

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

May 11, 2017

The Planning Commission of the City of Strongsville met at the City Council Chambers located at 18688 Royalton Road, on **Thursday, May 11, 2017 at 7:30 p.m.**

Present: Planning Commission Members: Charlene Barth, Chairwoman, Gregory McDonald, Mary Jane Walker and Brian David; Mayor Thomas P. Perciak; 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:

BREW GARDEN: Mrs. Daley stated that this application is for Brew Garden over by the Mall. What they are going to do is out on their outside patio, take out some of these tables that are there now and put in a modular bar so there will be some seating around there as well. With the tables that they are taking out and the seating that they are providing they are actually going to have 22 less seats available than what they have right now. From Engineering it is in approvable form, the only thing I did want to note is, we have an existing storm sewer easement that is back there and this is going to be within that easement. We have already spoken with Pat and he has agreed to sign an Affidavit that basically says if we ever need to get into that easement they will remove everything at their cost so we are good with it with that. Mr. Foulkes stated that from the Building Department it is in approvable form. There is a CPTED report which really doesn't note anything out of the ordinary other than the calls that have come in regarding noise and they have been out there to address that. Mr. Kolick addressed Mr. Potopsky and said that we have had over in Colbright and those areas, noise complaints. You need to work with us whether you move the speakers the opposite way or put your band the opposite way. We understand that there will always be some complaints about noise but please work with us and do what you can to lessen these things, there were 32 calls in the space of 90 days. Mr. McDonalds asked if that was in the last 3 months. Mr. Kolick stated that it was from May 28th to September 10th. Do what you can with that, if you have to tone it down a little bit or take the base down a little bit. Mr. Potopsky stated that they made two changes toward the end of the summer that really made a difference. We purchased directional speakers and that really helped. If certain bands, we actually aimed the speakers into the building if it was a nice night out we rolled up the garage doors that are there and had the sound going into the building. What we did notice at the beginning of the summer is that it wasn't that the sound was going straight into Colbright, it was actually bouncing off the Mall and coming back down to Colbright and then the next street, Sunset. It is pretty hard for that sound to go through those trees but once it was hitting the Mall it was picking up sound. Mr. Kolick stated that whatever he could do to help this out would be

appreciated so that the Police didn't have to go out there. Mr. Potopsky stated that they also bought a sound gun and measured the sound nightly. Mr. French stated that there was no report from the Fire Department. Mr. Kolick stated that Matt said that they needed to do something with the emergency access. Mr. French stated that he had ordered the proper hardware for latching the gates for ingress and egress. Mr. Kolick stated that at one time they were tying that off and keeping it locked and we need to keep the fire exits open so they need to change some of the emergency hardware. Mr. Potopsky stated that it would be installed on May 27th. Mr. Kolick stated that any approval should be made subject to the Fire report and the Affidavit, I made it up, it is in approvable form, he signed it but he has to correct one technicality with it and get it back to me. When he gets it back to me we will file it. As far as that easement is concerned, that pipe is down 20 feet so it is very unlikely that we are going to need to get into that easement area but if we do then this Affidavit will be in place.

SHEIBAN PROPERTIES: Mrs. Daley stated that this application is for the lot split that we have seen before that had to be denied because it required some variances. Sheiban's existing building is out on Pearl Road, they just want to split the parcel into two equal parcels. From the City Planner, with the variances that were already granted by the BZA, he is good with everything. From Engineering it is in approvable form. We do need the cross easements for ingress/egress, storm drainage, parking and all utilities. Mr. Foulkes stated that there was no report from the Building Department. Mr. French stated that there was no report from the Fire Department. Mr. Kolick stated that nothing is going to change here, you are just splitting the property. BZA granted the variances, I have approved cross easements. We can't file those until after they actually do the split, transfer one of those parcels, we have two different owners. My understanding is that is all coming, just follow through on the paperwork that that was done and get is over to us. Any approval should me made subject to the receipt of the cross easements.

ORDINANCE NO. 2017-064: Mr. Daymut stated that this is an Ordinance that is requesting a rezoning change from Public Facility to General Business. It was previously a daycare center that has not been used for quite a while. As you know all the surrounding properties are General Business in the front. It still leaves an open question on the back land which I believe is R1-75. At some point in time we are going to have to deal with all of those properties that go back to residential but right now I would ask that we recommend changing that so we are more consistent with the General Business zoning which it has been for quite a while. I would ask for a favorable recommendation to take back to Council.

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

Roll Call:

Members Present: Mrs. Barth

Mrs. Walker
Mr. McDonald
Mr. Daymut
Mr. David
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.

APPROVAL OF MINUTES

Mrs. Barth – You have had a chance to review the minutes of April 27, 2017. If there are no additions or corrections they will stand as submitted.

NEW APPLICATIONS:

BREW GARDEN/ Pat Potopsky, Principal

Revised Site Plan approval of a 286 SF temporary outdoor bar with seating for 44 for property located at 16555 Southpark Center Drive, PPN 396-25-001 zoned Shopping Center.

Mrs. Barth – Item Number One, Brew Garden, please step forward and state your name and address for the record.

Mr. Potopsky – Pat Potopsky, 9205 Shenandoah Drive, North Royalton.

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

Mrs. Daley – Thank you Mrs. Chairwoman. From the City Planner, the changes are net reduction in outdoor seating capacity of 22 seats. The temporary bar would be located behind the building in the northwest corner of the site and approval is recommended. From Engineering the plans are in approvable form. I just want to note that the bar will be located within an existing storm sewer easement. The applicant has agreed that the

bar will be removed at the owners expense should access to that easement be necessary. Thank you.

