

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

February 9, 2023

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on **Thursday, February 9, 2023 at 5:50 p.m.**

Present: Planning Commission Members: Gregory McDonald, Chairman; Brian David; Michael Polo and Kim Veris; Council Representative, James Kaminski; Administration: Assistant Law Director, Daniel Kolick; Assistant City Engineer, Lori Daley; Assistant Building Commissioner, Steven Molnar and Fire Department Representative, Captain, Matt Tilbert.

The following was discussed:

Brusters Ice Cream: Mrs. Daley stated that this is a new build going on a vacant lot on the southwest corner of Pearl Road and Ellsworth Drive. It is going to be the ice cream and another use is going in this building so two uses. For now they are having two drives, one on Pearl Road and one onto Ellsworth Drive which is what we would recommend. They have a drive thru going in for the ice cream that comes around the building, detention basin out front at the corner and then all their stormwater is going to go out to Pearl Road, so everything will be collected on site and taken out to Pearl Road which is another thing that we really wanted for this site. From the City Planner everything is in compliance with the Zoning Code. They went to the ARB and got their approval there and from Engineering there were just some minor revisions that we had given comments to their engineer and they are working on those so I am okay since they said that they are going to comply with everything, gave me a letter so I am okay giving it a conditional to that. Mr. Molnar stated that from the Building Department there are a couple of items that we were concerned as far as drain tiles, protective footer on both sides of the retaining wall that is going to be built on the west side of the property. Shields on all pole and wall packs facing the residential neighborhoods which I believe is on the west side and also the construction work times. Make sure they follow the Strongsville Codified Ordinance No. 634.04. Mr. McDonald asked what the times were. Mr. Molnar, I do have a copy. Mr. Tilbert stated that from the Fire Department the only requirement will be the installation of a commercial Knox box. Mr. Kolick stated that they do back up to residential but they are putting a 6-foot masonry wall on the back there but currently there is a fence there from the Homeowners Association at the end of that road to protect those end units. We should have them do something with the area in between the fencing and the masonry wall. Maybe put drainage tile and stone down because we don't want to see it grow up with weeds in between there so something that doesn't take any maintenance. They are putting an outside eating area on both the east and west sides of the building so we are going to have to address with them if there is any music or speakers out there. I am not concerned about the side facing Pearl, I am a little concerned about the rear facing the residential. We should

find out what their hours of operation are but they have taken steps to shield the residential area and as noted in the Building Department report, they are showing zero light spillage over onto the residential because that is where we usually get the complaints, car lights, they have a masonry wall or lighting if they are putting up poles, they will just have to shield them from the residential area and probably the only other thing is some of the drawings are showing building 1 and building 2, these are all one connected building and they need to build them all at one time, they can't phase them in because this is zoned general business. General business permits food service but only if it is in an attached building, not as a separate unit. I am sure that is what their intent is but I just want to make it clear. Item 2, you should make subject to the Engineering Report, Building report and Fire Department Report tonight. You will have a Public Hearing on Items a and b. We did check for the normal bollards to protect those outside eating areas and they are all protected as we requested.

Monica Manning: Mrs. Daley stated that this is a lot consolidation, it is residential parcels on Webster Road. They own both parcels, the house is located on one and the other one is vacant. They are consolidating these so this way they don't have to pay two separate assessments. We have a sanitary sewer project going through there right now and if they keep it as it is they have to pay two assessments. So, consolidating they can pay one and then if some time in the future they split that off and build that is when they would pay it so we are in favor of them consolidating the parcels now. Mr. Molnar stated that from the Building Department there is no report. Capt. Tilbert stated that from Fire Department there is no report. Mr. Kolick stated that the Commission could act on this matter.

Falling Water Health Care Center: Mrs. Daley stated that this is an amendment to and easement. I believe it was just to correct some errors in their legal description. This is the Senior Living Facility at the corner of Falling Water and Peal Road. They were also changing some of the areas that they have noted as reciprocal parking for both of these. They are two different parcels. Nothing physically is changing, none of their parking is changing, it is just in their document. From the City Planner, he did check the parking and they do have enough parking on both of the sites so these changes in the documents aren't going to affect anything. Mr. Molnar stated that from the Building Department there is no report. Capt. Tilbert stated that from Fire Department there is no report. Mr. Kolick stated that as noted by the engineer, nothing physically is going to change on the property. I think they went in probably to refinance one or the other of these buildings. They used to have everything between those buildings was mutual parking easements so either building could use them and now they are dividing it off but we had the City Planner check, even dividing them off, they will both have sufficient number of parking areas so you can act on this subject to

the filing of that easement, which I have received and approved. It is in proper form we just need to file it.

