

SUMMARY OF CAUCUS DISCUSSION AND MINUTES OF THE STRONGSVILLE CITY COUNCIL REGULAR MEETING HELD ON MONDAY, OCTOBER 17, 2016.

The Council of the City of Strongsville met in the Caucus Room at the Mike Kalinich Sr. City Council Chamber, 18688 Royalton Road, on **Monday, October 17, 2016 at 7:30 p.m.**

Present: Council Members: Michael J. Daymut, Joseph C. DeMio, Matthew A. Schonhut, Duke Southworth, Gordon C. Short, Kenneth M. Dooner and James E. Carbone. Also Present: Clerk of Council Aimee Pientka. Administration: Mayor Thomas P. Perciak, Law Director Neal M. Jamison, Finance Director Joseph K. Dubovec, Communications and Technology Director David Sems, Service Director Joe Walker, Recreation and Senior Services Director Bryan Bogre, Building Commissioner Tony Biondillo, Human Resource Director Steve Kilo, City Engineer Ken Mikula, Public Safety Director Charles Goss, Police Chief James Kobak and Fire Chief Jack Draves.

Council President Southworth called the caucus to order at 7:33 p.m.

The following Council Committees met to review legislation on the agenda:

Planning, Zoning and Engineering Committee: Chairman Daymut advised he will give a brief report on the floor of council of the committee meeting held on Tuesday, October 4th. Ordinance No. 2016-056 will be having a public hearing this evening. This is an ordinance to rezone property located at 9200 Pearl Road from R-RS (Restaurant-Recreational) classification to CS (Commercial Service) classification. (PPN 395-03-006). Mr. Daymut advised this rezoning was to be originally changed to motorist service, but the applicant amended it to be rezoned to commercial service. There has already been one public hearing for this, it was referred again to Planning Commission who gave the amended ordinance a favorable recommendation. The recommendation was to adopt as amended and Mr. Daymut advised council to vote their conscience. Ordinance No. 2016-178 is to amend certain sections in Chapter 12 of the Planning and Zoning Code of the Codified Ordinances to establish regulations for certain large retail businesses. As a result of the committee meeting held on October 4th, this will be placed on second reading and be referred to Planning Commission. Ordinance No. 2016-179 is to amend certain sections of Chapter 12 of the Planning and Zoning Code of the Codified Ordinances to establish land coverage requirements in certain business zoning districts. This ordinance was also discussed at the committee meeting. As a result of discussions from the meeting, there may be some amendments to this legislation. Mr. Daymut would like council to receive those amendments for review prior to amending the actual legislation. This will be placed on second reading. Ordinance No. 2016-198 is to amend Section 1258.03 of Part Twelve of the Codified Ordinances to establish regulations for training and amusement facilities in a general business district. This will be placed on first reading and set for a public hearing on November 21st. The companion piece is Resolution No. 2016-197; confirming Planning Commission's approval of a determination that a training amusement facility is a similar main use as permitted in a general business district. Planning Commission reviewed this and it did receive approval. This will be placed on first reading.

Public Service and Conservation Committee: Chairman Carbone recommended suspension and adoption for Resolution No. 2016-199; a resolution granting permission to transfer certain certificates for burial rights in the Strongsville Municipal Cemetery (Vanderwyst). Mr. Carbone also advised there will be a motion in his committee report to approve burial rights in the cemetery.

Economic Development Committee: Mr. Daymut advised there are no ordinances or resolutions on this evening's agenda. The next committee meeting will be Monday, October 24th at 7:00 p.m. at the senior center. Mr. Daymut advised Brent Painter is in Roanoke, Virginia to be a primary speaker at a summit.

Committee of the Whole:

President Southworth noted the necessity for an executive session for the purpose to discuss personnel matters concerning the council office. Also present were members of the Administration: Joe Dubovec and Steve Kilo. It was so moved by Mr. Schonhut seconded by Mr. DeMio to adjourn from open session into executive session [Article XI, Section 9, City Charter]. All members present voted aye and the motion carried. Council adjourned into executive session at 7:38 p.m. The executive session concluded at 7:45 p.m. and reconvened into open session.

MINUTES OF THE STRONGSVILLE CITY COUNCIL REGULAR MEETING HELD ON MONDAY, OCTOBER 17, 2016 IN THE MIKE KALINICH SR. CITY COUNCIL CHAMBERS.

CALL TO ORDER:

Council President Southworth called the meeting to order at 8:00 p.m. All joined in the Pledge of Allegiance to the Flag.

CERTIFICATION OF POSTING:

The Clerk of Council certified that the meeting had been posted in accordance with Ordinance No. 2004-273.

ROLL CALL:

Present: Council Members: Matthew A. Schonhut, Joseph C. DeMio, Michael J. Daymut, Duke Southworth, Kenneth M. Dooner, Gordon C. Short, and James E. Carbone. **Also Present:** Clerk of Council Aimee Pientka. **Administration:** Mayor Thomas P. Perciak, Law Director Neal M. Jamison, Finance Director Joseph K. Dubovec, Communications and Technology Director David Sems, Service Director Joe Walker, Building Commissioner Tony Biondillo, City Engineer Ken Mikula, Human Resource Director Steve Kilo, Public Safety Director Charles Goss, Police Chief James Kobak and Fire Chief Jack Draves.

COMMENTS ON MINUTES:

The Minutes of the Regular Council Meeting held on October 3, 2016 were approved as submitted.

APPOINTMENTS, CONFIRMATIONS, AWARDS AND RECOGNITION:

(None)

PUBLIC HEARING:

Ordinance No. 2016-056 by Mr. Daymut. 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST SERVICE)~~ CS (COMMERCIAL SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16. Third reading, amended and referred to Planning Commission 07-18-16. Favorable recommendation by Planning Commission 07-28-16. Fourth reading 09-06-16.*

*Council President Southworth opened the Public Hearing on this matter and invited anyone wishing to speak **IN FAVOR** of the Ordinance to approach the podium and address Council at this time.*

(No Comments)

*Mr. Southworth then invited anyone wishing to speak **IN OPPOSITION** of the Ordinance to approach the podium and address Council.*

Tara Rose, 1375 East Ninth Street, Suite 1700, Cleveland, OH: My name is Tara Rose, 1375 East Ninth Street, Suite 1700, Cleveland, OH 44114. I'm with Shari Crawford...

Ms. Crawford – Hi, Shari Crawford, 8560 Pearl Road, Strongsville, OH.