Mrs. Barth – Thank you, Mr. Foulkes.

Mr. Foulkes – Thank you Mrs. Chairwoman. From the Building Department, plans are in approvable form subject to a plan review in accordance with the Ohio Building Code. I also have the CPTED report which Ptl. Greg Drlik notes good visibility. He also notes that the proposed fencing is consistent with other existing outdoor patios. Access Control to the outdoor bar will be from both inside and outside. Traffic concerns, there is no issue. He does note that there were some calls to the Police Department regarding noise and he also concludes with that he doesn't feel that the addition of the temporary outdoor bar will increase the sound levels heard from the area; however, he felt that the noise issue should be addressed going forward. Thank you.

Mrs. Barth – Mr. French.

Mr. French – Thank you Mrs. Chairwoman. From the Fire Department, for the record, can the applicant please state that he has on order and will be installed by June, the proper exit gate latch and hardware for the two end gates that serve this patio as emergency exits.

Mr. Potopsky – Before June 1st I will have both of the hardware on both the south and the north ends.

Mr. French - Thank you.

Mrs. Barth – Thank you, Mr. Kolick.

Mr. Kolick – Thank you Mrs. Chairwoman. Mr. Potopsky, as we mentioned in Caucus, just work with us with the noise there, whatever you can do by aiming the speakers or however you can do it, we just need you to agree to work with the City and I am sure you will. Any approval tonight needs to be made subject to the Fire Department report as well as the Law Department receiving the final Affidavit. It was approved and agreed to and signed but there is one technicality that needs to be corrected by Mr. Potopsky and he needs to deliver it to City Hall for filing with the County. Thank you.

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

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Revised Site Plan approval of a 286 SF temporary outdoor bar with seating for 44 for property located at 16555 Southpark Center Drive, PPN 396-25-001 zoned Shopping Center subject to the report of the Fire Department and receipt by the Law Department the final Affidavit.

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

SHEIBAN PROPERTIES/ George Hofmann, Agent

Parcel split of PPN 393-34-004 located at 16938 - 17024 Pearl Road zoned General Business. BZA Variance granted 4-12-17.

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

Mr. Hofmann – George Hofmann, 24 Beech Street, Berea, 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, the proposed split does not comply with the minimum lot width requirements for a General Business Zoning, however, the Board of Zoning Appeals did grant variances for those, so with those variances these parcels now conform to all the requirements and approval is recommended. From Engineering the plans are in approvable form. Just to note, we will need cross easement for ingress/egress, storm drainage, parking and utilities. 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. Those cross easements were also required by the BZA. We have approved them and format wise they need to be delivered to the Law Department after those parcels are split and the new ownership is assigned. So just make sure that those come up to City Hall, Mr. Hofmann. So any approval needs to be made subject to the receipt of those cross easements. Thank you.

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

Mr. McDonald – Mrs. Chairwoman.

Mrs. Barth – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Parcel split of PPN 393-34-004 located at 16938 - 17024 Pearl Road zoned General Business subject to the receipt of the cross easements as presented by the Engineering and Law Department Reports this evening.

Mrs. Walker – Second.

Mrs. Barth – Secretary please call the roll.

Roll Called

All Ayes

APPROVED

REFERRALS FROM COUNCIL:

ORDINANCE NO. 2017-064:

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 16939 Pearl Road (Part of PPN 397-10-009) in the City of Strongsville from PF (Public Facilities) Classification to GB (General Business) Classification and Declaring an Emergency.

Mr. Hunt – Todd Hunt, Walter Haverfield LLP, we represent the property owners for this particular application. John and Val Palmer own this property under the name of John

and Val Enterprises Ltd. As stated in the Caucus meeting, the request is to rezone the property from Public Facilities to General Business and the surrounding properties are already zoned General Business and have been and this piece of property was zoned General Business at one time. The Public Facility zoning really limits the use that can be on that and the economic viability of that small piece of property will be 100 x 600 and retained 400 feet of the residential in the rear. We ask for a favorable recommendation to Council for the rezoning.

Mrs. Barth – Mr. Daymut.

Mr. Daymut – I think the counselor has indicated what is happening with the property correctly and I would ask that we give a favorable recommendation this evening back to Council. Thank you.

Mrs. Barth – I do have a question, is there any intent to consolidate that property?

Mr. Hunt – There is some intent do to that but it has not been accomplished.

Mayor Perciak – We do not have the same owners in order to do a consolidation there so until that occurs, until there is some type of agreement, at this point they can't do a consolidation even if they wanted to.

Mrs. Barth - ORDINANCE NO. 2017-064. 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 16939 Pearl Road (Part of PPN 397-10-009) in the City of Strongsville from PF (Public Facilities) Classification to GB (General Business) Classification and Declaring an Emergency.

Mr. McDonald – Move to give favorable consideration.

Mrs. Walker – Second.

Mrs. Barth – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mrs. Barth – Mr. Daymut, you have a favorable recommendation to take back to City Council.

Mayor Perciak – There is one more item. Please say Happy Birthday to Mr. Kolick.

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The Commission all wished Mr. Kolick a Happy Birthday.

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

Charlene Barth, Chairwoman

Carol M. Oprea 

Carol M. Oprea, Recording Secretary

Approved