

## STRONGSVILLE PLANNING COMMISSION

### MINUTES OF MEETING

June 24, 2010

The Planning Commission of the City of Strongsville met at the Strongsville Communication Center located at 13213 Pearl Road, on **Thursday, June 24, 2010 at 7:30 p.m.**

Present: Planning Commission Members: Jeffery Ice, Chairman, Gregory McDonald, Mary Jane Walker and Thomas Stehman; Administration: Assistant Law Director, Daniel Kolick, Design Engineer, Lori Daley and Assistant Building Commissioner Keith Foulkes.

The following was discussed:

**Mulligan's Bar & Grille:** Mrs. Daley stated that this proposal is to construct an 860 SF outdoor patio and parking lot renovations for Mulligan's Bar & Grill. Mr. Kolick stated that the new plans had recently been delivered and that since the Public Hearing had already been scheduled that the Commission should hear the Administrative Reports and it could be tabled till the next meeting. He stated that they still needed to get to the ARB before the next meeting. Mrs. Daley stated that the applicant is using 5 existing parking spaces for the outdoor patio. From the City Planner the required parking is 254 spaces and they are providing 271 spaces. There is no report on the Conditional Use. From Engineering there is no report on the Conditional Use and the site plan appears to be in approvable form, we just need to take a close look at the plans because they just came in yesterday. They are showing a floor drain in there and we will need to see where that is going. Mr. Kolick stated that there were two plans. One showed landscaping added to the patio area. He stated that there was also some comments about putting in some curbing if they are going to use the landscaped plan. Mr. Foulkes stated that from the Building Department there is no report on the Conditional Use Permit and the site plan is in approvable form. There is no lighting shown however, he visited that site and the applicant has a 400 watt light at the pole shining towards the patio which would probably give it the minimum amount of light. It also has some canopy lighting. The applicant did not indicate that he was going to add any additional lighting. The applicant was told that he would need some emergency lighting which would be part of the code review. Overall it looks okay and there will be a Building Plan review on the details. If the applicant intends to enclose this patio in the future, separate permits will be required. Mr. Kolick stated hours of operation needed to be addressed. He is located near a couple of residence and there is another resident next door. The applicant stated that the kitchen closed at 11:00 p.m. and it probably should not be kept open much later than that with the residents so close. The use of the patio and the applicant's statement that he was going to use the patio for cornhole games needs to be addressed. You can't act on it tonight because the site plan needs to get over to the ARB.

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**Clearwire:** Mrs. Daley stated that the proposal is to construct a 190' monopole and a 2,500 SF fenced compound to be located on the School Board property at 15650 Pearl Road, where the bus garage is. The site is zoned Public Facility. From the City Planner the minimum tower setback from any single family district lot line or use shall be 500'. The proposed tower is located 380' from the abutting residential district line and 700' from the nearest residential use. From the Engineering Department there is no report on the conditional use permit and the site plans are in approvable form. Mr. Foulkes stated that from the Building Department there is no report on the conditional use and the site plan is in approvable form subject to a plan review in accordance with the Ohio Building Code and a \$50,000.00 removal bond. Mr. Kolick stated that there were some other requirements that originally did not comply such as 8' fencing but they made all those changes and the one item that they haven't changed is the setback so we will need to deny the site plan so that they can proceed to the BZA. The conditional use can be tabled and they can be set for a Public Hearing when they finish with the BZA and they will also need to go to the ARB.

**Taste of Excellence:** Mrs. Daley stated that this proposal is to consolidate PPN 393-34-002 and 014. They are going in at the bowling alley site on Pearl Road. When they came in with their site plan we asked them to consolidate this parcel because right now you have the bowling alley and paint shop which are located on two separate parcels. From the City Planner it is in approvable form. From Engineering the consolidation plat is in approvable form. Mr. Foulkes stated that there is no report from the Building Department. Mr. Kolick stated that the Commission should act on this, it is what we asked them to do.

