

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

May 28, 2015

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on ***Thursday, May 28, 2015 at 7:30 p.m.***

Present: Planning Commission Members: Gregory McDonald, Chairman; Mary Jane Walker, Brian David and Thomas Stehman; Mayor Thomas P. Perciak; City Council Representative, Scott Maloney; 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:

BHELWALA INDIAN FOOD: Mrs. Daley stated that this application is for the existing tenant space which is currently Design Surfaces in the Sherwin Williams Plaza on Pearl just north of Lunn. From the City Planner they have ample parking, they have 63 parking spaces on site and that is what is required even with the sit-down and carry-out restaurant going in. No variances are necessary so it is in approvable form. From Engineering there is no report. Mr. Foulkes stated that from the Building Department any of the recycled grease for frying has to be stored totally in the building or you would need an in-ground grease storage unit. Mr. Moscarino stated that they had a 1,000 gallon tank on premise. He stated that he was fine putting one in if he had to. Mr. Foulkes stated that what Mr. Moscarino was talking about was a grease receptor but that he meant a recycled grease container. That has to be stored inside or in the ground, you can't put it in the dumpster. Mr. French stated that from the Fire Department it is in approvable form subject to a formal review of the plans of the hood system. Mr. Kolick stated that the Commission was in a position to act on this matter tonight.

VERIZON WIRELESS: Mrs. Daley stated that this application is on the existing tower that was just in the last meeting, next to the Holiday Inn on Rt. 82. They are swapping out 12 antenna with 12 new antenna and adding an Over Voltage Protection Distribution Box. There will not be any new shelters or anything. From the City Planner it is in approvable form. From Engineering it is in approvable form. Mr. Foulkes stated that from the Building Department it is in approvable form. Mr. French stated that from the Fire Department there is no report. Mr. Kolick stated that the Commission was in a position to act on this matter tonight and that it would then need to go to City Council because it is on City owned property.

CHERRY TREE VILLAGE: Mrs. Daley stated that this application is for site plan approval of a small addition to the Club House at the Cherry Tree Apartments off of Whitney Road by Pearl, across from Lowes. It is located well within the compound.

They have an existing pool and a room and they want to add on about 500 SF building for their fitness facility and then do some decking around the pool, extend the sidewalk there and finish that up. From the City Planner there are no setback issues and the plans are in approvable form. From Engineering, we just had a couple of additional items that we needed to see on the plans. We have talked to the applicant's engineer and they are going to take care of those. Mr. Foulkes stated that from the Building Department the plans are in approvable form. Mr. French stated that from the Fire Department now that they have relocated the management offices over to this and they also have their alarm panel in this building, we would like an exterior lock box on this building so that we can get into it after hours to be able to address the alarm panel in the event of an alarm there. Mr. Kolick stated that the Commission could act on this matter subject to the reports of the Engineering and Fire Departments.

LOVE FARMS SUBDIVISION: Mrs. Daley stated that this application is the piece of land located at the south side of Albion right at the end of Strongsville, Cuyahoga County, right on the border of Lorain County, Marks Road. It is the existing Love Stables that they would like to develop into 23 Single Family Homes, it is zoned R1-100. From the City Planner they do meet all of the minimum lot requirements. Setbacks they have adjusted so they meet all the setbacks that are necessary for the R1-100 zoning. He had no issues with their layout. From Engineering we have a few items that we are still waiting for. Should this be approved today it would be subject to these items that we need, that is their outside agency approvals, Cleveland Water Department, Ohio EPA. Their mailbox plan, if you are planning to put in individuals we will need a letter from the Post Office. You will need a SWPPP binder and also showing the sidewalks on Albion Road. You are only showing them on one side of the street there and we want you to continue that sidewalk down to the County line. Some of the bigger items are the sanitary sewer. Right now their plan shows the sanitary sewer as coming and tying in to an existing 24" trunk main that runs down Marks Road. Again, it would be fed there by gravity, the only issue with that is that is Lorain County's sanitary sewer and under their jurisdiction. The applicant has been working with Lorain County to try and get some sort of agreement to let the sewage go in there. It ends up in Northeast Ohio Regional Sewer District anyway, which is where the sewage goes anyway. Mr. Kolick stated that the other way to do it would be to put a pump station and pump it up. Mrs. Daley stated that if they could not come to any kind of agreement with Lorain County, we do have a sanitary sewer just a couple of lots down to the east that they could get to. It would probably require them to put in a pump station, so they would have the sanitary gravity flow, most likely put a pump station right around here and then pump it into that manhole. There is an option if they can't get anything from Lorain County and that won't change any of the layout of the lots. Two other items; first is the shallow storm sewers, all 23 of these lots are going to require sump pumps unless they are built as slabs, which I don't believe the developer has any intention of putting in slab homes.