Ms. Rose – Good evening members of council. My name is Tara and I'm a land use attorney with the law offices of Buckingham, Doolittle & Burroughs, LLC. I'm here tonight to represent S&J Building Inc.; a business that owns a carwash just north of 9200 Pearl Road and to object to proposed Ordinance No. 2016-056. Here with me, as I introduced, is Shari Crawford whose part owner of S&J and who will talk to you in a few moments regarding her familiarity with the property and the carwash business. Again we're here tonight to object to proposed Ordinance No. 2016-056 which regards rezoning 9200 Pearl Road from R-RS (restaurant-recreational services) to CS (commercial service). Attorney Vacanti from Buckingham, Doolittle & Burroughs, who also is a resident of Strongsville, objected to a prior version of this rezoning on similar grounds back in May. Zoning is designated to protect residential and commercial properties, and this rezoning does neither. The basis of this objection is that the proposed rezoning is improper, inconsistent with sound planning principals, and is inconsistent with the city's land use and zoning. This rezoning constitutes illegal spot zoning for the benefit of one individual property owner. There are four primary reasons why this rezoning should be...that council should deny the rezoning. I have a letter with exhibits that with your approval I would like to pass out. Is that okay?

Mr. Southworth – Yes, if you could please give those to our clerk.

****A copy of this correspondence and exhibits is attached to the back of these minutes.****

PUBLIC HEARING (cont'd):

Ms. Rose – I'll go ahead and get started while she is passing those out. Number one, this is not an appropriate site for CS rezoning. The zoning code states that CS districts should be provided, "in appropriate and convenient areas for business." Notably, there are no CS zoned parcels in the vicinity of 9200 Pearl Road. Additionally, the concept plans provided to council for this project show outdoor vacuuming which is in direct violation of Section 1262.01(a)(2)'s requirement that all uses be , "conducted wholly within enclosed buildings. The plans also show needs for variances, but any practical difficulties are self-created with the recent lot split. Moreover, there is already two existing carwashes in the immediate area. Approving this rezoning will ultimately result in three car washes located on a strip of Pearl Road that is not even a half of a mile long. Allowing another carwash in the city will bring the total number of carwashes to nine. If you look at the City of Parma, who has almost double the population as the City of Strongsville, they only have six. As Shari will attest, allowing another carwash in this area would draw business from the existing carwashes and will leave only vacancies and blight. Council must also consider the future uses of this property if a carwash does not get constructed on the lot. CS zoning allows for very intrusive uses that are not conducive to neighboring residential or business area. They are also not conducive to the heavy traffic that already plagues Whitney and Pearl Roads. Specifically, under Section 1262.03(a)(2) of the Strongsville Zoning Code, CS zoning allows the following uses as a matter of right: auto body shops; bus, truck and machinery repairs and sales; carpentry, masonry, iron, sheet metal and monument shops; lumber/building material storage and sales; and also animal kennels. These intense uses are also going to be entirely too close to the restaurants, retail and residential area in the vicinity. Again, as Shari will attest in reason number two that the proposed zoning should be denied, is that the amount of traffic this carwash will create will have a detrimental impact on the already congested Whitney and Pearl Roads. This type of carwash is designated to accommodate one car for every thirty seconds. The proposed access point on Whitney Road is also problematic for a multitude of reasons. If you look at the exhibits attached to the letter, you can see where the proposed access point is. And you can also see looking east and west down Whitney Road. If you look at those exhibits, it's readily apparent that it is a two lane, residential street. The proposed access point is right in front of people's single family homes. Additionally, "Exhibit D" on your letter is a printout from the proposed operator's website. This printout shows voluminous traffic and stacking at their proposed site-or at their site.

Mr. Southworth – I don't mean to stop you, but that is not the proposed carwash.

Ms. Rose – Who is the proposed carwash? Isn't it Goo-Goo?

Mr. Southworth – No, Goo-Goo is not...it's Conrads.

Ms. Rose – Conrads, okay, my apologies for that.

Mr. Southworth – So if you could strike that...

Ms. Rose – Yep, go ahead and strike that; but regardless, the access point on Whitney Road is going to cause immeasurable headaches for residential property owners. Additionally, switching the access point to Pearl Road is not going to alleviate any problems and would likely just cause additional problems on Pearl Road. Third, allowing this rezoning will have an adverse impact again on the adjacent residence. If a carwash is utilized on this site, there will be increased vehicular noise, vehicular fumes, traffic and stacking and outdoor vacuum noise. If another CS intense use is also used on that site, there will also be intense noise, fumes, and traffic concerns for those residing nearby. Finally, this proposed rezoning is not in accordance with the city's own Comprehensive Land Use Plan. Specifically, the overall goal of the city's Comprehensive Land Use Plan is to not over-saturate the market. The city's plan specifically recognizes that exceeding business potential will result in speculative development which will lead to more vacancies and erosion of existing businesses.

PUBLIC HEARING:

Ms. Rose (cont'd) - Under the plan, a careful review is necessary to balance new development with consumer demand. As discussed, allowing another carwash in this already congested and saturated market will only destroy existing businesses and cause blight. Now, I would like to give Shari an opportunity to voice her concerns. So Shari, please introduce yourself and tell council the basis for your objections.

*****A copy of Ms. Rose's handout is attached to the back of these minutes.*****

Shari Crawford, 8560 Pearl Road, Strongsville, OH: Hi, I'm Shari Crawford. She said a lot of it already that I was going to say as far as details go. The bottom line is my family owns the Pearl Road Laser Wash. We built it in 2007. We built it from the ground up. We worked very, very hard to get this business what it is today. We have a couple of other car washes as well. We just feel that this would be completely detrimental to our business. This type of wash does such a high volume, I mean, one car every thirty seconds; that's a lot of cars. Which just don't want to see our business close. We have come a long way. We were hopefully building a business for our son to take over. The traffic and congestion, I mean, I could reiterate all she said, but we feel there's too many carwashes in Strongsville. This would be the ninth one, all within walking distance; that's pretty close. We just don't want to see our building or our business go out of business. Thank you for your time.

Mr. Southworth – Thank you.

Ms. Rose – In sum, the attempt to rezone 9200 Pearl Road from R-RS to CS is a legal spot zoning and will jeopardize the property and businesses in the immediate vicinity including S& J's Carwash. Council should give a close look at this rezoning and not act for the benefit of a sole developer. This parcel is not appropriate for CS zoning and would be arbitrary and capricious to approve Ordinance No. 2016-056. Thank you for your time and attention.

