

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

January 11, 2018

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on ***Thursday January 11, 2018 at 7:30 p.m.***

Present: Planning Commission Members: Gregory McDonald, Chairman; Brian David; Edward Pfahl and Jim Kaminski; Mayor Thomas P. Perciak; City Council Representative, Michael Daymut; Administration: Assistant Law Director, Daniel Kolick, Assistant City Engineer, Lori Daley, Building Commissioner, Tony Biondillo, and Fire Department Representative, Randy French.

The following was discussed:

RAISING CANE'S CHICKEN FINGERS: Mrs. Daley stated that since the last time we've seen this, they did need to go to the BZA for their variances which they did get. They did their Traffic Impact Study which recommended that they, on Pearl Road, do a right in and right out only so that is what they are going to do there. The drive comes out onto Pierce will be a full access drive. Mr. McDonald asked if this would be a concrete barrier of some sort. Mrs. Daley stated that yes, that is similar to what they did at GetGo on Drake Road and at Taco Bell. That will limit that access there. This is the drive that comes from the other buildings there to the north that have the one way traffic, so this has to be maintained so that they can come through here and either turn right to get out or come out to the back of the building to get out at the signal and then they are also keeping it open in the back so that they can access the backs of those buildings. Mr. McDonald asked if the parking was addressed at the BZA. Mrs. Daley stated that it was. Mr. Kolick stated that they restructured and came in with more parking after BZA talked to them. They found a way to get more spaces, they moved their trash enclosure over and put two employee parking here so they did get a little bit more. They still needed a variance. Mr. McDonald stated that they were at 30. Mrs. Daley stated that the parking was at 35 now. Mayor Perciak stated that the nice thing about this site is that there is a traffic signal there so that will help ingress and egress there. Mrs. Daley stated that this is residential back here to the west so they are putting in a 6 foot high masonry screen wall. From the City Planner, with the variances that were granted, it is in approvable form. From Engineering it is in approvable form, we just need our SWPPP Binder which their engineer is putting together and just a review of the easements. Mr. Biondillo stated that from the Building Department, they are in approvable form. They have an approved lighting plan. The patio area at the ARB, we asked the applicant to put up a screen, there are bollards here to protect this outdoor dining area but we also wanted a fence in here to prevent anyone from walking right off here into the line of traffic. They ended up pulling back this wall which was all the way out to the sidewalk. They pulled it back even with the last parking space so we will keep our sight lines going down the sidewalk, in the event that somebody's child is on a bike

or someone is walking down there. The sign program is coming under a separate application. I did speak to your contractor today regarding the variances that are going to be required. My understanding is that your site signage including your stop bars are all part of that signage package. The applicant replied that they were. Mr. Biondillo stated that you have a couple of stop bars, you have a stop bar and a sign here where there are conflicts and over here, because you only have one way in this direction. It is understood that that was all going to be part of your sign package. Mr. McDonald asked if there was going to be any signage here that says to Pearl North to go that way. Mr. Biondillo stated that you could exit here and you are only going to do that once and realize that you can't turn left and go north there. The pavement markings are there, they are going to have a stop sign there as well showing they have to go one way out that direction. Mayor Perciak stated that this will truly revitalize that area there and hopefully the rest of the strip will follow what is happening because what was there was an albatross and when it came down they worked hard to get where he is with this and even everything in the back, those residents there were always complaining about dumpsters and trash so that will take away all those complaints. I can't tell you the number of complaints that we have received on all that. How many times we've sent our guys out there so this is a step in the right direction to revitalize that and that will continue to go all the way down Pearl North now that Ganley has decided that he is going to take down that building. He still hasn't applied for a permit has he? Mr. Biondillo stated that they had issued a demolition permit today. Mayor Perciak stated that the whole side is getting cleaned up so that will be a good thing. Mr. Kolick stated that we are set to go. Item 2 needs to be made subject to the Law Department report which is basically I have approved the easements, they have to get me the signed easements to connect to the property to the north. They are in place other than I need the signed documents.

