

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

July 8, 2010

The Planning Commission of the City of Strongsville met at the Strongsville Communication Center located at 13213 Pearl Road, on **Thursday, July 8, 2010 at 7:30 p.m.**

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

The following was discussed:

Lemonberry Frozen Yogurt: Mrs. Daley stated that they needed a Conditional Use Permit and they are here for their Site Plan. They are going in next to Leff Electric and CQ Printing. From the City Planner, there is no report on the Conditional Use Permit. On the Site Plan there were 6 total areas of nonconformance to the zoning code. Five have already been granted variances from the BZA in 1995 and there is still one area that does not comply with the lot width code; that variance was granted by the BZA on 6-23-10. From Engineering there is no report on the Conditional Use Permit or the Site Plan. Mr. Foulkes stated that there was no report on the Conditional Use Permit and the Site Plan is in approvable form. We received a CPTED report and he states no anticipated problems. Mr. Kolick stated that the Commission could act on this matter.

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. Mrs. Daley stated that the applicant is using 5 existing parking spaces for the outdoor patio. They also have a landscape plan, they are going to do some plantings around the outside and have it curbed so there will be a little bed. They need to get a detailed plan for the plantings to Jennifer Milbrandt for review and approval. 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 is in approvable form. They are putting in a floor drain in the center and tying it into an existing catch basin. Mr. Foulkes stated that he had met on site with the applicant and went over everything. The door has been relocated at the request of the Fire Department. From the Building Department there is no report on the Conditional Use Permit and the site plan is in approvable form subject to a plan review in accordance with the Ohio Building Code. He stated that the applicant revised the site plan to include landscaping and also curbing around the patio with drainage. Lighting was discussed. They have some existing lights out at Royalton Road directed to the area so they are sufficiently lit for safety. They are not proposing any additional lighting to be directed toward the roadway. Mr. Kolick stated that the applicant indicated that

there would be no loud speakers or music there. Normally this would be limited to 11:00 p.m. which was agreed to and that should be made part of the motion and that it is to be used for outside seating and tables only, not for any recreational activities out there. Mayor Perciak stated that the applicant needed to be conscious of the noise levels on the patio because of the proximity of the residents. Mr. Kencson asked if they could have corn hole games out there. Mr. Kolick stated, no, that the patio area need to be for serving only. Mayor Perciak stated that if Mr. Kencson wanted an outdoor recreation area that he would need to come in administratively and discuss a location for it.

Taste of Excellence: Mrs. Daley stated that this proposal is for the exterior and interior remodeling, converting the current Zig's Bowling Alley into The Taste of Excellence Catering. There was one change on the Site Plan, they wanted the curb cut relocated further to the south just to make it easier for their delivery trucks to get into the back of the building and out and we did not have a problem with that. This is actually going in, this apron and cut with our Pearl Road Project so we have already consulted with our contractor and they are going to put that in. From the City Planner, there are 6 areas of nonconformance. The BZA granted the necessary variances on 5/26/10. From Engineering the plans are in approvable form. Mr. Foulkes stated that from the Building Department the plans are in approvable form. There was some discussion about lighting. The architect did submit this afternoon, a lighting report showing some lights that were mounted on the front of the façade that was brought up at ARB. Those lights have a shrouded cover, directing light downward. There is no real spillage off the property, there might be .04 foot candles on the north side maybe a foot or two but they're really suitable for what he has there. Mr. Kolick stated, that the Fire Department has asked that a knox box be placed on the building. We are ready to act on it, the only thing to note is that they need to be mindful of the users. This property is zoned Restaurant Recreation right now so food service is okay but if they are going to consider a salon or something like that as a tenant then they should consider rezoning to General Business in the future. Restaurant Recreation does not permit other uses. Mayor Perciak stated also that there needed to be consideration to putting in a Salon in a retail strip because the salon would take up a lot of parking spaces for a long amount of time, 2 to 3 hours at a time and then the other retailers suffer. Mr. Kolick stated that was not what was proposed right now so the Commission was free to act on this matter.

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

Roll Call:

Members Present: Mr. Ice
Mr. McDonald
Mrs. Barth
Mr. Stehman
Mayor Perciak

Also Present: Mr. Foulkes, Asst Bldg. Com.

Mrs. Daley, Engineer
Mr. Kolick, Asst. Law Dir.

Carol Oprea, Recording Secy.

MOTION TO EXCUSE:

Mr. McDonald - Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald - I move to excuse Mrs. Walker and Mr. Coyne for just cause.

Mrs. Barth – 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 24, 2010. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

LEMONBERRY FROZEN YOGURT/ Frank Colabianchi, Agent

- a) Conditional Use Permit pursuant to Codified Ordinance Section 1242.07 and 1258.03(a)(3)(A)(6) to allow the Lemonberry Frozen Yogurt to occupy 1,400 SF of space as a frozen yogurt store and allowing a maximum seating of 32 for property located at 12927 Pearl Road, PPN 396-08-003 zoned General Business.
- b) Site Plan approval of the exterior renovations of the tenant space to be occupied by Lemonberry Frozen Yogurt, located at 12927 Pearl Road, PPN 396-08-003 zoned General Business. **ARB Favorable Recommendation 5/25/10. BZA Variance Granted 6/23/10.*

Mr. Ice – Item Number One, Lemonberry Frozen Yogurt, anyone wishing to speak in favor, please step forward and state your name and address for the record.

