

## STRONGSVILLE PLANNING COMMISSION

### MINUTES OF MEETING

**September 23, 2010**

The Planning Commission of the City of Strongsville met at the Strongsville Communication Center located at 13213 Pearl Road, on **Thursday, September 23, 2010 at 7:30 p.m.**

Present: Planning Commission Members: Jeffery Ice, Chairman, Gregory McDonald, Mary Jane Walker, Thomas Stehman and Charlene Barth; Council Representative Raymond Haseley; Mayor Thomas Perciak; Administration: Assistant Law Director, Daniel Kolick, Design Engineer, Lori Daley, Assistant Building Commissioner, Keith Foulkes and Architectural Review Board Chairman, Bill Boron

The following was discussed:

**THE BREW KETTLE:** Mrs. Daley stated that this is for the expansion of the current Brew Kettle site. They are taking the space between the Brew Kettle and Your Wine Cellar and combining all 3 tenant spaces. They are adding tables and booths so they will need a Conditional Use Permit. From the City Planner, there is no report on the Conditional Use. On the Site Plan, the required parking is 133 spaces and they are providing 137 spaces so there is no problem with parking. From Engineering there is no report. Mr. Foulkes stated that there was no report regarding the Conditional Use and regarding the site plan. He noted however, that there was a requirement of a fire suppression system based upon the occupant load in the expansion, however, late this afternoon we received a calculation on the number of occupants and we have talked to the architect so they are right in an area where we can work with them to facilitate this in accordance with the OBC. Mr. Kolick stated that the Commission could act on this matter subject to the Building Department report. They will have to determine if they meet the fire suppression or if they can do it with fire walls or in some other manner.

**CLEARWIRE – LUNN ROAD:** Mrs. Daley stated that this proposal is to construct a 190' monopole and 2,500 SF fenced compound to be located at 20025 Lunn Road. When they first submitted it was going to be located along the bus garages near Pearl Road. They needed some variances, so they moved it to where they would not need any variances. It is going to be located between the baseball diamonds and the football field. From the City Planner there is no report on the Conditional Use Permit and on the Site Plan, the tower location has been changed. The proposed tower is now located 664' from the nearest abutting residential district line to the west and 528' to the south. One item that he notes is an 8' security fence is required. They are proposing a 10' high fence and he would like to see that at an 8' fence. From Engineering, there is no report on the Conditional Use Permit and the Site Plan is in approvable form. Mr. Foulkes stated that the plans are in approvable form subject to a plan review in accordance with the OBC and subject to the receipt of a \$50,000.00 Removal Bond. The fence is shown at 10' but it is 8' that they are putting in and they are adding a

screened net over the top to prevent any balls from getting into this area. Mr. Boron stated that the ARB gave favorable recommendation and that the applicant agreed to adjust the fence height to 8' to meet current code. The school also requested a 10' high netting on the top and we have no problem with that. The site is tucked behind the existing building but the details will be handled through the Building Department. Mr. Kolick stated that this would need to be set for a Public Hearing.

**CLEARWIRE – WEBSTER ROAD:** Mrs. Daley stated that this proposal is to co-locate 3 antennas and 3 microwave dishes on an existing high tension tower located on Webster Road near Fire Station 1 and Albion Middle School. From the City Planner regarding the Site Plan, a wireless telecommunications antenna is a permitted use in a residential R1-75 district and it complies with all the conditions. There is no report on the Conditional Use Permit. From Engineering there is no report on the Conditional Use Permit and the Site Plan is in approvable form. The proposed antenna will be located within 500 feet of the proposed residential dwellings as shown on the approved Preliminary Overall Development Plan for Pine Lakes Village Subdivision. If these lots are developed in the future it would be 150' from a dwelling. It does meet the code right now. 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 subject to a plan review according to the OBC and a Removal Bond. Mr. Kolick stated that we are also in need of a copy of the Lease Agreement for the use. It will need to be set for a Public Hearing also. Although it is not within 500' and we don't know if Pine Lakes Village will develop this area but that can be taken into account when determining the Conditional Use. The pole is located within a CEI easement. Mr. Boron stated that the ARB gave Favorable Recommendation on this on 9-21-10. One thing that was recommended is that they do not put in the indicated landscaping. There is nothing around it and maintenance is an issue the Board recommended that they not put in the landscaping.

**ORDINANCE NO. 2010-128:** Mr. Haseley stated that this matter is being rezoned at the suggestion of the Planning Commission. He stated that rezoning this property would allow a wider scope of tenant possibilities for this location. He asked the Commission to give a favorable 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  
Mrs. Barth

Mr. Stehman  
Mr. Haseley, Council Rep.  
Mayor Thomas Perciak

Also Present:

Mr. Foulkes, Asst Bldg. Com.  
Mrs. Daley, Engineer  
Mr. Kolick, Asst. Law Dir.  
Mr. Boron, ARB Chairman

Carol Oprea, Recording Secy.

