpose of the Public Hearing was to hear the pros and cons of the rezoning request. He believed when one looked at the overall comprehensive plan the history of the usage of this site and the purpose for the rezoning, it really fits in well. He understood the sensitivity of the issue; even though Penske had been a good corporate neighbor. He was available for questions.

Susan Bordeaux, 42 Greencroft, has lived in Bedford since 1977. She said the residents in this area were promised in the 1980's the property would never be rezoned. They were promised buffers and privacy fences and this had not happened. In the summer of 2013, the weeds were as high as the fence on both sides of the fence. Ms. Bordeaux stated she had been maintaining the dealership's property near her home for the past 17 years. She said the dealership had only cut their grass three times this year. Ms. Bordeaux was unhappy with the lack of privacy the fence had to offer and there was no privacy fence across the back. She submitted pictures for review. The employees were throwing their lunch rubbish over the fence into her backyard. She felt the dealership disrespected the residents. She told a story of the conversation she had of selling her property to the dealership years ago. She explained she had called the police when the cars were being broken into and when a buck was stomping their cars. She stressed she would never call the police for them again because of the way she had been treated. She said she had problems numerous times with the dealership previously piling/mounding used tires near the property line. Some of these issues were previously addressed by former Councilman Batten but the problems were never resolved. She stated the dealership were the rudest people to deal with. She understood things change but when the ordinance was passed in the 1980's, they were promised the ordinance would never change and

the buffers would be kept the way they were. She did not understand why this discussion was even happening; the rezoning should not be considered. The promise should be kept. She was not happy with the situation. She spoke about the situation she had concerning the bushes and the replacement trees that destroyed her drive. The dealership refused to fix her drive, however, they removed every tree. She felt the dealership should not have the privilege of changing the ordinance because the dealership had violated the City Ordinances since day one; both Mazda and Mercedes. She stated Mercedes had violated the ordinance since the day they purchased the dealership. She felt Mercedes had disrespected the entire City and felt the City was not backing her as it should.

Moses Tomko, 71 Jackson Boulevard, said he was sure the dealership had affected this neighborhood. He moved to Bedford many years ago and proud to improve his neighborhood. He talked about three traffic issues in the area concerning possible accidents and speeders. He expected his neighborhood to be treated the same as the rest of the City. He felt the Police Department had not served them well in this area, cars were traveling 45 mph down his street and he wondered if the Officers even went to the park. He felt some of the Department heads/Administration were not doing their job. He spoke about the flyer Councilwoman Spinks recently passed out. He felt the dealership should not get away with stuff because they were Mr. Automobile of Bedford. Bedford was a good community and the leaders were chasing them out of the City. Mr. Dickard assured Mr. Tomko the Planning Commission did nothing to create their situation; the Commission was present to listen to try and resolve their problems and a Board that made recommendations to Council. Mr. Tomko thought he needed to start attending the Council meetings to be heard to wake up the Council members. He was upset with what was happening in his neighborhood.

Annette Lisy, 27 Greencroft Avenue, lived in her home for 22 years. She said the neighborhood got along with the previous collision center; they stayed on their side. Since May the collision center had become not very good neighbors; during the recent construction there was dust, noise, fumes, blocked drives and truck traffic on the street. She said she had nothing against the dealership being there but she wanted the gate closed. She felt concessions needed to be made during this "mess". The dealership was in operation six days a week and Sunday was the only day she could get rest. Children don't play in the street because they might get run over.

