

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, MARCH 12, 2024  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. APPROVAL OF MINUTES OF PRECEDING MEETINGS**

REGULAR CAUCUS MEETING MINUTES HELD ON FEBRUARY 13, 2024.

**IV. DISCUSSION:**

**V. LEGISLATIVE COMMITTEE- COUNCILMAN SCOTT**

1. AN ORDINANCE AMENDING ORDINANCE 11342-2023, PASSED MAY 16, 2023, WHICH AUTHORIZED THE MAYOR TO HIRE THE LAW FIRM OF "ULMER & BERNE LLP", TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR, DUE TO A NAME CHANGE OF THE FIRM TO "UB GREENSFELDER LLP", AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

**VI. PLANNING COMMITTEE- COUNCILMAN POINDEXTER**

1. REQUEST RE-ZONING OF PARCEL#'s 344-29-077; 344-29-078; 344-29-079; 344-29-080; 344-29-081; 344-29-082; 344-29-083; 344-29-084; 344-29-085; FROM U1-A5 TO U2-A6. Located in the U1-A5 District| Ordinance 11.03(b).
2. REQUEST RE-ZONING OF PARCEL#'s 344-15-178; 344-29-086; 344-15-008; And 344-15-009; U1-A5, U3-B TO U2-A6 | LOCATED IN THE U1-A5, U3-B DISTRICT| ORDINANCE 11.03 (b)

**VII. ADJOURNMENT**

**POSTED 3/8/2024**

CITY OF BROOK PARK, OHIO

P/C 3-5-24 legislative  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
D/C \_\_\_\_\_

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AMENDING ORDINANCE 11342-2023, PASSED MAY 16, 2023,  
WHICH AUTHORIZED THE MAYOR TO HIRE THE LAW FIRM OF  
"ULMER & BERNE LLP", TO ACT AS CO-COUNSEL WITH THE LAW DIRECTOR,  
DUE TO A NAME CHANGE OF THE FIRM TO "UB GREENSFELDER LLP", AND  
DECLARING AN EMERGENCY

WHEREAS, the law firm retained as Ulmer & Berne, LLP, has  
changed their firm's name, and is now known as UB Greensfelder LLP;  
and

WHEREAS, the Finance Department has determined that it is  
necessary to amend Ordinance 11342-2023, passed May 16, 2023, in  
order to pay invoices for legal work the firm has done on the City  
of Brook Park's behalf.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of  
Brook Park, State of Ohio, that:

SECTION 1: Ordinance 11342-2023, passed May 16, 2023, is  
hereby amended to reflect that the law firm Ulmer & Berne, LLP is  
now known as UB Greensfelder LLP.

SECTION 2: It is found and determined that all formal actions  
of this Council concerning and relating to the adoption of this  
Ordinance were adopted in an open meeting of this Council, and that  
all deliberations of this Council and of any of its committees that  
resulted in such formal action were in meetings open to the public  
in compliance with all legal requirements, including Section 121.22  
of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an  
emergency measure immediately necessary for the preservation of the  
public peace, health, safety and welfare of said City, and for the  
further reason to amend Ordinance 11342-2023 to reflect the law  
firm's name change to UB Greensfelder LLP from Ulmer & Berne LLP;  
therefore provided this Ordinance receives the affirmative vote of  
at least five (5) members elected to Council, it shall take effect  
and be in force immediately upon its passage and approval by the  
Mayor; otherwise, from and after the earliest period allowed by  
law.

RECEIVED

FEB 29 2024


PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS.  
  
