

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

September 7, 2017

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on **Thursday, September 7, 2017 at 7:45 p.m.**

Present: Planning Commission Members: Gregory McDonald, Chairman; Mary Jane Walker; Brian David; Edward Pfahl and Jim Kaminski; Mayor Thomas P. Perciak; City Council Representative, Michael Daymut; Administration: Assistant Law Director, Daniel Kolick, Assistant City Engineer, Lori Daley, Building Commissioner, Tony Biondillo, and Fire Department Representative, Randy French.

The following was discussed:

VERIZON WIRELESS: Mrs. Daley stated that this application is to swap out some antennas on the existing tower on the top of the hill at Boston and Pearl. From the City Planner there were no issues and there are no problems from Engineering. Mr. Biondillo stated that it is in approvable form. Mr. French stated that there was no report from Fire. Mr. Kolick stated that the Commission could act on this matter.

ORDINANCE NO. 2017-122: Mr. Daymut stated this was on the Agenda and this is the change of zoning where the old Fifth Third bank is on Pearl Road next to Ganley now. Pete Bauer would like to change this from General Business to Motorist Service. It is considered a better avenue that we move on to Ordinance 2017-140.

ORDINANCE NO. 2017-139: Mr. Daymut stated that this has to do with changing our Codified Ordinances addressing the medical marijuana issues that are in front of the State right now. It really hasn't had results at this particular time but there is a consensus of Council and I can speak for all them and the administration that this is something that we would rather not have in the City of Strongsville and this would accomplish that. Mayor Perciak stated that they came in and made their presentation. You would think that when they say medical marijuana that they would bring out the guys with the Phd's. They bring out the salesmen. They went into great detail as to how they are going to do this and they are going to do that. They went into great detail as to how they are going to build this building with poured concrete and steel rods and its all nice but all it is is racks and racks of marijuana growing in what I would call a very safe greenhouse effect. Go to any greenhouse you want and look at the type of employee that is there. That would come here, then the additional amount of traffic that would bring into our town. We can go ahead and have the Attorney General here every day of the week like we did this past week, handing out grant money to help us with all of these opioids and everything else and we would be growing stuff right in our own backyard. Had it been strictly presented as medical use, as they say and would have convinced us that that in fact was the case, I think we would all have taken a different

approach. I was not convinced and until we can be convinced, and they told us other municipalities want it and I said that they should be our guest. I ran the numbers of the salaries, the people they would be bringing in and it wasn't worth our time nor was it worth the risk. Mr. McDonald asked if this Ordinance prohibits the manufacturing, growing and distribution of it? Mr. Kolick stated that cultivating is not permitted, the processing of it is not permitted, the retail sale of it is not permitted. You can get it outside and we can't prohibit it from coming in but we can prohibit it from being sold here, grown here or processed here. Mayor Perciak stated that the real issue is, you think that this is going to be a doctor writes a prescription, you go into a Rite Aid or a Walgreens or CVS and they are going to fill the script. No, absolutely not and the bigger problem is, with my banking background, the Feds have still not lifted the restrictions as to accepting these deposits for your bank whether it be for FICA payments, IRS payments or however else so I don't even know how they would handle their business affairs effectively, even though the State has approved it. The banks in the State of Ohio, the majority of them are all FDIC insured and follow the Federal Guidelines. Mr. David asked if the Ohio Revised Code was not adequate for us? Mayor Perciak stated that to our liking no it wasn't. Mr. Kolick stated that we could do this under our home rule powers as well as what the State did so we made sure that we covered it under both ways. Who knows what this thing is going to do. At some point the State may try to say, no so we had to do it both ways. Mayor Perciak stated that eventually if this passes Nationwide and the Feds pass it, the Fed Law will preempt us and I don't know when that will all happen, a lot of people with a lot of money are behind this thing. I am sure billions in anticipation of what this is all about. For us to invite it at this time, for us to be a leader in this effort would be a mistake. Eventually we could follow if we have to.

ORDINANCE NO. 2017-140: Mr. Daymut stated that this would allow the use of this for vehicles and display and storage in the General Business District. It seems to be a little cleaner way to do this rather than changing the zoning. Mayor Perciak stated that it restricts it because had we honored their request for Motorist Service, everybody that has ever been back there, the body shop is in horrible condition. The service bays are far too small for the number of cars that they are selling now. Eventually if we zoned this Motorist Service they could have just come to us, submitted plans and do a combination body shop and service and what would we have done? That was my fear so I consulted with Dan on it. Mr. Kolick stated that we came up with this because with the Conditional Use you will have control over it and this does not permit those other types of uses. It only permits the storage and display of vehicles that they are using it for now. Their intention from what we understand is to knock down the building and just put their cars there for sale. Mr. Kaminski asked if they were just going to clear the building out? Mayor Perciak stated that this was a cute situation, the Dallad Group which was controlled by Pete and his niece's husband and Brosky from Brecksville they

owned that building in partnership. Fifth Third sold that building to them and Fifth Third was paying them rent for 10 years. When Fifth Third moved up the street, Ganley said that they were are going to move their leasing and all of our financing arm and put it in that building. That was what it was designed for, and at the last minute they changed their mind. I thought, well you say you are going to do one thing and you do another thing. We will have no control and as Dan can tell you the Ganley family is in transition. Tom died and his younger son appears to be running the business. Until this is straightened out I think that is the best way to handle this. Mr. Kolick stated that the recommendation would be to give it an unfavorable recommendation on number 2 and turn it down and give a favorable recommendation on Item 4.