JAMES PTACEK: Mrs. Daley stated that this application is for a lot split on Albion Road next to the Huntington Park subdivision. It is a 5 acre parcel of land. There is a house and an out building on it right now. What they would like to do is split out this front piece to just over an acre where the house is and keep that and keep this larger piece, it is 3.7 acres in the back. The out building that is on there right now is marked to come down so we won't have a problem with that. The intent from the owner is to just build one single family home back here. That is all he wants to do so there will be double frontage on Albion and Gross Pointe which actually it has right now, existing double frontage there. What the City Planner had in his report was that they needed to make a ten foot buffer strip restricting access so he would like to, when he builds his house, come off the end of Gross Pointe which the right of way comes all the way to this property line here. So he won't have a problem there, so they did add a strip here to the plat that says that there will be no vehicular access so if we want this language changed at all they can do that. Mr. Kolick stated that we would need to revise the language

little bit but it is basically what we want. Mr. McDonald asked if the property was zoned R1-75. Mrs. Daley stated that it was. With that restriction there, it was approvable by both the City Planner and Engineering. Mr. Kolick stated and the removal of the outbuilding. Mr. Biondillo stated that there was no report from Building. Mr. French stated that there was no report from Fire. Mr. Kolick stated that with those two contingencies, removal of the outbuilding and the 10 foot buffer on there with no access onto Albion, you can go ahead and approve it, we just need to change some of that language on there. Mr. Daymut stated that he had received correspondence from Huntington Park. What happened is, as you know this is part of the development that is proposed and entering into Huntington Park and we received correspondence today and I forwarded it over and you have it in your packet, a series of questions from the Homeowners Association. They are mainly concerned, I guess to find out if it is coming out Grosse Pointe, is it going to be part of Huntington Park? Mr. Kolick stated that we haven't received anything to join it into Huntington Park, if they were to do that they would have to impose Covenants and Deeds and get the approval of the Association. He hasn't asked to join into Huntington Park. We can talk on the floor if that is what his intent is to become part of Huntington Park to utilize their amenities in some way then there are some other documents that we would need. I didn't think that was what his intent has been. If he had common property or something on here we would have to worry about, then we would require him to join in. There is no common property, it is just a single lot at the end of the street so there is no requirement that he join into Huntington Park. Mr. Daymut stated that the property owner next door to the east wanted to know why do we have two entrances for one home with two different streets. Mr. Kolick stated that there won't be because that is one of our requirements is that we close off the entrance on Albion so there will only be one entrance. He will not be able to enter and exit off Albion that was one of the contingencies. We acknowledge that. Mr. Daymut stated that he would ask the rest of the questions on the floor on behalf of the Homeowners Association. What is going to go on with this thing, as you know it was a point of contention with the last development that came in and it needs to be addressed at least on the floor to see what direction we want to go in here? Mr. Kolick stated that there is no development it is just a house. Mr. Daymut stated that was correct but it attaches right to the Homeowners Association. Mr. Kolick stated that was right but that on the last one they were going to put in 24 lots and a retention basin, so we had to do something differently with that one. Mr. Daymut stated that was understandable, they pay for all the amenities and for using the street. Mayor Perciak stated it was better to have ingress and egress off the side street then off Albion. Mr. Daymut stated that he assumed it had to do with access to utilities. Will both houses be tied in? Mrs. Daley stated that only the new house that they build would be tied in. The one on Albion will remain on septic until we put in a sanitary sewer.

ORDINANCE NO. 2018-001: Mrs. Daley stated that this is an existing easement on Nick Catanzarite's property at the south end of Saddlebrook in Westwood Farms Subdivision. It is this highlighted area in yellow. It's is labeled as a Public Storm Sewer and Swale Easement. It really was intended to be a swale easement for drainage. Since the dedication of this plat, some of the grading has changed and the drainage is now being handled in a different way so there is really no need for the easement, so they would like to have it removed and from an engineering standpoint we have no issues with that. Mr. McDonald asked what difference does it make. Mr. Kolick stated that we had it there originally so it would take the homes from Westwood but when they redid the topographic plans and put the mounding in it no longer does that so we just don't need it anymore. Mr. McDonald stated that he understood but asked what practical difference does it make to them. Mrs. Daley stated that it is an encumbrance on his property right now. Mr. McDonald stated, right along the lot lines. Mrs. Daley stated that it was 20 feet on one side and 15 on the other. Mr. Kolick stated that he did not want to hold an easement for the City that we don't need. It is a housekeeping issue and it will clean it up for us too. There is no point in having an easement that we don't use. A favorable recommendation would be in order here.

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

Roll Call:

Members Present: Mr. McDonald
Mr. Pfahl
Mr. Kaminski
Mr. Daymut
Mr. David
Mayor Perciak

Also Present: Mr. Biondillo, Bldg. Com.
Mrs. Daley, Asst. Engineer
Mr. Kolick, Asst. Law Dir.
Mr. French, Fire Dept. Rep,
Carol Oprea, Recording Secy.

MOTION TO EXCUSE:

Mr. David - Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. Davis - I move to excuse Mrs. Walker for just cause.

Mr. Pfahl – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

REVISED AGENDA

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

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

Mr. Pfahl – Second.

