

MINUTES OF MEETING
PLANNING COMMISSION
SEPTEMBER 17, 2019

Members Present: Allen, Murphy, Long, DeMarco, Bishop

Presence Noted: Ray Reich, Building Commissioner
Andrew Bemer, Law Director

Council Members: James Moran, Council President

Chairman Bishop called to order the September 17, 2019 meeting of the Planning Commission at 7:00 P.M. in Council Chambers of Rocky River City Hall.

Mr. Bishop asked if there are any comments or changes to the August 8, 2019 Planning Commission meeting minutes. Mr. Long moved to approve the minutes of the August 8, 2019 Planning Commission meeting, as presented. Mr. Allen seconded.

5 Ayes – 0 Nays
Passed

1. VALVOLINE – 21114 Center Ridge Rd. – Pre-Preliminary Review – New Commercial Building with a Drive-Thru as a Conditional Use. Mr. Dave Budge, WXZ Development Inc., property owner, came forward with Jason Hunt, of Valvoline, as well as Kelly Schwiederman, project Engineer.

Mr. Budge began by introducing himself and explaining that they were here last on June 18th and brought a pre-preliminary submission that contained a list of issues that were discussed at the meeting. They have made adjustments to the site plan to address the majority of the comments made by this Commission. He explained that the queuing for cars into the drive-thru has been revised to accommodate 6 cars. They added an additional parking spot for a total of 9 parking spaces, which is the requirement on this site. They revised a setback issue next to the queuing lane and they have moved the dumpster so that it meets the setbacks. There were some questions about the width of the exit lane in front of the building and they have tried to address that. They have removed the monument sign in front and have presented a landscaping plan that shows an enhanced landscape treatment for the front along Center Ridge Rd. Mr. Budge said that this site works for Valvoline from an operational standpoint, although they realize it is a tight site.

Mr. Bishop said that the parking spot that is located the farthest south, which is their handicap space, is required to be 10' from the building and it looks like there is room to move that space about 4' to the north to comply with the Code. Where they are showing the 18' – 9" at the back drive lane, he said it seems tight for those cars to back out, but they only need 10' at the north line and they are showing an extra 3.5' there. He said that the minimum rule of thumb is 22' for backing out. Ms. Schwiederman said that the setback line jogs along with the jog in the property, so they lined up all of the parking spaces to be even at 13.4'. Mr. Budge added that they shortened the back drive aisle in order to accommodate the additional queuing. Mr. Bishop said that the neighbor's drive is still designated as north traffic only with arrows, so Valvoline's

one-way to the west is emptying into traffic that is only heading north. Ms. Schwiederman said that she would like to explain their bigger picture for a moment before they get into the specifics of their plan.

Mr. Hunt said that he would like to understand the use they are classified under as far as the City is concerned. At the last meeting it was mentioned that they are a vehicle repair garage, but they interpret themselves as an automobile service station because it includes routine maintenance, etc. They are not a body shop and they are just changing oil. Mr. Bishop said that they discussed this prior with the Zoning Coordinator. He said that they decided that Mr. Hunt is correct in saying that this is a permitted use under automobile repair. Mr. Hunt said that there is some question in their minds as to whether the exit lane from the building is considered a drive-thru lane or simply a drive aisle. Mr. Bishop responded that queuing to the drive-thru is not permitted in the setback and that the exit lane is different than the queuing line. Mrs. Murphy said that her concern at the last meeting was because of cars exiting the bays and traveling on the site against traffic on Center Ridge Rd. Discussion was had regarding the side setback of the drive-thru queuing lane and where that measurement is actually supposed to be taken. Mr. Bishop said that the appropriate measurement would be the distance to the edge of the overhead door, which puts them at about 20'.

Ms. Schwiederman said that the back area is an issue to them and they want to explore the possibility of reducing the queuing length requirement of 3 spaces. The 3-space requirement does not take into account Valvoline's specific use, and they would rather it be compared to a self-service car wash because of the average time someone is in there, which would only require 2 spaces. She mentioned that there is a reduction allowed in the Code for when they can provide credible documentation regarding the queueing allowance. Using the ITE and the trip generation data would support reducing the queuing requirement and would allow them to open up the back area in order to work on a better site traffic flow that works for everyone. He added that if they can get a wider drive aisle in the back then they could maintain 2-way traffic without having them exit back out onto Center Ridge Rd. Mr. Bishop pointed out that the current plan looks like most people would exit out onto Plymouth Dr. He asked for the reason for having the curb cut at the west property line beside the dumpster. Mr. Hunt said that it provides an escape lane for someone who does not want to wait for the queue. Mr. Budge said that they have a letter from a traffic engineer that discusses average daily trips that they can provide for the record. He said that there would be 3 to 4 cars per hour, even during peak times for the entire site.