We will see sump pumps on all of them. Mayor Perciak stated that the developer understands that there has to be sump pumps and he has no issue with that at all. Mr. Kolick stated that as part of that, I know that they are not in a position to get approved tonight, work on the Covenant and Deeds and make sure, I did not mention this to Nick, they need to put it in the Covenants and Deeds that they have to have backup batteries on those pumps because if the electric goes out we will be getting calls because they will flood. Have them include that in the Covenant and Deeds. Mr. Modic stated that they were in the plans and that they would be put into the Covenant and Deeds. Mr. Kolick stated that putting it into the Covenant and Deeds would make it binding on all the lots. Mrs. Daley stated that the only other item with the storm sewer that is unique to this subdivision is that most of the lots, their connections for the storm sewer are either going to be in the back or on the sides, so those rear yard and side yard storm systems and that is basically because it is so shallow. If they were out front as a typical subdivision they would have numerous conflicts with other utilities as they try to get into these house. So really the only way they could avoid that is to have the rear yard systems and the connections going out that way. Mr. Kolick stated that what that means to us as a City is typically the storm sewers are out front, and if we have to go into this subdivision because there is a blockage or break we would need to get through someone's yard and dig up their rear yard to get to it. Mrs. Daley stated that all the storm sewers are in easements and there is access to the City right-of-way. Mayor Perciak stated that this is not the first time that we are doing something like this. What is good about this and I think, Lori and Ken were very clear to the developer on this also was the retention here and it has been oversized and I really thank you for following Engineering's advice on that. All of the parcels that are left are going to be difficult to develop. All the easy stuff has been developed over the years. A parcel like this adds to our community. Houses like this are a demand in our community. The developer has no problem with complying but we have to figure out the sewer system because as I explained to the developer the last time he was in and on the phone today, when you are done selling these 23 lots, it's ours and we have to have it right. We have to have access to all this because the people are living in the City of Strongsville, not Lorain County. That is why we would still prefer that you would use our sewers with a lift station. I know that there is a cost on this, I don't know how it can be equally divided into the lots and still be profitable for the developer but maybe understanding the situation that is here with the seller and the issues the seller has with the bank, the bank should just be happy to take whatever proceeds they can get and move on. Without the expertise of a seasoned developer I am sure the bank does not want to be in the real estate business. Mr. Modic stated that the developer had already closed on the land. The bank was pushing it into foreclosure so they settled. Mr. Kolick stated that from a timing standpoint it is going to be much quicker to put in a lift station. For us to get with Lorain County, Council has to adopt legislation, Lorain County has to adopt legislation, and it is not an easy thing. Mayor Perciak stated that the developer would lose a whole

