

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

April 30, 2020

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on **Thursday, April 30, 2020 at 5:45 p.m.**

Present: Planning Commission Members: Gregory McDonald, Chairman; Mary Jane Walker; Edward Pfahl and Robert Powell; Mayor Thomas P. Perciak; City Council Representative, Matthew Schonhut; Administration: Assistant Law Director, Daniel Kolick, Assistant City Engineer, Lori Daley, Assistant Building Commissioner, Michael Miller, and Fire Department Representative, Randy French.

The following was discussed:

ADAM ZAMBETTI: Mrs. Daley stated that this application is for a Consolidation, Conditional Use and Site Plan for a parking lot expansion and outside patio. This is the commercial building that is on Hunt Road close to West 130th. They want to put in a patio so that they can have wine tastings outside. The two parcels that they are consolidating, one is zoned General Business and one is zoned R-RS. They are putting the patio on the R-RS parcel which is why it is set away from the building. From the City Planner, he has no issues on the Consolidation, Conditional Use or the Site Plan. From Engineering the Consolidation is in approvable form. No report on the Conditional Use and for the Site Plan there is an existing 48" storm sewer that runs on the R-RS parcel. It is an old sewer that has been there for quite some time and there is no easement over it. We did ask the applicant to give us an easement at this time and he has agreed to that. Their patio is not on the easement, it is not over the pipe so we will work with him on getting that easement. Mr. Miller stated that from the Building Department, there is no report on the Consolidation. On the Conditional Use Permit, there are no requirements for vehicle impact bollards because the patio is situated away from the parking area and the Site Plan is in approvable form. We did receive a photo metric layout for the property. Mr. French stated that there was no report on the Consolidation, Conditional Use or Site Plan, they are in approvable form. We just wanted to ask the applicant, does this structure have a basement. Mr. Kolick stated that the Parcel Consolidation is a little different. We normally do not like to have a split zoned parcel. This is probably one of the few times I am going to tell you that it will be permissible to do because the sale of the wine and products is in General Business and the outside drinking which is Restaurant Recreational is in the right zoning. Although I don't normally tell you that you can do it, it makes sense to do it in this particular case. Mr. McDonald asked if it needed to be consolidated. Mr. Kolick stated that the problem is that if you don't consolidate it then you have an accessory use on a parcel without any main use. That is why it has to be consolidated or there will be all types of zoning infringements if you don't, plus side yard infringements and everything else. The only

way you can avoid all those technical zoning compliance issues is to consolidate it. That is why I think in this one particular case it probably makes sense. Maybe the only one I tell you makes sense but it does make sense in this particular case. So, the Parcel Consolidation I really don't see a problem with. I have gone over it in detail with the City Planner. The Conditional Use, the one thing you have to realize with the Conditional Use is it does back up to a parcel coming off West 130th, which is a residential parcel, so you have this business up against this residential parcel. My understanding is the ARB did require screening in the northwest corner of that parcel to protect that but you can impose additional conditions. One of the additional conditions suggested by the City Planner, which is consistent with what they are requesting is that you limit the hours to not later than 7:00 p.m. which they've agreed to do. You certainly don't want it open till 2 or 3 in the morning out there where it is at. That is on that issue, on the Site Plan, if Engineering is okay and Building is okay with the lighting, it needs to be made subject to the receipt of that easement that Engineering was talking about. Mayor Perciak asked if he said 7:00 p.m. or 11:00 p.m.? Mr. Kolick stated 7:00 p.m. was what they said they only wanted to be open until. They said they wanted to be open 11:00 a.m. to 7:00 p.m. Mr. McDonald asked why? Mr. Kolick stated he did not think it was sales, it is a tasting, they use it for tasting and my understanding is that this outside patio so that you go in and buy your wine but they are not selling wine by the glass or something. Hopefully the applicant will be here and you can talk about hours of operation. Mayor Perciak stated that he did not think 7:00 p.m. works. Mr. McDonald stated that 7:00 p.m. was just too early and that 9:00 p.m. would be better. Mr. Kolick stated that the applicant said when he got before the ARB that is what he wanted. Mayor Perciak asked Mr. Zambetti what time he wanted to say open until. Mr. Zambetti replied 7:00 p.m. Mayor Perciak stated that once you lock yourself into a time you are stuck with that. Mr. McDonald suggested that Mr. Zambetti think about it and if you would want to request for 9:00 p.m. or 10:00 p.m. I think we might be amenable to that.

