

## STRONGSVILLE PLANNING COMMISSION

### MINUTES OF MEETING

April 26, 2018

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 16099 Foltz Parkway, on **Thursday, April 26, 2018 at 4:50 p.m.**

Present: Planning Commission Members: Gregory McDonald, Chairman; Mary Jane Walker; Brian David; Edward Pfahl and James Kaminski; Mayor Thomas P. Perciak; City Council Representative, Matthew Schonhut; Administration: Assistant Law Director, Daniel Kolick, Assistant City Engineer, Lori Daley, Building Commissioner, Anthony Biondillo.

The following was discussed:

**ORDINANCE 2018-049:** Mr. Kolick stated that this is a lot on Lunn Road which you will see has a house on it but it is zoned General Industrial. Originally this arose because the property owner was having some difficulty getting it financed to sell the home. That has been taken care of, he has a buyer for it that is set and scheduled to close so I think we no longer have that impediment but from a zoning standpoint our City Planner didn't like this at all. We don't like losing General Industrial land over to Residential. We also have this strip zoned General Industrial, so this Residential would be totally surrounded by, if it got to Residential, by the General Industrial zoning. We also don't like starting the precedent of having this General Industrial going over to Residential. This area frankly was the subject of litigation where the Court declared the General Industrial zoning there proper when they asked to have it rezoned to Residential in 2008. So, we have been through this ballgame already with this particular property in 2007-2008 so the recommendation is from the City Planner, to leave it zoned General Industrial as it is. The individual that comes in there can continue to use it as a non-conforming use as Residential, that he sees no reason to switch it over to a Residential use. The good thing is that it looks like the property owner has his problems solved anyway. The recommendation from the City Planner is to vote unfavorably on that particular ordinance. Mayor Perciak asked Mr. Pinney if he had anything to add on this. You are surrounded by General Industrial, do you have a solid deal on this? Mr. Pinney stated that he did not count deals until they close. I am a businessman, I work on deals all day and I see them at the last hour where things happen so, but to answer your question, yes, all signs point to this sale going through early next week. Mr. Schonhut asked when it was supposed to close. Mr. Pinney stated that it was supposed to be tonight but they signed off on an early close for the 3<sup>rd</sup> which is Tuesday. Mr. Schonhut asked if the Court Judgment was binding in any way, what was that? Mr. Kolick stated that from a legal standpoint, yes, the Court Judgment is binding so any time you don't rezone a parcel of property that property owner could always go into Court and say, this is wrong, unconstitutionally takes my property. They would not be able to do that in this particular case because it is what we call res judicata, it has already been decided. So

they would not have that option. Does that mean you can't rezone it? No, as a Council and as a Planning Commission you can still make recommendations but from a legal standpoint if you don't rezone it there is nothing they can do about it because it has already been determined by the Court to be properly zoned as General Industrial. What I am saying is that Court Judgement doesn't mean that if you determine as a legislative body and your recommendation to do it, that it can be done. It just doesn't make sense. You are putting a residential parcel on an island of General Industrial and it just doesn't make sense. Mr. McDonald asked what the width of that parcel that sits between it and the residential. Mr. Kolick stated that it is very thin. Mrs. Daley stated that it is probably a 30 foot strip there and we maintain that for drainage for the football fields. Mr. Kolick stated that this is Volunteer Park now. The idea is when we made these parks, at some point that they become Industrial. These are interim uses but obviously they're long term uses just like that is over here but at least we have the opportunity to convert it to General Industrial and who knows. If American Greetings came in here and said "I want to use this for a building", I bet the park would move real fast. Mayor Perciak asked if the person who bought the property, is that conventional financing? Mr. Pinney stated that it was. Mayor Perciak asked if they had any problem with the zoning as is right now. Mr. Pinney stated that when the first deal fell through . . . Mayor Perciak stated that was a VA deal and he understood that because they are very rigid. Mr. Pinney stated that at that point it was imperative that you fully disclose and we didn't know before it fell through and once it did we disclosed all this information and to answer your question, yes, they are aware of the zoning, they are aware of what it means, Codified Ordinances of Strongsville and they are still fine to purchase. Mayor Perciak stated that our Law Director makes a good point here. We don't want to rezone this if in fact you have a bonafide deal because everything around there is General Industrial and that is why I asked you all the questions at Council and you did get another buyer obviously. If it goes through, let it go through as long as they know the way it is. To go in there now and tinker with it at this stage would truly be a mistake. Now if for some reason that transaction falls through you can contact me or our Law Department and maybe, just maybe we are looking at all of that entire area there. There might be a higher and better use for that. Mr. Schonhut stated that at the end of the day if something goes wrong with Mr. Pinney, Council still has the ability to do what we need to do if need be. Mr. Kolick stated that your recommendation goes to Council. Council is going to be on this for a while yet because they have to get our recommendation at the next Council meeting, they have to set a Public Hearing and that is at least another 30 day period so there will be plenty of time to determine if something would fall through. Mayor Perciak stated that what we are doing here is we are setting a precedent for everything around there and that everything else that shows up around there, we then find ourselves trying to explain our actions here today so if your deal falls through, get ahold of either our Law Department, get ahold of me, get ahold of Matt, it

doesn't matter and then we will go to the next level. Mr. Kolick asked if there were any other questions. Mr. McDonald asked if it was better to table this tonight. Mr. Kolick stated that the recommendation of the administration is to vote on it unfavorably.