Mr. Colabianchi – Frank Colabianchi, 11005 Pearl Road, Suite 2, Strongsville, Ohio. I am representing Lemonberry Frozen Yogurt and also John and Joy Becker, the owner-operators of CQ Printing and the future Lemonberry Frozen Yogurt.

Mr. Ice – Is there anyone else who would like to speak in favor or against? Seeing and hearing none, I declare the Public Hearing closed and we will listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use Permit and on the Site Plan there was one variance that needed to be granted and that was the lot width that was granted by the BZA on 6-23-10. From Engineering, there is no report. Thank you.

Mr. Ice – Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department on the Conditional Use there is no report. On the Site Plan, the plans are in approvable form subject to a plan review in accordance with the Ohio Building Code. I have a CPTED Report that states that there are no anticipated problems. Thank you.

Mr. Ice – Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. We are in a position to act on this, I can only state to the applicant that if this takes off and becomes successful, like we all hope it will be and you are going to do any outside eating you will have to come back to the Commission for approval. 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 Conditional Use Permit pursuant to Codified Ordinance Section 1242.07 and 1258.03(a)(3)(A)(6) to allow the Lemonberry Frozen Yogurt to occupy 1,400 SF of space as a frozen yogurt store and allowing a maximum seating of 32 for property located at 12927 Pearl Road, PPN 396-08-003 zoned General Business.

Mr. Ice – Anybody else wishing to speak in favor or against? Seeing and hearing none the Public Hearing is closed. We will listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use Permit. On the Site Plan, the parking required is 254 and they are providing 271 spaces. From Engineering, there is no report on the Conditional Use Permit and on the Site Plan it is in approvable form. Thank you.

Mr. Ice – Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. On the Conditional Use Permit there is no report. On the Site Plan the plans are approvable subject to a plan review in accordance with the Ohio Building Code. If the applicant intends to enclose his patio in the future separate permits will be required. I also have a CPTED Report and summarized, it is noted that it is consistent with other outdoor patios and is sufficient for approval. Thank you.

Mr. Ice – Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. The applicant before us has stated that there will be no loud speakers or music there. As we noted in caucus, it can be used for only outside serving tables and there should be no recreational activities there. The applicant has also agreed to limit the hours to no later than 11:00 p.m. on the outside area, given its location to the surrounding residential uses. Those two conditions should be placed on it and we are in a position to act on it. 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 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, subject to the use as outside seating and tables only and closing by no later than 11:00 p.m.

Mrs. Barth – Second.

Mr. Ice – Secretary, please call the roll.

Roll called All Ayes APPROVED

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for 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.

Mrs. Barth – Second.

Mr. Ice – Secretary, please call the roll.

Roll called All Ayes APPROVED

TASTE OF EXCELLENCE/ Kevin Morand, Agent

Site Plan approval for Exterior and Interior Remodeling converting the current Zig's Bowling Alley into The Taste of Excellence Catering located at 16888 Pearl Road, PPN 393-34-002 & 014 zoned R-RS. **BZA Variance Granted 5/26/10. * ARB Favorable Recommendation 7-6-10.*

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

Mr. Morand – Kevin Morand, 24551 Detroit Road, Westlake, Ohio. I am the architect for this project.

Mr. Ice – Okay we will listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there were 6 areas of nonconformance with the R-RS zoning. Those variances were granted by the BZA on 5-26-10. From Engineering, the plans are in approvable form. Thank you.

Mr. Ice – Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. Plans are approvable subject to a plan review in accordance with the Ohio Building Code. Thank you.

Mr. Ice – Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. We did previously consolidate these two lots at the last meeting. The Fire Department did request a knox box on the building and the applicant is consenting to that. The only other item, as I mentioned in caucus is, just watch the uses on there. It is zoned Restaurant Recreation because of the previous use. If they are looking for General Business uses, they may want to approach City Council about rezoning on it. I really don't think it will be a problem but it may give them a wider spread of uses for that building so it may be something that they might want to consider.

Mr. Morand – Do they have an option of a variance?

Mr. Kolick – They can't get a use variance for that, you can only allow the uses that are permitted in Restaurant Recreation which are more limited. If they want to widen out the scope of the other tenants that they can put in there, they may want to look at rezoning it to General Business which permits the same uses that Restaurant Recreation does with a Conditional Use Permit and they will already be in there so maybe it would be something they would want to look at.

Mr. Morand – Okay.

Mr. Kolick – We can act on this Mr. Chairman. 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 Site Plan approval for Exterior and Interior Remodeling converting the current Zig's Bowling Alley into The Taste of Excellence Catering located at 16888 Pearl Road, PPN 393-34-002 & 014 zoned R-RS. **BZA Variance Granted 5/26/10. *ARB Favorable Recommendation 7-6-10.*

Mrs. Barth – Second.

Mr. Ice – Secretary, please call the roll.

Roll called

All Ayes

APPROVED

