

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

August 13, 2020

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on ***Thursday, August 13, 2020 at 5:30 p.m.***

Present: Planning Commission Members: Gregory McDonald, Chairman; Mary Jane Walker; Edward Pfahl; Brian David and Kim Veris; Mayor Thomas P. Perciak; and Assistant Law Director, and Daniel Kolick; Assistant City Engineer, Lori Daley and Building Commissioner, Michael Miller.

The following was discussed:

BREW KETTLE: Mrs. Daley stated that this application is for a temporary outdoor patio, basically expanding where they have the outdoor patio already on site in the back of their building. From the City Planner, he was okay he just mentioned that they are going to lose some parking temporarily but that should not be an issue since they have the reduced seating capacity because of COVID anyway. From Engineering, the only thing that we ask is that they also block off some of the parking spaces that are directly across from where this patio is going because it is just going to be too tight to get in and out of those but that will just be temporary. Mr. Miller stated that from the Building Department, I did speak with Mr. Burger the other day and he is out at the store in Mentor so Chris Russo might be here in time for the meeting. From the Building Department we consider it to be in approvable form. These permits will be issued time limited to October 31, 2020 at which time they will expire. Mr. Kolick stated that from the Fire Department they want to make sure that the tent that they are putting over there for shade has the correct fire resistance numbers on it. This frankly at the Mayor's request, we are trying to help all these businesses where we can so we are doing these on a temporary basis to allow them to have this outside seating during this pandemic so that is what we are doing but we would request that you put an October 31, 2020 time limit on it. At this point probably the only other thing is the fire resistance rating and then make it subject to Engineering. What they are talking about are the 6 spots that are on the south side of the property. It would be backing into this area that they eliminate those because they are going to need that to even get trucks around the building anyway That is what we are requesting. We want to help these people where we can on a temporary basis and we just want to make sure that the bollard protection through Building is okay so that we don't have someone run into the area, I don't know, you could be getting more of these in the future but this is the first one. Mr. Miller stated that they are using concrete Jersey barriers to barricade this off. Mr. McDonald stated, just like on the highways, right? Mr. Miller state that was correct.

DISCOUNT DRUG MART: Mrs. Daley stated that this application is a revision to what they presented to Planning Commission at the last meeting. They were asked to look at

moving their truck dock which they did so that it is now going to be located on the north side of the building and by doing that now all of the deliveries are going to be coming in from Pearl and they are going to be able to exit back out onto Pearl so that is going to limit any of the truck traffic on Whitney Road at that intersection of Whitney and Pearl. From the City Planner, he was good with everything. From Engineering it is in approvable form. Mr. Miller stated that from the Building Department it is in approvable form. My comment is that there is pending submission of a sign permit, they did apply the other day so we are ready to go with them. Mr. Kolick stated that if you will recall there were 3 things the last time. Mainly the Council members had raised with us; one was when that driveway, when we split these parcels we told them that they couldn't have an ingress or egress driveway onto Whitney from the parcel itself. That ingress and egress morphed over onto that parcel so we made them move that off so that it is consistent with the action of the Planning Commission previously. The second item which was the main one was the truck traffic. Remember there was concern with trucks coming out onto Whitney, it is hard for a car to make that right turn let alone a truck so they have remedied that with their new setup for the truck dock. They will come in off of Pearl, go around the ring road and then come back down onto Pearl Road so it eliminated that problem. The last item was just that they needed to put a fire hydrant on there and they have now located that fire hydrant to the satisfaction of our Fire Department. They have remedied the 3 items that were of a concern here at the last meeting.