Ms. Schweiderman said that 2-way traffic on the back aisle would be great for the site and for traffic on Center Ridge Rd, so they would like to open it up to 2-way traffic if they can get the stacking requirement reduced. This would allow access to the site from the alley. More discussion was had relating to how to get more room for a 24' wide drive lane on the back and still keep the 3-car stacking. Mr. DeMarco said that he thinks the jog in the property line is restricting them and he would be open to taking the bank of 7 parking spaces and pushing it 3.4' to the north so that they hit the 10' line on the majority of the property line. They would gain almost 3.5' that way. He said that the front setback on Center Ridge is still pretty generous because the requirement is for only 25' and they are setback almost 40'. If they moved the building to the south approximately 2', then they would make a 24' drive lane on the back. It

would allow them to keep their 3 car stacking. They are doing a robust landscaping effort on the site and they have enough screening along the back. Mr. Bishop agreed and said that they would be fine with a 7' setback for parking between the adjacent commercial property. Mr. Bishop said that by widening the drive, it would help the turning radius into the 3rd queuing spot because it currently looks like a tight radius.

It was discussed that the easement does not stipulate one-way or two-way traffic and it does not provide the applicant with access to the northern remainder of the parking lot. The easement stops at the property line and it only provides access on the section between the two buildings. They do not have access rights to go through the remainder of the parking lot to the north and go back out onto Plymouth Dr. that way. Mr. Hunt added that there are maybe 5 to 6 employees are on site during the times when they are training someone, and there are maybe 5 customers who park and go into the building. Mr. DeMarco said that they discussed last time about providing some traffic restriction on the western access point off of the alleyway. He said that some sort of bollard work or striping that restricts it to right in and right out would reduce the idea of people thinking they can make a left and travel southbound down the alley. Ms. Schweiderman said that the alley would really just be a right-in access because people leaving the site would use the Plymouth curb cut.

Mr. Long said that he is a little concerned about people needing to use an escape route because the queuing lines are full, and they would need to turn around if all of the parking spaces are full. Mr. Bishop said that the worst case scenario is when there are all of the employees on site, plus those for training, all during peak hour. Mr. Budge said that they have approached the adjacent property owner regarding access and parking on his adjacent property to the rear of this site. A brief discussion was had about the fact that there is a 4' drop from the right-of-way line in the front to the drive lane, and there is about 1' between the retaining wall and the right-of-way line, as well as an addition 1' where the top of the Center Ridge Rd. curb would be. Mrs. Murphy asked if anyone else sees that as a problem and some of the members responded that there is an issue with that because of pedestrians walking along there and traffic existing. Ms. Schweiderman asked if the Planning Commission would be fine with a guard rail or a fence there and Mrs. Murphy said that she is concerned about the aesthetics of it, but the whole situation is more of a safety issue than an aesthetic one. Mr. Bishop said that he thinks there is a creative way to handle this situation, but he would prefer the applicant come up with it rather than coming up with it together. He said that moving the building forward so that there is room to narrow the drive to help this situation may be more worth it to look it than to deal with the issue in the back.

Mr. Allen said that the concerns he has are the 18' wide two-way alley. The second thing is the front drive proximity to Center Ridge Rd. but he does not think they will be able to alleviate it. Thirdly, he is concerned about the elevation of the front drive and the safety piece that goes along with it. Mr. Bishop added that they need to read the easement because it may include only ingress but not egress. Mr. Budge said that they may just end up closing off the access through the neighbor's property in the back of the site if they cannot work access out with him. Mr. Bishop said that he thinks this Planning Commission would be fine with closing that off. Ms. Schweiderman said that she thinks they have to keep it so that the dumpster truck can come in

that way and exit off of Plymouth Dr. Mr. Bishop said that he thinks the safety issue in the front that they discussed is their biggest problem.

Mr. Budge said that they have not been to the Design and Construction Board of Review yet, but if these site plan issues are acceptable then they will go before them for a preliminary review. He thanked the Planning Commission for their input.

2. LaChic Boutique – 20668 Center Ridge Rd. - Preliminary/Final Review - Review of a Change of Use to a Bridal Shop in an existing building for La Chic Boutique at 20672 Center Ridge Rd. Ms. Lisa Spaci, Business Manager and Mr. Joe Presot, Architect came forward with Ed Hom, the property owner and owner of King Wah Restaurant.