Denise Zingale-Travis, 27 Tudor Street, had her first confrontation with one of the dealership's employees because she almost hit. She showed three pictures on her I-pad of the fence and the poor visibility. This specific gate was normally open and the residents were here for the issues they were bringing to light of being a Quality of Life issue. She felt there was no communications about the meetings. She reiterated the area north of Rockside Road was a forgotten area and was not patrolled like the other areas of Bedford. She was the fourth home on Tudor and she could hear the dealership's PA system. The gentlemen that almost hit her she informed him that he was not allowed to use this particular drive because it was a residential street. She said she spoke to someone in management at the dealership and he claimed he was beautifying the corner and he owned. She informed the Commission that this management person may own the corner right now but if one of his employees hits someone and disables them that person will own this specific corner; this was her concern. She thought the children should be considered because they ride on Greencroft. She thought people were leaving their houses because of the issues in this area. There were a lot of violations happening with this dealership. She was asked if she called the police when she was almost hit; she replied, why, nobody was injured this time. She complained about the speeders in the area traveling toward Maple Heights. She felt the City ordinances were not followed because the dealership was not shoveling their sidewalks in the winter. None of the dealerships abide by the City ordinances and the dealerships actually make Bedford Council look like a "laughing stock". If the dealerships were given tax abatements, that should be enough for them to spend the money and shovel their sidewalks. She said this was an environmental issue concerning the Quality of Life; the noise was a different issue. She questioned if Council would take into consideration the environmental issue regarding the dealership. Of course, the dealership was not going to take the

environmental issue into consideration. Her hair salon had environmental issues too. She felt if this was handled in the same manner as FEMA; there would be more vacant houses in this area. Residents were just going to "pull up and out"; the area was a bad area. She felt the City needed to communicate better with the residents as far as what all these meetings were about.

Mary Ann Berry, 22 Tudor Avenue, said she had lived in this area for 54 years. She felt the zoning should be residential. When the property was purchased behind the Sterling property it was understood the property was always going to be kept residential. With this understanding that was why the residents voted on it for it to be residential. She was afraid if the rezoning was approved and homes became vacant, other homes would be purchased and the property changed to commercial/industrial. She stated she had nothing against the dealership; they had done an excellent job. The signal lights were removed at Broadway Avenue and Greencroft Avenue when Bob Reid was City Manager. She knew the law was that once a light was removed it could not be reinstated but Greencroft was a hard street to exit. The reason other residents did not show tonight to voice their opinion was because nothing was done about it. The residents pay their fair share of taxes and the residents need to fight for what they believe in. She did not want the dealership to move; they were a great company but the gate needs to be closed. The residents try to maintain their homes but this rezoning would decrease the value of these homes. She suggested the dealership not use the side streets during a test drive. She reiterated she had nothing against the dealership, they were good people. She felt the dealership should use their drives on Broadway Avenue and Rockside Road. She loved all the dealerships; she had owned several Mercedes vehicles; the issue was the gate and the property should stay residential.

Joan Marks, 68 Greencroft, next to the park for 36 years, agreed with the previous concerns this evening of Susan Bordeaux. She witnessed the tires in the back of Ms. Bordeaux's property some years ago and everything she stated this evening. She attended the meeting years ago when Mrs. Rocco sold her property to the dealership. It was stated in no uncertain terms that the ordinance would never change and that was basically why the residents stopped fighting it at that time. She was disgusted with the trucks on Greencroft. She felt this section of Bedford was considered Maple Heights and this area was the forgotten area. She stated when driving down Greencroft it was nasty on that side of the street and it looked like a slum. The residents were attempting to keep their yards nice during this time of change in Bedford. Bedford was experiencing a time of change. Traveling from Broadway Avenue down Flora Avenue had always looked nice; the Mazda dealership kept their area nice and she bet the resident next to Mazda didn't complain. She spoke about the auto repair shop on South Boulevard in Maple Heights that was beautiful. She asked why Mercedes with all its money didn't keep their corner nice. The City should make the dealership contract with a landscaper forcing them to keep the corner nice and the area next to the Ms. Bordeaux's property/fence.

Terry Svagerko, 96 Tudor Avenue, had lived in Bedford since 1962. He asked how many houses were on Broadway before the dealerships purchased them. The Commission did not know exactly. Mr. Svagerko stated six or seven homes. He was appalled the Commission was even considering the rezoning. He was told by a construction worker to ride his bike on the other side of the street. This area was residential and there should not have been a thought to rezone it. He was getting ready to move because it was not like it should be. He wondered if this area was going to be called the Bedford Automile neighborhood in the next ten years. He wondered if this was what the residents were going to be facing; he found it appalling. It took so long to fix Greencroft Park when the ditch was dug; he couldn't sled ride for 12-13 years. He was not against the dealership; he did not want the gate open. He said Tudor Avenue was dangerous with speeders traveling 50 mph. He understood the Officers needed to catch these violators in the act but they were gone before he finished his call. The residents were promised the dealership would not test drive their cars in this area. He was very active in his neighborhood and now the City was making him want to leave the City; what does that tell the Commission. He felt Bedford was a great community but not if the City was going to be available to the big businesses. He was a good neighbor and called the Police Department when he witnessed cars being broken into. That's what good neighbors do was look out for one another; he felt the dealership didn't look out for the residents.

