

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

February 11, 2016

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on **Thursday, February 22, 2016 at 7:30 p.m.**

Present: Planning Commission Members: Charlene Barth, Chairwoman, Gregory McDonald, Mary Jane Walker, 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:

THE RAIL: Mrs. Daley stated that this application is for The Rail, this is a Conditional Use for a restaurant and outdoor seating at the old Giant Eagle building. They have the patio with the garage doors that we saw at the last meeting and an outside patio as well. The City Planner is okay with all of the parking requirements and from Engineering there is no report. Mr. Foulkes stated that there needs to be storage of recycled grease in the building or in-ground and the patio must have bollards. Mr. French stated that there was no report. Mr. Kolick stated that any approval should be made subject to the Building Department report. Mr. McDonald asked if there were two outside eating areas. Mr. Kolick stated that this one section just has 2 tables and then there is what they are calling a lounge with a fire pit. Mrs. Barth stated that it was just like the B-Spot.

HIGH POINT SFD & CD: Mrs. Daley stated that this application is for the 3 clusters going in on the south side of Drake Road. This house has since been razed to the west of Saratoga. They are going to join the High Point Subdivision. They are basically going to mimic the clusters that are already there to the west. It is going to have just one drive come in off Drake and then split out to the 3 different cluster units and they will share the drive. Their overall plan did go to the BZA, since our code change with density, they were exceeding that so they went to the BZA and got the variance with that so we are okay on the overall development plan. With the plans, George is okay with the subdivision plans and the tax split map. Just to point out, the setback, side setbacks on the east is showing 15 feet where 35 feet is required, that is up against the single family residence and on the west they are showing 5 feet where 15 feet is required. This is open space. Planning Commission has the right to approve those modifications. Mrs. Barth asked if the residents know that. Mr. Kolick stated that at the BZA meeting they told them to make sure that those people did know. Mrs. Barth asked Mr. Puzzitiello if the residents were notified. Mr. Puzzitiello stated that he had a phone call in to Kovach on the left side and she works nights so we have a meeting next Wednesday at 1:30 p.m. to review all the improvement plans, as far as, I have to rip up

their apron, I have to put a concrete apron in there. The sewer is coming across her front yard and we have to pick it up down there at the corner at the intersection of Saratoga so I have to bring it in front of her property all the way to get to these three properties plus to give you the availability to service the other side of the street. Mr. Kolick asked if she was aware that there was a 15 foot. Mr. Puzzitiello stated that he did not know. Mrs. Barth asked if that was the back of her house. Mrs. Daley stated that it was the side of the house. This is the piece that they are developing and this is her house. It is the garage side. Mr. McDonald asked why BZA did not handle this at the time that they looked at the rest of it. Mr. Kolick stated that they don't on clusters because you have the ability to look at the setbacks. If it was not a cluster you would not have that ability. Mr. Puzzitiello stated that his house is set back 100 foot, this is the front setback line here, another 15 foot for the driveway or 20 foot. You can see the side of her garage will be up against the side. Mr. McDonald asked what the setback normally was, you can't build on that lot if it was 35 could you? Mr. Kolick stated that they would not be able to put in three lots. Mrs. Daley stated that from Engineering it was in approvable form but that on Item "b" subject to the EPA approval and Cleveland Water Department. Mr. Puzzitiello asked if they were okay with the water line. Mrs. Daley stated that it was up to the Water Department, if they allow it then that is fine. Mr. Foulkes stated there was no report from Building. Mr. French stated that there was no report from Fire. Mr. Kolick stated that he was still waiting for the signed Covenant and Deeds that add this into the overall and they had to make one change, they are creating a new association just so that these three homes here will have their separate association. Mrs. Barth asked why they were doing that. Mr. Kolick stated that they were new and different then all the other ones. They are in the overall and just like any other cluster, what will you adjoin them to? Mr. McDonald stated that the common fees would be for those three clusters, landscaping, snow plowing etc. Mrs. Barth asked if there was any common land there. Mr. Puzzitiello stated that there was no common land but the section from this line all the way out to the curb is what is called the common easement area that is in the Covenant and Deed Restrictions. So this property will be the responsibility of all three units to share, the Association will maintain it. These three will share all this maintenance which includes this little area of retention. Mr. McDonald asked if it was dry. Mr. Puzzitiello stated that it was dry. The individual unit owners will be responsible even though their property pin comes to here, that is their property, this is their property and this is their property. This is common maintenance and of course it will take care of the units too. So this guy is not responsible for this, all three of them share in this (indicating on the plat). Mrs. Barth asked how the cutting would be shared. Mr. Puzzitiello stated that it would be one cost but all three would share the cost. Mr. Kolick stated that one landscaper would come in and charge to do that and they would divide the cost. Mrs. Walker stated that she could see real problems with 3 houses agreeing on maintenance. Mrs. Barth asked why they could not have picked this up in High Point. Mr. Puzzitiello stated that this is part of