SOUTHPARK MALL: Mrs. Daley stated that this application is a lot split and consolidation. Currently there are two parcels, one parcel basically just has the Cleveland Clinic on it and the other has Office Max, Macaroni Grill and most of the parking. What they are going to do now is split and consolidate, add to that Clinic parcel so that their parking and building is all one parcel and then the second will have the Office and Macaroni Grill and their parking. From the City Planner it does need a variance because with the new property lines they don't meet the setback requirements for the parking and the drive aisles so they will need a variance on that which he doesn't see as being an issue with granting that. They also need some cross easements for their parking, their utilities as well and there should also be a deed restriction for no new curb cuts onto Royalton or Howe Roads and no new monument signs for either of these parcels. This does have to go to City Council for approval so they will have to add their approval clause for Council on here which is not shown. Other than that it does have to go to BZA. Mr. Miller stated that from the Building Department there is no report. Mr. Kolick stated that Southpark Mall like a lot of the retailers now is struggling so to speak and they are finding different ways to raise funds. I think that is basically what they are doing with this. The parcels we are talking about are the parking area that is around the Cleveland Clinic now. What they would be doing is cutting this off and putting that parking all onto the Clinic's parcel so the Clinic will now consist of, if you grant this, the

building and parking around it and there would be a second parcel that would consist of the parking around the Macaroni Grill and the Macaroni Grill building and the Office Max. That would be on a separate parcel but in doing this we don't want to kill off what we did originally with the development agreement, namely have the new owner come in there and put a direct access onto Royalton Road or want to put more signage onto Royalton Road because we don't know if they are holding onto these parcels ultimately so we have to be careful. We can do what they want but we have to impose certain restrictions on it. For our purposes tonight they would need variances so you are going to need to deny them so that they can go to the Board of Zoning Appeals because none of the parking is fitting with the new property lines that they are proposing to use. Again, nothing is going to change, the parcel line is going to be redrawn so I don't see a problem but we have to put restrictions on it as noted by Lori and as I noted here. So tonight you will need to deny it because it doesn't meet the Code to grant a parcel split and consolidation for it. Because it is a modification, ultimately it will need to go to City Council.

ORDINANCE 2020-104: Mr. Kolick stated this is the first time you are seeing this. As you know City Council referred it. This is the proposed rezoning for land that is north of Boston and off Prospect. They are proposing to change industrial land over to residential land. I think Carol has put in everybody's packet a colored map that shows what would happen if this was granted, what lands would remain industrial, what lands would become residential. You are talking about a major piece of legislation that is coming before you, so we are not going to have you act on it tonight. We want to present the applicant, give them an opportunity to lay out why they feel the proposal is good and why they feel it would be helpful to the City. At the next meeting we will have them make a presentation, not a public hearing but we typically, on a major piece of legislation like this, allow the applicant to tell us why they feel it should be done. What you are doing really is weighing and balancing the rights of the applicant who has rights to develop their property verses the health, safety and welfare of the neighboring properties as well as the City as a whole. So the applicant will be given that opportunity at the next meeting. You have received some correspondence in your packet already regarding this but at the next meeting they'll make their presentation and then you can determine if you are comfortable voting on that night or you may want to wait until the next meeting to take a vote on your ordinance because now what will happen with it, like all other rezoning's requested, ultimately it will go back to City Council. City Council will then set a public hearing where they will hear not only the applicant but they will hear anybody else that may want to speak about this as well. Your recommendation is important to them because it also can guide where they go. My thought process is you take a look at the documents that you have in your packet, come prepared at the next meeting with any questions you may have for the applicant so that they'll present first and any other questions hopefully they can answer for you. I say to the applicant