Dean Ringler, 23 Greencroft, moved to Bedford in 1984. He explained there used to be a house on this specific property. The reason when this property became a parking lot was to remain zoned residential. The residents were promised a buffer zone and there was to be no truck or traffic. When Mazda owned the property, their cars had to be moved individually by employees with no trucks or traffic going through the gate. Even though the property had been used as a parking lot there was a reason it was left zoned in this fashion which was to prevent trucks and traffic. The street was too narrow and there was a "No Truck" sign at the end of the street. This was what they were all promised when the house was torn down and it was turned into this type of property to be used for car storage. If Mercedes wants to be a good neighbor, they should acquire the Sterling property. He pointed out the dumpsters were emptied at 4:15 a.m. When it was Sterling, the dumpster was emptied during the daytime hours. He added the other dumpster was emptied at 5:15 a.m. He asked the dumpster situation be addressed and the property be kept residential.

James Pilla, General Manager of Mercedes, came to Bedford in 1993 when they purchased the Infinity/Mercedes dealership. The reconstruction he personally handled. In 2000, Penske bought the dealership and he kept the property. He did not own the Sterling building or the parking lot that was being discussed. In 2002, he retired but he was now back running the Mercedes dealership. He assured the dealership was a very good neighbor back when he previously ran the dealership. He personally wrote a check for \$50,000 for the Greencroft baseball diamond. He recently was informed he owned three feet on the other side of the fence so that would be dealt with differently. He stated any resident that had called him in the last two weeks he had conversations with; he was not running from anyone. A lot of the truck traffic was because of the recent construction project. He understood the residents did not want the gate open and he did not have a problem keeping the gate closed unless there was an emergency. He stressed he wanted to reserve the right to use the gate if need be. He said with all the construction of recent he did not look beyond the fence and he cleaned it up and beautified the area as requested. He did not have a problem improving the dealership and Penske spent \$10 ½ million since February in improvements to beautify the dealership. He added Penske's money did not make his property more valuable; the \$10 ½ million did not increase the value of his property at all. The recent appraisal amount was the same as before because of the removal of a building. The asphalt and paint was to clean the facilities. He urged the residents to call him, he'll answer the phone and he did not have a problem being a good neighbor. He would address the dumpster issue; he asked the residents not to stew over issues but to call him to let him know what the issues were. He understood the signal light could not be reinstalled and some of the issues had nothing to do with the rezoning request but rather speeders in the neighborhood. It had nothing to do with whether he parked cars on asphalt or not. He said if any of his employees were driving their cars through their neighborhood he would handle it. Mr. Mallis said he made notes on the other issues the residents expressed this evening regarding the dumpster, traffic, speeders and landscaping beautification that were separate from the rezoning issue itself. Mr. Pilla talked about the children that were smoking and drinking near the sewer cover. He discussed this with Mr. Angelo and the beautification would be a benefit to the City because it was City property. Mrs. Zingale-Travis said if this evening's meeting was not a rezoning issue, then why was there a meeting. Mr. Pilla said he was not present because of the rezoning issue, he was here because of the complaints and he wanted to be a good neighbor. Mrs. Zingale-Travis thought this was mostly safety issues and environmental issues. Mr. Mallis clarified Mr. Pilla was addressing the complaints he heard this evening; he was responding to the crowd.

