

## **STRONGSVILLE PLANNING COMMISSION**

### **MINUTES OF MEETING**

**November 3, 2016**

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on ***Thursday, November 3, 2016 at 7:30 p.m.***

Present: Planning Commission Members: Charlene Barth, Chairwoman, Gregory McDonald, Mary Jane Walker, Brian David and Thomas Stehman; Mayor Thomas P. Perciak; City Council Representative, Michael Daymut; Administration: Assistant Law Director, Daniel Kolick, Assistant City Engineer, Lori Daley, Assistant Building Commissioner, Keith Foulkes, and Fire Department Representative, Randy French.

The following was discussed:

**RICHARD FULKERSON & TIMOTHY BARTH:** Mrs. Daley stated that this request is for a lot split and consolidation on Walnut Creek Drive. Last year we approved the split of a bowling alley lot on Lunn Road and they attached it to one of the parcels on Walnut Creek, so that they had a big "T" shaped parcel. Now they want to split that up with some of the other residents so you will be left with these three in these three different colors. They are odd shaped parcels but it was odd shaped to begin with so we really don't have any objections. Mr. Kolick stated that it probably makes more sense to start splitting it off and they will probably start dividing it off to the other people there and that makes a lot of sense. From the City Planner, approval is recommended. From Engineering the plans are in approvable form. Mr. Foulkes stated that there was no report from the Building Department. Mr. French stated that there was no report from Fire. Mr. Kolick stated that the Commission could act on this matter.

**SOUTHPARK MALL:** Mrs. Daley stated that this request is to add two wall signs for Orange Theory Fitness and Blaze Pizza. This is just the Master Sign Program. When Blaze Pizza comes in they will have to comply with what is approved here in the Master Sign Program. From the City Planner there is no report. From Engineering there is no report. Mr. Foulkes stated that from the Building Department there is no report. Mr. French stated that from the Fire Department there is no report. Mr. Kolick stated that the Commission could act on this matter and that it would need to be forwarded to City Council.

**TRUENORTH SHELL:** Mrs. Daley stated that this request is to demo the existing gas station at 15635 Royalton Road, east of I-71 and construct a new 4,200 SF gas station. They are going to demo the building and build a new building, 5 new gas pumps. The two drives out front are remaining where they are, those won't be touched at all. From the City Planner, the subject site is zoned Motorist Service which requires a minimum rear yard building setback of 25 feet when the rear yard abuts a nonresidential district. The proposed site plan indicates a rear building setback of only 18.25 feet. Therefore

approval of the site plan as submitted would require a rear yard building setback variance of 6.75 feet. From Engineering, we will need final plans and at this time we have the following comments; final engineering plans are required, including, but not limited to, grading plans, utility plans, storm water management plans and all other items listed on the attached checklist for commercial/industrial developments and the applicant will need to contact the Cuyahoga County Board of Health for direction regarding the existing septic system. The applicant should try to work with the Holiday Inn site to the south to construct a sanitary sewer so that the existing old septic system on the Truenorth site can be abandoned. Additional comments will be provided as final plans are developed. Mr. Foulkes stated that from the Building Department, the stacks for the fuel tanks, we want that incorporated into the canopy, not in any signage or ancillary structure on the site. Mr. French stated that there was no report from the Fire Department. Mr. Kolick stated that the Commission would need to deny this matter so that they could proceed to the BZA for the necessary variance. They can come in administratively and work on these other items while they are going through that process.

**ORDINANCE NO. 2016-178:** Mr. Daymut stated that a little background on this, this was presented to Council quite a while ago. We had a companion ordinance 2016-179 that came in which requests 25% on any redevelopment in the City of Strongsville. I had a PZE meeting on these two Ordinances. It was decided to refer this one over to Planning Commission for recommendation back to Council. Consequently we have been, as you can see from the correspondence that you received here and Council has received separate correspondence concerning this particular ordinance. I did meet with some of the principals that have been involved with the potential development happening south on Pearl down there and other property owners in town and they are not in favor of this, at this particular time. At the same time, we need some closure to this particular ordinance. What happens is, negotiations are going on in certain locations and other ones were aware of and some we are not aware of. They come in administratively and it seems to me that this is putting an undue burden on the property owners. Many of these property owners, some of the properties have been generational here in the City, which I found kind of interesting. At this particular time I would obviously ask that everyone vote their conscience but I personally don't think that this is in the best interest of the City at this particular time. We received our 6 projects here in town, basically 100,000 or more square feet involved with it. In retrospect, if Costco was not here, even though it was under litigation, I think the residents in my ward would probably hang me because every time I go there to get gas there, it is something that is used. I think that the market should dictate what happens in this particular instance and it should be up to the administration to direct any development that comes into town and make sure that it is within the Codified Ordinances. I think, in my personal opinion, this places an undue burden on any property owners that have