because I know that the applicant is here, if there anything you want to give the Board in advance in writing, feel free to and we will distribute it to all the Board members before your presentation, the applicants will be given an opportunity at the next meeting to present why they feel it's the right thing to do by their rezoning these parcels. Mr. McDonald asked the Commission members if they were all on board with that approach. I want to take our time with this so let's hear it again at the next meeting, we will give the applicant an opportunity to tell us their side of it and then I am in favor after hearing that of letting it go another 2 weeks until we actually vote on it. Let's get all information and process it, let's do the right thing here and give it enough time to think through it. Mayor Perciak stated that this in my mind is going to warrant a lot of work on all of our parts and I have even recommended to legal counsel, if we have to bring in experts to guide us through this process I want to make certain our decision is a decision that is in the best interest of both parties because we really need to study this carefully and we have to understand the pros and the cons to this project. This is not as simple as it appears to be because in fairness to the owner of the lands, as long as they are in compliance with all of our regulations and ordinances, we need to bring in the experts to tell us as to the value of this property as it stands now and the value of this property as it may stand residentially and the impact it may have or not have on the commercial parcels around it. This one is going to take a lot of study and we may have to and I have discussed this with Mr. Kolick already, bring in the experts and the appraisers to guide us on this. This is not just a simple rezoning. Mr. Kolick if I am correct, some of this property has been zoned industrial for probably 60 years already so this is what I am trying to say, but in those 60 years the laws have changed dramatically as to how you can improve this. Whether it be with the EPA, whether it be with the Army Corp, the actual layout of the land and the natural streams that now go through there. There are so many things that we have to analyze here, this is just not taking a parcel of land and saying okay, no, yes, far from it. The developer is aware of all this too. They have studied this from top to bottom, so we also have to take the necessary time and perform the due diligence so that we make the correct decision here. Mr. Kolick asked Mr. Bender how long do you feel you will need to properly present this to the Planning Commission members so that we can sort of arrange what we need to do and limit our Agenda for the next meeting. Mr. Bender stated that a half an hour to forty five minutes minimum. Mr. Kolick stated that we could set forty five minutes as a reasonable time period to hear this, I think that would be appropriate. Mayor Perciak stated that for everyone's sake and Lori was right with the map she put together. The more color coding you have the more bar codes you have in there to refer back to all principals involved in making this decision would be beneficial to all of us and then Council is going to do what Council wants to do and I can't even begin to project what they are thinking at this point but we are going to take the same, I am going to recommend to Council that they take the same steps that this Planning Commission is taking and performing the correct due diligence because as I said, something that has been zoned for 60 years, there is a reason and I don't know

what it all is but I am certainly going to learn right along with the rest of you. Mr. Bender stated that I appreciate the opportunity and I think we have done a significant amount of development activity in the City. Some of them involved rezoning's and I think that the City has been very fair, I think the people on this Commission as well as the Council members by in large have been very fair and analytical and we look forward to having that same quality exchange of information and arrive hopefully at a good decision for all. We have put a lot of houses in the City, the Puzitello family has lived here since the beginning of time and we want to do what is right for the City as well. Just developing something is not our goal, we want to do what is right and keep our positive involvement in the City. Mr. McDonald said thank you to Mr. Bender. For all the others in the audience, if you are here regarding this Ordinance, when we do get back together in 2 weeks to have the presentation it will just be the Developer that presents. This will not be a Public Hearing. We are listening and reading the information that is sent to us by residents and by others about this project whether they are in favor or not in favor of it, so if you have feelings one way or the other please send you comments into the City. Those will come to the Planning Commission, we will have an opportunity to review that, eventually this will go to City Council. At City Council there will be a public hearing. A public hearing will allow for public participation from anyone who wishes to speak in favor or against the project. So at the next meeting we are just going to do the Developers proposal and then we will discuss it from there.

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

Roll Call:

Members Present: Mr. McDonald
Mrs. Walker
Mr. Pfahl
Mr. David
Mr. Veris
Mayor Perciak

Also Present: Mr. Miller, Asst. Bldg. Com.
Mrs. Daley, Asst. Engineer
Mr. Kolick, Asst. Law Dir.
Cpt. Tilbert, Fire Dept. Rep,
Carol Brill, Recording Secy.

Mr. McDonald – I would like to introduce Kim Veris and he is joining the Planning Commission for the first time tonight.

MOTION TO EXCUSE:

Mr. David - Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David - I move to excuse Mr. Schonhut for just cause.