The meeting was called to order at 6:00 PM by the Chairman, Mr. McDonald.

Roll Call:	Members Present:	Mr. McDonald Mr. David Mr. Veris Mr. Kaminski Mr. Polo
	Also Present:	Mr. Molnar, Asst. Bldg. Com. Mrs. Daley, Asst. Engineer Mr. Kolick, Asst. Law Dir. Cpt. Tilbert, Fire Dept. Rep, Carol Brill, Recording Secy.

MOTION TO EXCUSE

Mr. David - Mr. Chairman.
Mr. McDonald – Mr. David.
Mr. David - I move to excuse Mayor Perciak for just cause.
Mr. Veris – Second.
Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

MOTION TO USE THE REVISED AGENDA

Mr. David - Mr. Chairman.
Mr. McDonald – Mr. David.
Mr. David - I move to use the Revised Agenda tonight.
Mr. Veris – Second.
Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

APPROVAL OF MINUTES

Mr. McDonald – You have had a chance to review the minutes of January 26, 2023. If there are no additions or corrections they will stand as submitted.

Mr. Kolick – Mr. Chairman you should mention Mr. Pfahl and his situation.

Mr. McDonald – So you will notice that Ed Pfahl is not here nor is he excused. He did send in a resignation from the Planning Commission due to personal reasons. We want to thank Ed for the time he spent on this Commission. It was great working with him and we wish him the best of luck going through the challenges he has in front of him. With that being said, we will have a new member sometime soon.

NEW APPLICATIONS:

BRUSTERS ICE CREAM/ Leon Sampat, Agent

- a) Conditional Use Permit pursuant to Codified Ordinance Section 1242.07 and 1258.03(a)(3)(A)(6) to allow Brusters Ice Cream to occupy 2,362 SF to sell and serve ice cream for property located at 18268 Pearl Road, PPN 394-26-009 zoned General Business.
- b) Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(6) and 1242.07(b) to allow Brusters Ice Cream to utilize two proposed patios, one for the east side of approximately 870 SF with seating for 24 and one for the west side of approximately 375 SF with seating for 24 for property located at 18268 Pearl Road, PPN 394-26-009 zoned General Business. **Architectural Review Board Favorable Recommendation 10-18-22.*

Mr. McDonald – Item Number One, Brusters Ice Cream. Is there anybody wishing to speak in favor of this please come to the podium and give us your name and address.

Mr. Kolick – Including the applicant, we will need your name and address.

Mr. Sampat – Leon Sampat, 22082 Lorain Road, Fairview Park, Ohio. I am with Ellis Architects.

Mr. McDonald – Do you want to describe the project?

Mr. Sampat – We are proposing a one story, 3,892 SF building situated on .96 acres. The building will consist of the Brusters Ice Cream and then a future tenant space so it is one building that will be constructed at one time. The future tenant is to be determined. We have provided 24 parking space, 20 spaces are required. There is a drive thru. The drive thru we have 10 car stacking. We did provide the six-foot-high masonry wall. We are one foot off our property with that so we would be willing to talk about and work with the residents behind us to try and figure out what to do with the space between but at this time we would have to go onto their property, with the one foot we don't show any additional work but we do show, we will have drain tile on both sides of this as the Building Department recommended. We do have two outdoor patios, there is a covered one at the rear, 375 SF. That will have 6 four tops, there will be no music back there. The only music that plays, there are 3 overhead doors in the front and it is a vestibule, lobby area and when those doors are open, the music is in the lobby so you might be able to hear it outside those doors but that is the only place you will have any music.

Mr. Kolick – You are talking about the east side of the building facing Pearl Road, correct?

Mr. Sampat – Pearl Road, inside the building. Then the patio at the front is 870 SF with another 6 four tops. Those would have umbrellas. The building, we went through ARB. Brusters is a franchise so we do have prototype colors, I do have renderings if you want to see them. They went through Architectural Review and we got that approved there an as for business hours, this will be peak summer hours. They are Monday thru Thursday, 11:00 a.m. to 9:00 p.m. and the weekends, Friday, Saturday and Sunday, 11:00 a.m. to 10:00 p.m. and the winter time they phase those down, so those will be the max hours. I believe that there were a few comments from Building and Fire that there is nothing there that we would not be compliant with.