Mr. Southworth – Thank you very much...with little introduction.

Mark Roth, 22257 Jonathan Drive, Strongsville, OH: My name is Mark Roth, a.k.a. "Gladiator", a.k.a. "Fighter for the People" for a quarter of the century. I'm here to fight again for the residents on Whitney and for the residents of the maybe twelve carwashes in town. There's nine separate businesses of that nature. I'd hate to see how many go out of business if we keep adding. I think you got three more on the back of Sheetz and the back of Marathons. I think you have a dozen car washes. Is that what we want for this city? A workout center on every corner? A pizza shop on every corner? A carwash on every corner? I don't think so; I don't think so. That was a nice zoning we had in front of Northern Pearl Road Revitalization Plan. Restaurant recreation...it was great. Now there was an attempt to make it motorist service, which is probably more appropriate for a carwash, but now commercial service? I don't think so. That's a mixed bag. Mr. Daymut, I want to thank you for your "no" vote on Planning Commission on this issue. I also...I'm concerned over we never in twenty-five years voted on an issue on the same night we had a public hearing. That's baloney. It at least gives the appearance of railroading something through to the people. You don't want that council...you don't want that. We at least took a couple days or a week to think about it. Who are we doing this for? Who's the big player we're doing this for? That's what I want to know. To vote on something maybe on the first, you know, first time you hearing this zoning application for a public hearing? That's why you're having another public hearing...no! You know, everyone loves The Greens of Strongsville, but that was circumvented to not have a vote of the people. There was no vote of the people on that shopping center. It is not zoned shopping center, The Greens of Strongsville, it is zone GB (general business)...what a joke. That should have been voted on by the people. That's improper zoning and I'm afraid something like this is happening on a smaller scale right now.

PUBLIC HEARING (cont'd):

Mr. Roth (cont'd) - We shouldn't be voting on it tonight; it's a public hearing for it. You don't have the proper zoning for it. You're going to hurt people by it. I'm hearing horror stories of using the McDonalds...you know, I fought the Sheetz tooth and nail, I fought the Sheetz and they moved it with their sixty thousand gallons of gas tanks across the street. Thank the Lord for that because the people on Whitney have ranches with bedrooms in the front of their home and they would have had fifty yards away from their bedroom windows sixty thousand gallons of gas. Thank goodness it at least went across the street, but we never got the buffer when McDonalds tried after I retired. We never got the buffer and there's flood lights and car lights going in their windows every night when people park in McDonalds. Boom! Right in their eyes, every car- no big mound, no vegetation. Now, we're going to use the McDonalds driveway possibly because they don't want to put in any more curb cuts on Pearl Road...using the McDonalds driveway for the traffic out of this carwash? All of the above, please, vote no, thank you.

Mr. Southworth – Thank you Mark.

Mr. Daymut – Mr. President, just for the record and for clarification, as you know Mark, you sat up here a long time with me, we're voting on a zoning issue; we're not voting on a carwash. We're voting strictly on a zoning issue. Just so you know, at motorist service I was not in favor at that particular location and I did vote no at Planning even though it did pass. But for commercial service, I did agree with it and I did vote in the affirmative for commercial service because I'm voting on the zoning, not on the project.

Mr. Roth – Okay, I hear you. I appreciate you being honest. I take back my thank you.

(Laughter)

Mr. Roth – You know, commercial service is even a worse, worse inappropriate zoning...a worse one. Carwash, motor service...carwash...motor service. Commercial service doesn't even match. The reason why...the zoning is coming up and it's being changed from motorist service to commercial service. That's why you're having another public hearing. There's been a shift. We never vote on anything right after a public hearing. We at least...it's the appearance of railroading it through, thanks.

Mr. Southworth – Thank you Mark. Is there anybody else who would like to speak in opposition?

Joseph Welsh, 12572 Prospect Road, Strongsville, OH: Hello, my name is Joseph Welsh. I am a resident of Strongsville, Ohio-12572 Prospect Road. Many of you know that's at Prospect and Westwood. One of my ways to get downtown and on the highway during rush hour would be going down Prospect, cutting over to Albion Road or Whitney Road. This is going to be a problem with a lot of people on that side of town. I'm sorry about the residents of Whitney too. That's going to be affected as well. Now I had nine other people that were coming with me tonight and their not with me, and I'm a bigger Tribe fan than they are, okay; but this is very important because I don't know the gentlemen who just spoke before me, but there's been a lot of discussion about this being railroaded through. I understand that this was voted down in May.

Mr. Southworth – That is not correct. It was introduced first week in March. This has been going around for almost a full eight months now; so this has been out there for a very long time.

PUBLIC HEARING (cont'd):

Mr. Welsh – Well, there's two things that a lot of people do not want in that location. One is a Dunkin Donuts, okay, and the other is a carwash. Now, the carwash business is like, ten/twelve days a year, that's really impactful. They like to get the salt off their cars and it's just not one or two at a time, it's hundreds. The carwash business-the people make money in ten or twelve days in a year. I don't want to be affected if it's not on a weekend and neither do a lot of other residents.

We've seen a lot of things come through here and we've been having problems on that Pearl Road and we've been fixing it and we've been very, very patient; but putting this carwash in there is a slap in the face to the other two carwashes. This young lady over here and her son, a family owned business, I believe it even goes against the Sherman Act, if I would look it up, but I'm just appalled how we're trying to get this in real quick. I want you to take a good look at this. If you have to rezone...the reason we set up a zone in the first place is so that we don't have to rezone. I would like you to take a good look at this and vote carefully. I appreciate your time. I also appreciate everybody standing up for the Pledge of Allegiance before we started this because that is something that doesn't happen anymore either; and I'm talking in the schools too. I want to say thank you for your time.

Mr. Southworth – Thank you Mr. Welsh.

