

Note: These minutes were compiled by extracting certain facts the essence of testimony from an audiotape made of this meeting. Complete detail and verbatim statements can be heard and transcribed from the tape. The tape is available in the office of the Department of Planning and Zoning for a nominal fee.

STREETSBORO PLANNING AND ZONING COMMISSION

**Regular Meeting
August 11, 2020
7 PM**

Call to Order – Chairperson Pavlick called the meeting to order at 7:02 pm.

Pledge of Allegiance and Invocation

Roll Call: Deb Covert, Curt Gallo, Ron Good, Ted Hurd, Jerome Pavlick, and Marty Richmond were present.

Also present: Mayor Glenn Broska, John H. Cieszkowski, Jr. AICP Planning and Zoning Director; Sara J. Fagnilli, Assistant Law Director, Patrick O'Malia, Economic Development Director and Bridget Pavlick, Planning and Zoning Clerk.

Disposition of Minutes: March 10, 2020 Regular Meeting - APPROVED
May 12, 2020 Regular Meeting
May 20, 2020 Special Meeting - APPROVED
June 9, 2020 Regular Meeting - APPROVED
July 14, 2020 Regular Meeting

Motion: Ms. Covert made a motion to accept the March 10, 2020 meeting minutes as presented. Seconded by Mr. Good. By voice vote motion carried.

Motion: Ms. Covert made a motion to accept the May 20, 2020 special meeting minutes as presented. Seconded by Mr. Hurd. By voice vote motion carried.

Motion: Ms. Covert made a motion to accept the June 9, 2020 meeting minutes as presented. Seconded by Mr. Gallo. By voice vote, motion carried.

Old Business- none

Sign Review- Chapter 1159 - 9059 State Route 14-IRG Monument Sign

Linda Nichols, LAAD Sign and Lighting, 3097 SR 59, Ravenna, Ohio. Mr. Pavlick asked if Ms. Nichols had anything else to add to the materials that were presented. Ms. Nichols had nothing further to add. Mr. Pavlick asked for Mr. Cieszkowski's comments. Mr. Cieszkowski indicated that he worked diligently with Ms. Nichols and the property manager and met with them on site to take into account site specific elements prior to locating the proposed sign and to educate the submittal. Mr. Cieszkowski recommended approval as submitted. He thanked Linda and the folks at LAAD Sign for taking the input

and putting it into practice for the proposed sign. With no further discussion the Chairman called for the motion.

Motion: Ms. Covert

I hereby move on this 11th day of August 2020, the Streetsboro Planning and Zoning Commission approve a multi-tenant planter sign for: IRG-Family Farm and Home, located at 9059 State Route 14, PPN: 35-055-00-00-002-002 per sign plan received 7-13-2020. The applicant must make the sign contractor aware to ensure that the specification plate is affixed to all proposed signs at the time of installation. No sign can be installed until a permit has been issued and paid for through the building department. Seconded by Mr. Hurd.

Roll call: Yes – 6, No – 0. Motion carried.

New Business –

9356State Route 14-Site Plan Review

The applicant is Mark Stackhouse, 7011 SR 45. Mr. Stackhouse is the property owner and the owner of the business. The applicant initiated discussion with the Commission as to the location and the exterior finishes for the building. Mr. Stackhouse indicated that he brought some colors that will be on the building. The tan will be on the EIFS and the brick will be dark brown. Mr. Cieszkowski stated that there would need to be a submittal to the Planning Commission for sign review for any signs that go on the building or a monument sign. Mr. Cieszkowski also stated that he would work with Mr. Stackhouse to submit his sign plans when the time comes to do that. Mr. Cieszkowski stated that some of the conditions listed in his report have already been addressed. Continuing the discussion, cross-access between this site and the neighboring was brought up. It was stated that there has always been an issue with the former Arby's property having safe access to State Route 14 and it was discussed if it could be a requirement that this applicant would have to put in some sort of cross-access. It was also stated that cross-access is looked upon as a city-wide benefit. The applicant said that he does have an open dialog with the other property owner but at this time there is no agreement, but they are talking to each other. Mr. Stackhouse explained that he is a farmer, he and his sons, and they will be supplying a lot of the meat for the shop and they buy from local farmers and they are in this thing from start to finish. They will make a lot of meat products there. Discussion turned back to the cross-access issue. Mr. Hurd asked if there were any stipulations that could be put in place to require cross-access between the properties and giving the neighboring property access to the traffic light. Any options would require site specific research and if the Commission wanted to go in this direction, the matter would have to be tabled until the research could be done. During the discussion no one wanted to delay this project and all agreed that the parties should continue their dialog. Mr. Cieszkowski stated that he advised Mr. Stackhouse that the Planning and Zoning Department would help facilitate a resolution if needed. Under citizen's comments the thought was one of how good it is to see an existing site redeveloped, especially toward the middle of town. Also, there was a question of storm water plan being done and where that was reflected anywhere. The applicant answered that the engineers did do the storm water plan and the

City's engineers reviewed the plan as well. There being no further comments, the Chairman called for the motion.