\_\_\_\_\_  
DIRECTOR OF LAW



# MEMO

TO:	Carol Johnson, Clerk of Council w/Enclosures
CC:	Mayor Orcutt Carol Horvath, Law Director brookparksalvatore@gmail.com trojerward1@att.net jamesmencini@yahoo.com sroberts@cityofbrookpark.com rscott@cityofbrookpark.com tdufour@cityofbrookpark.com bpoindexter@cityofbrookpark.com dmccorkle@cityofbrookpark.com w/out Enclosures
FROM:	Carol Dell, Secretary BZA & Planning Commission Secretary
DATE:	March 6, 2024
RE:	Planning Commission Recommendation

The Brook Park Planning Commission met on March 4, 2024, regarding approval for Re-Zoning of Parcels. By vote of 5-0, the Planning Commission voted to recommend approval of the proposed Re-Zoning of Parcels, for the following:

- Request Re-Zoning of Parcel #'s 344-29-077; 344-29-078; 344-29-079; 344-29-080  
344-29-081; 344-29-082; 34-29-083; 344-29-084; and 344-29-085 from U1-A5 to U2-A6  
| Located in the U1-A5 District | Ordinance 11.03(b)  
*Planning Commission's recommendation for this project must be forwarded to City Council for final action*
- Request Re-Zoning of Parcel #'s 344-15-178; 344-29-086; 344-15-008; and 344-15-009  
U1-A5, U3-B to U2-A6 | Located in the U1-A5, U3-B District | Ordinance 11.03(b)  
*Planning Commission's recommendation for this project must be forwarded to City Council for final action*

The Planning Commission herein submits its recommendation to City Council that they, by Resolution prepared and approved by the Law Department, Affirm or Deny the Vote of the Planning Commission at the next regularly scheduled meeting.

See Attached Engineer's comments, Building Commissioner's comments, 2024 Planning Commission Application.

If additional information is required, please feel free to contact me.

**AGENT INFORMATION:**

SVN Summit Commercial Real Estate Advisors, Inc, (AnnMarie.Fiume@svn.com)  
3009 Smith Road, Brook Park, Ohio 44142

**PROPERTY OWNER:**

Vet Properties, LLC; James Vogt  
6017 Fox Chase Drive, Wadsworth, Ohio 44281



Thank you,

Carol Dell

Secretary, City of Brook Park Planning Commission  
Building Department 216/433-7412 (cdell@cityofbrookpark.com)

5590 Smith Road | Brook Park | Ohio | 44142  
P 216.433.7412 | F 216.433.4117  
www.cityofbrookpark.com

**BROOK PARK PLANNING COMMISSION**

The Brook Park Planning Commission met on March 4, 2024, regarding approval for Re-Zoning of Parcels. By a vote of 5-0, the Planning Commission voted to recommend approval of the proposed Re-Zoning of Parcels for the following:

- Request Re-Zoning of Parcel #'s 344-29-077; 344-29-078; 344-29-079; 344-29-080  
344-29-081; 344-29-082; 34-29-083; 344-29-084; and 344-29-085 from U1-A5 to U2-A6  
| Located in the U1-A5 District | Ordinance 11.03(b)  
*Planning Commission's recommendation for this project must be forwarded to City Council for final action*
- Request Re-Zoning of Parcel #'s 344-15-178; 344-29-086; 344-15-008; and 344-15-009  
U1-A5, U3-B to U2-A6 | Located in the U1-A5, U3-B District | Ordinance 11.03(b)  
*Planning Commission's recommendation for this project must be forwarded to City Council for final action*

The Planning Commission herein submits its recommendation to City Council that they, by resolution prepared and approved by the Law Department, Affirm or Deny the Vote of the Planning Commission at the next regularly scheduled meeting.

Carla A. Dell  
Secretary, Planning Commission

3-6-24  
Date





# CITY OF BROOK PARK

BUILDING DEPARTMENT | 5590 Smith Road | Brook Park | Ohio | 44142

RECEIVED

FEB 16 2024

Email | buildingdept@cityofbrookpark.com  
Office | 216.433.7412

## 2024 PLANNING COMMISSION APPLICATION

PROJECT ADDRESS	0 Pemberton Drive, Brook Park, OH 44142, 0 Van Wert Avenue, Brook Park, OH 44142	<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL	ZONE	U1-A5
PARCEL #	344-29-077, 344-29-078, 344-29-079, 344-29-080, 344-29-081, 344-29-082, 344-29-083, 344-29-084, 344-29-085	BUSINESS NAME (If Applicable)	n/a	