**McDonald's:** Mrs. Daley stated that the proposal is to consolidate PPN 396-18-016, 017, 044 and 048. We asked them to do this. This is that back piece that was rezoned that they are putting the additional drive thru on currently. From the City Planner it is in approvable form. From Engineering the plat is in approvable form. Mr. Foulkes stated that there is no report from the Building Department. Mr. Kolick stated that this what we asked them to do to clear up any infringements. The Commission can act on it.

**Ordinance 2010-96:** Mr. Kolick stated this is about group homes. We had to bring our ordinances into compliance with the legal requirements. Our ordinance had to be amended, it will no longer require a conditional use permit, it is handled directly by the Building Commissioner and he will look at the type of impairments that these individuals have. In our old code they required a sprinkler system no matter what, they required that the walls be wheelchair accessible but the courts are saying that if a person is not in a wheelchair then you do not have to comply. If they are sight impaired they are not going to require them to utilize emergency exit lighting because they are not going to see it anyway. So the long and short of it is, this clears up and brings us into

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compliance with the legal requirements for these types of homes. If this is approved by you and the City Council, it will not be coming here for Conditional Use Permits it will go directly to the Building Commissioner for judgment based on the type of impairments that these individuals have.

**Ordinance 2010-97:** Mr. Kolick stated this ordinance is propane canisters. This was initiated by a number of businesses coming in saying that they don't understand why some places can sell propane and some can't. Our Fire Department says that the new canisters now have additional safety features on them. They said that they are okay with selling these. We have two issues, the safety issue and the aesthetic issue. This amendment would permit box stores to permit them and oversized drug stores but they have to come to the Planning Commission for a Conditional Use Permit. Our regulation states the total amount of gas and size of the propane tanks. Those would be all things that we would look at. We will also look at the aesthetics of where they are. They have to be enclosed in an area.

**Ordinance 2010-98:** Mr. Kolick stated that this is a lot at the end of Morris Drive. Morris Drive comes in off Prospect and backs up to the Chamber parcel and a number of parcels that are in there zoned General Industrial. This individual owns at the end of the street a lot. They put a house on this lot which encompasses two residential sublots. The rest of the parcel is zoned Industrial so that they can not build a residence on it. They requested that we rezone this area that is currently zoned General Industrial over to Residential like the other lots on Morris Drive. The City Planner thought that it was a reasonable request and they are going to put a house on there. If you are okay we can go forward and give a recommendation back to City Council.

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

Roll Call:

Members Present: Mr. Ice  
Mrs. Walker  
Mr. McDonald  
Mr. Stehman

Also Present: Mr. Foulkes, Asst Bldg. Com.  
Mrs. Daley, Engineer  
Mr. Kolick, Asst. Law Dir.

Carol Oprea, Recording Secy.

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**MOTION TO EXCUSE:**

Mr. McDonald - Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald - I move to excuse Mayor Perciak, Mrs. Barth and Mr. Coyne for just cause.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**REVISED AGENDA**

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to use the Revised Agenda for this evening.

Mrs. Walker – Second.

Mr. Ice – Secretary please call the roll.

Roll Call: All Ayes APPROVED

**Approval of Minutes**

Mr. Ice – You have had a chance to review the minutes of June 10, 2010. If there are no additions or corrections they will stand as submitted.

**PUBLIC HEARINGS:**

**MULLIGANS BAR & GRILLE/ Ron Kencson, Principal**

a) Conditional Use Permit pursuant to C.O. Sections 1258.02(b), 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize approximately 860 SF as an unenclosed outdoor patio for the Mulligan's Bar & Grill located at 20880 Royalton Road, PPN 392-33-012 zoned Local Business.

**MULLIGANS BAR & GRILLE/ Ron Kencson, Principal, Cont'd**

b) Site Plan approval for a 860 SF outdoor patio and parking lot renovations for Mulligan's Bar & Grill located at 20880 Royalton Road, PPN 392-33-012 zoned Local Business.

Mr. Ice – Item Number One, Mulligan's Bar & Grille, anyone wishing to speak in favor, please step forward and state your name and address for the record. The record will show that there was no one in the audience that wished to speak in favor or against this project. Seeing none I will continue this Public Hearing at our next meeting of July 8, 2010. We will listen to the Administrative reports. Mrs. Daley.