Motion: Ms. Covert

I hereby move on this 11th day of August 2020, the Streetsboro Planning and Zoning Commission approve a site plan for: WMS, LLC, 9356 State Route 14, Parcel #35-045-00-00-015-000; to construct and operate an approximately 3,266 sf butcher shop per sit plan received 7-13-2020 and photometric plan received 8-11-2020. Subject to administrative review and approval of conditions attached hereto as noted in the Planning and Zoning Director's memo July 19, 2020. No construction shall commence until a zoning certificate has been paid for and issued by the Planning and Zoning Department and a building permit has been paid for and issued by the Building Department. With the stipulation that before any occupancy permits are issued, a final inspection is made to ensure compliance with all City requirements and the approved site plan. If future expansion or signage for the project is indicated on the site plan it will not be approved at this time. Seconded by Mr. Good. Roll call: 5 yes, 1 no. Motion carried.

9545 State Route 14-Site Plan Amendment for Slim Chickens Restaurant

The applicant is Tyler Scofield representing Giesen Management Associates, LLC. Tyler Scofield 7345 E. Peakview Avenue, Centennial, CO 80111.

This site plan amendment is for the proposed façade changes to the former SteaknShake restaurant on State Route 14 to accommodate the new Slim Chickens Restaurant. Slim Chickens is a fast casual restaurant serving fresh chicken tenders and wings. It's a pretty new franchise with less than 100 restaurants with this being the first of many in Ohio. Mr. Cieszkowski speaks to his report of August 2, 2020. This is a pretty straight forward project. Comments 3 and 4 in his comments have been addressed through the revised photometric and fixture detail that were provided 8-10-2020. The rest of the comments are minor and should be easily addressed through administrative review. It is an improvement to the site and he recommends approval subject to administrative review.

Motion: Ms. Covert

I hereby move on this 11th day of August 2020, the Streetsboro Planning and Zoning Commission approve a site plan amendment for: Slim Chickens, 9545 State Route 14, Parcel #35-043-00-00-003-006, to renovate the interior and exterior of the former Steak-n-Shake building for the new Slim Chickens restaurant. Per site plan received 7-13-2020 and revised photometric plan received 8-10-2020. Subject to administrative review and approval of conditions attached hereto as noted in the Planning and Zoning Director's memo dated August 2, 2020. No construction shall commence until a zoning certificate has been paid for and issued by the Planning and Zoning Department and a building permit has been paid for and issued by the Building Department. With the stipulation that before any occupancy permits are issued, a final inspection is made to ensure compliance with all City requirements and the approved site plan. If future expansion or signage for the project is

indicated on the site plan it will not be approved at this time. Seconded by Mr. Gallo. Roll call: 6 yes, 0 no. Motion carried.

Mr. Pavlick called for a short break to ask those waiting outside to enter the building if they wished to participate in the next agenda item.

Motion: Ms. Covert motioned for a short recess. Seconded by Mr. Gallo. By voice vote, motion carried.

Motion to reconvene: Mr. Richmond. Seconded by Mr. Hurd. By voice vote, motion carried.

Mr. Good is recognized by the Chairman and formally recuses himself from this portion of the meeting. He is Vice President of the Homeowners Association at Hickory Ridge and upon advice of the Assistant Law Director, he recuses himself.

9450 Rosemont Drive- Site Plan Amendment

Linda Sherman, Premier Development Partners, 5301 Grant Avenue, Cleveland. As you know the original project was built with the intent to expand and we are looking to add 61,750 sq ft to the existing building. We will match the exterior exactly like the existing currently to have a seamless and continuous look on the exterior which will be block and brick on the north side of the building, metal sandwich panel on the west side which we will expand out. Block on the south side to match the paint colors on the building. We have the land bank parking of 64 net parking spaces to be land banked and we are asking for permission to expand.

Mr. Cieszkowski: The commission should have received prior to this evening's meeting 2 revised sheets. One is the revised site plan from the architects and one is the civil sheet that addressed the previous 2 inch infringement on the 150' rear yard setback. That has been addressed and the rear yard setback is now code compliant, as well as all other elements of the project. Most of my comments in my July 26, 2020 staff report had to do with discrepancies between the civil set of drawings that were received and the architect's site plans. There were some discrepancies and inconsistencies between the number of land banked parking spaces. We've also asked that per code, the plans be revised to show landscaping and grading in the land banked parking areas, should that parking ever need to be created.

Discussion turned to what did this company do and how it operated. Spencer Spizak of Premier Development Partners address the meeting and spoke on the hours of operation, when deliveries came and when the materials silos were filled.

There were a large number of residents of Hickory Ridge Condominiums present at the meeting and several of them came to speak on this subject. Most of the comments were regarding noise, truck idling overnight with lights on, and noise at all hours of the night and early morning. Lindsey Wrubel, Atty. With Ott & Associates representing Hickory Ridge Homeowners Association-188 families on residential parcels. 1300 E. 9th Street, Suite 1520, Cleveland, Ohio 44114. Attorney Wrubel made a statement on behalf of the HOA and the homeowners of Hickory Ridge. She began by stating that she appreciated

the residents attending the meeting amid the pandemic. General concerns from some of the residents are loading docks that have been operating between the hours of 11pm and 7am. One of the members has a video that has really great sound of what it sounds like when she is in her backyard and the trucks are going back and forth. She stated that there is concern that when doubling the size of the building, that those deliveries back and forth will be doubled. Ms. Wrubel also spoke about the landscape buffer of 50' where and I-1 is immediately adjacent to residential zoning. She asked the Commission to consider a heavier landscape barrier with 5' mounds with landscaping on top to help preserve the residential character of the neighborhood.

Chair calls for any additional residents to speak.

Betty Gruska, 9295 Hickory Ridge Drive. This building is directly behind my home. I see all the loading docks, I hear all the noise, I have recorded the noise. In December, 2019, there was a truck that came to fill the silos at 11:30pm and did not finish until 1:15am the next morning. The latest, August 5, a truck came in at 7:45pm to fill the silos and he finished and he stayed all night. I heard the truck run all night and the vibration. He probably left around 5 or 6 in the morning. On August 7 another truck came in to fill silos at 8:15 pm and finished about 9:30pm. This is in the evening so they do work at night and they do run this at night. I do have a sound that we listen to, that we have to listen to when they fill the silos. Plays a recording. So this is what we have to listen to. They come at all hours. I can see the dock doors open, my house is directly behind theirs. So I hear all the trucks coming and going, we do feel the vibration, and truck will stay there overnight.

Eileen Fitzsimmons 701 Gold Leaf Court. One thing that Ron Good had told us that there was an additional 3rd silo being in the plans and there is 2 right now if they add a 3rd silo, is that going to increase the noise by 50 percent? And would it be possible, the silos, even though the trucks running all night is bothersome and noisy, but the silos seem to be the loudest. Is there any way the silos can be enclosed within, you know, if they could build walls around those silos? That would possibly cut down the noise. I'm no expert on noise, building or development but I would think that it would cut down the noise.

The discussion then turned to commission members asking what sort of authority does the Commission have over the noise complaints. How has the City addressed these complaints in the past. If this project conforms and complies with the Zoning Code, then what recourse does the City have. What conditions can or should be placed on this project. At the present time and the seven years prior to this meeting there have been no noise complaints in this area. Mr. Cieszkowski indicated that there are conditions of approval that can be placed with respect to the mounding (berms) and other landscape buffers. The conditions must be reasonable and something that can be complied with. Section 1151.01(a) Conditions and Safeguards speaks to this issue. Mr. Cieszkowski reads the code section for the record. "The Planning and Zoning Commission shall have the power to safeguard the intent and objectives of this Zoning Ordinance by imposing appropriate restrictions and safeguards as conditions of any approval it gives." The Economic Development Director, Patrick O'Malia stated that he has spoken to the owner

and COO, Jim Miller and Mr. Miller was surprised about the complaints and will take action to remedy the situation.

Spencer Spizak instructed the residents to contact the police department if there are trucks idling at night when no trucks should be there.

Additional discussion was had regarding enclosing the silos and the landscape mounds versus a fence. It is thought that mounds with landscaping on top would absorb more sound than fencing. The applicants indicated that they would research enclosing the silos. If conditions are added to the motion, it would be the Commission's decision to make as a group.

The mayor thanked the residents for the way they presented their comments and the way they engaged in the discussion. Nothing was adversarial or mean-spirited and things were able to be discussed. He said he wished that anybody who had an objection to anything we did would come in in the exact same manner that these ladies did.

The Chairman asked for some guidance for conditions to be placed on the approval of the motion.

1. Mounding. Mounding along the south boundary along the warehouse expansion. Pine trees and other coniferous trees added to the mounds. Addition of the berms and the landscape will be added to revised plans.

2. No filling of silos after 5pm or before 8am.

3. No trucks running all night and turn the lights off after sundown.

Hearing no further discussion, the Chairman called for the motion.

Motion: Ms. Covert:

I hereby move on this 11th day of August 2020, the Streetsboro Planning and Zoning Commission approve a site plan amendment for: Simplay3, 9450 Rosemont Drive, Parcel # 35-043-00-00-015-000, to add a 61,800 sf warehouse addition to the existing building per site plan received 7-13-2020 and 8-11-2020. Subject to administrative review and approval of conditions attached hereto as noted in the Planning and Zoning Director's memo dated July 26, 2020., Along with the following conditions:

1) Add mounding and coniferous trees to provide year round screening to south boundary;

2) No silo filling after 5:00 pm and before 8:00 am.

3) No trucks left running or lights on after sundown.

4) Plans to be revised to show additional landscaping to south boundary. No construction shall commence until a zoning certificate has been paid for and issued by the Planning and Zoning Department and a building permit has been paid for and issued by the Building Department. With the stipulation that before any occupancy permits are issued, a final inspection is made to insure compliance with

all City requirements and the approved site plan. If future expansion or signage for the project is indicated on the site plan, it will not be approved at this time. Seconded by Mr. Richmond. Roll call: 5 yes, 1 Abstain, 0 no. Motion carried.

Zoning Text Amendment – None

Reports, Communications and Correspondence

Mr. Cieszkowski mentioned that there was a discussion at last night's council meeting and they would like the Commission to consider backyard chickens and allowing backyard chickens in the City. Mr. Cieszkowski brought this up as a "heads up" and wants the commission's take. He asked that the members think about this and get back to him. He will be doing research on this issue to present to Council. Lively discussion began with respect to chickens and the different zoning areas they could be permitted in. It was also discussed as to what Council wanted and Mr. Cieszkowski stated that they wanted regulations to consider and this is something that he would be taking up in the coming days.

Core Concept 3rd Wednesday of the month. Next meeting is August 19. We are planning on having the meetings in this room so that we can adequately social distance. In talking with the consultants I think they are prepare to move forward on a condensed schedule to get most of this project done by the end of the year, depending on how it shakes out with the holidays and whatnot. I will have a discussion with them about the condensed schedule, but as far as I am concerned, if they are able to meet that schedule in terms of providing deliverables to the working committee, then I see no issue with it.

Citizens' Comments

John Ruediger, 1175 Tinkers Green. Thanked the Commission for a allowing those residents to speak. Their concerns did not directly impact the Commission but letting them speak and have their voices heard was the best way for their concerns to be heard.

Paul Yupa, 8749 Seasons Road. Stated that it is good to see site re-developed in the city instead of new places going in and creating more spaces that are vacant. He indicated that he looked through the code on his phone and it says for redevelopment of projects, developments on previously developed property,Reads code section 1195.09 Wants the city to look at post construction issues to ensure better quality water and runoffs on already developed properties. He added a note about livestock, he said that was put in there when Don Lanock was here. Mr. Yupa is not sure if that 200' rule needs to be in there because if someone had a goat or something they wouldn't need that much room. Mr. Cieszkowski indicated to Mr. Yupa the proper section reference that refers to poultry is in the R-R district, it's 1125.02(A)(2) and the same applies in the O-C district. It does say raising and breeding of domestic animals or poultry for commercial purposes shall only be permitted on lots of 5 acres or more. Above that it says a building used to house farm animals shall be located no less than 200 feet from all property lines.

Commission Member Comments

The Chairman made a note that at the next meeting, the group will have to elect a Vice Chair. The process will be the same as when they have the organizational meeting.

Announcements: The next Regular Planning and Zoning Commission meeting will be held Tuesday, September 8, 2020 at 7PM at the Streetsboro Municipal Building (555 Frost Road).

Adjournment

There being no further business before this Commission a motion to adjourn was made by Ms. Covert and seconded by Mr. Richmond and the meeting was adjourned at 9:02pm.

Attest:

Bridget Pavlick,
Planning & Zoning Clerk

Jerome Pavlick, Chairperson