Mr. Presot began by explaining that the potential tenant for the space connected to King Wah on Center Ridge Road will need 7 parking spaces but as this Commission is aware, the entire site is not even close to accommodating the restaurant use, based on the parking requirements. Ms. Spaci said that there will be 3 employees and the hours will be by appointment only. Their busiest days are Monday through Friday during the day. They will be open every other Saturday during the day. There are two dressing rooms in the space to accommodate the bridesmaids that come with the bride. They will also sell prom dresses. At any one time, there will be 4 or 5 people who usually drive together. They will accept appointments until 5:00 or 6:00 p.m. and the workday will begin at 10:00 a.m. Mr. Hom said that King Wah's business begins to pick up at 6:00 p.m. and he does not see this business conflicting with his parking.

Mr. DeMarco asked Mr. Hom if he would consider dedicating one or two spots to this business and Mr. Hom said he has no objection to that. Mr. Bishop said that he would like Mr. Hom to dedicate four parking spots to this business and Mr. Hom said that he has no objection to doing that. He said that this new business will have its own rear entrance that does not interfere with his restaurant operation. He explained that he has a verbal agreement with Dollar Bank and with Key Bank for use of their parking spots. He said that there is plenty of parking during lunch time on the site and the restaurant is quiet between 2:00 p.m. and 5:00 p.m. Mrs. Murphy said that it would be helpful to have hour restrictions for parking in the dedicated spots because King Wah's customers will need that parking when the Bridal Shop is closed.

Mr. DeMarco asked if there are any plans to do anything to the exterior of the building to liven it up a little bit. Ms. Spaci said that they will be cleaning up in the front and where the flowers are. They are considering a wall sign and an identification sign in the back. They will even consider installing an awning in the front.

Mr. Bishop moved to open the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

There being no members from the public present for comment, Mr. Bishop moved to close the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

Mr. DeMarco moved to grant preliminary and final approval to LaChic Boutique, 20672 Center Ridge Rd., for a Change of Use to a Bridal Shop in an existing building, with the condition that they return to this Commission for final review of signage and the dedication of 1 parking space in the parking lot, and that the business remain by appointment only. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

3. ONE CHURCH CLE – 3300 Wooster Rd. - Preliminary/Final Review – Application to occupy a property as a church in an existing building located in a Public Facilities Zoning District. Linda Fredrickson, property owner, came forward to present the application. Also present is Reverend Nolan White, Pastor of One Church CLE.

Mr. Bishop began by explaining that this process is somewhat out of the norm because, on the surface, the proposal appears to be a permitted use, which typically does not come to the Planning Commission and he asked Law Director Bemer for some explanation as to why the Planning Commission would be going through this review process for what appears to be a permitted use.

Law Director Bemer said that he thinks that it is appropriate to identify the specifics of the email that was sent to Mr. Allen in response to his inquiries earlier today about whether this is an ongoing process because Ms. Fredrickson had been here previously on a similar application and whether this is a revision of that application or whether this is a new separate and distinct application. He said that this is a separate and distinct application and Law Director Bemer read the email that he is referring to for the record. He read, “Based on the application that is presented, it satisfies the definition of church as a place of worship according to Rocky River Codified Ordinance 1123 and is a permitted use in Public Facility Zoning Districts. It is the decision of the Law Director to send this application to Planning Commission, primarily to allow for transparency and to verify in a public forum that the application does indeed satisfy the place of worship test, as well as a means of letting the public come forward to hear the testimony and enter their comments. It is a hearing which would not be done in any other circumstance but for the prior application of this individual, assuring in effect that this is a credible place of worship proposal. In the end, after hearing all of the testimony, the Planning Commission is being asked to concur that this primary use is that of a place of worship.”

Ms. Fredrickson began by explaining that when she was before this Commission at the last meeting, everybody’s recommendation was that she become a church. Instinctively, that was not her first thought. However, when she gave it a great deal of consideration. After meeting and speaking with Reverend Nolan White, she believes that this quest for spirituality is the right way

for her to go. The plan has evolved in another way from where it started out and she is quite comfortable with the plan being a church.

Mr. Bishop said that he knows they filed new Articles of Incorporation as One Church CLE, as a not for profit with the sole purpose designation as a church. He asked if they have filed with the IRS and Ms. Fredrickson responded that she has filed and she has not yet received anything in return from them. It is a pending application. Mr. Bishop said that the application states that they will have 2 worship services each Saturday and Wednesday in the evening. Reverend White responded that Mr. Bishop is correct and that the services will be at 7:30 p.m. and will last approximately one hour. Mr. Bishop asked how many members they have in the congregation. Ms. Fredrickson said that they will be able to have a congregation when they have people coming, and that she and Reverend White are working on the start-up of a new church, including forming a congregation.