Mr. McDonald – Secretary please call the roll.

Roll Call: All Ayes APPROVED

ELECTION OF OFFICERS:

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to nominate **Greg McDonald** for Chairman for the Planning Commission for the year 2018 and also request that the nominations for Chairman be closed and that this individual be unanimously elected.

Mr. Pfahl – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Called: All Ayes APPROVED

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to nominate **Jim Kaminski** for Vice Chairman for the Planning Commission for the year 2018 and also request that the nominations for Vice Chairman be closed and that this individual be unanimously elected.

Mr. Pfahl – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Called:

All Ayes

APPROVED

APPROVAL OF MINUTES

Mr. McDonald – You have had a chance to review the minutes of December 7, 2017. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

RAISING CANE'S CHICKEN FINGERS/ Jeff Pountney, Agent

Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to allow Raising Cane's Chicken Fingers to utilize approximately 353 SF as an outdoor patio with a maximum seating of 16 for property located at 14356 Pearl Road, PPN 393-19-033 zoned Restaurant Recreational.

RAISING CANE'S CHICKEN FINGERS/ Jeff Pountney, Agent

Site Plan approval of a new 3,300 SF Raising Cane's Restaurant to be located at the corner of Pearl Road and Pierce Drive, PPN 393-19-033 zoned Restaurant Recreational. **BZA Variances granted 12-13-17. ARB Favorable Recommendation 1-9-18.*

Mr. McDonald – Item Number One and Two, Raising Cane's Chicken Fingers, anyone wishing to speak in favor, please step forward and state your name and address for the record.

Mr. Gatliff – Drew Gatliff, 1062 Ridge Street, Columbus, Ohio 43215.

Mr. McDonald – Thank you, 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, the applicant had received several variances and now complies with the minimum Code requirements as adjusted by the Board of Zoning Appeals and approval is recommended for both the site plan and the conditional use permit. From Engineering there is no report on the conditional use permit. The site plan is in approvable form subject to a submittal of their Storm Water Pollution Prevention Plan which the applicant's engineer is working on. Thank you.

Mr. McDonald – Thank you, Mr. Biondillo.

Mr. Biondillo – Thank you Mr. Chairman. From the Building Department, the lighting plan is in approvable form. We met with the applicant and they agreed to provide a fence around the outdoor dining area between the bollards to help protect the patrons from wandering off into the traffic. They pulled the wall between the residential property and their property back even with the last parking space to allow better sight lines down the sidewalk. With that it is in approvable form. Thank you.

Mr. McDonald – Mr. French.

Mr. French – Thank you Mr. Chairman. From the Fire Department, this project is approvable to Fire subject to final review of submitted plans that comply with the Ohio Fire Code and Strongsville Fire Code. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. You are in a position to act on Item 1. On Item 2, we have worked with them, we have finalized the easements but I need the actual signed easements to file so any approval on Item 2 forthcoming needs to be made subject to the Law Department report; namely the easements that I need and also the Engineering Report this evening. Thank you.

Mr. McDonald – Are there any questions or comments? Hearing none, I would entertain a motion for Raising Cane's Chicken Fingers.

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to allow Raising Cane's Chicken Fingers to utilize approximately 353 SF as an outdoor patio with a maximum seating of

16 for property located at 14356 Pearl Road, PPN 393-19-033 zoned Restaurant Recreational.

Mr. Pfahl – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Site Plan approval of a new 3,300 SF Raising Cane's Restaurant to be located at the corner of Pearl Road and Pierce Drive, PPN 393-19-033 zoned Restaurant Recreational subject to the Law Department and Engineering Department Report.

Mr. Pfahl – Second.

Mr. McDonald – Secretary please call the roll.

NEW APPLICATIONS:

JAMES PTACEK/ Joseph Burgoon, Agent

Parcel split of PPN 395-28-002 located at 15440 Albion Road zoned R1-75.

Mr. McDonald – Item Number Three, James Ptacek, please step forward and state your name and address for the record.

Mr. Burgoon – Joe Burgoon, Luis Land Professionals, 8691 Wadsworth Road, Wadsworth, Ohio.

Mr. Ptacek – James Ptacek, 15440 Albion Road, Strongsville, Ohio.

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 request is for a parcel split of PPN 395-28-002 into two parcels, Parcel A and Parcel B. There is an existing dwelling on what will be Parcel A that does comply with the building setback requirements and there is also an accessory building on Parcel B. The lot split plat

indicates that the accessory building would need to be removed. Parcel B will have frontage on both Grosse Point Oval and Albion Road. The applicant will need to provide a reserve easement of 10 feet in width on one of those two frontages to conform with the Zoning Code. It is in approvable form subject to the removal of the accessory building on Parcel B and also the 10 foot reservation strip. From Engineering the plans are in approvable form. They are showing the 10 foot strip along Albion Road and I have some verbiage from the Law Department that I will forward on to the applicant's surveyor to add to the plat. Thank you.