INFINIUM PARKWAY: Mrs. Daley stated that this application is for the subdivision to extend Commerce Parkway and create the new Infinium Way. This did have to go to the BZA because with dedicating that Commerce Parkway which is now just a private drive the Brighten Best parking lot was encroaching within the front setback. They went to the BZA and received their variance so with that the City Planner is good with the subdivision and from Engineering, we are still waiting on a couple of outside approvals. Their Cleveland Water Department approval and their EPA approval, so I know that they have submitted those and are just waiting for comments back. So the approval would have to be contingent on those. Then there are some minor revisions but we are working with the applicant's engineer on those. Mr. Miller stated that from the Building Department there is no report. Mr. French stated that there was no report from the Fire Department. Mr. Kolick stated that you will recall, you had this about a month ago. You

had to turn it down because there was a parking infringement from Brighten Best as noted in the Engineer's report. They now received that and you also granted deviations at a meeting a month ago so we are only left with the subdivision. You can act on it subject to the Engineering report and then it would go from here to City Council as any other subdivision does. This is necessary in order to get this Infinium onto the property since we don't want trucks on Prospect, this is the only way trucks can access the premises by using this road to the west of the building so it certainly makes sense to do.

MARIA GARDENS: Mrs. Daley stated that this application is for a shade structure, an unenclosed structure that is going to be at the front of their parcel just west of their sales area so it looks like it is over top of some of their outside sales areas. From the City Planner, it did need to go to the BZA because this is zoned R1-75 so for an expansion of a nonconforming use and setbacks. It did go to the BZA and got those approvals so he is good with everything. From Engineering is it in approvable form. Mr. Miller state that from the Building Department it is in approvable form. Mr. French stated that from the Fire Department it is in approvable form. Mr. Kolick stated that this is another one that is a little unusual because it is zoned R1-75, although Maria Gardens has been there for over 40 years that I have been with the City and normally you can't allow this type of thing in R1-75 but there was a Court case that goes back some 30 years ago where the Court said as long as they comply with our Ordinances they can do this type of thing. Well, they went to the BZA, they got the necessary variance for it so you are in a position to grant it.

ORDINANCE NO. 2020-065 and 2020-066: We will here these on the floor.

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

Roll Call:

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

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

Carol Brill, Recording Secy.

Mr. McDonald – Is that a new business that is moving into the space?

Mr. Zambetti – It is existing, it is a business now, it will be a split business. My wife owns a small retail craft shop in there as well.

Mr. McDonald – You are branching out into the wine making then. All the wine that you are going to be selling is wine you will be making on site?

Mr. Zambetti – It will be, right now we are cellaring there but eventually we will be making the wine on site.

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 parcel consolidation is in approvable form. The Conditional Use Permit is approvable subject to the hours of operation being limited to what the Planning Commission agrees to with the applicant. The Site Plan is in approvable form. From Engineering the Lot Consolidation is in approvable form. No report on the Conditional Use Permit and the Site Plan is in approvable form, just to note, as we discussed in Caucus, we will be requiring an easement over the existing storm sewer that is located on PPN 399-33-022 and we have been working with the applicant on that and he is agreeable. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

Mr. Miller – Thank you Mr. Chairman. From the Building Department, there is no report on the Parcel Consolidation. The Conditional Use Permit, is in approvable form and the Site Plan is in approvable form. Thank you.

Mr. McDonald – Mr. French.

Mr. French – Thank you Mr. Chairman. From the Fire Department, there is no report on Items 1a, 1b or 1c. Thank you.

Mr. McDonald – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. The Parcel Consolidation is approvable form, although it is split zoning but it is the only way this project can go forward is if it is consolidated because if they were left as separate parcels it wouldn't meet the setbacks, you would have an accessory building without a main building on the Restaurant Recreation parcel. So the only way this can go forward is if you consolidate

the parcels. On the Conditional Use, since it does back up to a residential use, I know ARB took some look at some screening at that northwest corner to screen it from the residential area. Again, you have the authority under the code, under 1242.07(b)(11) to impose any conditions you want, including hours of operation as set out in Section (b)(8) so that is something you should look at since it will be an outside use. Maybe for the applicant are there any speakers or music or anything out here? I know there is going to be lights out there, correct?

Mr. Zambetti – There will be lights and just small speakers.

Mr. Kolick – Well we always are concerned with outside speakers, we ask you to be cognizant of the fact that you have neighbors around there, particularly with hours of operation and I know we asked you when you came in, do you have any thought on how late you would be operating out of there?

Mr. Zambetti – In light of earlier discussions, I would like to propose to be open till 10:00 p.m.

Mr. McDonald – Understand that is just the bracket we are going to put around the operation. So it doesn't mean you have to be open that late but you can't be open later than that.

Mr. Zambetti – Yes, excellent.