Susan Bordeaux, 42 Greencroft, said the residents were promised all these things back when Rocco sold and the ordinances were not followed. She stated from day one the dealership violated the City ordinances. She felt it was Mr. Pilla's job to know what was happening regarding this property. It was his job to make sure everything was being done properly. It was his job to make sure his employees were doing their job. She stressed the dealership violated the City ordinances from day one. She did make calls and nothing was done. She begged that the current ordinance not be changed, it was a promise they made to the residents when it was sold. In the back there was no buffer and no privacy fence. The vans height

was over the top of the fence. She stressed the dealership was rude and disrespectful. She felt Mr. Pilla did not know his job.

Bruce Rinker, Attorney at Law, North Point Tower, said apart from the operational issues that a lot of the residents raised and Mr. Pilla addressed, he thought the City records would confirm the investments that had been made to the property were improvements apart from all the other investments by his client. He felt what was important was the zoning history. Whatever change may have occurred concerning the zoning classification, the site's usage and history of the site had been consistent with the requested zoning. He had five different Google Earth pictures that related how the lot relates to the neighborhood reflecting historical usage of the site. The pictures also showed the relationship of the nature of the fencing, the entryway in relationship to the neighborhood homes. He thought in terms of looking at the logic, the rationale of amending the zoning code to reflect the historical usage of the site the Google Earth pictures would be useful.

Moses Tomko, 71 Jackson Boulevard, asked what two parcels were being considered. Mr. Mallis explained the process regarding a rezoning request. The City had to mail a letter identifying the parcel(s) within the required 350 feet from said location. Mr. Rinker showed Mr. Tomko the two parcels. Mr. Tomko asked if these parcels were rezoned per the request and the dealership wanted more property then he couldn't sell his house; he would then set it on fire. He stated elected officials were chosen to work for the residents and that was why they were elected. He said hard headed people like him was going to get real nasty and make demands. Mr. Mallis said regardless of the outcome regarding the rezoning he was committing to the residents the other issues that were not related to the rezoning requested would be addressed. Mr. Tomko asked what was going to happen to the children when school started regarding this congested situation. Mr. Mallis said the location of student pickup/drop off was something the school had to decide; it was not the City's responsibility. Mr. Tomko stated that the City listened to what the residents had to say and if one of the children got killed, so help him God he would find the responsible party and kill them. He was not in favor of hearing the City say the decision was made because of the tax money. He felt the tax money should be converted to toilet paper so it could be put to good use. He stated he would remember all the Planning Commission and Council members and if a child got hurt someone was going to pay.

Terry Svagerko, 96 Tudor Avenue, asked if this property was rezoned; were the car haulers going to use Greencroft as they had in the past. Plus, when the trucks parked on the street it affected the traffic and made it a horrible situation. He explained after the signal light was removed they were told to use South Boulevard. Concessions were made with the signal light but this was not something they were willing to make concessions on. He asked if these car haulers were parking on their streets if they would like it. He asked for a definition of an "emergency" use for the gate. If the dealership used the gate for an emergency the residents would not have a problem with the use of the gate. This was a small neighborhood, their streets were the last to be plowed in the City with no resident complaints. He stressed the residents were passionate about this topic. Mr. Mallis assured the Commission understood the situation and so does the dealership. He was confident the dealerships were also passionate about Bedford as well. The dealerships were passionate; they turned down other communities to stay in Bedford. He assured the residents regardless of what happens to the rezoning, the other issues would be addressed. Mr. Svagerko reiterated if the property was rezoned the dealership was going to use Greencroft to unload their vehicles. The residents were promised these parcels would not be rezoned and the City was going back on its word and the City's word meant everything.

Denise Zingale-Travis, 27 Tudor Street, referred to a picture of two houses. She asked if they were the two houses in question. Mr. Mallis stated there were no houses being rezoned. It was two parcels in the parking lot. He showed the two parcels in question where a house was at one point in time. Mrs. Zingale-Travis understood there were no houses being rezoned and the only thing dividing the dealership from the residents was a fence. Mr. Mallis explained the fence could go on the property line but it was moved in on the dealerships property. He added the two parcels previously were zoned B-2A. This was handled by the

previous Law Director. Penske's approach was the usage had not changed in the last 15-30 years. This practice was also done with Nissan to clean up the Zoning Map. He asked Mrs. Zingale-Travis if she was under the impression it was going to affect two homes. She was content with the clarification of Mr. Mallis.