Mr. Bishop asked about the office hours on the application that lists about 5 hours per day. Ms. Fredrickson said that since this has been a complete change in direction for her, she is in the process of the adjustment, but they should not worry about her sincerity. Hours of operation are still a work in progress. Recognizing that they are still forming a congregation, Mr. Allen asked what they expect to have as a full-size congregation. Ms. Fredrickson said she does not know how many members will be in a full size congregation.

Mrs. Murphy asked if Ms. Fredrickson can talk about the other uses in the building, like she was talking about with the last application, such as yoga. Ms. Fredrickson said that there is nothing on the schedule at this point, as they are concentrating on a congregation. Reverend White can perhaps speak to perspective programs, but yoga is not on the agenda. Mrs. Murphy asked about AA meetings and youth outreach programs that were suggested in the submission. Reverend White said that this church is a work in progress and he believes that tomorrow will take care of itself in the spiritual sense. Regarding their agenda, there will be youth mentoring, youth treatment programs. He said there is series called "The Purpose Driven Life" by Rick Warner that he wants to do, as well as a series on experiencing God. There will be a basic bible study, marriage and couples counselling and he would like to have open hours where members of the congregation can come in and have one on one time with him to discuss Biblical principles. He has plans to do a lot of other things, but they are concentrating on starting the church first.

Mr. Long asked Reverend White what his mission is. Reverend White responded that his main mission is to reach the lost and to carry the message of Jesus Christ to a lost people. He is committed to the Great Commission from the bible, which is to carry the message to all ends of the earth. Reverend White said that outreach to people who are hurting is very important and he believes that a church is a place for sick people, much like a hospital is. For the same reason that Jesus Christ came, is the reason he wants to come and serve at One Church CLE. Mr. Bishop asked if he will be a paid staff person and Reverend White said that it is a little early to talk about payment when they don't even have the doors open yet, but he will be a staff person. The staffing will be determined by the size of the congregation. Reverend White said that he still works with Christian Ministries, which covers a large ground and many formats. He believes that spirituality is what sets us free and he wants to spread the word about spirituality, God,

Jesus, freedom and liberty in Christ Jesus. Mr. Bishop asked if he is affiliated with another church at this time and Reverend White said he is not affiliated with a church at the present time, but that he graduated from New Orleans Baptist Theological Seminary. He was with Evening Star Missionary Baptist Church in Cleveland where he was Associate Pastor. Mr. Bishop asked Ms. Fredrickson if she had already formed a connection with the groups associated with her previous application or whether are were still working toward that. Ms. Fredrickson said that it is still under consideration but they hadn't gotten very far. She recognizes that when she came forward before, there was a lot of trepidation and concern. She also recognizes the concern of adjoining neighbors and the community and not being naïve and insensitive to that is why she changed the course of her direction. This church is legitimate and she welcomes anyone to come in and evaluate for themselves. She would like to try to alleviate any concerns that people may have.

Mr. Bishop said that the previous meeting was to determine whether or not what the applicant was proposing was a fit for that particular zoning district, and they are really doing that again this evening. For this Planning Commission, everything else that goes with it is irrelevant, and the real question is whether this is a church or not. If it is a church, then it complies with the zoning as a permitted use. If it is not a church, then like the last time, it is not the appropriate zoning district. The other things that play into it are irrelevant. Ms. Fredrickson responded that it definitely is a church.

Reverend White said that the definition of a church is a place where people come to worship God and Jesus Christ. As Pastor of this Church, he can assure the Planning Commission, that a church is exactly what it is going to be. Mrs. Murphy said that for her, it is whether the primary use will be a place of worship. Ms. Fredrickson responded that it will absolutely primarily be a place of public worship.

Mr. Bishop moved to open the public hearing. Mr. DeMarco seconded.

5 Ayes – 0 Nays
Passed

Mr. Bishop said that he would like to begin in the front row and work back from there. He said that the only thing that is relevant to the Planning Commission and the only investigation that is going on tonight is for the comments to be held to factual evidence to dispute whether or what is being proposed is a church.