Mr. Kolick – Mr. Chairman, just a couple of things; one, for your area on the west side of the wall, it would probably be best to put something there with no maintenance or low maintenance.

Mr. Sampat – Gravel.

Mr. Kolick – Yes, something like that because we don't want to see weeds growing up between yours and the fence there which makes sense so just note that. One other thing though, be careful about your other tenant coming in there, because a General Business tenant, you will have sufficient parking but you wouldn't have sufficient parking for another food service there so just be aware of it. Our parking requirements are

heavier for any other type of food service. Any other General Business you should be fine with the tenant there.

Mr. McDonald – Do you have any indication as to who that tenant will be?

Mr. Sampat – No, right now.

Mr. McDonald – Do you have any idea of what kind of business you are looking to put in there?

Mr. Sampat – The owners are here and they are looking at some businesses that they may open themselves.

Mr. McDonald – You do intend on being open 12 months so although the winter hours will be shorter, you are not shutting down in the winter?

Mr. Sampat – Correct, they currently own and operate the one in North Olmsted and that is the same way right now.

Mr. McDonald – Is there anyone else wishing to speak in favor? If the owners want to stand up and say a few things we would appreciate that. Give us your name and address for the record.

Mr. Assad – Ramez Assad, 1856 Holdens Arbor Run, Westlake, Ohio 44145. I am one of the owners of the North Olmsted store. We've been open for 2 ½ years. We feel like we obviously will do our best to comply with whatever the City requires. We want to bring great ice cream to the City.

Mr. McDonald – Thank you, is there anybody else wishing to speak in favor of?

Mr. Newbold - I am not against it. My name is Tom Newbold 19108 Blue Spruce in Strongsville and I am the President of the Master Woods Association. I apologize it is really more that we have questions. This is the first notice that we have received of Brusters officially going in. I have been working with Gordon Short but we haven't gotten a lot of information so we just have some general questions on it, some of them have been answered already. The music and hours of operation. The one concern was the entrance off of Ellsworth. Our island goes back pretty far so I am not sure how that left turn is going to work coming in off Pearl Road and trying to get in there. I don't know how wide that entrance/exit is going to be but I would think you would have to swing back around to get in it.

Mr. McDonald – Do we have a rendering of that?

Mr. Kolick – We do, the driveway is beyond, it is further west than the island and we will work with them to make sure that it is not going to affect that island and its not. They are further west of the island.

Mr. Newbold – Oh, okay so it is a good turn in and out, it wasn't going to be a right turn in or anything. Are they connecting our sidewalk to Pearl Road along that south side of Ellsworth, right now there is not a sidewalk there.

Mrs. Daley – Yes, they are connecting up that piece of sidewalk that is missing to Pearl Road.

Mr. Newbold – So it's going to connect.

Mrs. Daley – Yes.

Mr. Newbold – Perfect, you addressed the lighting and hours of operations. The buffer has been addressed and I think I will work with the Cluster Association which is one of our sub associations and I would say more than likely they are going to remove the fence on the other side.

Mr. McDonald – I think that would be a great idea.

Mr. Kolick – Which makes sense.

Mr. Newbold – I think they will be happy to get rid of it.

Mr. Kolick – I think they would rather see a masonry fence that matches the building than the wooden fence that they have up there now. That is fine.

Mr.. Newbold – I could not get one of their representatives to come or even talk about it yet.

Mr. McDonald – I was on my HOA for 20 years, it is a thankless job.

Mr. Newbold – Yes, I have been on it for over 20 years. It is very interesting for sure. The other question was the drive thru speaker. Is the drive thru speaker going to be pointed at the houses, towards the back because those home are right up against the fence, they are really close?

Mr. Kolick – I think it is on an angel and there is also landscaping between the speaker because we are worried about that too. I am sure that they can do things to deaden the sound if they have to, they will work with the neighbors, just like the lighting. Sometimes

you put up the lighting and you realize some additional shielding has to be so I am sure they will work with you on that as well.

Mr. Newbold – Okay and then on Ellsworth on that side there is no parking so you said they are okay with 24 parking spots there, is that what it is 24? So when that second business comes in I am a little bit concerned about that.

Mr. McDonald – There will be another opportunity to discuss that when it comes in.

Mr. Newbold – Alright, other than that, those were my questions and I appreciate the time. It is great ice cream, I have been over there to check it out. I think the City will be happy, we are happy at our end of town. Thank you.