### **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 Called:

All Ayes

APPROVED

### **WELCOME NEW MEMBER:**

Mr. Ice welcomed back Mr. Haseley to the Commission.

### **APPROVAL OF MINUTES**

Mr. Ice – You have had a chance to review the minutes of August 26, 2010. If there are no additions or corrections they will stand as submitted.

### **PUBLIC HEARINGS:**

#### **THE BREW KETTLE/ Chris McKim, Owner**

Conditional Use Permit pursuant to C. O. Sections 1242.07 and 1258.03(a)(3)(A)(6) for the 3,750 SF expansion of the existing Brew Kettle for additional seating, sales, serving,

consumption of food and alcoholic beverages for property located at 8377 Pearl Road, PPN 395-08-017 zoned General Business.

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

Mr. McKim – Chris McKim, 8377 Pearl Road, we have a small do-it-yourself winery, a restaurant and a do-it-yourself brewery and we would like to connect those two spaces with 3,750 feet that are available in-between them to connect all three spaces together and make it one larger event.

Mr. Ice – Thank you. Is there anyone else wishing to speak in favor or against? Seeing none I we will go to the Administrative Reports.

Mr. Szabo – Mark Szabo from Buffalo Wild Wings. I just want to know about parking. I am concerned, saw this and wanted to make sure that there is enough parking but it sounds like this is a vacant space in-between the two spaces that you have. Is there sufficient parking in front of this area?

Mr. Kolick – Mr. Chairman, they meet all our parking requirements under code. We require 133 spaces and they actually have 137 spaces, so it is more than our requirement.

Mr. Ice – Thank you, I will now declare the Public Hearing closed and we will now listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the From the City Planner, there is no report on the Conditional Use. On the Site Plan, the required parking is 133 spaces and they are providing 137 spaces so there is no problem with parking. From Engineering there is no report. 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 and Site Plans are approvable subject to a review in accordance with the Ohio Building Code. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, any approvals should be made subject to the report of the Building Department. Thank you.

Mr. Ice – Are there any questions or comments? Seeing and hearing none, I would entertain a motion for The Brew Kettle.

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for a Conditional Use Permit pursuant to C. O. Sections 1242.07 and 1258.03(a)(3)(A)(6) for the 3,750 SF expansion of the existing Brew Kettle for additional seating, sales, serving, consumption of food and alcoholic beverages for property located at 8377 Pearl Road, PPN 395-08-017 zoned General Business, subject to the report of the Building Department.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll Called

All Ayes

APPROVED

**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 20025 Lunn Road, PPN 393-26-003 zoned Public Facility.

b) Site Plan approval of a 190' monopole and 2,500 SF fenced compound to be located at 20025 Lunn Road, PPN 393-26-003 zoned Public Facility. *\*ARB Favorable Recommendation 9-21-10.*

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

Mr. Gaynor – Ron Gaynor representing Clearwire, 7425 Royalton Road, N. Royalton, Ohio 44133. Clearwire currently is designing their network and they always co-locate on existing towers, wherever possible. In this case we have a hole in our system where there is no tower around the school, where we are proposing to put this new tower. We meet all the codes and are excited to get a site here. It will provide seamless coverage in this part of Strongsville.

Mr. Ice – Okay we will go 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, it does meet the zoning requirements. From Engineering there is no report on the Conditional Use and the Site Plan is in approvable form. Thank you.

Mr. Ice – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department, regarding the Conditional Use, there is no report. On the Site Plan, it is in approvable form subject to the receipt of \$50,000.00 Removal Bond and a plan review in accordance with the Ohio Building Code. The CPTED Officer's report stated that there will be limited natural surveillance from any roadway and would be limited to the High School staff during hours of operation. It appears that the fence surrounding the monopole is of adequate height and should keep people out. The access gate shows that it will be locked with the use of a chain and lock which should be adequate. I would suggest that emergency contacts/phone numbers be clearly posted on the exterior of the fence in case of an emergency. Thank you.

Mr. Ice – Thank you, Mr. Boron

Mr. Boron – Thank you Mr. Chairman. The ARB did grant Favorable Recommendation however, they were showing on the plans a 10' high fence and per code we can only allow an 8' high fence. Also, we gave approval for a 10' high netting to be placed on top of the 8' fence, a netting that the school has requested. The only thing is that we are asking them to do is coordinate with the Building Department on the attachment of the netting. We approved Spruce trees on the landscaping plan. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. First of all, for the applicant, are you going to use the same Lease Agreement as for the other location?