had it for a period of time and right now, it has left them in limbo. Mr. Kolick stated that Mike means that it is leaving it in limbo until we move this Ordinance in one way or the other. We are looking to make a recommendation to get it done. We've had input from a number of property owners who are against this and even administratively have talked with our City Planner and it may tie our hands more than it needs to be. A couple of things; It doesn't allow us to have square footage of an individual store over 75,000 SF in many areas of the City. Mr. McDonald asked if that was period or without a Conditional Use Permit. Mr. Kolick stated that it was period for some areas, in addition we can have a Conditional Use Permit but it would have to be within 2 miles of an interchange. Mr. McDonald stated that it would still have to fall into all the other . . . Mr. Kolick stated that even the ones where it can be, it has to fall into those but some areas it is cut out completely. Take south Pearl down below Drake, it is outside the two mile radius. Mr. David asked where the 2 mile radius came from. Mr. Daymut stated that it was his understanding and I can only give you the information that is available to me, this might have been pulled from another community that was under a different set of circumstances when it was developed and I think we are trying to retro fit that here in the City of Strongsville. That is just my opinion, also is the fact that Dan is eluding to and I am sure that he will get to it, is the fact, what is the difference between 75,000 SF building and 100,000 SF building that is multi-tenant or a single use. Mrs. Barth stated that multitenant, depending on the use of the multi-tenant would dictate what type of usage you are going to have. A big building would attract more cars. Any big department store or food store would attract more users than a multi-tenant building. Mr. Daymut stated that we have run into this at Planning Commission a lot of times, where we have strip centers where parking seems to be adequate and all of a sudden you have one business move in and it's taking over the realty and that the parking probably isn't sufficient for that particular use, even though it should have been. I just see it as a twofold problem. Mr. McDonald stated that in the absence of this legislation, these projects would still come in front of Planning and we still have the opportunity to say yes or no to them correct. Mr. Kolick stated that was correct. Mr. McDonald asked why we would want to restrict it more than what we have today? Mayor Perciak stated that for the record, I spoke of this at the Committee meeting and I spoke of this at some of these other meetings. First of all the Planning Commission in this community has done a great job over the year. What we don't want to do is start tying the Planning Commission's hands to being so inflexible. Secondly, I am speaking from 40 years of experience as a banker, any type of building that is going to be built in this town is going to have to be supported through some type of financial vehicle, whether it be the capital markets or whether it be a bank or whether it be private investors. We had the same problem with the Giant Eagle, if you remember. They came in under one scenario and we approved it. Obviously the capital markets or some financial entity did not believe that this community could support a building of that size. The Giant Eagle and/or whoever it was who owns the real estate, tested the market and the market came back,

and said that the Giant Eagle, we could support this and the building in this community. Why do we want to go ahead and put constraints on any building when the market will dictate what can or cannot be done and we have a Planning Commission. It is pretty clear, if it is not doable and the demographics don't support it and the market and the financial markets don't support it, it's not going to happen anyway. Mrs. Barth stated that she felt that the biggest issue here is, we are an objective Board, and we are not a subjective Board. A subjective Board you are more subjective because you represent an area and the people elected you to do that and represent them. We have to be objective and do what is overall the best for the community and you also have to apply zoning here because zoning is going to dictate, there are rules, there are regulations on zoning. I think one of the biggest issues, you have to give every property owner a viable use for his land. He has to be able to develop that, you can't prevent somebody from developing their land. You can't take it from a higher level and bring it lower. We experience that so many places throughout the City, there is no doubt in my mind that is how we have to look. I think we have to go as a Planning Commission objectively and what you think is going to be the best in a Planning situations. Mr. Kolick stated that the Commission should make their recommendation tonight for City Council. Mr. Stehman stated that if we did this and it reduced the property owner's valuation we could be sued for an unlawful taking of their property. Mr. Kolick stated that it was a little more complicated than that. Not reduce it, if it makes it financially unfeasible, yes then we would have some real liability. Mrs. Barth stated that if they could not get any value out of that land because of the existing zoning we would have to find an alternative that would make it attractive for them to develop it. In some cases what you find along these areas, is that the back end is residential and you can't feasibly develop that residential property back there then you have no use for it and what do you do? They sue and they go to the law. That has been a very controversial issue.