Ms. Irene Rapitis, 3279 Goldengate Avenue, came forward and said that she came with an open mind and she was definitely against the addiction resource center last time. She wanted to give Ms. Fredrickson a chance and she had the opportunity to meet her. She is a Christian and she believes in the work they do. She was hoping she would come to find out that it is going to be a church and not that they just found a loophole to call it a church when it will still be an assembly hall and a hangout. She listened to their comments and she is not convinced. Everything is tentative and she is not sure that it will be solely used for worship, so she is still not for this.

Ms. Maria Rapis, 3279 Goldengate Ave. came forward and said that to her, even though she is bringing a Pastor in, it still seems like everything else she is doing is still tentative. She doesn't have a congregation so you can't really say it is a church. She believes that it is still pushing toward what she initially proposed because there is no plan to show it is a church. Just having a Reverend on staff does not make it a church. There isn't one congregation member here. She is against this proposal.

Ms. Catherine Jones, 3394 Wooster Rd., came forward and said that there are about 4 houses between her house and this building. She has had conversations with Ms. Fredrickson and she has given her a pamphlet of her 9:00 a.m. to 9:00 p.m. opening and 9:00 a.m. to 10:00 p.m. on Saturdays. She is upset because this is all a lie and a show. If the Pastor is not getting paid, she wonders how is he making a living as a Reverend. This is a cover for an addiction center that is going to be 4 houses down the street from her 4 daughters. Ms. Fredrickson is stealing their childhood by putting this down the street from her home where they can currently freely ride their bike to and from the park. Her middle school daughter walks to school but she can't have that if they are going to pass an addiction center. By listening to these lies, this commission are stealing her children's childhood. This is not a church. She writes in the packet that she is above God and that her experience as an ex-addict is more important than religion. When she asked Ms. Fredrickson whether she is a Christian, Ms. Fredrickson told her that she is not. When she asked Ms. Fredrickson whether this was going to be a church, Ms. Fredrickson told her that it is not going to be a church. She is unsure of the date that she spoke to Ms. Fredrickson, but it was a few months ago. This is not a church and it is a cover up for an addiction center, located 4 houses from her little girls.

Mr. Leroy Walsh, 3301 Goldengate Ave., came forward and said the applicant mentioned that people suggested that she start a church. His concern is whether this is an addiction recovery thing and the fact that there are 35 parking spaces in the lot. He wonders how big of a congregation they are hoping for and where they will park.

Mr. Keith Walsh, 3301 Goldengate Ave., came forward and said his main concern is they did not hear any solid plan, such as hours of operation. There are two tentative services each week, they don't know the length or the denomination and it doesn't seem like they are getting any information. They are trying to push this through and they will change their plans as they go along.

Ms. Joanne Corradi, 3329 Fairhill Dr., came forward and said that she has been around churches her whole life. She has been involved in administration and has known people who are involved in starting up new churches and none of it sounded like this. The most common thing she hears is a group of us came together and we prayed and talked about it. They met in living rooms until they outgrew them and then they moved into a church. She has never in her life heard of someone having a sudden miraculous conversion. People told Ms. Fredrickson that she should have a church and there is no planning or organization. She has not heard much about the leading of the spirit except for she is very spiritual and people told her she should have a church. She thinks something else is going on here.

Ms. Barb Dolejs, 3201 Wooster Rd., came forward and said that she lives next to Rockport United Methodist Church, across the street from the proposed church. She works for Catholic Charities and she is very familiar with churches. The churches she is familiar with have a following, a plan, a Pastor, a congregation and rules. With 2 meetings a week on Wednesday and Saturday, she would like for there to be very tight rules around what hours that church can be in operation. People tend to park in her driveway when there is not enough room. The previous church had certain holidays where they had services going on at Midnight and there was not a real concern. However, there were many Sundays when Rockport is full, the Wellness Center is full and the church could be full. She would like them to seriously consider the amount of traffic it would generate. She said that the Applicant's Howard Hanna website still advertises this as her rehabilitation center where she will be doing recovery. She should not tell us she is coming back as a church when she is on the internet advertising it as something different. It is still up there because she checked it today, and it clearly speaks for itself regarding her intentions.

Mr. Chris Thiel, 3131 Goldengate Ave., came forward and said that there are no facts related to this. In July, Ms. Fredrickson stated that there would be no religious services, baptisms or weddings, and now it is a worship center. She either has many varied interests or this is another attempt to manipulate zoning definitions. He does not feel they have sufficient information tonight to make a decision. There needs to be a clear business plan, the growth, traffic concerns, etc. What is clear is the definition of the public facilities district which must serve the neighborhood at large. The use has to be compatible with the Master Plan and the use must not detrimentally impact traffic. He said the occasional worship service does not allow for assembly or membership club use. This type of mixed use is specifically allowed in a Central Business district or an Office Building district and not a Public Facility district. He said that the last thing they want is an undesirable or incompatible use at a potential new entry to the Metroparks. He wants a traffic study that correlates with a business plan so that they can determine the impact on local roadways and parking, intersections and potential backups at peak worship services. Lastly, if in fact this was a church, he would think the leaders would want to hold a public meeting to introduce themselves to dispel rumors, ease concerns and attract patrons and neighbors to their church. Without these clear answers, the residents are concerned about the true intentions here.