Susan Bordeaux, 42 Greencroft, said as far as buffers go the ordinance said there was supposed to be a ten foot buffer, either ten feet away either landscaped or five foot on each side of the fence. The five feet on her side had not been taken care of and the five feet on the dealerships side was cemented. Mr. Mallis thought the buffer was five feet and the dealership came off their property line five feet.

Jed Hunter, area Vice President for Penske Automotive Group in Cleveland. He lived in Cleveland and his office was at the Mercedes dealership and last he checked there was no sign posted stating Bedford residents were not welcome in my showroom. If at any point, someone does not receive a return call from himself or Mr. Pilla, they were welcome to use the front door. His office is glass, his door was almost always open, the entire floor was glass, he couldn't hide and he worked at this location daily. He stated if anyone had ever met Mr. Penske he was a clean fanatic and the dealership would keep the place clean. He could not speak to the condition in the 1970's, 1980's and most of the 1990's. They acquired the property in 2007-2008 and it was not in good shape. He said nobody could look him in the eyes and say that property was a respectable representation of commercial, residential or otherwise. The razor wire fence was half fallen down and the gate in question had been there the entire time. The gate had not been used by them since they bought the dealership; aside the last two weeks when the property was improved in the amount of \$1.5 million of construction of just site work. He apologized for the trucks that had to be there over the past two weeks it could not have been remedied any other way; there was no other access to that section of the property. The dust and fumes was not their intentions. He was at work more than his own home. On behalf of the other issues that were raised, the grass would be cut, the green space was landscaped which required less maintenance, an upgraded cedar fence was installed for a better appearance, there were two newly constructed inside tire shelters built for dry storage. He stated the dealership did not test drive in the residential areas so the speeding was not customers; he could not speak for the Mazda dealership. He committed to taking care of the dumpsters being emptied in the very early morning hours, he would instruct the employees not to travel the residential streets. He was not sure about what the trucks do on a daily basis. He explained he was recently in an accident with a customer driving that totaled a 45 mile \$58,000 car so the safety in this area was important to him with a \$20,000 deductible. He stressed he was committed to Bedford. The property had been a parking lot for 30 years with a gate in the same area and the dealership was using the property as its intended use. He has three kids, he was committed to Greencroft Park and the dealership would not be driving cars down the street and the residents would not see another asphalt truck anytime soon. The dealership wanted nothing more than to be done with all this construction. He was very proud that the dealership had not abandoned any of their properties in Cleveland, Bedford, Mentor and Beachwood but rather renovated all of the facilities creating new, nice commercial space that paid taxes. The dealership could have moved from Bedford. Just imagine if Toyota, Audi, Infinity and Mercedes Benz moved out of this City. He stressed they were partners with the City re-gentrifying it, cleaning up the green space and planting flowers; this was done in the Mentor location as well. Mr. Mallis said he had the privilege of visiting the Mercedes building and it was a beautiful clean facility. The only other place cleaner than Mercedes was Ben Venues sterilization rooms. The new tire storage building was literally a garage, he commended the dealership.

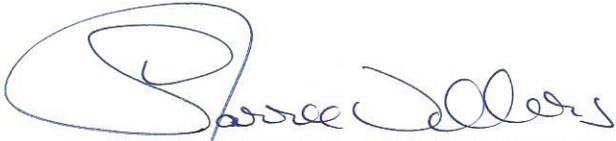
Chairman Dickard said the previous recommendation to Council was nothing final. Council had the final action of what was to be done with the rezoning request. Mr. Mallis noted this item would be before Council on Monday, August 18, 2014 at 8:00 p.m. for first reading. Mr. Montello understood the Planning Commission at the June 17, 2014 meeting made their recommendation to Council. This evening was a Public Hearing for the residents to be heard.

There were no other questions.

Chairman Dickard thanked everyone for their input.

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

Meeting adjourned at 8:27 PM.



Secretary



Chairman