Mr. Daley - Thank you Mr. Chairman. From the City Planner there is no report on the Conditional Use Permit and on the site plan the total parking required is 254 spaces and they are providing 271 spaces. From Engineering, there is no report on the Conditional Use Permit and the site plan was just received and it will have to be reviewed to make sure that they have proper drainage. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department there is no report on the Conditional Use. On the site plan, the plan is in approvable form subject to a plan review in accordance with the Ohio Building Code. We would also like to note that if the applicant intends to enclose this patio in the future, separate permits are required. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. Since the applicant is not here there are some items that were mentioned in caucus that need to be addressed. One is the hours of operation. As noted previously, there are some residential structures immediately across the street and to the east. There needs to be some limit placed by this Commission on those hours of operation. We need to address if there is going to be any music or any loud speakers outside. We need to address the uses with the applicant, if it is just tables and chairs, that is one thing, if it is some other recreational pursuits that is a different item. Again, since the applicant is not here we can't go forward with the Conditional Use Permit hearing without continuing it, which we will do. They also need to get to the ARB. They need to stop at the City, get the application and appear this time before the ARB for their review. We will need to refer the second item to the ARB and the first item we will just continue. Thank you.

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Mr. Ice – Are there any questions or comments? Hearing none we will table this item until the next Agenda.

**NEW APPLICATIONS:**

**CLEARWIRE/ John Sindyla, Agent**

a) Conditional Use Permit pursuant to C.O. Section 1273.03 and 1242.07 to permit the installation of a 190' monopole and 2,500 SF fenced compound to be located at 15650 Pearl Road, PPN 393-26-003 zoned Public Facility.

b) Site Plan approval to permit the installation of a 190' monopole and 2,500 SF fenced compound to be located at 15650 Pearl Road, PPN 393-26-003 zoned Public Facility.

Mr. Ice – Item Number Two, Clearwire, please step forward and state your name and address for the record.

Mr. Gaynor – Ron Gaynor representing Clearwire, 2515 Red Fox Pass, Willoughby Hills, Ohio 44094. Clearwire is a new company coming to Cleveland. It is a 4G wireless company, it is the latest advancements in wireless internet. They collocate on the existing structures in the community. Cleveland and suburbs is what they are targeting first. In Strongsville around this site, they are going on all the towers around this location at the school. With collocating on all the existing structures there is a hole in the communication systems around this location on Pearl so we are proposing a 190' monopole to rectify the situation and that will provide seamless coverage and connect to all the surrounding sites. The setback variance is what we don't meet. Reading from the report, minimum setback is 500' and we are at 380' from abutting residential, 700' from the nearest residential use.

Mr. Ice – We will listen to the Administrative reports. Mrs. Daley.

Mr. Daley - Thank you Mr. Chairman. From the City Planner, as the applicant has stated, there is one area of noncompliance with the zoning code and that is the setback from any single family district lot line or use which is 500' and they are 380'. As the applicant also stated, they are 700' from the nearest house. From Engineering there is no report on the Conditional Use Permit and the Site Plan is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

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Mr. Foulkes – Thank you Mr. Chairman. From the Building Department, there is no report on the Conditional Use and on the Site Plan, the plans are in approvable form subject to a plan review in accordance with the Ohio Building Code. Those area also subject to a removal bond in the amount of \$50,000.00, submitted by the applicant for removal of the site if necessary. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. For the applicant, we received a letter from a consultant on behalf of Clearwire requesting information in regard to the National Historic Preservation Act. Are you aware of any historic sites or buildings on this site that initiated this?

Mr. Gaynor – No, it is a standard operating procedure. For every new tower we have to get SHIPA compliance, State Historic signoff as well as a host of other governmental approvals. That is probably the vendor that Clearwire is using to get that governmental approval. Thank you.

Mr. Kolick – Area you only doing that on new towers? You recently came up on some existing towers and we did not get that request.

Mr. Gaynor – It is new towers only, collocation does not apply.

Mr. Kolick – On the Conditional Use Permit we will need to set it for a Public Hearing but we can't do that until we see if the BZA grants the necessary variances so for tonight we should table the Conditional Use Permit, actually don't even set it until such time as they go to the BZA. Item "b" should be denied so that they can file their appropriate appeal for a variance to the BZA. If the BZA would grant that, my suggestion is that they could go to the ARB before they come back here and we can set the Conditional Use Permit then, thereafter. Thank you.