High Point and they are going to pay their \$300.00 or \$400.00 to High Point HOA for the use of the pool and the entrance ways. High Point does not have any villa per se. These people that live in the community of the villas pay for their own HOA. I project that these costs will probably be around \$150.00 a month. My other villa communities are \$100.00 or \$120.00 per month. Mrs. Walker said that if they need new driveways it's just for those 3 people. If they need new roofs it is just for those 3. Mr. Puzzitiello stated that the roofs are their own responsibility, it is not a HOA expense. Everything behind this line back, they are responsible for their own houses. The common maintenance of the grass and everything, there is a lot of grass we are going to have to mow back here but it is going to be mowed by the HOA as opposed to by them individually. The whole site will be maintained by the HOA and even the front section. Mrs. Barth stated that the HOA was just those 3 homes. Mr. Puzzitiello stated that was correct. If this "T" driveway ever has to be replaced it is a common expense. This driveway can't be the responsibility of this guy, it has to be all three. This section here has to be all three. This piece here is the individual homeowner's responsibility. If you have to replace, you have to replace but that "T" area has to be all three not just one. Mrs. Barth stated that nobody was going to understand that when they purchase. Mr. McDonald stated that they would have to understand that just like any other cluster association that they are paying twice. They are going to pay to the master association and they are going to pay to the cluster association. Mr. Puzzitiello stated in Monticello they pay about \$125.00 to \$135.00 a month within High Point and that was the last one we brought here about 8 years ago. They pay about \$135.00 or \$140.00 plus they pay the \$370.00 or \$400.00 to the pool, the master. Mr. Kolick stated that you really can't, on the other side, with the fairness to these people, join them to another association that is 8 years old where they are going to have to be replacing asphalt and driveways and all that and say, you are going to have to pay for that too. That assessment is not really correct for landscaping on something that has been there 8 or 10 or 20 years. Mrs. Barth stated that there will be people that move in there and have no idea that this is part of the HOA. Mr. Kolick stated that if they move in and see a common driveway, I don't know how they would figure that is going to be one person's expense. Mr. Puzzitiello stated that the last page as part of the Covenant and Deed Restrictions, the homeowner is going to get this booklet that is going to show what the Covenant and Deed Restrictions are. On the last page is a diagram that shows them, private driveways, common easement area, public sidewalk and where they can put their electric fences for their dogs. They can't put it in the front yard. If they read the definition of the common easement area, they will know it is to be borne by all 3 of them plus the entire site, it is not like this guy is only responsible for this mowing, this guy is responsible for this driveway. Everyone shares in this expense if anything needs to be done here. These guys are not allowed to plant anything extra here unless everyone agrees. Mr. McDonald stated that he felt that it was a good job laying it out, there should be no question if somebody reads the documents but therein lies the problem. I

have had people come into Chandler Commons and say that they want to opt out of the Homeowners Association. Mr. Puzzitiello stated that he makes sure that they show them this because it is part of the sale, they need to understand and we also charge a \$500.00 initiation fee into the HOA so when they move in, every time that someone moves in or out of that house another \$500.00 gets charged. Mr. McDonald asked if that money goes into the treasury. Mr. Puzzitiello stated that it does go into the treasury for long term repairs or whatever. Mr. Kolick stated that his only concern originally was that if this was a wet basin or was going to cost a lot of money to maintain, to stick that on 3 people was going to be bad but Lori confirmed that this is going to be a dry basin so basically you are just going to be cutting it. They don't have to get in there to dredge it or anything else. Mr. Puzzitiello stated that these are slab houses so it is not like any basements are going to be any risk of backup in the houses with the storm sewer. Mr. Kolick stated that he did not know if there was any other alternative. It is not ideal but given the other alternative, you can't put them into Monticello, it is 8 years old. Make them go into that cluster association does not make sense. Mr. McDonald stated that the new homeowners are going to know when they buy it that is not the problem, it is the next one that comes along. Mr. Kolick stated that any approval should be made subject on "b" to the receipt for the final documents, they have to make one change to. It needs to be made subject to Engineering and Law. The modification on the recreation plan just be aware of what you are doing there, they are adding to the seats around the pool that is what you are approving.