Mr. Greg Smith, a resident of Lakewood, came forward and said that he is the President of the Board of West Shore Addiction Resource Center and he wants to assure the Planning Commission that they have no affiliation with Ms. Fredrickson who owns the church. They were originally affiliated and this is now a totally separate endeavor. They had initially had an affiliation with her through a Board that Ms. Fredrickson happened to be on called *Believe It Or Not* (BION). One of her ideas was considering that they might have a home on Wooster Rd., but it did not work out. He has been involved in addiction related meetings in various churches in Rocky River. West Shore ARC was a splinter off of another addiction related group, in 2017 or 2018 but it has no affiliation with this church.

Mr. Juan Adorno, 3641 Wooster Rd., came forward and said that he thinks the meeting started with the Law Director who said he is not sure if this was a new application or whether it is a

modification of an application and Law Director Bemer responded that this is definitely a new application. Mr. Adorno continued by saying that the first thing that came out of Ms. Fredrickson's mouth this evening was that they told her last time she needed to be a church. She put a new coat of paint on it and it is a church. Anything he says does not reflect on Reverend White who spoke eloquently. However, this is not a church because it does not pass the smell test as a church. Ms. Fredrickson owns the property, she is a statutory agent, she will be on staff and she might sit on the Board. They don't know any of this because they are not telling us anything. When asked what kind of groups they will have there, Ms. Fredrickson responded that she does not know. The packet he picked up today makes it clear that the church will be open for 5 hours per day. We know that there will be 2 services which will last approximately 1 hour. He wonders what will be happening the rest of the time. She made it clear that they will host AA and Al-Anon meetings but they aren't sure what else they will be hosting. She is sure and it is all in the packet. This is an Addiction Recovery Center. The applicant learned the first time and all of the sudden she came back as a church. If they believe it is a church then he does see how they can deny this application. He understands that the idea of this meeting, which is an unusual meeting, is for transparency and he appreciates that. This is still an addiction recovery center. Pastor White is on staff, but that will be minimal use of the facility. The facility will have the same folks that Ms. Fredrickson said initially she wanted there, and those groups will grow and grow. He asked whether the Planning Commission also finds it rather convenient that two months later it is all of the sudden a different organization. It is not and there are better places for her to have meetings and not in the neighborhood. He asks the Planning Commission to see through this because they are all smart people. He urged them to go to the website and compare it to what she says will happen at this facility. In the event that this Commission allows this to go on, he wants Ms. Fredrickson to be left with the reminder that he drives up and down Wooster Rd. at least 6 times per day, as other do. The City of Rocky River is open to complaints and they investigate them. Every time he drives up the street he will pause in front of the building looking for all of the things that happen at these recover centers such as misconduct and loitering. It is an accessory use and they can have meetings if it is a church. However, this is an addiction center that is posing as a church.

Ms. Lisa Heine, 3141 Goldengate Ave., came forward and said that she is a 56 year resident of Rocky River. She said that she got some information off of the internet this morning where Linda Fredrickson says she will be opening an addiction resource center. There is a Facebook page with a secret bay village Facebook community talking about the men's brunch consisting of between 100 and 150 people who are moving to a church in Rocky River on Wooster Rd. on Sunday mornings. She is concerned about parking and the fact that they will have to cross the street. She is concerned about loitering up and down the street. This church started as a Romanian Church around 1950 when Mr. Rapis, Mr. Zappas, and the Kariotakis family all walked to the church. It was a small, traditional church which they outgrew. She does not think that this is a discussion until they see a business plan and the form completing the IRS definition of a church. Their definition of churches sound like a place of worship, spiritual ministry and not the definition of a church she sees in the form for the IRS. She said it is more of a ministry than a church. She wants to know the percentage of usage as a place of worship, traditionally Sunday for two hours in the morning, versus other meetings. She wants a traffic study before the church is open and after the IRS approves them as a church. The IRS demands a plan when you

fill out the forms. She believes that they should start with a congregation and then build a church. Traffic is the big problem. Also, meetings were held at the Rockport church which is behind her house, across the street on Wooster. The people were not allowed to loiter in that parking lot so they went across the street and loudly had physical arguments and there were cigarette butts all over the place.