Mr. Ice – Are there any questions or comments?

Mr. Stehman – When are you looking for this 4G service to become active?

Mr. Gaynor – Launching towards the end of this year, it will take that long to get this site fully permitted.

Mr. McDonald – This is strictly data service?

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Mr. Gaynor – Yes, we are 51% owned by Sprint so you will start seeing commercials for Sprint but you could also go through Clearwire and get something to plug into your laptop and then anywhere around Cleveland and Strongsville and suburbs you may be able to download 10 times faster than what is currently available.

Mr. McDonald – So it is comparable to the EVDO Verizon thing?

Mr. Gaynor – We are in competition with Time Warner and the cable services.

Mr. Ice - Okay we will table the Conditional Use Permit and I would entertain a motion for the site plan.

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Site Plan approval to permit the installation of a 190' monopole and 2,500 SF fenced compound to be located at 15650 Pearl Road, PPN 393-26-003 zoned Public Facility.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll called

All Nays

DENIED

**TASTE OF EXCELLENCE/ Kevin Morand, Agent**

Consolidation of PPN 393-34-014 & 002 for property located at 16888 Pearl Road, zoned R-RS.

Mr. Ice – Item Number Three, Taste of Excellence. Please step forward and state your name and address for the record.

Mr. Morand – Kevin Morand, the architect for this project. My address is 24551 Detroit Road, Lakewood, Ohio.

Mr. Ice – We will listen to the Administrative reports. Mrs. Daley.

Mr. Daley - Thank you Mr. Chairman. From the City Planner, the request is to consolidate PPN 393-04-014 and 002 to create new parcel "A" having an area of 48,112

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SF and 233' frontage along the west side of Pearl Road. Parcel "A" is zoned R-RS. From Engineering it is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. There is no report from the Building Department. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. This Consolidation is what we asked the applicant to do as a condition precedent to acting on the site plan for a new use on the lot so we are in a position to act on this. Thank you.

Mr. Ice – Are there any questions or comments?

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Consolidation of PPN 393-34-014 & 002 for property located at 16888 Pearl Road, zoned R-RS.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll called

All Ayes

APPROVED

**McDONALD'S REAL ESTATE COMPANY/ Anthony Coyne, Agent**

Consolidation of PPN 396-18-016, 017, 044 and 048 for property located at 14615 Pearl Road, zoned R-RS.

Mr. Ice – Item Number Four, McDonald's, please step forward and state your name and address for the record.

Mr. Monroe – John Monroe with the Law Firm of Mansour, Gavin, Gerlack & Manos, 55 Public Square, Suite 2150, Cleveland, Ohio. We represent the property owner, McDonald's Real Estate Corporation and we are seeking a lot consolidation of two parcels located on Pearl Road.

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Mr. Ice – We will listen to the Administrative reports. Mrs. Daley.

Mr. Daley - Thank you Mr. Chairman. From the City Planner, the request is to consolidated PPN 396-18-016, 017, 044 and 048 to create new Parcel “1A” having a land area of 63,696 SF with a 182’ frontage along Pearl Road and 344’ along the north side of Cook Avenue. The parcel is zoned R-RS. From Engineering, it is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. There is no report from the Building Department. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. This one, as the former one, is what we asked the applicant to do so that we could clear up the problem. We approved the site plan for usage an this will eliminate any necessity for any cross easements. We are in a position to act on this. Thank you.

Mr. Ice – Are there any questions or comments?