season. Mr. Kolick stated that he would lose the whole season by the time this gets through, we haven't even worked out details but to get all the way through Council we have to modify our Codified Ordinances. Like the Mayor said, these people will be calling us even though it goes into Lorain County, we are going to have to go out there and service it. The problem is that if Lorain County is picking up capital utilization charges and they are picking up the user charges and we are servicing it. We have to work out something for the City. That is not going to be an easy thing to do. It took us a year to work with North Royalton to figure how we were going to do things when we partnered with their sewers. Mayor Perciak stated that the message is that we want it right. We have no objections to pulling ahead and working with the developer but we have to have it so that whenever he gets this done, we don't have to worry about it. Mr. Foulkes stated that from the Building Department there is no report. Mr. French asked if there was any island plan for the cul-de-sac? Mr. Modic stated that there was not. Mr. French stated that from the Fire Department the plans were in approvable form. Mr. Kolick stated that the major issue was the sewer with Lorain County. We did ask them as we do always when someone comes in with a smaller subdivision to try to join another existing subdivision because it is easier to keep these things together. They tried, they went to Meadowood which is across the street and they would not accept them in. They went to Westwood Farms which they back up to and they would not accept them in. So we really don't have a choice, they have to form their own Homeowners Association. Their Attorney knows that there are a lot of changes needed in the documents he originally gave me. He says that they intend to make those changes but I have not received them yet. There is no recreation so they will pay the recreation fee with everything. We will need our City Forester to come up with a tree plan for us. He asked Mr. Modic if they would only have post lights on the properties. Mr. Modic stated that was correct. Mr. Kolick stated that the sump pumps would need the battery backup in the Covenant and Deeds. They did conform the setbacks, they redid the setbacks to make them comply. They originally did not comply with what we had. Sidewalks Lori mentioned, mailbox plan, you will just need to get a letter if they are going to use individual mailboxes. They keep trying to push us to stick one box down there to make it easier but let us know what they are doing. There is nothing that we can do with it tonight. We can table it tonight, let them work on those items and get everything to us so that we can get it all ready to go. We want to try to move it but they have some work to do.

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

Roll Call:

Members Present: Mr. McDonald
Mrs. Walker
Mr. David
Mr. Stehman
Mr. Maloney

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.

MOTION TO EXCUSE:

Mrs. Walker - Mr. Chairman.

Mr. McDonald – Mrs. Walker.

Mrs. Walker - I move to excuse Mrs. Barth for just cause.

Mr. David – 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 May 14, 2015. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

BHELWALA INDIAN FOOD/ Christopher Moscarino, Principal

Conditional Use Permit for the proposed Bhelwala Indian Foods sit-down and carry-out Restaurant to utilize 1,800 SF of space for the sale, serving, consumption of food; pursuant to Codified Ordinance Sections 1242.07(b)(2) and 1258.03(a)(3)(A)(6); property located at 15034 Pearl Road, PPN 393-23-005 zoned General Business.

Mr. McDonald – Item Number One, Bhelwala Indian Foods, anyone wishing to speak in favor, please step forward and state your name and address for the record.

Mr. Moscarino – Christopher Moscarino, 5239 Quinten Court, Brunswick, Ohio. We are doing an Indian fast-casual restaurant, featuring Indian street food. The concept is that

it will be set up as a Chipotle model restaurant and we are hoping to do everything fresh each day in the morning.

Mr. Stehman – What is Indian street food?

Mr. Moscarino – A lot of good food from the streets of Bombay. My wife is from India and her family cooks a lot of that food and that is what I fell in love with. It is a lot of wrapped up meats or vegetarian dishes with a lot of flavorful spices.

Mr. McDonald – Thank you, is there anyone else who would like to speak in favor or against? Seeing and hearing none I declare the Public Hearing closed and we will listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, the site complies with the minimum parking requirements. The required number of parking spaces is 63 and they do have 63 spaces. Since no building additions or parking changes are proposed there are no setback or other zoning issues. No variances are required. From Engineering there is no report. Thank you.

Mr. McDonald – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department, the plans are in approvable form subject to indoor or in-ground recycled grease storage and a plan review in accordance with the Ohio Building Code. Thank you.