The meeting was called to order at 8:00 PM by the Chairwoman, Mrs. Barth.

Roll Call:

Members Present: Mrs. Barth  
Mrs. Walker  
Mr. McDonald  
Mr. Stehman  
Mr. Daymut  
Mr. David  
Mayor Perciak

Also Present: Mr. Foulkes, Asst Bldg. Com.  
Mrs. Daley, Asst. Engineer  
Mr. Kolick, Asst. Law Dir.  
Mr. French, Fire Dept. Rep,

Carol Oprea, Recording Secy.

**REVISED AGENDA**

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

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

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Call: All Ayes APPROVED

**APPROVAL OF MINUTES**

Mrs. Barth – You have had a chance to review the minutes of October 7, 2016. If there are no additions or corrections they will stand as submitted.

**NEW APPLICATIONS:**

**RICHARD FULKERSON & TIMOTHY BARTH/ Richard Fulkerson,  
Principal**

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Parcel Split and Consolidation of PPN's 393-25-036, 022 and 393-29-054 located on Walnut Creek Drive zoned PDA-2.

Mrs. Barth – Item Number One, Richard Fulkerson & Timothy Barth, please step forward and state your name and address for the record.

Mr. Hofmann – George Hofmann, 24 Beech St., Berea, Ohio.

Mrs. Barth – Thank you, we will now listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mrs. Chairwoman. From the City Planner, the proposed plat complies with all the minimum zoning requirements and approval is recommended. From Engineering the plans are in approvable form. Thank you.

Mrs. Barth – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mrs. Chairwoman. There is no report from the Building Department. Thank you.

Mrs. Barth – Mr. French.

Mr. French – Thank you Mrs. Chairwoman. From the Fire Department, there is no report. Thank you.

Mrs. Barth – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mrs. Chairwoman. We are in a position to act on this matter this evening. Thank you.

Mrs. Barth – Are there any questions or comments? Hearing none, I would entertain a motion for Richard Fulkerson & Timothy Barth.

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Parcel Split and Consolidation of PPN's 393-25-036, 022 and 393-29-054 located on Walnut Creek Drive zoned PDA-2.

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

**SOUTHPARK MALL/ Steven Greenberger, Agent**

Revision to the Master Sign Program to add one (1) sign for Orange Theory Fitness located at number 84 and one (1) sign for Blaze Pizza located at number 85 in the Master Sign Program Grid for property located at 17887 South Park Center, part of PPN 396-20-005 zoned Shopping Center. *\*ARB Favorable Recommendation of tenant signage 11-1-16.*

Mrs. Barth – Item Number Two, Southpark Mall, please step forward and state your name and address for the record.

Mr. Greenberger – Steven Greenberger, 786 Nautilus Trail, Aurora, Ohio.

Mrs. Barth – Thank you, we will now listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mrs. Chairwoman. From the City Planner, approval is recommended. From Engineering there is no report. Thank you.

Mrs. Barth – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mrs. Chairwoman. There is no report from the Building Department. Thank you.

Mrs. Barth – Mr. French.

Mr. French – Thank you Mrs. Chairwoman. From the Fire Department, there is no report. Thank you.

Mrs. Barth – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mrs. Chairwoman. We can act on it this evening and if approved it would need to go to City Council. Thank you,

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

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Revision to the Master Sign Program to add one (1) sign for Orange Theory Fitness located at number 84 and one (1) sign for Blaze Pizza located at number 85 in the Master Sign Program Grid for property located at 17887 South Park Center, part of PPN 396-20-005 zoned Shopping Center.

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

**TRUENORTH SHELL/ Rick Turner, Agent**

Site Plan approval of a 4,200 SF gas station for property located at 15635 Roylton Road, PPN 399-02-012 zoned Motorist Service.