**ORDINANCE 2018-050:** This one is over on Prospect Road behind the Kemper House. This is a lot that we removed as part of that subdivision. Sheldon Block had purchased that subdivision and the Kemper House wants to pick up this and expand their use one more lot to the north. The City Planner thought that there is no problem with this and so his recommendation for this is a favorable recommendation on Item 2. Mr. Kaminski asked if they talked to the neighbors yet. Mr. Kolick stated that the subdivision approved it. Those are the people who immediately abut it. It has to go onto the ballot because it is a switch from R1-75 so ultimately it has to go onto the ballot no matter what.

The meeting was called to order at 5:10 PM by the Chairman, Mr. McDonald.

Roll Call:

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

Also Present: Mr. Biondillo, Bldg. Com.  
Mrs. Daley, Asst. Engineer  
Mr. Kolick, Asst. Law Dir.

Carol Oprea, Recording Secy.

### **APPROVAL OF MINUTES**

Mr. McDonald – You have had a chance to review the minutes of April 12, 2018. If there are no additions or corrections they will stand as submitted.

### **REFERRALS FROM COUNCIL:**

### **ORDINANCE NO. 2018-049:**

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 21219 Lunn Road (PPN 393-14-022) in the City of Strongsville From GI (General Industrial) Classification to R1-75 (One Family 75) Classification.

Mr. McDonald – Mr. Kolick.

Mr. Kolick – This is the Ordinance to rezone from General Industrial to R1-75. The recommendation as I stated in Caucus is to give it an unfavorable recommendation or you are going to have an island of R1-75 surrounded by GI and we don't like to lose our General Industrial zoning classified land. The recommendation of the administration is to vote unfavorably.

Mr. McDonald - ORDINANCE NO. 2018-049. 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 21219 Lunn Road (PPN 393-14-022) in the City of Strongsville From GI (General Industrial) Classification to R1-75 (One Family 75) Classification.

Mr. David – Move to give favorable consideration.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Nays DENIED

**ORDINANCE NO. 2018-050:**

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 10750 Prospect Road (PPN 391-16-017) in the City of Strongsville from R1-75 (One Family 75) Classification to SR-1 (Senior Residence) Classification.

Mr. McDonald – Mr. Kolick.

Mr. Kolick – This is the lot to the north of the current Kemper Facility on Prospect on the west side of the road. You will recall that we took this lot out of the subdivision with the approval of the Homeowners Association who would be the neighboring land.

Recommendation of the administration and the City Planner is a positive or favorable recommendation. Ultimately this would go to Council, Council would then need to put it on the Ballot to forward it because it is currently zoned R1-75.

Mr. McDonald - ORDINANCE NO. 2018-050. 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 10750 Prospect Road (PPN 391-16-017) in the City of Strongsville from R1-75 (One Family 75) Classification to SR-1 (Senior Residence) Classification.

Mr. David – Move to give favorable consideration.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald - Any other business to come before this Commission this evening? I have one question, when we have packets are you guys good getting them electronically as opposed to having to go through this process with the City delivering?

The Commission members stated that they would like to receive the information electronically.

Mayor Perciak – The City people all have tablets and until we do that I would rather you have a City Tablet rather than something else. We better wait on that.

Mr. Schonhut – David can add a tablet pretty cheap for everybody. It is really not a large expense and that is why we did it on Council, because we were getting this times 10 every two week. Is that easier or harder?

Mrs. Oprea – Everything is scanned in eventually anyway.

Mayor Perciak – I would rather go with one of our tablets because sometimes if it is going to go through your regular e-mail that can be a problem.

Mr. McDonald – So maybe administratively think about it. It seems that there are ways to improve the efficiency.

Mayor Perciak – Get ahold of David, I am sure we can get them I pads.

Mr. Kolick – If we put it on your personal e-mail and we get a Public Records Request you are going to have to bring your personal e-mails in here to pull that information off. That can be very problematical to go through that even time wise for our staff to go through that. The Mayor is right, once you get a tablet if you limit it to City business we are much better off and then we can just get your tablet that shows that. Even Council will tell you that they get a business e-mail on their personal e-mail we have to pull that in when we get a Public Records Request and go through personal e-mail. We don't want to do that and I am sure you don't want us to do that.

Mr. McDonald – I was confident it was more complex than just saying yes but if there is a way to improve efficiencies and I think we are all pretty good with electronics. I am impressed by the e-mail communication has so it tells me that we are leaning towards if there is a way to make it more efficient. We are adjourned.

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Greg McDonald, Chairman

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

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Approved