Susan Rasch, 18334 Whitney Road, Strongsville, OH: Good evening Mayor, council. My name is Susan Rasch and I live at 18334 Whitney Road, which is pretty darn close to the McDonalds and pretty darn close to where they want to rezone. We are here, you're right, for just the rezoning issue. And yes, you're right that this has been out and publicized since March. However, it was all a go go; it's all been a go until the applicant, for whatever reason, struck the motorist issue as I understand it. So let's just be clear about that. So now, the same applicant has plenty to gain here and so does the city, but not me. I want you to tell me what I'm going to benefit from here? I want to know. I can't even get out of my driveway now; so what I say is I'd like the applicant and the city to decide how you're going to help me get out of my driveway when this gets worse? I want you to fix it, but not the way you fixed my driveway, not the way you fixed the narrowing of the street, not the way you fixed the promises of across on the east side of Pearl Road- we were going to have all these things. I don't want that kind of fix. I don't want the headaches I've had. I've been patient and I understand development. I understand making the city vibrant, but are we the poor children of the city? Are we the ones on the north end that you should just trample over because it's a good idea for you because you don't live over here? Well, I do; and I don't want cars...I can't tell you how many times I get almost stuck backing out of my driveway because the people in McDonalds are coming out and they don't want to stop. They don't care. They see me backing out; they don't care. The trash that I get from McDonalds in my yard...the trash and the smell and the noise and the lights let alone everything that these young ladies have said. I think the city owes me something. I think the city owes me something and all the residents on my street right there. You fix it how I'm going to get out of my driveway. I shouldn't have to...the applicant and you all should pay for how I'm going to get out of my driveway. Not me, I shouldn't have to put a turnaround in my driveway, should I? I don't think so, I don't think so. And you have ditches on both sides of my street. My mailbox has been hit many times, many times, because the road narrows right at my driveway and there's a rise-you can't see sometimes when you're coming and going. And I can attest to the traffic; I can attest to it down Big Creek; I can attest to it on Pearl Road; I can attest to it on Whitney Road and I'm done. I'm really done and I wish you all would come and live next door. Did anybody walk it? Did anybody sit there and take surveys? Did you even look at it? Did you ever watch what's going on over there and how busy it is? I think you know, but it's not your neighborhood, right? Thank you.

Mr. Southworth – Thank you very much. Is there anybody else that would like to speak on this matter, either for or against?

(No Comments)

PUBLIC HEARING (cont'd):

Hearing no further comments in regard to this matter, Council President Southworth closed the Public Hearing on said Ordinance.

REPORTS OF COUNCIL COMMITTEES:

SCHOOL BOARD – Mr. Carbone: Yes thank you Mr. Southworth, at the last school board meeting part of the agenda was the State report card with the schools. Although it looked rough on the outside, the State did come up with a harder grading scale. If you notice, even the districts around us, really great districts, they also struggled in the grading. One thing that was good to hear, a good positive message, was the district is not going to bury their head in the sand. They're going to work even harder. They're going to do everything they can with working with the students and the parents to try to get these grades up. Also, the five year forecast came out and the district is in the black till 2019. They have not had any new money since 2007 and they want to push that as far along as they can; so they're going to work even harder too kind of push that out into 2020-2021 if they can. Also, the renewal levy is coming up. If you have any questions, the board urges you to call them, ask the questions-administration, please call them if there's any questions with that renewal. That ends my report.

Southworth – Thank you very much Mr. Carbone. Are there any questions for Mr. Carbone?

(None)

SOUTHWEST GENERAL HEALTH SYSTEM – Mr. Southworth: We had a board meeting last Wednesday. It was interesting because we had comparisons as far as-it's amazing what data is out there, but all the hospitals in the region are struggling with the Obamacare ramifications. It's really had an impact. We even have a former President saying that it was the craziest idea I think. So the bulk of our conversation dealt with navigating those channels and what the future brings. I would like to say there's clarity but there really isn't. There are going to be multiple, multiple meetings at the hospital level with the board to address how we handle those. Also, last meeting I indicated that the great Mr. Kalinich stepped down. We have named his replacement as Terry Toth who will be at our next meeting; I think it's October...actually it's a meeting the night of our finance committee meeting, October 26th. I'll be busy that evening. Hopefully, we do not have World Series games going on that night. That is all that I have; if there are any questions I'd be more than happy to field them.

(None)

Mayor Perciak – Just for the record, I hope we do have World Series going on.

Mr. Southworth – That is true, just not that night.

BUILDING AND UTILITIES – Mr. Schonhut: Thank you Mr. Southworth, nothing on Building and Utilities. Communications and Technology we did have a brief committee meeting before caucus. I just wanted to thank Mr. Sems, who joined us a few months ago, for providing us some insight as far as what he's got going on in that department. I'm happy to see that you're hitting the ground running. That's all that I have out of either of those committees but I will take any questions for either.

Mr. Southworth – Thank you very much Mr. Schonhut, are there any questions for Mr. Schonhut?

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

COMMUNICATIONS AND TECHNOLOGY – Mr. Schonhut:

* See Building and Utilities above *

ECONOMIC DEVELOPMENT – Mr. Daymut: Thank you Mr. Southworth, we have no ordinances or resolutions on this evening's agenda. I would like to announce our next meeting will be next Monday, October 24th at 7:00 p.m. at the senior center. I'd like to also announce that Brent Painter, who has been quite active on the speaking circuit and much requested around the country, had recently spoke at the International Economic Development Conference here in Cleveland. He was out in California; a good report on that. Today, he is in Roanoke Virginia at the 2016 University of Economic Development Association annual summit for speaking appearances. I'd like to thank Ohio State, who we have collaborated with for many years, for helping with all of the speaking engagements. That's all I have Mr. Southworth, thank you.

Mr. Southworth – Thank you very much Mr. Daymut, are there any questions for Mr. Daymut?

(None)

FINANCE – Mr. Dooner: Thank you Mr. Southworth, we also have no ordinances or resolutions before council this evening.

Mr. Southworth – Thank you Mr. Dooner, are there any questions for Mr. Dooner?

(None)

PLANNING, ZONING AND ENGINEERING – Mr. Daymut: Thank you Mr. Southworth, Planning, Zoning and Engineering did meet on October 4th to discuss Ordinance Nos. 2016-178 and 2016-179. They appear on this evening's agenda. I'll give a brief overview of those when I report on the agenda items. I'd like to thank all of the council members and the administration for attending that; especially our city planner, who gave us great insight into these two ordinances. They gave us as much information as they could to make an informed decision as we proceed with these. We have Ordinance No. 2016-056; we just had the public hearing on that particular ordinance to change the zoning at 9200 Pearl Road from Restaurant-Recreational to Commercial Service as indicated at the public hearing this evening. It did start out as Motorist Service and was changed to Commercial Service and a second public hearing on that particular ordinance this evening. I ask that we vote your conscience on that particular ordinance. We have Ordinance No. 2016-178; that's amending Sections 1242 and 1258 to establish regulations for certain large retail businesses. That should be placed on second reading and referred over to the Planning Commission. Also, Ordinance No. 2016-179; this is amending Section 1258 to establish land coverage requirements. As a result of our PZE meeting, we might have some amendments coming down the road so we will place that on second reading and refer back to Planning, Zoning and Engineering committee. Ordinance No. 2016-198, that's to establish regulations for training and amusement facilities in general business districts. I ask that be placed on first reading and set for a public hearing on November 21st. Our companion resolution is Resolution No. 2016-187; that's confirming the Planning Commission approval of it determining that a training and an amusement facility is a similar main use and permitted in a general business district. That will be placed on first reading as a companion piece. That's all I have this evening Mr. Southworth, thank you very much.