Mrs. Barth – Item Number Three, Truenorth Shell, please step forward and state your name and address for the record.

Mr. Turner – Rick Turner, 5424 Towbridge Dr., Hudson, Ohio.

Mrs. Barth – Thank you, we will now listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mrs. Chairwoman. From the City Planner, the subject site is zoned MS Motorist Service where the minimum rear yard building setback requirement is 25 feet. The proposed site plan indicates a rear building setback of only 18.25 feet. Therefore a 6.75 foot variance will be required. From Engineering we will need final engineering plans and we will provide comments to those once the plans are developed. As discussed in Caucus, we encourage the applicant to open up discussions with the Holiday Inn, the property to the south for access for their sanitary sewer so that they can eliminate the septic system that is on the property right now. Either way, you will need to work with the Cuyahoga County Board of Health with that septic. Thank you.

Mrs. Barth – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mrs. Chairwoman. From the Building Department, we would like to see details on the site plan which would also include any of the venting for the fuel tanks and show those incorporated into the fuel pump canopy as well as any other building details you may be able to provide. Thank you.

Mrs. Barth – Mr. French.

Mr. French – Thank you Mrs. Chairwoman. From the Fire Department, there is no report for this initial project site plan submittal. Thank you.

Mrs. Barth – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mrs. Chairwoman. This will need to be denied so that they can proceed to the Board of Zoning Appeals.

Mrs. Barth – I do have one question. Is there an intention to put a car wash on this location?

Mr. Turner – No there is not. They are going to eliminate the car wash and use that space to put in a bigger store.



Mrs. Barth – Are there any questions or comments? Hearing none, I would entertain a motion for Truenorth Shell.

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Site Plan approval of a 4,200 SF gas station for property located at 15635 Royalton Road, PPN 399-02-012 zoned Motorist Service.

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Called

All Nays

DENIED

Mrs. Barth – Your application has been denied because of the variances required and you will be referred to the BZA. The next meeting is November 16<sup>th</sup>. If you will touch base with Carol Oprea. Thank you.

**REFERRALS FROM COUNCIL:**

**ORDINANCE NO. 2016-178**

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.

Mrs. Barth – Mr. Kolick.

Mr. Kolick – Thank you. This Ordinance is before you and we would like to move it with a recommendation one way or the other to City Council. This is the Ordinance relating to the size of buildings in General Business. It would allow it in some General Business areas but not in other General Business areas. Where it would allow it, it would allow it with a Conditional Use Permit. It will put a number of additional conditions on these that we don't currently have in our Code. With that we are looking for a recommendation one way or the other. Thank you.

Mrs. Barth – I would ask Mr. Daymut if he has any comments.

Mr. Daymut – Yes, thank you Mrs. Barth. This has been discussed for quite a while at Council. I did have a PZE meeting on it. I do have my personal druthers about the Ordinance itself as I expressed in Caucus. We have property owners that are marketing their property for a long period of time under the current regulations. They need to have some direction. I would ask the Planning Commission to give a recommendation this evening as Mr. Kolick has requested. At the same time, we are dealing with another Ordinance that hopefully you will get concerning 25% green space. That being said, in all fairness to all the property owners and all the owners of property here in the City of Strongsville, it is important that we move this back to Council. I myself am not in favor of it. Thank you.

Mrs. Barth – Are there any other comments from the members?

Mrs. Barth - ORDINANCE NO. 2016-178. 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.

Mr. McDonald – Move to give favorable consideration.

Mrs. Walker – Second.

Mrs. Barth – Secretary, please call the roll.

Roll Call: All Nays DENIED

Mrs. Barth – Mr. Daymut, you have an unfavorable recommendation to take back to City Council.

Mrs. Barth – I have one very important issue for this Commission. If there is no other business to come before this Commission this evening? Seeing none, we will proceed with our Christmas Party. What are our meeting dates in December?

Mrs. Oprea – December 1<sup>st</sup> and December 15<sup>th</sup> are our meetings.

Mrs. Barth – Is there a preference? How about Square 22 on December 15<sup>th</sup>. Seeing no other business this meeting is adjourned.

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Charlene Barth, Chairwoman

*Carol M. Oprea*   
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Carol M. Oprea, Recording Secretary

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Approved