Mrs. Walker – 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 July 23, 2020. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

BREW KETTLE/ Mike Burger, Agent

Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to allow Brew Kettle to utilize approximately 4,221 SF as a temporary outdoor patio with a maximum seating of 50 for property located at 8377 Pearl Road, PPN 395-08-017 zoned General Business.

Mr. McDonald – Item Number One, Brew Kettle, anyone wishing to speak in favor, please step forward or against?

Mr. Franklin – Gerald Franklin, 20087 Lismore Court, Strongsville 44149. I have the Buffalo Wild Wings which is right next door and I am not here to go against this but I just want to know what you are planning on doing on the parking? What they are putting in there is like double our back room and so they are allowed 50 in that space and I don't know if parking is part of that but obviously we are right next door and we have, and their staff is allowed to park up in our lot so there is a stairway that goes right into that. I just want to know from the Commission if that came into consideration just so that we don't have a bunch of cars in our lot.

Mr. McDonald – We will talk about parking as we go through our reports.

Mr. Franklin – Okay that is all I have to say, thank you.

Mr. McDonald – Is there anyone else that wishes to speak against this project? Hearing not I will 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 proposes to add an additional 50 seats to the patio. While some parking spaces will be temporarily lost he feels that there should be no issue because of the reduced seating capacity necessary for the social distancing. Approval for the temporary Conditional Use Permit is recommended. From Engineering there is no report, the only comment that we have is that they temporarily block the parking spaces that are located immediately to the south of the proposed patio. It is just going to be too difficult to get in and out of there and they do need to keep that access open to get their trucks to the back. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

Mr. Miller – Thank you Mr. Chairman. From the Building Department, the plans are in approvable form. This is a temporary occupancy permit set to expire October 31, 2020. The type of structure that is being installed are the concrete Jersey barriers which meet the requirements of the vehicle impact protection as referenced in the Ohio Fire Code. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. From the Fire Department, they want to see a fire resistance rating on the tent that will provide shade over it. You can act on it subject to the Engineering Report tonight, the Fire Department report reflecting that and the expiration date of October 31, 2020. What we've been trying to do is help all of these uses that are now struggling with this COVID and do what we can to help them. We understand there may even be some temporary parking problems but the City Planner didn't think it would be anything major and they also have to be 6 feet apart which decreases the numbers of people on the inside too. We have to do what we have to do on a temporary basis to help all of them not just this one. We need to do what we can to help keep these businesses stay afloat during this period. We think this will do it without burdening the City in that it is only for a temporary period. You can act on it subject to those two contingencies, I think would be appropriate.

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

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for the Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to allow Brew Kettle to utilize approximately 4,221 SF as a temporary outdoor patio with a maximum seating of 50 for property located at 8377 Pearl Road, PPN 395-08-017 zoned General Business subject to Engineering and Fire Department reports and a time limit of October 31, 2020.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Mr. McDonald – Jerry if you have any issues with this, we did look at the parking and we don't think that the parking is going to be an issue and those spots that we are talking about not having people park are those that are right up against your property line so people can still get around. If it becomes a problem or if you have any issues with it just let the Building Department know.

NEW APPLICATIONS:

DISCOUNT DRUG MART/ Tyler Rice, Agent

Site Plan approval of a 28,370 SF Discount Drug Mart for property located on Whitney Road, PPN 395-10-028 zoned General Business. * *ARB Favorable Recommendation 6-23-20.*

Mr. McDonald – Item Number Two, Discount Drug Mart, please step forward and state your name and address for the record.

Mr. Rice – Tyler Rice, Fabo Architecture, 1736 Columbus Road, Cleveland, Ohio 44113.