Mr. Southworth – Thank you very much Mr. Daymut; are there any questions for Mr. Daymut?

REPORTS OF COUNCIL COMMITTEES (cont'd):

PLANNING, ZONING AND ENGINEERING – Mr. Daymut (cont'd):

Mr. Short – Mr. President, if I may? Maybe this is for Mr. Daymut or our law council. Based on the public comments I heard tonight for Ordinance No. 2016-056, is it possible to make a motion to table it for one meeting for council to think about this ordinance further? If so, where is appropriate to make that motion?

Mr. Daymut – I believe that's for the law department. The recommendation from the committee based on our caucus was to actually...because we've had-this is the second public hearing we've had on it and we are just basically voting on the zoning. I think that gets lost in the rhetoric sometimes; and the zoning has changed from motorist service to commercial service zoning.

Mr. Short – I understand we are voting on zoning; I do understand that, but in giving past precedent and I am new to council this year, if there is a precedent and if so, do we want to keep that or are we fine with moving forward with this discussion. Again, this was only brought to my attention here through public hearing.

Mr. Jamison – To answer your question, is that at the time that the ordinance is called, one of a couple of different motions can be made. One is a motion to adopt. The other one would be a motion to place for another reading going forward. Whoever makes the appropriate motion would then be voted on at that appropriate time.

Mr. Short – Thank you.

Mr. Southworth – Are there any other questions for Mr. Daymut?

(None)

PUBLIC SAFETY AND HEALTH – Mr. DeMio: I'll be very quick. I've got my rally towel, I'm ready. We are up 1-0 (Cleveland Indians), just so you know. I am done with my committee. Never mind, we're winning 1-0, that's what we need to know.

Mr. Schonhut – I have my phone going off like crazy.

Mr. DeMio – So I'm closing my committee Duke.

Mr. Southworth – That was the best report you have given.

PUBLIC SERVICE AND CONSERVATION – Mr. Carbone: Yes, I have Resolution No. 2016-199, granting permission to transfer certain burial rights in the Strongsville Municipal Cemetery. The recommendation is to suspend and adopt.

Motion to by Mr. Carbone, seconded by Mr. DeMio ratify, approve and note A motion to ratify, note and approve the burial of Frank Soltis in Section F, Lot #56 Grave I; and to note and approve the future burial of Moravia Soltis in Section F, Lot#56 Grave G based on the owners' designation of wishes for interments in the Strongsville Municipal Cemetery. All members present voted aye and the motion carried.

Mr. Southworth – Is there anything else? Are there any questions for Mr. Carbone?

(None)

REPORTS OF COUNCIL COMMITTEES (cont'd):

RECREATION AND COMMUNITY SERVICES – Mr. Short: We have no ordinances or resolutions before the council tonight. Two quick announcements- The Halloween Hullabaloo at the rec will be at 6:30 p.m. this Friday. Tickets are still available and you must purchase those at the recreation center for little ones to attend. We have a fitness open house. Come in and check out the new cardio and weight equipment on Saturday, October 29th from 10:00 a.m. to 12:00 p.m. There will be demonstration classes. There will be door prizes by Core Life, Chipotle and Chick-fil-a. The first one hundred get a buy one, get one free at Chick-fil-a so you can enjoy that and then come back and work it off. With that I'll end my report and go Tribe.

(Laughter)

Mr. Southworth – Are there any questions for Mr. Short?

Mr. DeMio – Yes, I thought he was a Pittsburgh...

Mr. Southworth – Obviously, he doesn't have those guys to root for.

Mr. Short – For the record, they are my NLT team, but the ALT team is the Tribe.

Mr. Daymut – Penguins, Penguins.

COMMITTEE OF THE WHOLE – Mr. Southworth: We have no resolutions or ordinances. I'd just like to congratulate the Incarnate Word Academy Academic Challenge team. There are five members of that team; four of them are Strongsville residents: Shay Tanna, Ward 2 resident, John DiFilippo, Ward 2 resident, Jaden Keirn, Ward 4 resident, and this kid named Owen (Southworth), who has a dad up here, also a Ward 4 resident. They went down to St. Ignatius, spent all day there Saturday in an academic challenge. There were forty teams and they won it all. They didn't get done until 3:30 p.m. so we did make the game just in time. Their coach was also another Strongsville resident, Mr. Havel. Our kids in the public schools do a great job, but there are also the other kids out there that are very much part of the Strongsville community and should be celebrated as well. I just wanted to highlight their...I should, Ashauni Suhak is the only non-resident member of that team. I don't want to not mention him, but hopefully these kids have very bright futures and hopefully one of them will move out of his dad's house at one point and not be on the Southworth family dole forever. I going enjoy the next few years with him as well. If there are any questions?

(None)

REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS AND OTHER OFFICERS:

MAYOR PERCIAK:

(No report)

FINANCE DEPARTMENT – Mr. Dubovec: Thank you Mr. President, funds will be made available for all ordinances and resolutions on this evening's agenda requiring certification of funding. That concludes my report, thank you.

Mr. Southworth – Thank you Mr. Dubovec.

**REPORTS AND COMMUNICATIONS FROM THE MAYOR, DIRECTORS OF DEPARTMENTS
AND OTHER OFFICERS (cont'd):**

LAW DEPARTMENT – Mr. Jamison: Thank you Mr. Chairman, all ordinances and resolutions are in proper legal form, nothing further.

Mr. Southworth – Thank you very much Mr. Jamison.

AUDIENCE PARTICIPATION:

Mr. Southworth – We have now reached the part of our meeting for audience participation. Anybody in the audience can come and approach council. You have five minutes. We ask that you simply state your name and address.