Mr. McDonald – Make sure you exchange information with Leon too so you guys can stay in contact if you have any questions especially about that fence assuming we move forward. Is there anybody else that wishes to speak in favor of this, is there anyone that would like to speak against it? Seeing none we will consider the Public Hearing closed and we will go to our Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, the proposed site plan conforms to all the minimum requirements of the General Business Zoning District and approval is recommended for the two Conditional Use Permits that are required in the site plan. From Engineering there is no report on the Conditional Uses, the site plan is in approvable form subject to a review of the revised plans that were submitted to my office on February 8th. Thank you.

Mr. McDonald – Thank you, Mr. Molnar.

Mr. Molnar – Thank you Mr. Chairman. From the Building Department, there is no report other than my comments in the Caucus. Thank you.

Mr. McDonald – Capt. Tilbert.

Capt. Tilbert – Thank you Mr. Chairman. From the Fire Department, the only requirement is the installation of a commercial Knox Box. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. We can act on these, Item 2 should be made subject to the Engineering, Building and Fire Department reports this evening. Thank you.

009 zoned General Business, subject to the Engineering, Building and Fire Department reports.

Mr. Veris – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called All Ayes APPROVED

Mr. McDonald – When do you expect to open?

Mr. Sampat – We will have to see how the construction goes. We are hoping for September.

Mr. McDonald – We are looking forward to having something on the south side of town.

MONICA MANNING/ Monica Manning, Principal

Consolidation of PPN's 395-29-024 and 025 located on Webster Road, zoned R1-75.

Mr. McDonald – Item Number Three, Monica Manning. Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is an existing house on one parcel. The house setbacks are not reduced by the consolidation and the consolidated lot will conform to all the minimum lot requirements of the R1-75 Zoning District and approval is recommended. From Engineering the plat is in approvable form. Thank you.

Mr. McDonald – Thank you, I am sorry is there anyone here for Monica Manning? Would you please come forward? Can you please give us your name and address for the record.

Ms. Manning – Monica Manning, 10660 Webster Road.

Mr. McDonald – Do you want to tell us a little bit about what you are doing here?

Ms. Manning – I called Lori I believe when I first got the notice from the City about the sewers going through and since we own the lot with the house and the adjoining parcel, instead of having to pay for two connections she suggested the consolidation.

Mr. McDonald – We will continue our Administrative Reports, Mr. Molnar.

Mr. Molnar – Thank you Mr. Chairman. From the Building Department, there is no report. Thank you.

Mr. McDonald – Capt. Tilbert.

Capt. Tilbert – Thank you Mr. Chairman. From the Fire Department, there is no report. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. You are in a position to act on this matter. Thank you.

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

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Consolidation of PPN's 395-29-024 and 025 located on Webster Road, zoned R1-75.

Mr. Veris – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

FALLING WATER HEALTH CARE CENTER/ Joel Pentz, Agent

Amendment to the site plan documents for Falling Water Health Care located at 18840 Falling Water Road, PPN 396-03-011 zoned RMF-1.

Mr. McDonald – Item Number Four, Falling Water Health Care Center, please step forward and state your name and address for the record.

Mr. Pentz – Joel Pentz, 494 Wilmington Drive, Broadview Heights, Ohio. I am the Attorney representing the Falling Water Health Care Center. We had recent refinancing and it came to our attention when we did the surveys that the legal for the easement taking the driveway straight onto Pearl Road was 25 to 30 feet short so this easement amendment is a clean up of the legal description and will actually get us to Pearl Road.

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 intent of the Amendment is to correct a legal description error. The Revised Agreement also changes the area designated for shared parking. However, both sites will comply to meet the minimum parking requirement per the Code and approval is recommended. From Engineering it is in approvable form. Thank you.

Mr. McDonald – Thank you, Mr. Molnar.

Mr. Molnar – Thank you Mr. Chairman. From the Building Department, there is no report. Thank you.

Mr. McDonald – Capt. Tilbert.

Capt. Tilbert – Thank you Mr. Chairman. From the Fire Department, there is no report. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. You are in a position to act on this as long as it is made subject to the filing of the easement which Mr. Pentz has forwarded to me and I have approved. Thank you.

Mr. McDonald – Are there any questions or comments? Hearing none, I would entertain a motion for Falling Water Health Care.

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Amendment to the site plan documents for Falling Water Health Care located at 18840 Falling Water Road, PPN 396-03-011 zoned RMF-1 subject to the filing of the easement.

Mr. Veris – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Planning Commission Minutes
February 9, 2023
Page 13

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. Brill, Recording Secretary

Approved