Mr. McDonald – Mr. French.

Mr. French – Thank you Mr. Chairman. From the Fire Department, the plans are in approvable form pending a formal review of the submitted plans in accordance with the Strongsville and Ohio Fire Codes. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. We can act on this subject to the Building and Fire Department reports this evening. Thank you.

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

Mrs. Walker – Mr. Chairman.

Mr. McDonald – Mrs. Walker.

Mrs. Walker – I move to give favorable consideration for Conditional Use Permit for the proposed Bhelwala Indian Foods sit-down and carry-out Restaurant to utilize 1,800 SF of space for the sale, serving, consumption of food; pursuant to Codified Ordinance Sections 1242.07(b)(2) and 1258.03(a)(3)(A)(6); property located at 15034 Pearl Road, PPN 393-23-005 zoned General Business, subject to the reports of the Building and Fire Departments.

Mr. David – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

NEW APPLICATIONS:

VERIZON WIRELESS/ Kim Needleman, Agent

Determination that the proposed modification does not substantially change the physical dimensions of the tower or base station for the facility located at 15639 Royalton Road, PPN 399-02-005 zoned Public Facility.

Site Plan approval for the replacement of 12 antennas and install 1 OVP Box for the Verizon co-location on an existing telecommunications tower located at 15639 Royalton Road, PPN 399-02-005 zoned Public Facility.

Mr. McDonald – Item Number Two, Verizon Wireless, please step forward and state your name and address for the record.

Ms. Phillips – Christine Phillips with Jacobs, 1137 Myatt Blvd., Madison, Tennessee 37115 representing Verizon Wireless.

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

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, because the equipment is being mounted on the existing tower, there are no setback or other zoning issues associated with this application and approval is recommended. From Engineering there is no report on Item “a” and on Item “b” the plans are in approvable form. Thank you.

Mr. McDonald – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department, there is no report on Item “a” and Item is “b” is approvable subject to a plan review in accordance with the Ohio Building Code. Thank you.

Mr. McDonald – Mr. French.

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

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. If given a favorable approval this would need to be forwarded to City Council since it is on City owned land.

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

Mrs. Walker – Mr. Chairman.

Mr. McDonald – Mrs. Walker.

Mrs. Walker – I move to give favorable consideration for Determination that the proposed modification does not substantially change the physical dimensions of the tower or base station for the facility located at 15639 Royalton Road, PPN 399-02-005 zoned Public Facility.

Mr. David – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Mrs. Walker – Mr. Chairman.

Mr. McDonald – Mrs. Walker.

Mrs. Walker – I move to give favorable consideration for Site Plan approval for the replacement of 12 antennas and install 1 OVP Box for the Verizon co-location on an existing telecommunications tower located at 15639 Royalton Road, PPN 399-02-005 zoned Public Facility.

Mr. David – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

CHERRY TREE VILLAGE/ Gene Stancak, Agent

Site Plan approval of a 566 SF addition to the existing Cherry Tree Village Leasing Center for the fitness room relocation located at 9250 Cherry Tree Drive, PPN 395-20-003 zoned RMF-1.

Mr. McDonald – Item Number Four, Cherry Tree Village, please step forward and state your name and address for the record.

Mr. Stancak – Gene Stancak, 4475 Renaissance Parkway, Warrensville Heights, Ohio 44128. We would like to build a small addition to an existing leasing office at the community of Cherry Tree which is a multiple family community in Strongsville.

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 proposed addition does not impact any of the required setbacks in the RMF-1 District and approval is recommended. From Engineering the plans are in approvable form subject to a few details that we've requested of the applicant's engineer. Thank you.

Mr. McDonald – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department, plans are in approvable form subject to a plan review in accordance with the Ohio Building Code. Thank you.

Mr. McDonald – Mr. French.