Ms. Diane Tenwick, 3511 Wooster Rd., came forward and said that she believes that the biggest concern is that this might morph into what was requested the first time around. There is a lot of social aspects to this and she thinks that one of the biggest concern for the community is that there are a lot of directions that this proposal could go.

Mr. James Moran, Rocky River City Council President came forward and said that he is the Chair of this Committee. The citizens of the City have spoken and they have received a lot of other comments. Before this happened they had the opportunity to take a look at this piece of property and there was a development proposed for it. The development had some questions about it and City Council and this Board took a look at it to make sure that it fit and they were talking about changing the zoning from R-1 to an R-2. They were being very careful to be sure they protected all of the residents of the City of Rocky River. We all respect the idea of what this church is and if it was done all over again, this would not be zoned what it is today. When the applicant mentioned about the situation that everyone said to turn this into a church, he does not know if that is what they wanted. Nobody is against what she is doing. It's only doing what she is doing where she is doing it. That area is not what the people want. They want to encourage what they are doing and to bring God into it is a wonderful thing, except at that location. Because this does not feel very good about how she is going about this, his suggestion is that this Board table this, if not deny it at this point, because it is not a proposal for what should be done in that location.

Mr. Bishop moved to close the public hearing. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

Mr. Bishop said that he wants to be sure he enters into the record correspondence from Councilman Shepherd, which include 2 letters from the last couple of days.

Mr. Bishop said that his is a somewhat difficult decision, but he thinks it is important to try to outline for the audience and cut through some of the things that were said. Their sole purpose is to determine whether or not this is a church and whether the application is valid as a church. When they talk about things like parking, this building, as a church, complies with the parking requirement and because it already was a church, the preexisting conditions that exist are not relevant to their decision. The only question is whether this is a church or something other than a church. He thinks it is important to have the applicant come up and answer some questions based on the testimony they heard. He would also like the printed things that people brought and spoke of should be collected and held for the record to review before a decision is made.

Mr. Bishop asked Ms. Fredrickson about the website and the things that were printed out that they have not had the opportunity to review yet. Ms. Fredrickson said that she does not have an active website for this church, but she does have a Howard Hanna website and she would like to see it because it could be an old entry on there. Mr. Bishop asked her about the pamphlet that Mrs. Jones had. Ms. Fredrickson said that she would have to see it to be sure, but it was prior to and based on the original intent. That information was from prior to her coming before the Planning Commission as West Shore ARC. Regarding the men's group for Sunday breakfast, Ms. Fredrickson said that Bay Brunch has been held in Bay Village for 40 years and there are residents from Rocky River, Bay and Westlake involved. The facility they are in now is owned by the City of Bay Village and they are doing some construction work on it. They approached her to use her facility temporarily while the work is being done. She has explained to them that her intent is to become a church and like any church, she would welcome them temporarily if she had an occupancy permit. She cannot enter into any negotiations or make a commitment to anybody without an occupancy permit. She is not adding any additional parking and she is in negotiations with the Cleveland Clinic about a parking agreement at the Wellness Center, which is in their legal department now.

Mr. Bishop said that he is a member of Rocky River Presbyterian Church and they have one service a week for one hour. The office is open 8 hours per day, Monday through Friday. They sponsor Al-Anon, Alateen and an AA group, so a lot of what is talked about is not relevant. Churches do not have to have a certain amount of hours of worship and they don't have to have certain hours of operation and it may be the only zoning where you may be able to be open all night and not violate the Code.

Mr. Allen asked Ms. Fredrickson if she can confirm that the application and entity has no affiliation with West Shore ARC and Ms. Fredrickson confirmed that. He asked if this Commission were to put a conditional use indicating that no AA or Al-Anon meetings were to take place at this location, whether she would still move forward with the church. Ms. Fredrickson said that she would move forward as a church and she confirmed that the primary use of the building is intended to be a place of worship.

Mrs. Murphy said that it looks to her like they checked off all of the boxes, with the Articles of Incorporation, a Mission Statement and the IRS Filing to show them that it is a place of worship. Her concern is about Ms. Fredrickson's intentions based on some of the testimony that they heard today. This is a significant undertaking on the Applicant's part and she is concerned about the lack of a more detailed plan as to what the intention is for this site. She is hesitant to approve the application based on what is before her because she does not feel there is an adequate showing of support to determine that the primary use will be for a place of worship. Ms. Fredrickson responded that it will be primarily a place of worship.