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Consolidation of PPN 396-18-016, 017, 044 and 048 for property located at 14615 Pearl Road, zoned R-RS.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll called

All Ayes

APPROVED

**REFERRALS FROM COUNCIL:**

**ORDINANCE NO. 2010-96.** AN ORDINANCE AMENDING SECTIONS 1240.08(c)(4)J, K AND L, REPEALING SECTION 1242.07(b)(5), AMENDING SECTION 1252.02, AND ENACTING NEW SECTION 1252.37 OF TITLE SIX OF PART TWELVE OF THE

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**CODIFIED ORDINANCES OF THE CITY CONCERNING COMMUNITY-BASED RESIDENTIAL CARE FACILITIES.**

Mr. Ice – Under Referrals from Council, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, the first Ordinance 2010-96 has to do with a complete rewrite of our ordinances dealing with Group Homes and Community Based Residential Care Facilities. There have been a rash of recent decisions mainly in the Federal Court System dealing with Group Homes. This amendment to the ordinance would bring us into compliance with those and the basic changes are one; we would no longer require a Conditional Use, instead it would be cleared directly through the Building Commissioner, and two, the requirements and the changes from an average residential home has to be related to those impairments of the individual utilizing the home, whether they are blind or ambulatory impaired or whatever it is. With that the administration would like to see us act and go forward with a recommendation to City Council. Thank you.

Mr. Ice – Ordinance No. – 2010-96: AN ORDINANCE AMENDING SECTIONS 1240.08(c)(4)J, K AND L, REPEALING SECTION 1242.07(b)(5), AMENDING SECTION 1252.02, AND ENACTING NEW SECTION 1252.37 OF TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY CONCERNING COMMUNITY-BASED RESIDENTIAL CARE FACILITIES.

Mr. McDonald – Move to give favorable recommendation.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**ORDINANCE NO. 2010-97.** AN ORDINANCE ENACTING NEW SECTIONS 1242.07(b)(9), 1258.03(a)(3)(a9), 1258.05(a)(6), AND 1262.04(a)(4)E OF TITLE SIX OF PART TWELVE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR PROPANE CANISTER SALE, EXCHANGE AND FILLING AND DECLARING AN EMERGENCY.

Mr. Ice – Mr. Kolick.

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Mr. Kolick – Thank you Mr. Chairman. The second ordinance, Ordinance Number 2010-97 has to do with the sale of propane. The current ordinance permits sale of propane in a Motorist Service District and very limited in General Business Districts. This new ordinance would permit it in General Business Districts as long as it is what we refer to as a big box store, which is something that exceeds 50,000 SF in gross floor area, under our ordinances and would also permit it in a super drug store, which is defined as those that exceed 14,000 SF. It would still require the individual to come before us for a Conditional Use Permit and there are certain regulations dealing with the amount of propane, the size of canisters, where it can be placed and how it has to be housed and guarded both from a safety and an aesthetic viewpoint. The administration would like to see this Commission go forward and act on this ordinance with recommendation to City Council. Thank you.

Mr. Ice – Ordinance No. – 2010-97: AN ORDINANCE ENACTING NEW SECTIONS 1242.07(b)(9), 1258.03(a)(3)(a9, 1258.05(a)(6), AND 1262.04(a)(4)E OF TITLE SIX OF PART TWELVE PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH REGULATIONS FOR PROPANE CANISTER SALE, EXCHANGE AND FILLING AND DECLARING AN EMERGENCY.

Mr. McDonald – Move to give favorable recommendation.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**ORDINANCE NO. 2010-98.** AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 21299 MORRIS DRIVE (PART OF PPN 393-06-014) IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION.

Mr. Ice – Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. The last Ordinance Number 2010-98 is a request from the applicant who lives at the terminus of Morris Drive, to rezone a portion of the property which is currently zoned General Industrial to R1-75, Single Family, so

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that they can construct a home on that parcel. Again, the administration has requested that we go forward and make a recommendation to City Council. Thank you.

Mr. Ice – Ordinance No. – 2010-98: AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF STRONGSVILLE ADOPTED BY SECTION 1250.03 OF TITLE SIX, PART TWELVE OF THE CODIFIED ORDINANCES OF STRONGSVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL ESTATE LOCATED AT 21299 MORRIS DRIVE (PART OF PPN 393-06-014) IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION.

Mr. McDonald – Move to give favorable recommendation.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

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

Hearing no other business to come before the Commission, the Chairman adjourned the meeting at 8:17 p.m.

  
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Jeffrey A. Ice, Chairman

  
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Carol M. Oprea, Recording Secretary

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Approved