Mr. McDonald – Thank you, Mr. Biondillo.

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

Mr. McDonald – Mr. French.

Mr. French – 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 with two contingencies; one, that the outbuilding be removed and two that the reserve strip on Albion be put in so that they would not have access onto Albion Road as noted in the Engineering Report. Thank you.

Mr. McDonald – Are there any questions or comments?

Mr. Daymut – Mr. Chairman.

Mr. McDonald – Mr. Daymut.

Mr. Daymut – Just to verify, Mr. Kolick so this would eliminate the entrance on Albion Road?

Mr. Kolick – Absolutely, it will be a plat restriction because our Code does not permit double frontage lots and they have agreed to that and they just need to revise the language on the plat that they gave us earlier.

Mr. Daymut – For the applicant, will you still maintain the parcel split the way it is off Albion Road between the two homes?

Mr. Burgoon – Is your question, will we revise the location of the new property lines?

Mr. Daymut – You are just going to leave the split the way it is minus the actual entrance way on Albion Road.

Mr. Ptacek – Correct.

Mr. Daymut – The second thing is that you abut, if you are coming off Gross Pointe, this is part of a Homeowners Association. Do you have any plans to join that Homeowners Association?

Mr. Burgoon – No, there is no intention to become part of the subdivision. I did verify with engineering that Gross Pointe is a public street so it is just going to be a simple driveway entrance, bringing sanitary sewer and water in to service the one residence.

Mr. Daymut – But you understand at the same time, this creates problems for people who are paying for amenities in that particular development, including a swimming pool and tennis courts and play areas and that often times there is a migration from someone abuts the development using the facilities without monetary payment to the association itself.

Mr. Burgoon – Understood, there is no negative monetary effect and the fact is that the owners are not going to be part of that subdivision or using their facilities. I don't know what difference it makes placing the entrance off of Albion or off of Gross Pointe, the house is going to be where the house is going to be.

Mr. Daymut – If the kids or grandkids come over that they don't migrate onto the areas that are reserved for the Association themselves it won't make a difference.

Mr. Kolick – Mr. Chairman, for the applicant, often times when they come in close to a subdivision they want to join those subdivisions so that they can use the amenities. If that becomes a future plan then there are certain documents that we will need to get in place and I think that is what Mr. Daymut is referring to so the agreement just needs to understand that even though he is connected to the road that he would not be permitted to use the recreational facilities, the swimming pool and those items, unless he formally joins the Association. As long as he understands that, that is what the situation would be.

Mr. McDonald – Nor do I hear you saying that you are wanting to use the amenities.

Mr. Ptacek – I have no intention of using the amenities.

Mr. McDonald – Okay, anything else Mr. Daymut?

Mr. Daymut – That is all, thank you.

Mr. McDonald - I would entertain a motion for James Ptacek

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Parcel split of PPN 395-28-002 located at 15440 Albion Road zoned R1-75.

Mr. Pfahl. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

REFERRALS FROM COUNCIL:

ORDINANCE NO. 2018-001:

An Ordinance Vacating and Extinguishing a Public Sewer & Swale Easement on Permanent Parcel No. 392-02-092, at 12534 Saddlebrook Lane, in the Andrus Woods Westwood Farms Subdivision No. 16, in the City of Strongsville.

Mr. McDonald – Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. This was initiated by the property owner through the Engineering Department. When Westwood Farms was originally put in, we had reserved this area for an easement to the City for part of the storm sewer system. Due to changes in the topographic plan over the years it is no longer needed so with Engineering's recommendation we no longer need to maintain an easement in this area and the recommendation would be to give it a favorable recommendation to City Council to vacate that easement. Thank you.

Mr. McDonald - ORDINANCE NO. 2018-001. An Ordinance Vacating and Extinguishing a Public Sewer & Swale Easement on Permanent Parcel No. 392-02-092, at 12534 Saddlebrook Lane, in the Andrus Woods Westwood Farms Subdivision No. 16, in the City of Strongsville.

Mr. David – Move to give favorable consideration to Ordinance 2018-001.

Mr. Pfahl – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald – Mr. Daymut, you have a favorable recommendation to take back to City Council.

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

Greg McDonald, Chairman

Carol M. Oprea 
Carol M. Oprea, Recording Secretary

Approved