PROPERTY OWNER NAME(S)	Vet Properties, LLC; James Vogt				<input type="checkbox"/> Will Attend Meeting
Phone #	330-608-8984	Email			
Street Address	6017 Fox Chase Drive	City	Wadsworth, OH	Zip	44281
AGENT/CONTACT PERSON NAME(S)	SVN Summit Commercial Real Estate Advisors, Inc.				<input type="checkbox"/> Will Attend Meeting
Phone #	234-231-0200	Email	AnnMarie.Fiume@svn.com		
Street Address	3009 Smith Road, Suite 25	City	Akron, OH	Zip	44333

APPROVAL(S) REQUESTED	<input type="checkbox"/> Aesthetic / Project <sup>2</sup>	<input type="checkbox"/> Conditional Use Permit <sup>2</sup>	
	<input type="checkbox"/> Front Porch	<input type="checkbox"/> Billboard <sup>1</sup>	<input type="checkbox"/> Telecommunication Tower <sup>1</sup>
	<input checked="" type="checkbox"/> Re-Zone <sup>3</sup>	<input type="checkbox"/> Lot Split <sup>3,4</sup>	<input type="checkbox"/> Lot Consolidation <sup>3,4</sup>
	<input type="checkbox"/> Other:		
SUMMARY OF REQUEST	<i><sup>1</sup> Provide Construction Drawings and/or Structural calculations</i>		
	<i><sup>2</sup> Provide Detailed Business Plan per City Ordinance 1121.34</i>		
	<i><sup>3</sup> Provide Legal Description</i>		
	<i><sup>4</sup> Provide Lot Split / Consolidation Plat and Mylar</i>		
	Parcels listed are currently zoned U1-A5. Grey Fox Capital, Ltd. is requesting to re-zone to U2-A6 to permit the use of apartment houses. Consolidation plat to be submitted for review and approval following preliminary plan approval during site design.		

APPLICANT SIGNATURE		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent	DATE	02/16/2024
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# CITY OF BROOK PARK

BUILDING DEPARTMENT | 5590 Smith Road | Brook Park | Ohio | 44142

| Email | buildingdept@cityofbrookpark.com  
| Office | 216.433.7412

## 2024 PLANNING COMMISSION APPLICATION

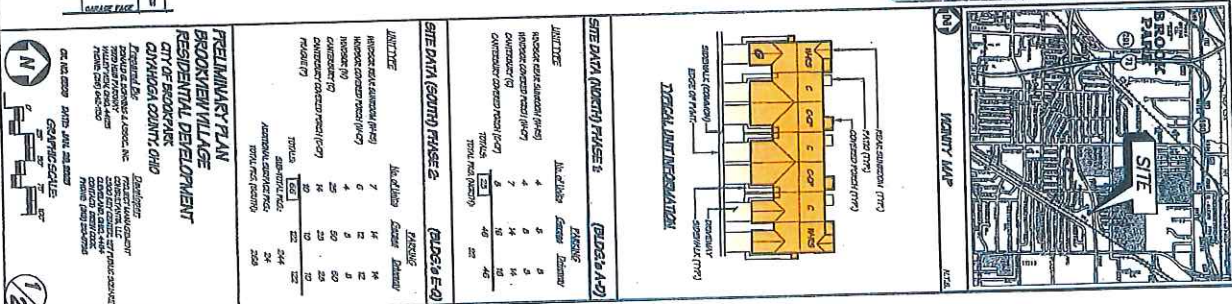
PROJECT ADDRESS	14100 Snow Road, Brook Park, OH 44142, 0 Snow Road, Brook Park, OH 44142, 14105 Snow Road, Brook Park, OH 44142, 0 Westbrook Drive, Brook Park, OH 44142	<input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL	ZONE	U3-B, U1-A5
PARCEL #	344-15-178, 344-29-086, 344-15-008, 344-15-009	BUSINESS NAME (If Applicable)	Brookview Elementary School	

PROPERTY OWNER NAME(S)	City of Brook Park				<input checked="" type="checkbox"/> Will Attend Meeting
Phone #	216-433-1300	Email			
Street Address	6161 Engle Road	City	Brook Park, OH	Zip	44142
AGENT/CONTACT PERSON NAME(S)					<input type="checkbox"/> Will Attend Meeting
Phone #		Email			
Street Address		City		Zip	