John Palmer, 12244 Woodside Court, Strongsville, OH: John Palmer, my Strongsville residence is 12244 Woodside Court. My primary residence is 5008 Jetty Court, South Port, NC. My wife and I have spent most of our adult years in Strongsville. We love Strongsville. Our kids went to the schools; my wife had a daycare center on Pearl Road which we are trying to sell; but she educated many hundreds of preschoolers-got their start in reading, arithmetic, social skills. We do love Strongsville and it is really a pleasure to be back here to see my friends, all of you, again. The thing that brings us here is the proposed ordinances, Ordinance No. 2016-178 and 2016-179. I'll first talk about Ordinance No. 2016-179, and that has to do with the green space. Strongsville has a lot of green. We have all of our residences, but when we're tired at the end of the day or the weekends we go home to our beautiful Hunting Meadows, Deerfield, High Point, Ledgewood. We've got many beautiful residences where it's all green. We have the Emerald Necklace that winds through Strongsville; cuts a big, wide path through Strongsville. Pearl Road all the way from the West Side Market, all the way down to the square in Medina is commercial. There's a few spots here like where The Metroparks cuts through, that's green. We do have a lot of green here. This ordinance would cut down the ability for new businesses to be able to develop their land the way that the rest of the land has been developed. It really cuts the value of their properties down. The second ordinance has to do with the size of buildings. I believe that it is a 75,000 square foot per 10 acres. Well, we have discovered that we only had like 5 ½ acres, but we have next door neighbors, Ed and Roberta Tarris, on the other side is Don Kinat, Dr. Lucas, Dr. Koussa. Outside of Dr. Koussa we're all in our 70's and some in our 80's. We've personally been trying to sell our small piece of land for many, many years without success; but we have found out that we have a very valuable piece of land. It's actually the last, large developable land on Pearl Road, nearly 20 acres. When Giant Eagle came in, they kind of set the fair market value. It seemed pretty high; I couldn't believe how high it was; but then when the City of Strongsville needed to take our land to widen Pearl Road, which we've been waiting for decades for it to be widened to develop that end of Strongsville, we found out that, you know, I guess that really is a good fair market value. But if you're going to limit to 75,000 square feet, to me it seems too little. We have lots of big buildings. We have the University Hospital just down the street, the new middle school, beautiful school-my granddaughter goes there, we have lots of large buildings, perhaps 200,000 square feet is too big, but 75,000 square feet is too small, at least for a property that size. Whether we fit into that two mile radius in or out or part of it in or out, I don't really know. But it's still the fact that if somebody has a large piece of land it could be a real benefit to Strongsville. You bring in a large employer, you bring in services that the people would like, brings in tax revenue, and to all of a sudden cut the value of the property, where a large builder would not want it, it just cuts down the value of our property and I don't think that is very fair, at this point, to deny this one big parcel just because right now we decide the buildings are too big. Essentially, that's all I have to say, so thank you very much gentlemen.

Mr. Southworth – Thank you John. That's it for the sign-in portion, but if there is anybody else who would like to address council, now is the time.

AUDIENCE PARTICIPATION (cont'd):

Michael Smith, 18206 Whitney Road, Strongsville, OH: Good evening, I can actually speak now without interrupting everybody, I greatly appreciate it. My name is Michael Smith; that is my real name. I live on Whitney Road, like this young lady here.

Mr. Southworth – Could we get your exact address?

Mr. Smith – Michael Anthony Smith and I'm at 18206 Whitney Road.

Mr. Southworth – Thank you.

Mr. Smith – I'm right across the street from McDonalds. I'm not very knowledgeable on the law and ordinances and everything that you all are, but what I can say is, from my heart, is it's been a nightmare. I've been a Strongsville resident since 2012 and I moved to Whitney Road with my family, my wife and our two kids, because we felt it was a nice street; I guess there was a wedding hall that was closed across the street from us, and a nice big field, and the only thing we had to worry about was The Mad Cactus. It was perfect. Our kids played outside and at 6:00 a.m.-7:00 a.m., we would go outside and we'd sit out on the front porch and we'd have coffee and tea. My wife likes to drink tea, she's polish so all she drinks is tea. With the McDonalds that's across the street from us, I'd have to say it's scary. Now I know that tonight you guys are going to be voting on rezoning. Well, when you make your vote on rezoning, you're going to make the vote that you guys already feel is best for the city and I think you should do what's definitely best for the city, but keep in mind that my neighbors complain almost every time we barbecue about the traffic that's already been created because of the McDonalds. I've almost been run off the street at least three times riding my bike, and I do wear a helmet just so you know. I've almost run off the street, off the road, at least three times. I'm now afraid, just so you know, to let my kids go on our front yard and play in the grass. I'm afraid because when we go outside, when I look outside from the front bedroom of our front room there's trucks and cars with their lights flashing into my home. There's people sitting in McDonalds, I don't know if their eating or not, but they're just sitting in their trucks or in their cars and they're just staring at our house. So, when you make your decision, on what's going to go there or what's not going to go there, please keep in mind that we're people just like all of you and we would like to live in some type of comfort; not have to worry about an increase in traffic or not have to worry about the crazies across the street from us and if you have a carwash across the street that's probably going to increase. Not to offend anyone but it's just extremely scary and it's not just me saying this, it's from my neighbor's as well. If you were to call them or knock on their doors they would repeat the same things to you. I do appreciate the opportunity to speak with you all tonight. Please, don't put a carwash across the street from our house, please-because that's going to suck. On the other side of this issue, the young business owner here, think about this, if there's six carwashes, it that's accurate, in Parma, and nine to twelve in Strongsville? That's nuts, do we really need another carwash? More businesses, duplicate businesses, carwashes are going to destroy her business. Her business and her family's business is based on the amount of cars that pull into her lot. Well, if you create another business, a duplicate business, within a few feet of where her business is, it's only going to destroy her revenue. It's only going to potentially put her out of business. Just keep that in mind. Obviously, you not only going to make the best decision for Strongsville, you're going to make the best decision for my family and my neighbor and my neighbor's family and all of us. Thank you very much.

Mr. Southworth – Thank you Mr. Smith. Is there anybody else who would like to address council at this time?

(No comment)

ORDINANCES AND RESOLUTIONS:

Ordinance No. 2016-056 by Mr. Daymut. 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 9200 PEARL ROAD IN THE CITY OF STRONGSVILLE FROM R-RS (RESTAURANT-RECREATIONAL SERVICES) CLASSIFICATION TO ~~MS (MOTORIST SERVICE)~~ CS (COMMERCIAL SERVICE) CLASSIFICATION (PPN 395-03-006), AND DECLARING AN EMERGENCY **AS AMENDED**. *First reading and referred to Planning Commission 03-07-16. Tabled by Planning Commission 03-10-16. Favorable recommendation by Planning Commission 03-31-16. Second reading 04-04-16. Public Hearing 05-16-16. Third reading, amended and referred to Planning Commission 07-18-16. Favorable recommendation by Planning Commission 07-28-16. Fourth reading 09-06-16.*

Motion to adopt as amended by Mr. Dooner, second by Mr. DeMio.

