

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

November 1, 2018

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on ***Thursday, November 1, 2018 at 7:45 p.m.***

Present: Planning Commission Members: Gregory McDonald, Chairman; Mary Jane Walker; Edward Pfahl; City Council Representative, Matthew Schonhut; Administration: Assistant Law Director, Daniel Kolick, Assistant City Engineer, Lori Daley, Assistant Building Commissioner, Michael Miller, and Fire Department Representative, Randy French.

The following was discussed:

DRAGON'S BREATH: Mrs. Daley stated that this application is for a kiosk in the Mall. They are asking to go in on the first floor, kind of under the escalators in the main center of the Mall. The reason why it is coming to Planning is for a determination of similar use. From the City Planner, there are four items that the Commission needs to consider with determining whether it is a similar use and there were two that the City Planner was concerned with and that was whether the use was appropriate and conforms to the characteristics of the proposed district and whether the use creates dangers to health and safety to an extent greater than normally associated with the listed permitted uses. So, what this Dragon's Breath is, I believe that they have a puff that is dipped in liquid nitrogen and when you eat it it looks like you are breathing out smoke like a dragon. With that the City Planner had concerns on the liquid nitrogen storage tanks and that it is not appropriate to be in the mall or in a large public assembly area, it should be in a free standing building. The use of liquid nitrogen in volumes causes dangers to health and safety and the storage materials being handled by retail staff rather than individuals trained in the handling of hazardous and dangerous materials is a danger. So with that from the City Planner, he believes that it does not meet the criteria set forth in that section of our Code. From Engineering there is no report. Mr. Miller stated that from the Building Department, we have issues concerning operations. As shown on their plans in the electrical drawings, storage facility which is under the escalator is nothing more than a closet under the escalator close to the second floor. They are going to have two storage tanks in there containing this liquid nitrogen. They are required to have an oxygen sensor, as indicated on their plans, they are using a cord connected oxygen sensor which could very easily become disconnected if the liquid nitrogen vaporizes and displaces the oxygen then that small of a room could become an asphyxiation hazard. Mr. McDonald asked if it was an oxygen deprivation sensor. Mr. Miller stated that it was and it was cord connected and plugged into an outlet which is not a good idea.

Mr. French stated that from the Fire Department, our Fire Marshall who has been on the Hazmat Team for close to 20 years, he has a pretty good knowledge of the use and handling of nitrogen and he points out several

things and has safety concerns about the appropriateness of this being at center court at the Mall especially where there will be a high traffic area come Santa time and can be dangerous. Mr. Kolick stated that it is your determination obviously but I can see there are concerns, this is the area where Santa Claus is and the Easter Bunny and all the kids are around this area during those seasons, besides being a high traffic public assembly area. I think we can say more on the floor but there have been events where these nitrogen tanks have actually exploded and blown the building right off its foundation so there are real concerns with this. I think this liquid is minus 320 degrees Fahrenheit. You are talking about some serious stuff here in the middle of the Mall. I think those are the things you will need to take into account in determining whether to permit it or not. Mr. McDonald stated that there were 3 administrative reports that state that this is not a good idea do you have any questions?

SOUTHPARK MALL: Mrs. Daley stated that this application is for a change on the sign at Massage Envy at the Mall. They are going to change their lettering out front and then also on the awnings as well. From the City Planner, there are no issues. From Engineering there is no report. Mr. Miller stated that from the Building Department, there is no report. Mr. French stated that from the Fire Department, there is no report. Mr. Kolick stated it is in substantial compliance with the plans so it will not need to go back to City Council, if it were new signage or something then it would have to go to City Council but all they are doing is replacing what was written in script and a dark sign to a light and block sign. I think it is in substantial compliance.

SOMERA ROAD: Mr. McDonald stated that this item was removed from the Agenda and we will address that out on the floor.

The meeting was called to order at 8:00 PM by the Chairman, Mr. McDonald.

Roll Call:

Members Present: Mr. McDonald
Mrs. Walker
Mr. Pfahl
Mr. Schonhut

Also Present: Mr. Miller, Asst. Bldg. Com.
Mrs. Daley, Asst. Engineer
Mr. Kolick, Asst. Law Dir.
Mr. French, Fire Dept. Rep,

Carol Brill, Recording Secy.

specially designed for nitrogen. The problem with the different companies before that people got burned and stuff was because the companies used to serve nitrogen together with the puffs. What they did is that they put nitrogen inside of the cup and served it to the customer. We do it a little bit differently, we pour nitrogen into a pitcher and have a special bowl that the puffs are in and then we pour nitrogen and we don't serve the nitrogen to the people, we cool it down and scoop it up and put it into a cup and serve it together with the sauce so when people dip it into the sauce it is already not that cold. Yes it is still pretty cold but not extremely cold like other companies have used before because all those burns in the mouth were because they actually filled up the cup with puffs and they just poured nitrogen on top.