Mr. Gaynor – It has been amended. We amended it because we moved the location and it has already been signed with the school board.

Mr. Kolick – Just get a copy to my office, you will need to get the bond in and we need to set this for a Public Hearing. Thank you.

Mr. Ice – Are there any questions or comments? We will set the Conditional Use Permit for a Public Hearing on October 7<sup>th</sup> and we will Table the Site Plan this evening.

**CLEARWIRE/ John Sindyla, Agent**

a) Conditional Use Permit pursuant to C.O. Section 1273.03 and 1242.07 to permit 3 additional wireless antennas and 3 microwave dishes to be placed on an existing First Energy High Voltage Power Transmission Tower located on Webster Road, PPN 398-18-006 zoned R1-75.

b) Site Plan approval for 3 additional wireless antennas, 3 microwave dishes to be placed on an existing First Energy High Voltage Power Transmission Tower and a 3' x 6' concrete pad enclosed with a 8' board on board wooden fence for property located on Webster Road, PPN 398-18-006 zoned R1-75. *\*ARB Favorable Recommendation 9-21-10.*

Mr. Ice – Item Number Three, Clearwire, Mr. Gaynor remains at the microphone.

Mr. Donnelly – Mark Donnelly, Business Manager for the school district. My concern was that October 7<sup>th</sup> is our next Board Meeting at the School Board and we would probably not have a board representative here except for the lawyer from Clearwire as long as that is okay.

Mr. Kolick – Mr. Chairman, normally I would not see that as a problem; however, in light of the fact that there was opposition last time, it would not be a bad idea for someone to be here on behalf of the board to answer inquiries because there may be some comments. If there isn't then you would not need to be here but it may not be a bad idea to have someone here from the board.

Mr. Donnelly – I will make sure to clear my way to be here just in case there are questions that I can answer. We would like to move this along. Thank you.

Mr. Ice – Okay we will go 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 it does meet the zoning requirements. From Engineering, there is no report on the Conditional Use and the Site Plan is in approvable form. I just wanted to note that the proposed antenna will be located within 500' of proposed residential dwellings as shown on the approved Preliminary Overall Development Plan for the Pine Lakes Subdivision. 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. The Site Plan is in approvable form subject to the receipt

of a Removal Bond and a plan review in accordance with the Ohio Building Code. Thank you.

Mr. Ice – Thank you, Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. the ARB did grant Favorable Recommendation and we recommended that the landscaping that was proposed not be put in since it backs up to the Turnpike and there is nothing near this. Thank you.

Mr. Ice – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. In addition to the Removal Bond, I will also need the Lease Agreement for this site. For the applicant, will there be any further co-locations on this, would you anticipate or due to the fact that it is in an existing pole, or will this be the only provider?

Mr. Gaynor – Not necessarily, the way this pole is constructed, it is one of those that has two vertical poles and then some cross bars. The other one is open for another carrier to co-locate if need be.

Mr. Kolick – The only thing that I would point out to you is that right now there are no houses within 500', we have a preliminary plan approved that would show them, in the event that this does get approved and in the future other houses come there, there may be a problem with future co-locations without getting necessary variances. I just wanted to point that out to you now so that you will be aware of it going in to this up front. We need to set this for a Public Hearing. Thank you.

Mr. Ice – Are there any questions or comments? We will set the Conditional Use Permit for a Public Hearing on October 7<sup>th</sup> and we will Table the Site Plan this evening

**REFERRALS FROM COUNCIL:**

**ORDINANCE NO. 2010-128.**

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 16812 AND 16888 Pearl Road, North of Drake Road and South of Shurmer Road, in the City of Strongsville from R-RS (Restaurant-Recreational Services) Classification to GB (General Business) Classification (PPN'S 393-34-002 AND 393-34-014).

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

Mr. Haseley – Thank you Mr. Chairman. Ordinance 2010-128, I would like to take a Favorable Recommendation back to City Council. We discussed this in Caucus. It will allow the Taste of Excellence to do what he wants to do inside that building. Thank you.

Mr. Ice – Ordinance No. 2010-128 - 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 16812 AND 16888 Pearl Road, North of Drake Road and South of Shurmer Road, in the City of Strongsville from R-RS (Restaurant-Recreational Services) Classification to GB (General Business) Classification PPN'S 393-34-002 AND 393-34-014.

Mr. McDonald – Move to give favorable consideration.

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 8:10 p.m.

Jeffrey A. Ice  
Jeffrey A. Ice, Chairman

Carol M. Oprea  
Carol M. Oprea, Recording Secretary

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Approved