Roll Call: Ayes: Daymut, Southworth, Dooner, Carbone, Schonhut, DeMio

Nays: Short

Motion Carries.

Ordinance No. 2016-189 ADOPTED AS AMENDED.

Ordinance No. 2016-178 by Mr. Carbone and Mr. Schonhut. AN ORDINANCE AMENDING SECTIONS 1242.07(b), 1258.02, 1258.03 AND 1258.04, 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 CERTAIN LARGE RETAIL BUSINESSES, AND DECLARING AN EMERGENCY. *First reading 09-19-16.*

Placed on second reading and referred to Planning Commission.

Ordinance No. 2016-179 by Mr. Carbone and Mr. Schonhut. AN ORDINANCE AMENDING SECTION 1258.09 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE IN ORDER TO ESTABLISH LAND COVERAGE REQUIREMENTS IN CERTAIN BUSINESS ZONING DISTRICTS, AND DECLARING AN EMERGENCY. *First reading 09-19-16.*

Placed on second reading and referred back to the committee.

Resolution No. 2016-197 by Mr. Daymut. A RESOLUTION CONFIRMING PLANNING COMMISSION APPROVAL OF A DETERMINATION THAT A TRAINING/AMUSEMENT FACILITY IS A SIMILAR MAIN USE AND PERMITTED IN A GENERAL BUSINESS DISTRICT.

Placed on first reading and referred back to the committee.

ORDINANCES AND RESOLUTIONS (cont'd):

Ordinance No. 2016-198 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTION 1258.03 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 TRAINING AND AMUSEMENT FACILITIES IN A GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY.

Placed on first reading, set for a public hearing on November 21, 2016 and referred back to the committee.

Resolution No. 2016-199 by Mr. Carbone. A RESOLUTION GRANTING PERMISSION TO TRANSFER CERTAIN CERTIFICATES FOR BURIAL RIGHTS IN THE STRONGSVILLE MUNICIPAL CEMETERY. [Vanderwyst]

Motion by Mr. Dooner to suspend the rules requiring every ordinance or resolution to be read on three different days, second by Mr. DeMio. All members present voted aye and the motion carried.

Motion to adopt by Mr. Dooner, second by Mr. DeMio.

Roll Call: All ayes. Motion carries. Resolution No. 2016-199 ADOPTED.

COMMUNICATIONS, PETITIONS AND CLAIMS:

(None)

MISCELLANEOUS BUSINESS:

(None)

ADJOURNMENT:

There being no further business to come before this Council, President Southworth adjourned the meeting at 8:50 p.m.



Aimee Pientka, MMC
Clerk of Council

November 7, 2016

Date of Approval



Anthony R. Vacanti
avacanti@bdbl.com
d: 216.453.4286 • df: 330.252.5241

October 17, 2016

VIA HAND DELIVERY

City of Strongsville City Council
18688 Royalton Rd.
Strongsville, Ohio 44136

RE: Proposed Ordinance No. 2016-056

Dear Council Members:

The undersigned and the law firm of Buckingham, Doolittle & Burroughs, LLC, represent S&J Building, Inc. ("S&J") concerning its objections to Proposed Ordinance No. 2016-056. Specifically, Proposed Ordinance No. 2016-056 intends to rezone property located at 9200 Pearl Road (the "Parcel") from R-RS (Restaurant-Retail Services) to CS (Commercial Services). I am also a resident of the City of Strongsville and live on Woodshire Drive. I previously appeared and objected to the rezoning of 9200 Pearl Road from R-RS to MS (Motorist Services) in May of this year and on behalf of my client hereby continue such objection to the rezoning from R-RS to CS (Commercial Services). Unfortunately, I have a conflict this evening so I am unable to attend, but my colleague Attorney Tara Rose is here in my stead.

The CS designation and the associated permitted uses, including car wash, is inappropriate for this property, will have a negative impact on traffic and surrounding residences and businesses, and constitutes illegal spot zoning for the sole benefit of a private developer. Additionally, the permitted use as a car wash, as "conceptually" proposed, will result in an oversaturation of car washes in the immediate vicinity and City and will jeopardize my client's car wash business a few parcels down. This will be the third car wash in the immediate area.

There are four primary reasons Council should deny the proposed rezoning. First, the Parcel is not an appropriate site for CS zoning. The Zoning Code states that Commercial Service Districts should be provided "in appropriate and convenient areas for business." Strongsville Zoning Code Section 1262.01(c). Notably, there are no CS zoned parcels near 9200 Pearl Road. Additionally, the concept plans provided to Council for this project show outdoor vacuums, which directly violate Zoning Code Section 1262.03(a)(2)'s requirement that all uses be "conducted wholly within enclosed buildings." The concept plans presented also show the need for variances, but any practical difficulties for this parcel are self-created, as it was recently split.

Additionally, there are already two existing carwashes in the immediate vicinity. Approving this rezoning will ultimately result in 3 car washes located on a strip of Pearl Road that is less than a ½ mile long. Allowing another car wash in the City will bring the total number of carwashes in

Strongsville up to nine. The City of Parma, which has almost double the population, only has six car washes. Allowing an additional car wash in this area will draw business from the existing carwashes, leaving vacancies and blight.

Moreover, Council must consider the future uses allowable on this parcel if it is rezoned to CS and a car wash does not get built. CS zoning allows for very intrusive uses not conducive to residential areas, or the traffic on Whitney and Pearl Roads. Specifically, under Section 1262.03(a)(2) of the Zoning Code, CS zoning allows the following uses as a matter of right:

1. auto body shops;
2. bus, truck and machinery repairs and sales;
3. carpentry, masonry, iron, sheet metal and monument shops;
4. lumber/building material storage and sales; and
5. animal kennels.

These types of intense uses are too close in proximity to the restaurants, retail, and residences in the immediate area. There are no other types of CS uses in the immediate vicinity. By allowing these uses as a matter of right, the City cannot in the future restrict these uses. By passing this rezoning, City Council would be making a grave mistake at the expense of adjacent properties.