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 applicant has revised the original site plan to place the loading dock on the rear of the building to permit trucks to both enter and exit the site using Pearl Road instead of Whitney Road. The proposed site plan complies with all of the minimum requirements of the General Business Zoning District. The Architectural Review Board has approved the

architectural treatment, landscaping and site lighting and approval is recommended. From Engineering the plans are in approvable form. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

Mr. Miller – Thank you Mr. Chairman. From the Building Department, the plans are in approvable form with the amended comment that the sign permit application has been received and is under review. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. They revised the plans since our last meeting to address all those items that we requested, they amended the traffic by moving the driveway off the parcel itself to the west. We have approved the photometric plan. The Fire Department has approved the location of the fire hydrant so you are in a position to act on it.

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

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Site Plan approval of a 28,370 SF Discount Drug Mart for property located on Whitney Road, PPN 395-10-028 zoned General Business.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Mayor Perciak – Thank you for being patient with us.

Mr. McDonald – Thank you for working with us too.

SOUTHPARK MALL, LLC/ Steven Metcalf, Agent

Parcel split and Consolidation of PPN 396-24-015 and 396-24-016 located at Southpark Mall zoned Shopping Center and General Business.

Mr. McDonald – Item Number Three, Southpark Mall, LLC. We will now listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, the request is for the approval of a lot split and consolidation plat of the existing parcels located at the northeast corner of the Mall site adjacent to Royalton Road and Howe Road. Parcel 3A would contain Office Max and Macaroni Grill buildings. Parcel 3B would include the Cleveland Clinic Building. The existing buildings on the parcels will meet the side yard setback requirements however, approval of this lot split and consolidation parcel would require variances to permit parking and drive aisles to extend to the property line in lieu of the required 10 foot setback. In addition the applicant would need to provide cross easements for parking drives and utilities. Both parcels would have to be deed restricted to prohibit any additional curb cuts or access drives either onto Royalton Road or Howe Road and to prohibit the placement of any free standing signage. From Engineering with the restrictions that the City Planner also mentioned we would also ask that they add an approval clause onto their plat since this does need to go to City Council for approval. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

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

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. As noted, they do not meet the zoning requirements for the parking setbacks and access setbacks so you need to deny them. Once they get before the Board of Zoning Appeals we will make it clear that if in fact the BZA grants the variances they cannot have any other curb cuts onto Royalton Road. They cannot have any other signage there. I will convey that to the Board of Zoning Appeals. You have no choice but to deny it tonight since they don't meet our zoning requirements.

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

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for Parcel split and Consolidation of PPN 396-24-015 and 396-24-016 located at Southpark Mall zoned Shopping Center and General Business.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Nays

DENIED

REFERRALS FROM COUNCIL:

ORDINANCE NO. 2020-104:

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 Various Properties and Vacant Land Located on or Near Prospect Road, in the City of Strongsville from GI(General Industrial) Classification to RT-C (Townhouse-Cluster) Classification (Portions of PPN's 394-14-001; 394-14-002; 394-14-003); From GI (General Industrial) Classification to R1-75 (One Family 75) Classification (Portions of PPN's 394-14-004; 394-14-005; 394-14-006; 394-14-007); From GI (General Industrial) Classification to R1-100 (One Family 100) Classification (Portions of PPNs 394-18-009; 394-20-023; 394-20-029); and From R1075 One Family 75) Classification to R1-100 (One Family 100) Classification (Portions of PPNs 394-18-009; 394-20-023; 394-20-029 and Declaring an Emergency.

Mr. McDonald – Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. As we talked in Caucus, since this is such a comprehensive ordinance, major ordinance to the City, we are not going to ask you to act on this tonight. We will have the applicant make a presentation at the next meeting to indicate why they feel it is appropriate for the City to have it. I have also asked them, as you heard tonight, that they put into writing to you anything that they may want to give you. We are receiving and you have received in you packets some information from neighboring property owners or whomever against is and you should read that information as well and come to the next meeting and be able to address to the applicant all your questions, positive, negative, whatever they may be so that you can act on this at the correct time when you have had enough and sufficient time to study it. Thank you.

Mr. McDonald – Are there any questions?

Mr. Kolick – You should just table it tonight.

Mr. McDonald – We will table it tonight. That next meeting is September 10th. Is there 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