Mr. Kolick – On the site plan itself, it just needs to be made subject to an easement for the storm sewer as noted in the Engineering Report as read this evening.

Mr. McDonald – And you want the subject to the hours of operation on the Conditional Use Permit?

Mr. Kolick – That would be on Item b, correct, no later than 10:00 p.m.

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

Mr. Pfahl – Mr. Chairman.

Mr. McDonald – Mr. Pfahl.

Mr. Pfahl – I move to give favorable consideration for Parcel Consolidation of PPN's 399-33-020 and 022 for property located at 19583 Hunt Road zoned General Business and Restaurant Recreational Services.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

Mr. Pfahl – Mr. Chairman.

Mr. McDonald – Mr. Pfahl.

Mr. Pfahl – I move to give favorable consideration for Conditional Use Permit pursuant to C. O. Sections 1258.06(a)(1) and 1242.07(b) to allow Carso Rosso Winery to utilize approximately 50 SF as an outdoor patio with a maximum seating of 20 for property located at 19583 Hunt Road, PPN 399-33-022 and 022 zoned Restaurant Recreational Services.

Mr. Kolick – Mr. Chairman the first parcel should be 020 and the second parcel should be 022.

Mr. Schonhut – Quick question, is the square footage correct on that? Fifty square feet.

Mr. Kolick – Engineering I guess is the person to ask, between Engineering and Building.

Mr. McDonald – It is marked on the plans as 25 x 25 so it would be a little bit more than 50 square feet. That zero was left off.

Mr. Kolick – You just need to correct the motion then. How many square feet are we talking Lori?

Ms. Daley – The patio is 625 square feet.

Mayor Perciak – Thank you Mr. Schonhut.

Mr. Schonhut – I started thinking 20 people sitting on a 50 square foot patio is not going to allow people to social distance that well.

Mr. McDonald – So the motion is amended to correct the square footage and the parcel number.

Mrs. Walker – Second.

the existing parking on the Brighten Best International property. That variance was granted by the BZA and with that approval is recommended. From Engineering the plans are in approvable form subject to the applicant receiving their outside agency approvals namely; Cleveland Water and the Ohio EPA for water and sanitary. There are some minor revisions that we are working through with the applicant's engineer. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

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

Mr. McDonald – 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. You recall that this is a requirement that this Planning Commission put on the applicant in order for the Infinium project to go forward and so that we have some way of having trucks reach that project without going down Prospect Road. So they are back here now for that approval. They received their BZA Variance that was granted. At the last meeting, where you considered this, you already granted the deviations. If it goes forward and you approve it just needs to be made subject to the Engineering Report. For the applicant, if this is approved there is title work and items that you need to get into place and an escrow agreement so you understand. I know that Infinium wants to get moving with this project, I would just have you keep in touch with them so that things can keep moving for yourself. Thank you.

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

Mr. Pfahl – Mr. Chairman.

Mr. McDonald – Mr. Pfahl.

Mr. Pfahl – I move to give favorable consideration for Subdivision of PPN's 394-05-004 and 394-03-012 located on Infinium Parkway and Commerce Parkway and Prospect Road, zoned General Industrial subject to the Engineering Report as discussed this evening.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

MARIA GARDENS/ Tom Kaminski, Agent

Site Plan approval for a 4,096 SF shade structure for Maria Gardens, property located at 20465 Royalton Road, PPN 393-15-001 and 393-16-001 zoned R1-75. **BZA Variances Granted 3-25-20. ARB Favorable Recommendation 4-21-20.*

Mr. McDonald – Item Number Three, Maria Gardens, there is no representative present. We will now listen to the Administrative Reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, the subject site is zoned R1-75. The existing garden center is a legal nonconforming use in the district. The applicant obtained approval from the BZA for expansion of the nonconforming use and for the proposed setbacks. Given those approvals there are no other zoning issues associated with this request and approval is recommended. From Engineering the plans are in approvable form. Thank you.

Mr. McDonald – Thank you, Mr. Miller.

Mr. Miller – Thank you Mr. Chairman. From the Building Department, the plans are in approvable form. 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. This is basically a roof over the area, it is an open structure, just puts a roof open from the existing showroom basically to where the current shade structure is to the west of the building and it sort of connects the two of them. That is all it is, its not even four walls on it, it is just a roof above it with posts going down to give shade to the materials for sale. All the departments are okay with it and I don't see any reason why you can't go forward with it, there aren't any issues that I am aware of.

Mayor Perciak – This abuts up to the Sterling Point in the rear and none of those people are objecting to any of this.

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

Mr. Pfahl – Mr. Chairman.