LECHLER/MASON/SEDOR/BAKATA: Mrs. Daley stated that this application is for a lot split and consolidation on Cedar Creek. This existing house here on Prospect currently has a bowling alley lot and they are going to split off the back roughly 2.3 acres and attach each piece to the existing sublots that are on Cedar Creek with the exception of the common area where the detention basin is. The last lot, subplot 8 is going to be an odd shape but it was odd shaped to begin with. They are just going to have a "T" on there. Mrs. Barth asked if this was all being added to this. Mrs. Daley stated yes. Mrs. Barth asked what was there now. Mr. Kolick stated that it was a vacant lot. Mrs. Daley stated that the lot right now goes all the way back. Mr. Kolick stated it was a long bowling alley lot off Prospect. Mrs. Daley stated that they were going to split this off and give pieces to these four property owners and then maintain the house and garage on their lot on Prospect. Mr. McDonald asked why they were doing that. Mr. Kolick stated to get more land, they were extending the back of their lots. Mrs. Daley stated that it meets all of the code requirements and that it is in approvable form. Mr. Foulkes stated that from Building there was no report. Mr. French stated that from Fire there was no report. Mr. Kolick stated that he received the Covenant and Deeds adding it into the association so we are set.

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

Roll Call:

Members Present: Mrs. Barth
Mrs. Walker
Mr. McDonald
Mr. Daymut

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:

Mr. McDonald - Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald - I move to excuse Mr. Stehman, Mr. David and Mayor Perciak for just cause.

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 January 28, 2016. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

THE RAIL/ Michael Mariola, Agent

a) Conditional Use Permit pursuant to Codified Ordinance Sections 1242.07 and 1258.03(a)(3)(A)(6) to allow The Rail to utilize approximately 1,850 SF of space in an approved, designated area for interior eating and having a **maximum seating capacity of 113 seats** and approximately 969 SF of space in an approved, designated area for a covered patio **with a maximum seating capacity of 56 seats** for property located at The Commons at Southpark, PPN 396-20-005 zoned Shopping Center.

b) Conditional Use Permit pursuant to C. O. Sections 1242.07(b) and 1258.03(a)(3)(A)(7) to utilize approximately 233 SF as an outdoor patio **with a maximum seating of 4 seats** and 505 SF as an outdoor lounge **with maximum seating of 32 seats** for property located at The Commons at Southpark, PPN 396-20-005 zoned Shopping Center.

Mrs. Barth – Item Number One, The Rail, anyone wishing to speak in favor, please step forward and state your name and address for the record.

Mr. Mariola – Michael Mariola, 1800 E. Moreland Road, Wooster, Ohio 44691, I am here on behalf of The Rail.

Mrs. Barth – 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 Mrs. Chairwoman. From the City Planner, the Commons at Southpark complies with the parking requirements for the Shopping Center District and approval is recommended. From Engineering there is no report. Thank you.

Mrs. Barth – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mrs. Chairwoman. From the Building Department, the plans are approvable subject to all recyclable cooking oil being stored within the building or in the ground and also a bollard protection for the outside patio. 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. Both “a” would need to be made subject to the Building Department and “b” would need to be made subject to the Building Department as well. Thank you.

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

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

c) Modification to the Approval of the Revised Recreation Plan for the High Point Homeowner's Association.

d) Tax Split Map for High Point, Phase 12, consisting of 3 Cluster Units into the existing High Point SFD & CD Subdivision, PPN 397-19-004 zoned R1-75.

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

Mr. Puzzitiello – Rick Puzzitiello, 18962 Westfield Lane, Strongsville, 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, on Item "a", the applicant did obtain the required variance for the overall density. On Item "b", the subdivision plan indicates a side yard setback on the east side of 15 feet where 35 feet is required by Code and on the west side 5 feet where 15 feet is required by Code, therefore approval of the subdivision plat will need to be accompanied by the approval of a revised side yard setback from 35 feet to 15 feet for subplot 1 and from 15 feet to 5 feet for subplot 3. Item "c" is in approvable form and Item "d" is in approvable form. From Engineering Item "a" is in approvable form. Item "b" is approvable subject to the applicant receiving their EPA, sanitary approval and Cleveland Water Department approval. There is no report on Item "c" and Item "d" is in approvable form. Thank you.

Mrs. Barth – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mrs. Chairwoman. From the Building Department, there is no report. 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. On Item "a" since the variance was granted, you are in a position to act on that. On Item "b" will have to show the modified setbacks on the plat as noted since they are different than our normal setbacks. Item "b" needs to be made subject to Engineering and subject to the Law Department reports as read this evening and from the Law Department, I have approved the overall ajointment to the Covenant and Deed Restrictions to High Point. I am just waiting for one substitute page

Mr. Foulkes – Thank you Mrs. Chairwoman. From the Building Department, there is no report. 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. I have received the Covenant and Deeds adding this into the Association so you are in a position to act on it this evening.

Mrs. Barth – Are there any questions or comments? Hearing none, I would entertain a motion for Lechler/Mason/Sedor/Bakata.

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Parcel Split and Consolidation of PPN's 391-14-008, 116, 118, 119 and 120 located on Cedar Creek Drive zoned R1-75.

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

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

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

Charlene Barth, Chairwoman

Carol M. Oprea  _____
Carol M. Oprea, Recording Secretary

Approved