APPROVAL(S) REQUESTED	<input type="checkbox"/> Aesthetic / Project <sup>2</sup>	<input type="checkbox"/> Conditional Use Permit <sup>2</sup>	
	<input type="checkbox"/> Front Porch	<input type="checkbox"/> Billboard <sup>1</sup>	<input type="checkbox"/> Telecommunication Tower <sup>1</sup>
	<input checked="" type="checkbox"/> Re-Zone <sup>3</sup>	<input type="checkbox"/> Lot Split <sup>3,4</sup>	<input type="checkbox"/> Lot Consolidation <sup>3,4</sup>
	<input type="checkbox"/> Other:		
	<sup>1</sup> Provide Construction Drawings and/or Structural calculations <sup>2</sup> Provide Detailed Business Plan per City Ordinance 1121.34 <sup>3</sup> Provide Legal Description <sup>4</sup> Provide Lot Split / Consolidation Plat and Mylar		
SUMMARY OF REQUEST	Parcels listed are currently zoned U3-B. Grey Fox Capital, Ltd. is requesting to re-zone to U2-A6 to permit the use of apartment houses. Consolidation plat to be submitted for review and approval following preliminary plan approval during site design.		

APPLICANT SIGNATURE		<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent	DATE	02/16/2024
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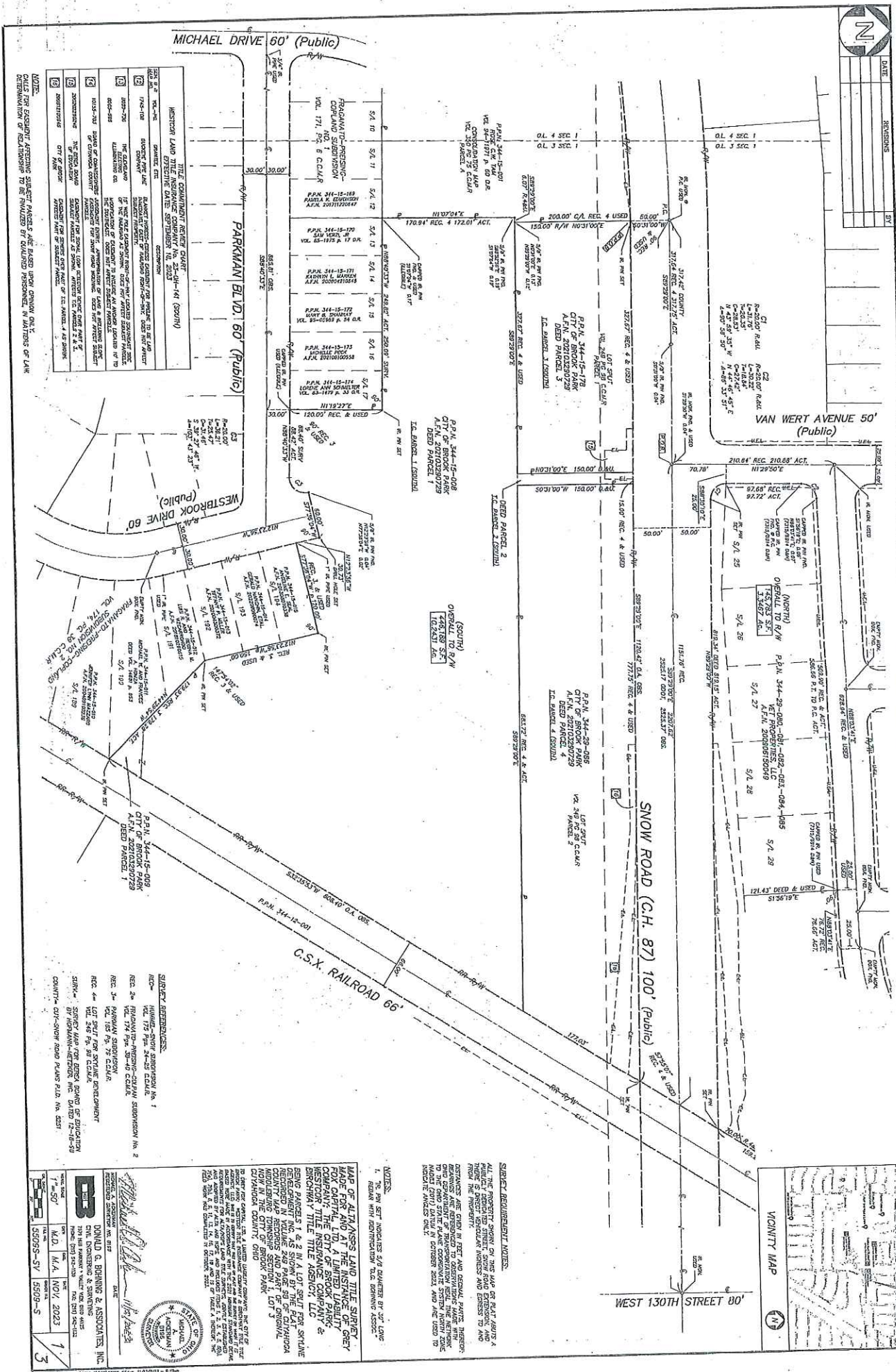
