Mr. French – Thank you Mr. Chairman. From the Fire Department, we request the installation of an external knox box for emergency access to comply with the Strongsville Fire Code. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. You can act on this matter subject to the reports of the Engineering and Fire Departments as given this evening. Thank you.

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

Mrs. Walker – Mr. Chairman.

Mr. McDonald – Mrs. Walker.

Mrs. Walker – I move to give favorable consideration for Site Plan approval of a 566 SF addition to the existing Cherry Tree Village Leasing Center for the fitness room relocation located at 9250 Cherry Tree Drive, PPN 395-20-003 zoned RMF-1, subject to the Engineering and Fire Department reports.

Mr. David – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

LOVE FARMS SUBDIVISION/ Greg Modic, Agent

Preliminary and Final Subdivision Plan approval for the proposed Love Farms Subdivision, to consist of 23 Single Family Sublots; property located at 22927 Albion Road, PPN's 392-01-001 zoned R1-100. **ARB Favorable Recommendation 5-19-15.*

Mr. McDonald – Item Number Four, Love Farms Subdivision, please step forward and state your name and address for the record.

Mr. Modic – Greg Modic, Don Bohning and Associates, 7979 Hub Parkway, Valley View, Ohio 44125.

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

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, all of the lots conform to the minimum lot area and width requirements as well as the setback requirements. The plat appears to comply with all of the requirements of the Subdivision Regulations and the Zoning Code. From Engineering there are a few items that we are still waiting for; their permits from the outside agencies; the Cleveland Water Department, Ohio EPA. Just to note, the applicant did have a wetlands consultant submit a report stating that there are no wetlands on site so we are okay with that. The sanitary sewer is shown as connecting into the sanitary sewer on Marks Road that is under the jurisdiction of Lorain County. Lorain County will need to approve of the connection and an agreement will need to be drafted between Strongsville and Lorain County. If for some reason Lorain County will not accept the sewage, there is a sanitary sewer located within Strongsville's Municipal boundaries that the applicant could tie into, most likely though that would need to take place with a lift station. Sidewalks will need to be constructed

on Albion Road along the entire frontage of the proposed subdivision. We will need a Mailbox plan or a letter from the Post Office if they are going to do individual mailboxes. SWPPP binder is required. A final review of revised plans. A couple of Notes to Planning Commission: Sump pumps will be required to be installed on all of the proposed sublots. Due to the shallow depth of the storm sewer and conflicts with other utilities, approximately $\frac{3}{4}$ of the lots will have their storm connections tied to the storm sewer system located in the rear or side yard. Thank you.

Mr. McDonald – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mr. Chairman. From the Building Department, there is no report but I would also like to note that on May 19, 2015, the ARB gave this favorable recommendation. Thank you.

Mr. McDonald – Mr. French.

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

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. A decision needs to be made in regard to the sewers going to Lorain County. That would also reflect what would need to be put into your Covenant and Deeds so they sort of go hand in hand. As noted, you can hook into our system the way we have it now. They did attempt to contact both Meadowood and Westwood Farms, which is one of our requirements in our rules and they would not accept them so they'll form their own Homeowners Association. There is no recreation so they will be paying the recreation fee. There is a Tree Plan that you will need to follow, if you get together with our City Forester that can be worked out. I do need to receive those revised Covenants and Deeds. As noted, you will need to include in there that any sump pumps have a battery backup so that these individuals are aware of it when they purchase these particular lots. All we can do at this point tonight, because we have these issues, is table it. We will work with you and we can to expedite things.

Mr. McDonald – Are there any questions or comments? Hearing none, we will table this matter until we get some of these details worked out.

Mr. Modic – Thank you for your time, we will be back shortly.

Mr. McDonald – Is there any other business to come before this Commission this evening? Hearing none, we are adjourned.

Hearing no other business to come before the Commission, the Chairman adjourned the meeting.

Greg McDonald, Chairman

Carol M. Oprea 

Carol M. Oprea, Recording Secretary

Approved