Mr. McDonald – Thank you, we will now listen to the Administrative Reports, Mrs. Daley.
Mrs. Daley – Thank you Mr. Chairman. From the City Planner, The proposed use would operate from a new kiosk to be located under the main escalator and involves the sale of deserts that are frozen using liquid nitrogen. The liquid nitrogen would be stored in tanks in the kiosk and would be applied to the deserts to make them exceptionally cold. Section 1242.08 provides four (4) criteria to be considered by the Commission when determining whether a use is similar. Those criteria are as follows:

1. Whether the use is listed as a permitted use in any other district.
2. Whether the use is appropriate and conforms to characteristics of the proposed district.
3. Whether the use creates dangers to health and safety to an extent greater than normally associated with the listed permitted uses.
4. Whether the use creates traffic issues.

In this instance, the two key criteria appear to be Nos. 2 and 3. The use of liquid nitrogen storage tanks is not common or appropriate in a mall or other large public assembly space. It does not appear that the proposed use is consistent with the character of the mall. The use of liquid nitrogen in these volumes causes dangers to health and safety that are not normally associated with the retail uses found in the mall. Particularly when the storage and use of the hazardous material is being conducted by retail staff rather than individuals trained in the handling of hazardous or dangerous materials. A use of this type would be better suited to a more controlled and more confined space such as a free-standing commercial building, with appropriate safety provisions as recommended by the Fire and Building Department, than in a public assembly space such as the mall. It is the City Planner's professional opinion that the proposed use does not meet the criteria set forth in Section 1242.08 and therefore should not be approved by Planning Commission as a similar use pursuant to Section 1258.04(b). From Engineering there no report. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

Mr. Miller – Thank you Mr. Chairman. From the Building Department, submitted plans, Page A1.1 states Proposed Macurco Oxygen Sensor is a cord connected device. Due to the inherent nature of evaporating liquid nitrogen displacing oxygen and the confined location of the two (2) storage tanks, to prevent accidental disconnection, permanent wiring methods would be required. Thank you.

Mr. McDonald – Mr. French.

Mr. French – Thank you Mr. Chairman. From the Fire Department, I have a letter here from the Fire Marshall, Matt Tilbert who researched the use of this and he has the following concerns; The liquid to gas expansion ratio is 1:694 at 20 degrees Celsius (68 Fahrenheit). This means that a vast amount of force is generated if the cylinder was to leak and vaporize into an enclosed space. The planned tank at South Park Center would be stored in an enclosed space beneath the main, center court escalator. In 2006 at Texas A&M University a cylinder leaked causing the pressure relief device to fail, subsequently causing catastrophic failure of the tank with an explosion that took the walls off their foundations. Because of the extremely cold temperatures of the liquid, -320 Fahrenheit, it could cause severe thermal burns when improperly handled. As liquid nitrogen evaporates, it displaces the oxygen concentration in the air which can act as an asphyxiate. It is colorless, odorless and tasteless and can produce oxygen depletion without any prior warning. Liquid nitrogen condenses oxygen from the air which can cause violent oxidation of organic material. Ingestion of liquid nitrogen can cause extreme internal damage to the oropharynx, esophagus and stomach, risking serious injuries. The FDA has spoken out about the safety concerns of ingesting liquid nitrogen type desserts and beverages. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. You heard the applicant and you have heard the administration reports, it is up to the Commission to determine based on those standards set out in the Planning Directors memo here tonight whether you feel that this is a proper use where they are proposing to put it and the motion should be for the determination of use. If you vote yes you are approving the use, if you vote no you are saying that the use not proper as proposed in this area in the Mall. Thank you.

Mr. McDonald – Are there any questions or comments? Hearing none, I would entertain a motion for Dragons Breath.

Mr. Pfahl – Mr. Chairman.

Mr. McDonald – Mr. Pfahl.

Mr. Kolick – Thank you Mr. Chairman. Since South Park Mall does require your approval of any outside signage under 1272.12(a)(1), if you feel it's in substantial compliance with the current plan, your action alone is required and in my opinion it is in substantial compliance, they are just changing one sign from a script to a block and changing the color so all it would require is your approval and you can act on it here tonight. Thank you.

Mr. McDonald – Are there any questions or comments? Hearing none, I would entertain a motion for Southpark Mall.

Mr. Pfahl – Mr. Chairman.

Mr. McDonald – Mr. Pfahl.

Mr. Pfahl – I move to give favorable consideration for Amendment to the Master Sign Program for South Park Mall revising sign (M55) for Massage Envy, property located at 500 South Park Center, PPN 396-20-001 zoned Shopping Center.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Mr. McDonald - Any other business to come before this Commission this evening?
Seeing none, we are adjourned.

Greg McDonald, Chairman

Carol M. Brill

Carol M. Oprea, Recording Secretary

Approved