

**Minutes of the Special Planning Commission  
Sheffield Lake, Ohio  
September 30, 2015**

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

**ROLL CALL OF MEMBERS:**

Present: Jancura, Wells, Melbar, Guenther, Erdei

Attending: Applicants and Attorney/Representative Mark Craig, Concerned Citizens

**MINUTES:** \*Motion by Guenther/Second by Wells to approve the August 20, 2015 minutes as presented. Yeas All.

**CORRESPONDENCE:** **None.**

**REPORT FROM COUNCIL REPRESENTATIVE:** **None.**

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

**PRESENTATIONS:**

*LJ Heating and Cooling, parcel 0300033115041* – Attorney/Representative Mark Craig was sworn in for testimony by Chairman Jancura. Attorney/Representative Mark Craig explained we are here to present the final site plan submitted for this property. LJ Heating and Cooling was here in July for a preliminary review, they wanted to get an idea. They are interested in purchasing the property and before they ran into problems with “well, we are not going to be able to put anything on the property”. They wanted to come and find out, get some guidance from you as to what they would need to include in their site plan submission. This is their first building and they have never built one before. Chairman Jancura advised I would have to apologize, we are to amend the code section there because we could ask a bunch of questions, but we couldn’t say whether we liked it or not or anything as there was no provision in that. Just wanted to make that clear. Attorney Mark Craig answered we appreciate that because I think that was kind of a source of frustration, they now are going to have to invest in all this; get the drawings and things before we even know if we are going to purchase the property. By the way, I appreciate the fact that you have called a special planning meeting for this review because I know that the September meeting had been cancelled. I do appreciate that you did that and we have a letter of intent now with the owner of the property that is conditioned upon are we going to be able to put our building here that we want to put here. That has a closing deadline of October 31st, so it was very expedient that we had this meeting tonight. Chairman Jancura advised it is not a problem as we like to encourage new great developments in the city. Attorney

Mark Craig continued a package was submitted with the final site plan submission and I am hoping that you all have copies of that. As was discussed during the July meeting, this is a split zoning property – it is one parcel, but it has got split zoning on it. It is Industrial in the back to some point that nobody seems to really know where it is at then it is B1/B2 in the front. You're prior Building Code Inspector Phil Lahetta when he was working for you part-time had opined about this parcel and even made a recommendation to the Mayor. That this parcel should get changed as it is probably making the property difficult to build on, creating confusion and it is definitely not allowing the property to be put to any use. Since that time I know that you had Steve Vogel from Safebuilt and he had taken a look at the problem and he submitted some materials in support of putting a building on this property that is similar to the uses that are in the neighborhood/adjacent uses as you can see. I believe that there were some photographs that were submitted before. Chairman Jancura answered we have seen them. Attorney Mark Craig added I have got the parcel information from the Auditors, so you can see the overhead pictures of the buildings on the adjacent parcel. So you can see what is being proposed here really does fit within the nature of use of the surrounding properties and should be in harmony with them. When I spoke with Phil Lahetta he pointed out to me that in the B1 district, one of the permitted uses if you see 1139.03b2 also permitted are service type businesses where operations are conducted within wholly enclosed businesses. This is a heating and cooling business and they would like to use this as they are going to be conducting some operations in the wholly enclosed building for heat fabrication/repair/assembly and drop off of parts. In addition to the fact that they are using this for storage. They are growing – it is a growing business and it is a good problem to have and certainly a good problem to have here in Sheffield Lake. You have got the drawings that should have all the required information on it. Chairman Jancura stated from what I understand it has got a driveway to access Abbe? Attorney Mark Craig answered yes. Chairman Jancura stated, is there going to be signage? Attorney Mark Craig answered the signage will be on the building, but will not be at the street. One of the things that I discussed with Mr. Lahetta was the fact that we have the required setback requirements. There is going to be the additional setback requirements so that they can put something else on the front, but to make sure that we have got it far enough away from the street so it is not going to be an eyesore from the street. Chairman Jancura asked is that the corner lot or is this just one lot up from the corner? Victoria Sturgill advised this is just south of that new building on Abbe Road. Member Melbar asked is there a lot south of that? Victoria Sturgill answered there is no building there. Member Melbar stated a lot of tree cutting. Member Guenther asked isn't this the lot that Gary split before, a while back? Victoria Sturgill answered I believe he did sell a parcel to McFarland. Attorney Mark Craig advised so that was our intent as far as use and the reasons why we are coming