Mr. McDonald – Mr. Pfahl.

Mr. Pfahl – I move to give favorable consideration for Site Plan approval for a 4,096 SF shade structure for Maria Gardens, property located at 20465 Royalton Road, PPN 393-15-001 and 393-16-001 zoned R1-75.

Mrs. Walker – Second.

Mr. McDonald – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

REFERRALS FROM COUNCIL:

ORDINANCE NO. 2020-065

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 21600 ROYALTON ROAD, IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION (PPN 392-14-003), AND DECLARING AN EMERGENCY.

Mr. McDonald – Mr. Kolick.

Mr. Kolick – This is an Ordinance over on Royalton Road which is west of the current Vitalia where they have asked to extend that zoning to Senior Residents and it will add a chunk to their current facility. They'll have individual, independent living on that parcel and that is why the change from General Industrial to Senior Residence.

Mr. Schonhut – They are already underway on the initial portion of this first project. This is just a tiny little square. The one residential piece that is kind of sandwiched in there and makes pretty good sense to connect to the rest of the project.

Mr. McDonald – So this is this block on the drawing marked #3?

Mr. Kolick – Yes it is that little block in the drawing so that they can connect the Senior Residence directly onto Royalton Road.

Mr. McDonald - ORDINANCE NO. 2020-065. 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 21600 ROYALTON ROAD, IN THE CITY OF STRONGSVILLE FROM GI (GENERAL INDUSTRIAL) CLASSIFICATION TO SR-1 (SENIOR RESIDENCE) CLASSIFICATION (PPN 392-14-003), AND DECLARING AN EMERGENCY.

Mr. Pfahl – Move to give favorable consideration.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

ORDINANCE NO. 2020-066

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 ROYALTON ROAD AND WEBSTER ROAD, IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION (PART OF PPN 398-28-007); AND FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO LB (LOCAL BUSINESS) CLASSIFICATION (PART OF PPN 398-28-009), AND DECLARING AN EMERGENCY.

Mr. McDonald – Mr. Kolick.

Mr. Kolick – This Ordinance involves the parcel over on Webster and Route 82 where the Giant Eagle was originally going into or the Get Go I should say was going into where we considered it before. They had an agreement worked out with the Park District to take certain lands from there. They were moving the caretaker from one area to another. All that rezoning was approved both here and through City Council and through the vote and everything went through and as you know the Get Go never went forward. What this does is takes the lot and now consolidates it consistent with what the rezoning was done on the property so that they can go forward with at least with the parcel going over to the Metropolitan Park District. So all you are doing is approving lot splits and consolidations and making it consistent with the zoning so that the first step in this can occur; namely, that it can be transferred to the Park District, that area that was rezoned already.

Mr. McDonald – I am confused, this says I want to rezone from Public Facility to R1-75.

Mr. Kolick – Correct, there is one area I think it is on Webster that is currently Public Facility and they want it to change to R1-75. The one where you see the 3 on there, that is the only lot going to R1-75. The Local Business is the adjoining lot on Royalton Road itself which from the City Planner makes sense because it is going to enlarge that lot to be able to do something with it because it will be large enough to have some local business go on it by adding that section out of PF into Local Business.

Mr. McDonald – And that is that entire block 9?

Mr. Kolick – Part of it.

Mr. McDonald – Just the lower part? Even with the lot lines for the Local Business and Motorist Services?

Mr. Kolick – Correct, close to them.

Mayor Perciak – This firms things up for the Park and that is a good thing.

Mr. McDonald – That makes sense, I thought we were doing this whole thing R1-75.

Mr. Schonhut – It was a confusing rezoning from the start, it was very complicated but it is a big win to have a very big portion of that end up in the hands of the Metro Parks.

Mr. Kolick – It doesn't quite go as far north as the existing lots but it covers most of it.

Mr. McDonald - ORDINANCE NO. 2020-066. 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 ROYALTON ROAD AND WEBSTER ROAD, IN THE CITY OF STRONGSVILLE FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO R1-75 (ONE FAMILY 75) CLASSIFICATION (PART OF PPN 398-28-007); AND FROM PF (PUBLIC FACILITIES) CLASSIFICATION TO LB (LOCAL BUSINESS) CLASSIFICATION (PART OF PPN 398-28-009), AND DECLARING AN EMERGENCY.

Mr. Pfahl – Move to give favorable consideration.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald – Mr. Schonhut, you have a favorable recommendation to take back to City Council.

Mr. McDonald - Any other business to come before this Commission this evening? Seeing none, we are adjourned.

Greg McDonald, Chairman

Carol M. Brill

Carol M. , Recording Secretary

Approved