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

Roll Call:

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

Also Present: Mr. Biondillo, Bldg. Com.
Mrs. Daley, Asst. Engineer
Mr. Kolick, Asst. Law Dir.
Mr. French, Fire Dept. Rep,
Carol Oprea, Recording Secy.

APPROVAL OF MINUTES

Mr. McDonald – You have had a chance to review the minutes of August 24, 2017. If there are no additions or corrections they will stand as submitted.

NEW APPLICATIONS:

VERIZON WIRELESS/ Ryan Johnson, Agent

a) Determination that the proposed modification does not substantially change the physical dimensions of the tower or base station for the facility located at 19691 Pearl Road PPN 397-26-001 zoned General Business.

b) Site Plan approval to replace and remount the existing antennas and update the accessory equipment behind the mounts on the existing telecommunications tower located at 19691 Pearl Road PPN 397-26-001 zoned General Business.

Mr. McDonald – Item Number 1, Verizon Wireless, please step forward and state your name and address for the record.

Mr. Styles – Jessie Styles with Stretigis representing Verizon, 2530 Superior Avenue, Suite 303, Cleveland, Ohio 44114

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

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, since everything is taking place on the existing tower there are no zoning setback issues associated with this request and approval is recommended. From Engineering there is no report on Item “a” and on Item “b” is in approvable form. Thank you.

Mr. McDonald – Thank you, Mr. Biondillo.

Mr. Biondillo – 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. You are in a position to act on it this evening. Thank you.

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

Mr. David – Mr. Chairman.

Mr. McDonald – Mr. David.

Mr. David – I move to give favorable consideration for the Determination that the proposed modification does not substantially change the physical dimensions of the tower or base station for the facility located at 19691 Pearl Road PPN 397-26-001 zoned General Business.

Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain property located 14092 Pearl Road, in the City of Strongsville from GB (General Business) Classification to MS (Motorist Service) Classification (PPN 393-18-014), and Declaring an Emergency

Mr. David – Move to give favorable consideration for Ordinance 2017-122.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Nays DENIED

ORDINANCE NO. 2017- 139

An Ordinance Enacting a New Chapter 840 “MEDICAL MARIJUANA” of Title Two of Part Eight-Business Regulations and Taxation Code of the Codified Ordinances of the City of Strongsville; Amending Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code, to establish a New Section 1242.14 concerning the Regulations of Medical Marijuana in the City of Strongsville and Declaring an Emergency.

Mr. McDonald – Mr. Daymut.

Mr. Daymut – Ordinance 2017-139. This is the desire and I can speak for all City Council here and the administration, as we are approaching the deadlines for the distribution of Medical Marijuana that was approved in Columbus and not quite defined yet. We think that it is in the best interest of the City of Strongsville not to only not allow the growth of Marijuana here but also not to allow the distribution on a retail basis. I would ask that we approve this ordinance.

Mr. McDonald - ORDINANCE NO. 2017-139. An Ordinance Enacting a New Chapter 840 “MEDICAL MARIJUANA” of Title Two of Part Eight-Business Regulations and Taxation Code of the Codified Ordinances of the City of Strongsville; Amending Chapter 1242 of Title Six of Part Twelve-Planning and Zoning Code, to establish a New Section 1242.14 concerning the Regulations of Medical Marijuana in the City of Strongsville and Declaring an Emergency.

Mr. David – Move to give favorable consideration for Ordinance 2017-139.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

ORDINANCE NO 2017 - 140

An Ordinance Amending Section 1258.03 of Title Six of part Twelve-Planning and Zoning Coe of the Codified Ordinances of the City of Strongsville in order to Establish Regulations for the Storage, display and Sale of Vehicles in a General Business District, and Declaring an Emergency.

Mr. McDonald - ORDINANCE NO. 2017-140. An Ordinance Amending Section 1258.03 of Title Six of part Twelve-Planning and Zoning Coe of the Codified Ordinances of the City of Strongsville in order to Establish Regulations for the Storage, display and Sale of Vehicles in a General Business District, and Declaring an Emergency.

Mr. David – Move to give favorable consideration for Ordinance 2017-140.

Mrs. Walker – Second.

Mr. McDonald – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald – Mr. Daymut, 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. Oprea _____
Carol M. Oprea, Recording Secretary

Approved