LEGEN	
ITEM	DESCRIPTION
1	RIGHT-OF-WAY
2	CONCRETE OF R/W
3	PROPOSED LANE
4	EXISTING LANE
5	STRIP ZONE & MARKING
6	PAVEMENT SURF ELEVATION
7	PAVEMENT SURF & MARKING
8	WIDE AREA, IMPROVED & PAVED
9	LAND SHADING
10	DEE PAVED AND DEEPER PAVED
11	PROPOSED WIDE (PA IMPROV)
12	PAVING JOB
13	PAVED, IMPROVED, DEEP, PROPOSED AND MARKING
14	PAVED, EXISTING, EXISTING, IMPROVED
15	PAVED
16	PAVED UTILITY PAVE
17	PAVED UTILITY PAVE WITH ANCHOR
18	UTILITY PAVE WITH LIGHT
19	PAVED PAVE
20	CONCRETE
21	PAVED ELEVATION
22	CONCRETE ELEVATION
23	PAVED, PAVED PAVE
24	PAVED, PAVED PAVE
25	PAVED, PAVED PAVE
26	PAVED, PAVED PAVE
27	PAVED, PAVED PAVE
28	PAVED, PAVED PAVE
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96	PAVED, PAVED PAVE
97	PAVED, PAVED PAVE
98	PAVED, PAVED PAVE
99	PAVED, PAVED PAVE
100	PAVED, PAVED PAVE

		NORTH ARROW 1"=50' 0' 10' 20' 30'	
DATE: 5/5/08 BY: JLV		SCALE: 1"=50'	
PROJECT: 55068-SV		SHEET NO.: 2/3	
DRAWN BY: JLV		CHECKED BY: JLV	
DATE: 5/5/08		DATE: 5/5/08	







**Building Department Notes**  
**Planning Commission Meeting 3/4/24**

**Parcel #'s : 344-29-077**

**344-29-078**  
**344-29-079**  
**344-29-080**  
**344-29-081**  
**344-29-082**  
**344-29-083**  
**344-29-084**  
**344-29-085**  
**344-15-178**  
**344-29-086**  
**344-15-008**  
**344-15-009**

**Summary of request** – The applicants are requesting to re-zone the parcel numbers listed above from a mix of U1-A5 on the north side of Snow Rd. and U1-A5 / U3-B on the south side of Snow Rd. to U2-A6 “multi family”. **Ord. 11.03(b)** states that any rezone of the City shall go to Planning Commission for approval.

**SECTION 11.03 PLANNING COMMISSION.**

(b) Powers and Duties. It shall be the function and duty of the Planning Commission to act as the platting commissioners of the City, and as such it shall have control of planning and shall provide regulations with respect to the platting of all lands within the City so as to secure their harmonious development; provide for the coordination of streets with other streets and with the official master plan; and provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population.

The Commission shall have such powers as may be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds, and other public places, the zoning and rezoning of the City for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances.