

Minutes of the Planning Commission
Sheffield Lake, Ohio
July 16, 2015

The regular meeting of the Planning Commission was held Thursday, July 16, 2015. Chairman Jancura called the meeting to order at 6:30 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Wells, Melbar, Erdei
Attending: Building Inspector Vogel and Law Director Graves

MINUTES: *Motion by Wells/Second by Melbar to approve the May 21, 2015 minutes as presented. Yeas All.

CORRESPONDENCE: **None.**

REPORT FROM COUNCIL REPRESENTATIVE: **None.**

REPORT FROM ZONING BOARD OF APPEALS MEMBER: **None.**

PRESENTATIONS:

Law Director Graves advised subjects in Chambers – there are a lot of people here tonight, anyone who plans to give any testimony before the Board tonight I would ask that you to please stand right now and raise your right hand so as to swear everybody in. Several people stood and were sworn in for testimony by Law Director Graves.

LJ Heating and Cooling; Larry J Roberts & Victoria Sturgen, 311 Parkview Drive – (both Ms. Sturgeon and Mr. Roberts were sworn in) Ms. Sturgen explained I sent you a letter asking to be on the agenda. We are looking at purchasing a piece of property on Abbe Road and I provided you with the parcel number, it is zoned Industrial in the back and Business; B1 & B2 in the front. There is currently as the letter states a warehouse right to the north of that parcel and it is in the B1/B2 zone and before we invest in purchasing this property or invest in everything that we need to do as far as drawings or permits and all that we want to make sure that we wouldn't meet opposition putting up a warehouse on that property as close to Abbe Road as possible with the setbacks. Law Director Graves advised just so the Board is aware this applicant is proceeding under the 157.05c of the Site Plan Review ordinance which provides for preliminary review. So this is more or less an informal discussion to establish a mutual understanding of the code and the objectives of the proposed development, it is not to vote on any final approval or anything like that. Chairman Jancura stated so you are talking about the purchase of the property, would the building just be on the Industrial part/would it go over to the B2? Ms. Sturgen answered it would be on the B1/B2. Mr. Roberts stated just like next door, like they did – the Landscaping Company there that put that building up. Chairman Jancura stated so it would be exclusively on the B2 zone? Ms. Sturgen stated I believe so but I am not sure where the split is on that property. I sent a picture; an aerial view which shows 494 deep and I don't know where the split is in that zoning. So I

really can't answer your question? Chairman Jancura asked the size of the building? Ms. Sturgen answered 40 X 80. Mr. Roberts corrected no it is 50 X 80. Chairman Jancura asked are you looking to access Abbe Road with a driveway to it? Mr. Roberts answered absolutely. Chairman Jancura asked what is the purpose of the building? Mrs. Roberts answered for my trucks, for storage basically. Ms. Sturgen added cold storage. Chairman Jancura opened discussion for Board discussion. Council Representative Erdei asked this picture, is that of the existing building to the north of you? Ms. Sturgen answered correct. Mr. Roberts advised they just finished that building 6 months ago. Ms. Sturgen stated we want one similar but not as many overhead doors but similar and a little bit bigger. Member Wells asked would it be closer to Abbe Road? Mr. Roberts answered if we could have it closer it would be nice because the driveway would be a little shorter but I don't mind putting it back even with that building. Ms. Sturgen Wells asked what are the setbacks, I forget what they told us setback was. I think it was 38? Mr. Roberts stated 60 feet. Building Inspector Vogel answered I don't have that information. Ms. Sturgen advised 60 feet from the front/20 feet from the side and 35 feet from the rear – are the setbacks as far as I was informed. Building Inspector Vogel advised I don't have any building concerns at all for what they have proposed, if it is built the way they proposed it. There really is no building code concerns at all. I did write this letter in support of what they wanted to do but of course, it is up to the Board to decide. It is basically an Industrial use – a storage building is permitted; specifically permitted Industrial but not specifically permitted in a Business zone. Although I think the building to the north of them and the lot to the south are both being used in ways that are considered Industrial uses. So that is why I figured that I would support their application if approved by the Board. Law Director Graves asked you are willing to put the building 600 feet back from the road? Mr. Roberts answered yes. Law Director Graves asked would you consider moving it back any farther then that into the Industrial portion? Ms. Sturgen answered we really didn't want to because that is going to be more of an expense. Mr. Roberts stated sewers, water lines, driveway costs are just going to be even more of an expense. Ms. Sturgen stated that is why we wanted to put it within the setbacks. Council Representative Erdei stated the building next to you is their setbacks 60 feet too? Ms. Sturgen stated I think they may be a little bit further and we may have to as well depending on what they engineer says as far as the retainage pond and if we have to have one there or if we are able to put it somewhere else. That is going to be determined by them. I don't know if they are going to require us to put it in the front as they did for that building to the north or if we could put it in the back or to the side or somewhere else where we could put the building 60 feet back. Council Representative Erdei advised I have driven down that road many times and have never really took notice of how many feet it was back. Mr. Roberts stated I would say 90, probably a good 90 feet maybe even 100. Law Director Graves asked were you planning on having any kind of a sign. Mr. Roberts answered I would like to put a sign on the building. Ms. Sturgen stated if permitted, if it is something that you would oppose then we wouldn't do it. Chairman Jancura stated you are talking about a sign on the building but not necessarily

at the street but on the building. Mr. Roberts stated I would rather it on the building. Law Director Graves asked are you going to do any of the landscaping? Mr. Roberts answered sure but what type of landscaping, grass and everything? Ms. Sturgeon asked are we required? Law Director Graves answered well the Planning Commission is going to review your submission under a number of factors and I would encourage you to take a look at that under the local ordinance 167.05 (f) is the review criteria of Planning Commission. So they are going to look at things like appropriateness of the neighbor/lighting/signage/landscaping and whether that is going to – how's of operation, how's of lighting and whether that is going to become a nuisance to other residential homeowners. All these factors are going to come into play in approval of the final site plan. Mr. Roberts stated just to let you know that the landscaping company, the way that we are facing the building would be facing the landscaping building – the doors. Their lights are on 24 hours, so they are on all night long there. Ms. Sturgeon requested code again be stated to know what Planning Commission is going to expect at the Planning Commission – that is another level from this correct? Law Director Graves advised this is the Planning Commission but they have different types of proceedings and this is not a formal hearing on your application. You have applied under the preliminary review, so there will be no vote or any final submission. So when the Board reviews your final submission, it is 167.05, section d has the requirements for your submission and then section f would be the criteria the Board would use to review your application. Chairman Jancura advised there is lots of factors in that, some of them might applicable and some might not. It just all depends on the submission because it is written for all types of businesses and all types of structure. Ms. Sturgeon stated wouldn't that be something that the builder would look at when we hire a builder to do that? Chairman Jancura answered yes he will look at the architecture. Law Director Graves advised you are going to need to submit detailed plans. Chairman Jancura advised from the architect to the engineer of what you are planning and exactly how it goes and so forth. Ms. Sturgeon stated I am sure that they would know what you are talking about. This is the time I have ever done anything like this but I just want to make sure I am not going to meet any opposition for I purchase the property. I don't want to purchase it and then you tell me I can't do what I want to do with it. Chairman Jancura asked is that the end of your presentation at the moment? Does anyone else have any questions at the moment? Member Wells stated do you have a deadline for purchase? Ms. Sturgeon answered no we have been waiting 4 months already to find out if we were able to build this if we should purchase the property, so we have been waiting already because you didn't have a meeting in June because of vacations or whatever so we have been waiting. There is no deadline but as soon as I know that I can purchase the property and build what we want to build. I know we have to go through the same application as anybody else but the people that we contact for building should know all of that but as soon as we know we will probably contact an architect and get the drawings started. When will we have an answer. Law Director Graves advised there are not going to be any determination or answer, this is just a discussion so that you understand the mutual points of view. You

understand the code that the Board is going to be looking when you submit your final plan. You have chosen to have a preliminary view that is all this is. Ms. Sturgeon stated well we already know that the code is the zoning right? Law Director Graves advised and the site plan review in the Planning Commission code that we referenced. Ms. Sturgeon stated I just don't understand if we should go ahead and purchase this property if we are going to be able to. Law Director Graves asked do you have an option to purchase? Ms. Sturgeon answered no I don't, I told the seller that we were coming here to find out. Law Director Graves asked do you have a personal attorney that you consult with on your real estate deal? Ms. Sturgeon answered no. Law Director Graves advised one thing you might consider is putting up an offer to purchase with an option, so that the purchase is contingent on getting Planning Commission approval. That was if it is approved you could walk away but I am not your Lawyer so I would consult with an Attorney. Ms. Sturgeon stated we could do that but you have to give them some sort of retainer or something and then you can't just walk away, they keep whatever. Law Director Graves advised that is what you negotiate so I would talk with a real estate Attorney on that.

Catalin Oprean, 509 Cove Beach (sworn in) stated I build like to build a storage building on the back side of my property to the north of the property. The lot is zoned industrial and is a 40 X 60 and it is going to look just like the house; stone on the front and stock on the sides, same type of roof and windows. Chairman Jancura asked describe your purpose and what you are looking to do with the building and what you are looking from us for. Mr. Oprean explained it is going to be a storage building for all my equipment; cars, trailers, boat – all that kind of stuff and pretty much that is the intention of the building. I can show you pictures of all the stuff. Chairman Jancura opened floor for Members with any questions. Council Representative Erdei stated it says it has a loft, is that going to be a 2 story building? Mr. Oprean advised I figured since we are going to do trusses, it is just going to be loft trusses basically, so you can walk in for storage and stuff. Law Director Graves stated not residential? Mr. Oprean answered no, no just for storage purposes. Member Melbar asked this is for all of your own? Mr. Oprean answered yes. Chairman Jancura stated from what I see you are looking to have the access for this building which is going to be in an Industrial zone to go through your residential driveway? Mr. Oprean answered correct. Chairman Jancura asked now is this building going to have full utilities? Mr. Oprean answered that is what the Inspector at the time – Jon Wiblin asked my architect to do because we started out as a garage 40 X 60 garage and Jon at the time said well you can't do a residential garage on Industrial lot so he talked to my architect and they came up with this idea that it has to have a bathroom since it is in a commercial building because you have to build a commercial building on an Industrial lot. So it has to have a bathroom as a requirement from the city. I don't need a bathroom in there, I don't need any utilities for me because it would just mean more money to invest; you know digging for sewer and all that. I don't need none of that. Chairman Jancura stated but at the end of the day it will have water, sewer and electricity? Mr. Oprean answered if the city requirements are that I need to have them

then I will have them. I will have to comply with city requirements. Chairman Jancura for Building Inspector Vogel's input. Building Inspector Vogel advised in all due respect to Mr. Oprean, we in the Building Department look rather coldly upon structures. I know what he is saying he is going to do with it, I think what we think about is what it is going used for maybe after he sells it or down the road. From a zoning standpoint and I am not an expert on zoning and was not schooled in zoning but I do live in a neighborhood and I have seen this type of thing before and I think that if perhaps down the road this could become quite a problem for the neighborhood to have a commercial building in a residential area and depending on what somebody else might do with it. They might be able to bring in heavy equipment or chemicals or anything else down a residential street and use this building as it is permitted in an Industrial zone. So speaking as a resident of a neighborhood, I don't know if this is the best use of this land. That is my opinion on zoning and again I am not an expert. My last issue is that the existing house is already built across the property line and as far as the building code is concerned that is kind of a no-no, you have to have separations on that. Chairman Jancura asked for clarity? Building Inspector Vogel explained the existing house straddles the property line, it is on the residential lot as well as the commercial lot with the way it is drawn here. Not sure how happened but you already have a residence on an Industrial lot. That coupled with the fact that now you are putting a commercial building on an Industrial lot that is connected by way of a residential community – the only way you can get to it is through a residential lot. It might cause problems for the neighborhood. It is just my un-expert opinion on the zoning issue. Chairman Jancura asked is there the ability to have a different access that doesn't go through residential? Mr. Oprean answered this back lot is accessed to Lynne Drive which Lynne Drive leads through the park. Law Director Graves clarified that is an unfinished portion of Lynne, it is a paper street. Mr. Oprean answered that is correct. Chairman Jancura stated so basically he is somewhat land locked as far as that is concerned. Law Director Graves asked do you want to put the street in? Mr. Oprean answered yes I can put in a street, if that is what I have to do that is what I am going to do. Law Director Graves stated he is offering to put in Lynne Drive for us. But that is a whole other discussion. Member Wells asked how do the residents feel about it? Mr. Oprean stated I am not doing anything illegal or anything crazy, it is just going to be a building that is going to be storage like a garage is going to be. It will look just like the house and I built the house and I don't need a steel building behind my house which is going to decrease the property value. It is going to look just like the house and it is going to fit perfectly and I think it is going to fit perfectly in the neighborhood and is probably going to look better than many houses on the street anyway. Chairman Jancura stated you are talking about storage and so forth, where are you storing all the equipment now right now? Mr. Oprean advised it is around the house. Chairman Jancura asked in the yard and such? Mr. Oprean answered yes, in the backyard – I have it all over the paved driveway – everywhere. In my garage, in my trailer, at job sites – it is all over the place. Law Director Graves stated so your intent is to access this – explain how you intend access this building? Mr. Oprean advised with diagram this is where the

house is and actually I have permission from the city to cut this curb here and flare it in order to get this driveway in so I already cut a curb and flare it to get this driveway in. He continued to review diagram with Planning Commission, he stated so the building will be sitting here all the way in the back with the setbacks that the city requires for a Commercial building – 10 feet from the property line here and 10 feet from the property line here. It goes all the way back and Lynne Drive would basically lead right back here to the park. This is about 140 or 150 feet from the street. Chairman Jancura asked is it city property to the north of it? Mr. Oprean answered yes all the way into the park. Chairman Jancura asked to the west of it? Mr. Oprean answered all Ford property, heavy Industrial. Chairman Jancura asked on this side? Mr. Oprean answered on this side I own this property all the way to the next door neighbor, so I own about 250 on the back side. Council Representative Erdei asked on that additional property that you got left to the south of you – that building if you get the ok to build it, do you plan on putting other buildings on that property? Mr. Oprean answered there will be nothing built on that property, no I want to finish up. I haven't done anything yet because I have to wait to see what decision you guys are coming to. Council Representative Erdei stated the actual height of that building now, is it going to be like your house? Mr. Oprean answered no it shows right on the blueprint. Mr. Oprean explained I need to access more to get my boat inside, I believe it is 12 feet on the height of access so the building will be 18 or 19. Law Director Graves stated so your testimony today under oath is that you do not intend to operate any business out of this building; no commercial nothing whatsoever. Mr. Oprean answered no. Law Director Graves reiterated it is solely for personal storage of boats and other equipment. Mr. Oprean answered yes. Law Director Graves stated so as far as the access drive, with the exception of the residential it is supposed to be 25 feet wide. So your current proposal is to have the driveway 18 feet wide and then widen it to 25 feet when you hit the Industrial? Mr. Oprean answered correct. Law Director Graves stated if this is an Industrial use the intent of the code is that the access drive be 25 feet for the entire access. What would be the point of having it only 18 then flaring it out. Mr. Oprean stated because I only own like 20 something feet from the house to the end of the property line. So 18 feet I believe is going to give me like 2 feet on each side of the driveway that I can do like bushes and whatever. Law Director Graves asked there is not another way that you could access that building? Chairman Jancura stated that was asked – no. Law Director Graves asked you own other land right? Mr. Oprean answered yes. Law Director Graves stated could you run the drive through your additional land? Mr. Oprean answered if I run it through my additional land I would have to run it all the way around the back of the house and I think that is not going to be really appropriate. Law Director Graves stated but you could make it 25 feet wide at that point. Mr. Oprean answered no I don't have 25 feet there. Law Director Graves stated I am on the other side, he owns the land on the other side. He could go past his house, he owns that land and he could go 25 feet wide there and come in. Mr. Oprean stated yes I could come around this way. Commission reviewed the blueprint and Law Director Graves advised it is an option.

Dave Judy, 461 Cove Beach (sworn in for testimony) stated I didn't get notification on the proposal and it is my understanding under the new code that any proposal has to go before the Review Board anybody that is adjoining, adjacent and abutting the property is supposed to be notified. Law Director Graves asked did you see that in the code for Site Plan Review? Clerk Fantauzzi answered I don't know, the ones that were listed got notified. Law Director Graves advised this is a new section of code and our Clerk is just getting familiar with it and I think that the notice requirement that she followed are the notices that are required for the application for a variance when you go before the Zoning Board of Appeals. Actually for the Site Plan Review, I don't see where that notice is required. Mr. Judy stated thanks for the opportunity because the gravity of your decision tonight is really going to effect the character of a residential street. We have Industrial zoned property mixed with residential, we were here a year and a half ago on said parcel for a mixed use. The proponent crossed over from residential into Industrial and he said that he wasn't aware that that property was zoned Industrial and the Planning Commission approved him to go ahead and use that Residential. So that is how he got his extension crossing the line, mixed use purpose of the zoning code. We are here a year and a half later and said proponent wants to use the Industrial for Industrial. If you look at the building site, he says it is going to be for storage but actually on the plan it says it is going to be a warehouse. I am not sure what the difference is in definition in the Industrial code. Chairman Jancura stated it does not go so far as to define that. Mr. Judy continued well some of the other concerns that we have, how many driveways are you allowed to have on a residential property? Law Director Graves answered from my understanding 1, correct Steve? Building Inspector Vogel answered I think the code is silent on that. Chairman Jancura stated there is some people that have a circular driveway, so what does that count as? Law Director Graves stated I thought you were allowed one curb cut. Mr. Judy continued is there supposed to be a setback or distance between said driveways, because then you could put a whole driveway in your front yard and concrete your whole front yard. Chairman Jancura stated that is where you run into the grass requirement and you are not allowed not pave more than a certain percentage of your property. Mr. Judy stated I think that needs to be reviewed on residential property because the driveway I think is already over or close to it on that parcel where his home is. But if you look at page 2, the concerns for the residents and again I appreciate you letting me speak because a lot of the residents weren't even notified. However they are here and they are concerned but Mr. Oprean says that permitted uses for Industrial. He could just use it as a storage unit but he could also have a blast furnace, steel treating furnace there. Just like Inspector Vogel mentioned if something were to happen; divorce, death, sells – the next owner could come in and all these permitted uses then they can do whatever they want. Once we take the lid off if the Board approves we will not be able to go back and our residential street is at jeopardy of turning into an Industrial zone. So I think that Mr. Vogel's point was well taken, we don't have any control if something were to happen. So if you look at some of the permitted uses on the Industrial code. If you go to the next page; general standards. I have the setbacks codes for entrances, exits

and curbs – if you look at the plan like Mr. Graves had mentioned 25 foot wide driveway. If you look at the setbacks, the parking lot; abutting a residential area it is supposed to have a 15 foot setback and the drawings it is only 3 foot. So that is really not to code. It is also supposed to be actually 25 foot wide and he has 18 foot but I think what has happened here is he is proposing that the Planning Commission bend the codes in the ordinances so he can have access to his property when he has access the other way. Also another concern for the street on the next page of general standards; 1151.015 says that no traffic shall be generated in operation of a home occupation which is greater, determined by the Public Safety or Service director than traffic volumes normally expected in the neighborhood. Like again if the plan is approved the Industrial permitted uses 1149.02 he can run a warehouse, this could be a supplier/wholesaler and he could selling stuff up and down the street – increased traffic. Of course which poses a safety hazard for not only motorists but children on the street. There is a lot of code issues that we are looking at on the plan that setbacks so I think that that needs to be reviewed. Secondly there are environmental concerns. There is Industrial on the street and we have already had an Industrial spill with the EPA, Coast Guard, Fire Department on the street. So that is a said hazard especially as the city owns property that abuts the proposed building with a park – Guenther Park right there. I am not sure how parents would feel with their children playing in a park with an Industrial building with potential chemical spill. Also a lot of citizenry are concerned about environmental impact of light, is there going to be a light study done to see what kind of lighting is going to be on the building and how that is going to reflect, how far out that is going to go. We are also worried about can the storm sewer handle water from a 3300 plus square foot building and God forbid if there was a spillage where is that going to go. We are also concerned about the sound and noise, again I could not find the hours of operation for Industrial but I know Industrial is one of those – I am not sure if it is 24 hours or what you can do. But sound and if you look at some of these uses – stone cutting, this could go on at 10 o'clock at night. Chairman Jancura stated also understand that building is on an Industrial zone. Most of those houses were built knowing that that was an Industrial zone in the back. He could finish the road behind and he could do any of those uses and there would be no one to say anything about it because it is zoned Industrial and the building is in an Industrial spot. I just put that out there and now at the same time he has said on the record that it is only going to be used for storage but you all bought property where the rear of it is zoned Industrial and if somebody buys that and follows the code there is nothing that we can do. Law Director Graves concurred that is correct. Chairman Jancura stated we are allowed to look at a lot of factors and so forth but at the end of the day if he is follows the code and everything there is nothing that we can. Mr. Judy stated that is absolutely correct except for his 18 foot driveway which is supposed to be 25 so we should all follow the code. The third concern and that is why I am bringing it to the Commission's awareness that if we open this box we could have a big problem. Chairman Jancura stated I have a lot of people that want to talk. Mr. Judy stated I am going to wrap it up right here but in addition though I think that Mr. Vogel makes good

points but safety concerns, I am wondering if the Fire Department should not be considered because an 18 foot driveway to get to a 3000 square foot building. I think maybe the Fire Department should be notified and let them do a little review about their aspect of it because if there was God forbid a fire. So in essence I guess I am thinking the plan you might want to look at a continuance on this because there is a lot of issues instead of making a ruling.

Kathy Pasadyn, 573 Cove Beach (sworn in) advised I did a little research this morning and I talked to Fred Westbrook, he is an Auditor at Lorain County Auditor's Office and we were talking and with all due respect you did say that there is nothing we can do because it was already zoned Industrial and that we all knew that. So I asked him because I wasn't sure who decides who zones what Industrial because it is in the middle of a residential neighborhood and there were actually houses on this street like 8 years ago. So there were houses which in fact we do pay an extra abatement on our county taxes for that road so we are paying. I am not sure how many years we have been paying it but I have lived there for 9 and I am still paying it. When I talked to the auditor I asked him who decides how something is zoned, is the county or is it the city and he said it is the municipalities that decide that. I have no issue with the building being used for a boat, car or anything like that. My issue is what our neighbor said that is a slippery slope. You are a Lawyer and you know all the cases that have been made lately, it starts a slippery slope and when it does that you cannot go back and fix something. I have no issues, he does have a beautiful home and it is actually one of the most beautiful homes on the street and probably in the city. However when you let him use something like this, he could sell like you said divorce or anything can happen and now you have someone coming in wanting to do something else and you have already opened that Pandora's box and I don't want to see that happen on that street. When you said that I knew when I bought that, I did know that however I did not know that if it was used for Industrial I was told that we were all landlocked. They changed the website at the Auditors Office and prior to that it did say landlocked. I was wondering why is the biggest part of my land on my house, why is it only worth \$500.00 so I called the Auditor and he explained it to me – because there is no access to that. There is no access except through your roads so you really couldn't build another home or anything like that on that property so it is not really worth anything. So I never questioned someone maybe putting a business because when you start that when you said we all knew that – no because there is only about 7 or 8 houses where this extra lot is on our side of the street. So what is to say that the next neighbor comes to you in 3 months or a year and says well I want to put this particular business there – you have already opened Pandora's box and how are you going to go back, how are you going to say it is ok for him to do it but it is not ok for you then you are going to open up all kinds of lawsuits and all kinds of aggravation for something that shouldn't be there. So my questions to you would be before you allow anyone to build anything in a residential property, wouldn't it be a good idea to revisit the ordinances and adjust what you need. He brought up a very good point which was all the points that I wanted to bring up when he said if you do something like this what

is going to happen if somebody wants to buy the house or somebody else wants to buy land or somebody else wants to do something and they have turned a residential into an industrial neighborhood. We are already blocked in there, these little houses are just blocked into this cul-de-sac area and we are just being surrounded. So if you allow something like this on the street we are not going to be surrounded, it is going to be right next door to us. I have no issues like I said with a shed or a garage or something but you need to change that. That needs to no longer to be Industrial that is the back of someone's lot. That is not Industrial and we all know that, we can all sit up here and debate and dispute what that land is – that is residential neighborhood and everyone knows it. My other questions is is there any way that he could build like a shed or a garage where he could put his boat in without causing, I just want that Industrial zoning to be changing. Law Director Graves advised there is a mechanism, rezoning is an option but it is not as easy as you might think it is especially when people have purchased those lots. Let me ask you, there is another option here he testified that he wants to use that lot for a residential purpose. He wants to build a residential style garage if you will but was told he cannot do that because it is zoned Industrial so that is why he wants to build an industrial building. If he were to apply to the Zoning Board of Appeals for a use variance to allow to use that lot for a residential purpose, would you oppose that? Ms. Pasadyn stated here is what I am saying to you, at this point because I didn't even know that we could that with that land until this just got brought up to me. So when I found out, when I talked to the Auditor and I found out because he clearly said that obviously no one that wrote these ordinances intended it to be used for business. This probably was just not looked at under that master land use plan. I am saying to you the only thing that I think I would stand for at this point is changing that because if you say and I believe him, he could very well say to me that he is using it for a residential purpose but what I am saying is we could all be back here in 2 years or 2 months and it doesn't affect everybody – it is going to affect the whole entire street obviously. There is only about 7 or 8 of us I believe and I could be wrong, there is only a few of us that have that extra lot that abuts Ford so there is where my issue is. Where else in this city is this happening, this could be happening someplace else. Law Director Graves stated you realize that even if the city rezoned that, anybody that owns that would still be permitted to use it for Industrial purpose because it would be grandfathered. It is called an existing non-conforming. So if you buy land that is zoned Industrial and then the city turns around and zones it residential, you are grandfathered. Ms. Pasadyn stated well that is good that all the other residents know that if they bought this there is nothing that you could do. Law Director Graves advised that is just a truth. So the city rezoning that isn't going to stop that. Ms. Pasadyn stated well that is not what I heard from Mr. Westbrook today at all, I heard a completely different scenario from him. Law Director Graves stated he said you can rezone and you can rezone it but there is also existing non-conforming. We see these all the time. Ms. Pasadyn stated what if we all agree to it that there would be no grandfather clause because none of us would do it. I mean obviously he is not going to want to do it because he wants to build something there. I am just saying are you going to be able to

explain to neighbors in this city that you are turning a residential street possibly into a business and again I really don't want to continue this conversation about what his intended use is. I will take him at his word is exactly what he is saying it is for. I am saying to you it starts a slippery slope by letting that happen because anybody can do the same thing. We have kids on that road, we have children, we have trucks coming down that road and I am already paying for an abatement like I said to fix a street in my city. I have been paying for 10 years, I am not going to see that road tore up because the city does not want to change or they can't. I don't know but I am sure there is some way that we can work this out where everybody gets what they want. Where we can give and take. I mean all I am going to ask any one of you is if you are more than willing to let this happen in your community. It can happen in your ward, your ward, anybody's ward because there is other parcels of property where this is probably zoned Industrial and Residential. So this could happen someplace else.

Dawn Nichols, 600 Cove Beach (sworn in) stated I don't know how long you guys have been on the Planning Commission but this has been something that has been going on for a long, long time that we have already dealt with with the Wright's at the end of our street. We have a court order against them – 5 years we were in the court system because of this stuff because they were grandfathered in and they were just going to use it as storage and then suddenly they started using it as a business. We had semi-trucks coming down there and I was without mail for 6 months. I live at the dead end so they were using our side of the street as their turn-around for their deliveries and like I said slippery slope is exactly what it is. He owns a tile company and it says right on this paper this is for a warehouse/office building, it does not say boat storage and that is what we are dealing with. Like I said here is the paperwork for the last how many years in this court order was in effect in 1998 and it took us 5 years to get this court order but it is the same stuff we are dealing with right now. He is going to go in there and say oh yea it is a boat but it doesn't say that on this paper, it says warehouse/office. Chairman Jancura stated understand because he is building in an Industrial section, he can't put that it is for boat storage he has to say something else because that is not an appropriate designation. Ms. Nichols stated correct but you go through and he does decide to do it as a warehouse for his tile company then he has to have certain driveways for trucks to get in, he has to have certain parking areas, he has to have allotments for spaces for turn-around. Like I said we have been through this already and that is the reason we got the court order against Wright's and we have it in place against the city also. So you are talking a lot of stuff that you have to deal with if he goes ahead and does this, all of a sudden it is a boat and now he is doing his tile company out of it. We know there is lots of stuff and like I said we have already dealt with this once and we have a court order that there is no semi-trucks allowed to turn-around down the end of Cove Beach and there was a street sign before they paved it that said no trucks but it got removed when they put the new sidewalks in. So I am just informing you and if you go back in your books you will see that we have been dealing with this for a long time and yes the slippery slope will happen because it happened already once. Law Director Graves stated first we appreciate that,

this new process of the Site Plan Review was just passed by City Council in April of 2014. This is an effort to apply a little more scrutiny to these type of proposals than has been in the past. Secondly should the Commission approve this plan it could put certain contingencies upon it, in other words that it would be used for certain purposes and that the plan would be approved based on this. Ms. Nichols stated is the city going to enforce it? Law Director Graves answered absolutely. Ms. Nichols stated yea ok 5 years ago they didn't enforce it, we had to go to court to get it enforced. Law Director Graves stated I wasn't part of that. Ms. Nichols stated that is why I asked how long you have been on the bench or whatever. It took us 5 years because the city didn't want to enforce it, even the court orders the city didn't want to enforce it we had to go back and get another court order to make the city enforce their own rules.

Clark Crabtree, 472 Cove Beach (sworn in) stated everybody putting much talked about my concerns already but one of the main ones are the kids on the street, the road getting tore up, noise, lights and that kind of thing. I don't know, it is just bad for the neighborhood. I think that is why a lot of people are leaving. This street was built like in a country atmosphere and it is not that way anymore.

Jean Cantu, 556 Cove Beach (sworn in) stated I live at the end of Cove Beach right next to my daughter. We had a lot of problems with trucks in and out, in and down all the time. I own 3 houses there that I rent to people who have kids and they do not want trucks and stuff coming down there. It is cul-de-sac actually, it is a dead end so all the business people even when Cat was building his house for 3 years all the traffic that was his supplies building the house came down to our end of the street and turned around and backed into Richelieu. She couldn't get mail when the Wrights did it and it is a lot of traffic and like I said I rent 2 houses down there and I just don't appreciate the time and money. I have lived there for 70 some years putting in houses for somebody to have Industrial and behind our house is Industrial too. We don't use it as Industrial, we could because we have a right of way to it but we prefer the quiet street, the residential street and it is like my daughter said you start out with a building like Wrights; a garage and it turned into 2 businesses and they operated it right it on Richelieu which was Alan Wright. There was 2 businesses, Bruce Wright and Alan Wright and traffic up and down and like she said we paid for that street and it actually is the nicest street in Sheffield Lake to live on and raise children.

Mary White, 533 Cove Beach (sworn in) stated I am the house south of Mr. Oprean and my concern is because he is in the granite/marble/quartz business that we are going to be having those delivery trucks in back and we have been inside of the buildings where they do this. We are going to have that noise, dust & dirt, he is going to be using that. I was widowed at a young age with 3 children so you don't what is going to happen in the future where if he will be there or not and then we are going to have businesses on that street, more businesses on that street. We are the last people that probably moved in, we have only been there a year and a half. Me and my husband we moved from Avon Lake and we love Sheffield Lake but we are concerned now that we are going to have a business next door to us and the traffic.