Mr. DeMarco said he tends to agree with Mrs. Murphy. He thinks it is short sighted to say that Ms. Fredrickson has not had some sort of epiphany or religious vision. The thing most troubling to him is that Reverend White said his mission is to help lost people find their way. He is supportive of people having clear guidance in life and the path to proceed, but he thinks they all need to do that under a clear purpose, mission and vision. He does not see that here. There are

Articles of Incorporation and words about the Board of Directors, but there is no name and no structure set up. There is no business plan for how they will operate One Church CLE. There is no Code of Conduct or discipline for the people who will be staffed or operating it. There is no literature, no website or creed for what they will be supporting or preaching about. There is no history and there is no congregation. For him, it does not pass the test that this is a church. Ms. Fredrickson responded that there is no congregation because they have not formed one and they have been in discussion about some youth outreach. It is her intention and she was lead to believe that she was coming forward to determine whether the use of the property is consistent with what is in the Code. She did not recognize that she should have a website or a congregation already formed, or do so much more of the legwork until she is able to move forward with the Planning Commission. This is a time consuming, expensive proposition but there are certain steps that she has to go through. Without an occupancy permit, she can't assemble a congregation or have half of what they ask her to have. Her intention is to perform like any other church in Rocky River, and to help people connect with their spirituality. They intend to serve people who have been turned off and turned away from some of the covenants of standard religion who are looking for their spirituality. While it may appear to many, this did not just arise. She watches and hears intolerance from people all of the time and she has had discussions with Reverend White about the fact that the pillars of their church will be spirituality and tolerance. She cannot deliver what they want, but she certainly will if granted an occupancy permit.

Mr. DeMarco said that none of the discussions or the pillars of the church are described in the submission. He feels that the haste with which this submission was put together does not align with the fact that it is a time consuming process. Ms. Fredrickson said that she understands where Mr. DeMarco is coming from. In order for her to move forward to expand what the church will be, what it will mean and what they collectively want to do with the church, is going to take allowing people into the building. She has not had that luxury yet. Mr. DeMarco said that they don't need 4 walls and a roof to develop some of the things that would make this a foundational entity with a clear vision and a clear mission. Ms. Fredrickson responded that she came here thinking that the purpose of this meeting is to determine whether the intended use of a church fit. She did not think that her business plan and business relationship were going to come under scrutiny.

Mr. Bishop said that there is a lot at stake for Ms. Fredrickson, for the residents and for the City. This Commission starts with their fact finding mission and they look at everything brought before them to render a decision. To him, he thinks this is a lot of cart before the horse, so to speak. Reading through the IRS 501(c)(3) for a church, it simply starts out with attributes of a church that have been developed by the IRS and by court decisions and there is a list of what they include. He does not think she meets the test as he starts reading through them. The IRS will determine whether they are a church by reviewing their application, and whether they are approved or denied as a church will be a guiding factor to this Planning Commission. Nobody is better than the IRS at making that determination and if they turn her down, he wonders where that would leave them. There is other paperwork that was submitted by residents which may or may not apply that they would like to review.

Mr. Bishop said that it disturbed him from the moment Ms. Fredrickson began speaking that she is here because it was recommended to her that she become a church. When people say those things, it is in their subconscious and it sets the stage for what is really going on. Regarding Ms. Fredrick's statement regarding forming a congregation, Mr. Bishop said he does not know what that means and it makes him suspect. What is factual is the paperwork, the IRS requirements and the fact that she is here because it was recommended that she become a church. Much of what was said tonight is not factual and is purely suspicion and they do not rely on that. Ms. Fredrickson said she originally came before them as an Addiction Resource Center. She would have to go over all of the notes, but at least 5 people in the audience and half of this Planning Commission made a recommendation that they admire what she was doing, but she is not a church. One of the first things she said was that it never really occurred to her to become a church.

Mr. Bishop said that his recommendation to the Planning Commission is to table the matter and let the Commission have the opportunity to review the documentation that was provided with testimony by the audience and let the IRS determine whether this is a church or not.

Mr. Bishop asked Law Director Bemer if it is appropriate to rely on the IRS to make that determination. Law Director Bemer said that it would be strong evidence in either direction but it should not be the ultimate deciding factor. Mr. Allen said he would like the opportunity to review the documentation and Mr. Long agreed.

Mr. Bishop moved to table this item. Mr. Long seconded.

5 Ayes – 0 Nays
Passed

The meeting adjourned at 9:25 p.m.

William Bishop, Chairman

Michael DeMarco, Member

Date: _____