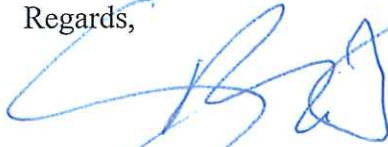
Second, the amount of traffic this car wash will create will surely have a detrimental impact on the already congested streets of Whitney and Pearl Roads. Even assuming a car wash is placed on the Parcel, this type of car wash is designed to accommodate one car every 30 seconds. The proposed access point onto Whitney Road is problematic for multiple reasons. *See Exhibit A.* First, as is evidenced from the printouts showing the view from Whitney Road facing both East and West, Whitney Road is a two lane, residential road. *See Exhibits B and C.* This proposed access point will be directly across from existing residential properties. *Id.* The printout from GooGoo's (the proposed car wash operator) website shows a voluminous amount of vehicular traffic and stacking take place at its locations. *See Exhibit D.* This immense amount of vehicular traffic and stacking will negatively impact the residences near the proposed access point, and will also negatively contribute to the already congested Pearl Road area. Switching the proposed access point to Pearl Road does little to alleviate these concerns and would likely only increase these traffic related issues.

Third, allowing this rezoning will have an adverse impact on the adjacent residential properties. If a car wash is utilized on the site, there will be an increase in vehicular fumes, vehicular noise, vehicular traffic and stacking, and outdoor vacuum noise. Even if another intensive CS use is utilized, there will also be noise, fume, and traffic concerns for those residents residing nearby.

Finally, the proposed rezoning is not in accordance with the City's Comprehensive Land Use Plan. Specifically, the overall goal of the City's plan is to not over-saturate the market. Moreover, the City's plan specifically recognizes that exceeding business potential will result in speculative development, which in turn will lead to more vacancies and erosion of the existing commercial base. Finally, a careful review is necessary to balance new development with consumer demand. As discussed above, allowing another car wash in this already congested and saturated market will only destroy existing businesses and cause blight.

In sum, the attempt to rezone this parcel from R-RS to CS is illegal spot zoning and will jeopardize the properties and businesses in the immediate vicinity, including my client's car wash a few parcels north. City Council should not merely act for the benefit of a private developer, but should take a close look at this proposed rezoning, its future consequences, and its impact on existing properties and businesses. This Parcel is not appropriate for the CS zoning, it would be arbitrary and capricious to approve of the rezoning.

Regards,

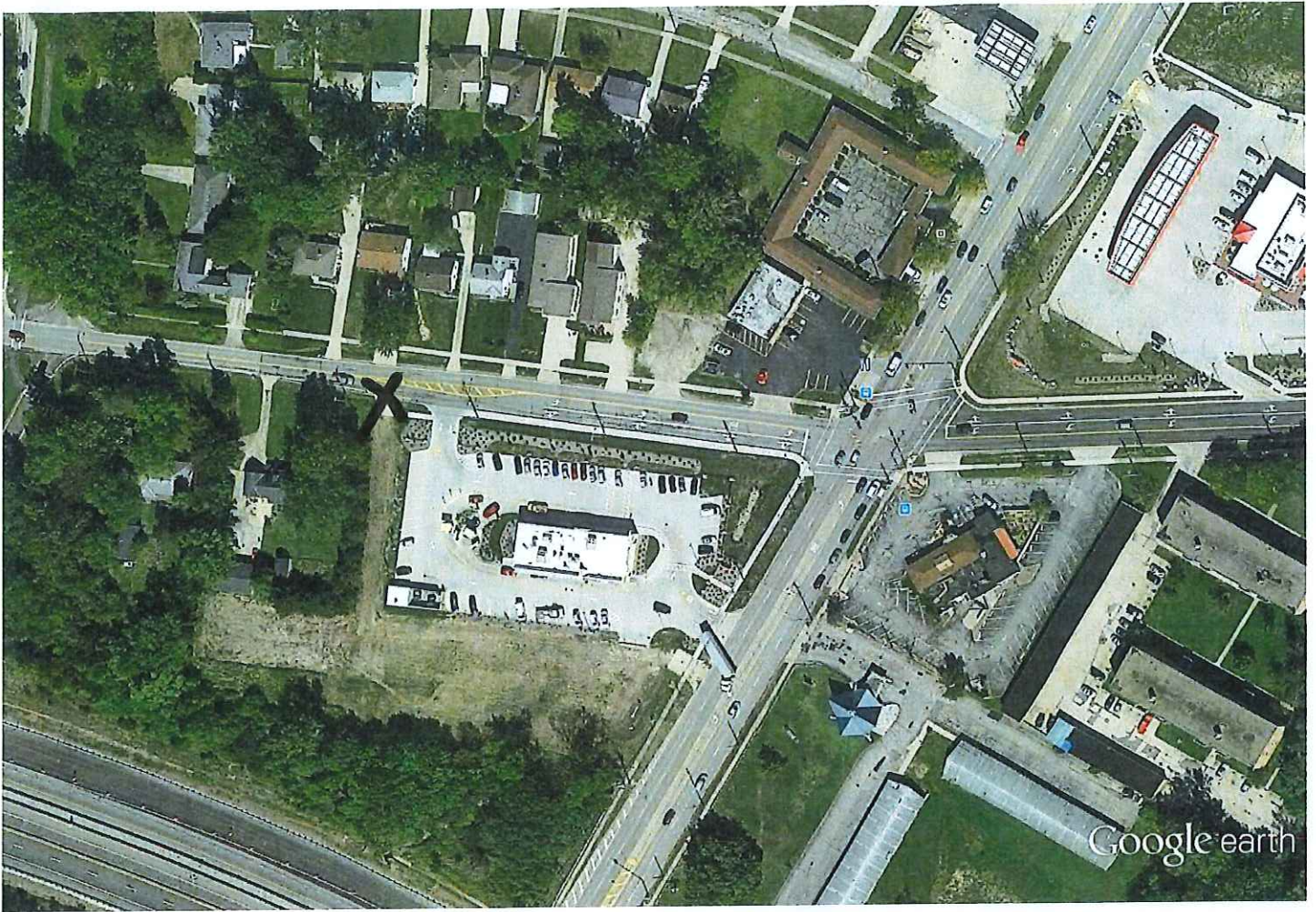


Anthony R. Vacanti

cc: S&J Building, Inc.

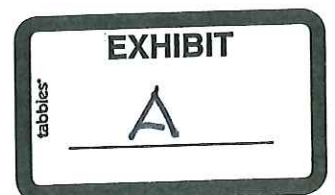
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