Chairman Jancura advised Mr. Oprean as an option you could apply to the Zoning Board of Appeals to have the rear of your property rezoned residential which will allow you to build more of a regular garage and would also help to address all the issues that and concerns that your neighbors have. Is that something that you would consider? Mr. Oprean answered yes I can consider that but why don't we do that here now? Law Director Graves advised actually a rezoning actually starts with Planning Commission. So you would be willing to amend your application to consider a rezoning of that lot, it would just be that individual lot. You would apply to have that lot rezoned residential? Mr. Oprean answered sure but would I be able to build the same type of building on a residential lot? Law Director Graves advised that is a discussion for a whole other day, you would have to comply with the residential requirements which I think you originally testified you wanted to build a garage that would comply with residential. Mr. Oprean answered exactly I don't have a problem with that. Law Director Graves stated the rezoning process takes time, there is a review period and a public hearing that has to go 3 readings before City Council but you would be willing to go down that option? Mr. Oprean answered if that is my only option yes. Chairman Jancura advised that is not your only option. I don't know that we are ready to make a decision tonight. We might need a little bit of time to consider this since this is a big matter. We can consider it as presented or you can amend your application to have it done residential and go that way. Mr. Oprean asked how long is it going to take, roughly how long it is going to take until we have a result? Law Director Graves answered 4 months. Mr. Oprean stated that is going to put me into the winter with a building. Law Director Graves explained Council would have to adopt a resolution that sets the public hearing not less than 60 days out from the review of the Planning Commission, there will be 30 days notice by publication for the public hearing after which zoning changes require a full 3 readings by City Council and that is a month and a half right there and then they won't be passed by emergency so that will take 30 days to go into effect for the legislation rezoning the parcel. So even if we move this right a long I think 4 months to rezone that. Mr. Oprean stated if we consider it the way it is today, what resolution could we get today based on what we have right now? Law Director Graves advised Commission would still have to deliberate on that whether they want to approve the site plan as presented, a number of issues have been raised. Mr. Oprean stated with amendments of keeping my word, legal amendments and keeping my word and doing just storage and whatever.

After a brief discussion with Commission, Chairman Jancura asked do you want time to consider this or are you ready to make a decision tonight or do you need time to consider this and review everything that has been presented and render a decision next month at our next meeting. Chairman Jancura advised Mr. Oprean we are going to consider everything that has been presented and we will get copies from Kay, all the comments and so forth and we will deliberate and give our decision at our meeting next month.

Female (unidentified) stated why when she asked about if the neighbors could ask and have that be residential nobody knew anything and now you are telling him? Law

Director Graves answered an owner of property can always request that their property be rezoned. Another female (unidentified) stated but I asked you that, I said if we all get together and rezone it and you said that it would all be grandfathered in. Law Director Graves corrected let me back that up, that is not what you asked and that is not the question that I answered. I am sorry for there was miscommunication, I think the question you asked and the question I thought you were asking can't the city go in and just rezone it. The city can do that, we can go in and say we are rezone whole area residential but anybody that owns it now would still have Industrial use rights – they are grandfathered. Now if an owner comes in and says I want to apply to rezone my property – they can always do that. So everybody got together and made that application. Male (unidentified) stated then it wouldn't be grandfathered? Law Director Graves stated no, no. Female (unidentified) stated so we all can take care of that, if we want to do something like that. I understand what you are saying now. But he can always keep his Industrial while the rest of us have it residential correct. Law Director Graves answered yes. Female (unidentified) stated that is fine if he does that because then we would be back here again, whoever keeps it Industrial we would come back every time. There would be more residential properties and there would be 1 Industrial.

OLD BUSINESS:

City zoning study – Law Director Graves advised we are going to look at rezoning the eastern side of Cove Beach.

NEW BUSINESS: None.

CITIZENS' COMMENTARY: None.

MEETING ADJOURNED: With no further business before this committee, *Motion Melbar/Second by Wells to adjourn at 7:45 PM. Yeas All.

CLERK OF COMMITTEE AFFIRMATION: This meeting of the City Committee of the City of Sheffield Lake, Ohio was held and conducted under All Rules and Regulations Governing the Sunshine Laws of the State of Ohio as they may apply. All meetings are recorded and available in Councils Office.

CLERK OF COUNCIL/COMMITTEES
Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Commission Of Sheffield Lake DO HEREBY CERTIFY that this is A true and exact copy of the Minutes of COMMISSION Of July 16, 2015.

CHAIRMAN
Scott Jancura

PRESIDENT OF COUNCIL
Richard Rosso

and/or

COUNCIL PRO TEM

Alan Smith