here at this time. Council Representative Erdei asked it says location of detention if required for stormwater management, is that just drainage? Member Guenther stated they are going to make you put in a retaining pond. Attorney Mark Craig advised I don't think they are going to make us put in a retaining pond but if they do, if the site requires it because of the slope or the swell there. I am not sure where it would go but there is plenty of space for it. Council Representative Erdei stated I don't see no need for it myself but I questioned it when I saw that. Attorney Mark Craig advised he wanted to be as comprehensive as possible because we said here are all the requirements and make sure it is all on there. Member Wells asked is there any problem that the terms contain in the letter of agreement that are not comprehensive and others will be added later? Chairman Jancura answered no this gives them a bear interest in the property and that is all that is necessary in order for them to have standing here. They have the option to buy it kind of regardless of terms within reason. Member Melbar asked as far as the zoning B1 versus the Industrial, how do we figure out the line for that? Chairman Jancura answered from what I understand the current B1 zoning is not going to allow the storage building for the type of building that they want to have but it should be contiguous with what is behind it which is Industrial zone which is the most liberal zone so to speak. The Planning Commission for a long time has had the city zoning study to try and clean some these areas up so they are more contiguous and more friendly for the business. Member Melbar asked so this building is considered Industrial or B1/B2? Member Wells stated yes one is B1/B2 and then there is Industrial, there are actually three. Member Melbar asked understood but what is this building that they are putting considered? Chairman Jancura answered it is a storage/service building. Attorney Mark Craig advised this is a service type which does fit within B1 but it will include some storage component but since it is service and it would fit within the B1 classification/B1 is more restrictive then the Industrial as Industrial includes all the sub-uses so that it would fit within either side of the property. Member Melbar stated that is what I was looking for – it will fit within both. Law Director Graves stated for now that is fine. This is just strange and I don't know how it came to be years ago that this parcel has a split zoning and whenever you have that you just have to work with it. The rear is zoned Industrial and the front of the lot is zoned Business. There is an existing business next door and I am not sure what the nature of that is but it is similar I guess. So this would not be inconsistent with that split zoning. Member Guenther advised it is nice to see that businesses want to move into Sheffield Lake and help improve the look of our city, I do have to commend you for that. Member Wells advised I appreciate the fact you listened to the advice that was given to you in July and followed through so it was a pleasure to have a special meeting for you. Council Representative Erdei advised we had the same problem with the last client that came in here for building a garage in his backyard on Cove Beach

and that was solved without any problems. Myself like Karl we are here to promote our city and we will work with any business that is possible to move into our city. That is our goal, we appreciate it.

\*Motion by Wells/Second by Guenther to approve the submitted site plan.

ROLL CALL FOR APPROVAL: Yeas All – Guenther, Melbar, Wells, Jancura.

Mrs. Rosa Gee advised the retention pond would be a smart way to go as it would cut their bill in half. We want businesses to come so someone needs to tell them. It would be so cheap to put in before they start the construction. Member Guenther advised they got a lot of property that they can dump the dirt to and bring up grade. I am sure they will be back with their final drawings and all that. Member Melbar asked will this have to go to Zoning? Chairman Jancura answered only if they require a variance. Initially their site plan conforms, they have got all the setbacks. Now when it comes down to it and they practically have to do something that is where something might arise.

Law Director Graves advised the city has several different ways you could go with this being one lot with split zoning. The strictest interpretation would be the Industrial type use on one part of the property and a business type on the other part of the property and if you wanted to span that line you would need a variance; a use variance which use variances are very difficult if not impossible to obtain. That requires a finding of undue hardship which is a higher standard than the area variance standard of practical difficulty. One of the factors on that is if there is no other economically viable use of the land. So in the spirit of the city being business friendly and also in light of the fact that somehow a storage facility is allowed to be built right next door, I think it would be a liberal view which would be if it meets the minimum zoning of Industrial.

**OLD BUSINESS:**

*City zoning study* – **None.**

**NEW BUSINESS:** **None.**

**CITIZENS' COMMENTARY:** **None.**

**MEETING ADJOURNED:** With no further business before this committee, \*Motion Melbar/Second by Guenther to adjourn at 6:50 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.

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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 the Special  
Planning Commission of September 30, 2015.

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CHAIRMAN

*Scott Jancura*

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PRESIDENT OF COUNCIL

*Richard Rosso*

*and/or*

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COUNCIL PRO TEM

*Alan Smith*