

Special Planning Commission Minutes
Public Hearing
July 24, 2023

Chairman McCall: The City of Parma Heights Special Planning Commission meeting and Public Hearing of Monday, July 24, 2023, is called to order at 5:30 p.m. Roll call please.

Clerk Allen: Roll Call: Humphrey, Sepich, McCall.

Chairman McCall made a motion to excuse Councilman Haase and Mr. Litten; seconded by Mr. Humphrey.

Clerk Allen: Roll Call: Humphrey, Sepich, McCall.

Motion Carried

Chairman McCall: Please stand for the Pledge of Allegiance.

Pledge of Allegiance is spoken.

PRESENT: Commissioners McCall, Humphrey, Sepich and Clerk Allen

ADMINISTRATION PRESENT: Assistant Law Director O'Malley, Service Director Sepik

Chairman McCall began the meeting with opening the Public Hearing for Motely 7 Brew, LLC who is requesting a Chapter 1135 Conditional Use Permit and Chapter 1195.05 (b) Commercial Use-specific regulations (drive-thru and drive-in facility). I'm going to start with Mr. O'Malley...

Assistant Director O'Malley stated that this is foremost a development plan review as you would ordinarily see. In addition, you have before you the application for Conditional Use Permit under 1135 and this is the Public Hearing component of that. You've been provided a preview prior to this meeting so that the code contemplates notification to the public, which has been met. You have at least one member of the public participating here tonight. Your development plan review should proceed as it normally does and then you can also make the recommendation to the council on the Conditional Use Permit matter. I would recommend 2 motions this evening.

Service Director Sepik added that just prior to the meeting Greg provided an updated site plan. Many questions were answered. Fencing along the rear property line, marking on the crosswalk area for walker to come up to place order, lighting spec sheet is in front of you, exterior finish of the freezers and/or coolers that are outside.

Chairman McCall announced that Mr. Litten has joined the meeting at 5:37 p.m.

Greg Modic, 4223 Brecksville Road. I also have with me Christian Potter with 7 Brew to answer any questions that I may not be able to. On the top page is the crosswalk that comes in from the left side of the drive to the building. The vinyl fence is called to go across the entire back of that parcel, the intent there is block the lighting going into the residential neighboring property. When we talk about lighting you have the cut sheets but this is style all the down lighting, nothing heading up on it. Landscaping being laid out on the second page; this is what we would be looking to plant there as far as tree/shrubs throughout the property. Trying to dress up a few of the areas as you enter along Pearl Road and then break up that pure white wall. It was mentioned with the loud speakers, there would not be any loud speakers it is all done by iPad or person-to-person. This layout just came off the presses, I apologize for not giving you more time to review, a street scape that shows that box is not just a stainless-steel cooler. There will be graphics on there, break it up and make it look a little bit nicer. In relation to the main building on this photograph to give you a idea of what it would look like.

Chairman McCall asked if it has a wrap? Or what is that.

Christian Potter responded yes; it is. It's a vinyl wrap.

Mr. Sepich asked where's the crosswalk located again?

Greg Modic approached the Commissioners and pointed out the crosswalk on the layout provided and mentioned that it's not where the majority of the traffic is coming in, you'll come to side where the folks are stopped here, it's a safer entry point to it. Here's another view here as well if you were looking from the back, if you were seeing the drive line, kind of looking at what could be there.

Mr. Litten asked if the arrows, that's the other side of the cooler?

Christian Potter stated that they generally have a QR code so that our customers in the line can scan it, this way they can pull up the menu when they're in the line. It can be a variation of things, that kind of symbolizes how we paint and stripe the drive thru isle, so it's a mimic of that, but generally it is a QR code. That usually takes care of us not having menu board, because our employees are out there with the customer helping them through the process.

Chairman McCall asked if the down lighting a certain height, the poles? Is there a certain standard to it?

Greg Modic responded that there typically is a standard to them, but I couldn't tell you off the top of my head. I do know that the exact placement of these and the height will be designed as part of the building and site engineering plan to make sure there is not light beaming off on the other properties, but more importantly the crosswalk/intersection and round the building for the employees is adequately lit.

Chairman McCall stated that LED lighting is relatively bright to begin with.

Greg Modic stated that they will keep them as low as possible to keep the light down on the payment where the lighting is needed where folks are driving and walking. Trying to keep it all within this lot, it makes it just that much easier.

Christian Potter added that it makes it easier for our customers too, they know they have a dedicated path and they know it's one way in and around the building. It's safer for everyone. You don't have intersections between the property.

Assistant Law Director O'Malley added to your question about the lighting. Do the plans show the number and location of light fixtures?

Greg Modic stated that the plan does not. Typically, the final sight engineering plan and details and the building is all done with the electrical study, submitted to the Building Department to make sure that we have the proper number of lightings to light up the area but not too much to bleed off the property.

Chairman McCall asked Director Sepik if we have determined that we have enough green space based on the cement?

Director Sepik responded yes. All the Building Departments concerns have been met, other than the 4 questions that were just brought forward.

Chairman McCall gave an overall review of concerns. We discussed the fence, which is going to go across the back all the way over and then you are going to have the landscape buffer as well.

Greg Modic responded yes. It's on the first page of what I provided.

Assistant Law Director O'Malley asked if the fence was going to strictly limited to the rear of this parcel or if that vinyl fence was proposed to extend beyond the back of this parcel in separating the residential because it's all the developer's property.

Greg Modic added that to extend the fence out to Maplewood I don't think would be possible. There's a storm infrastructure from the residential component crosses the line there, so we would have a fence straddling a storm easement which creates challenges. The main traffic headlights coming in will be facing the back I think the fence covers that. As the lights turn to move through the line so I think the fence will adequately screens the residential property which is why we proposed just the back of the parcel.

Chairman McCall asked about the residents on Maplewood being hit by the lights of the vehicles if they stop and don't make their way all the way around? Correct?

Greg Modic suggested extending the fence or perhaps mounding, screening with the pond at Maplewood. I wasn't thinking about the people across the street. I think extending the fence to ensure the headlights don't shine into Maplewood residents approximately 20 ft from the back of the property would be sufficient because as the car goes around at that point would be pointing back out onto Pearl Road.

Assistant Law Director O'Malley added that if the Commission wants to make that a condition, I think we should make it very clear as to what the limits of that fencing should be. Where it is being recommended to add it.

Greg Modic responded that I'm think at the radius turning point. This is the point where the vehicle headlights will turn and enter onto Pearl Road.

Director Sepik asked are you looking for a live fence like an Arborvitae or a vinyl fence.

Chairman McCall stated that he's looking for separation so the residents don't have to look at headlights. What's the city's preference?

Greg Modic suggested putting the fence up but then add green scape to break it up. I'm thinking from the point of curvature on the point of turn on the way back towards Pearl Road.

Mr. Sepich asked where is most of the business done? In the two lanes as your pulling in. Where are the transactions and ordering done?

Greg Modic responded with generally it's in the two lines on the other side of the building, not past the curb.

Assistant Director O'Malley added that the Building Department raised four items, the vinyl fencing and its location, striping for the sidewalk, the light fixtures and the questions about the cooler and what material is was made of. I think the Building Department was suggesting vinyl fencing to the east, behind the former Burger King. I think the developer is suggesting to you that they run the fence along the back of the property in question and up their sideline, that would control the headlights that might be going through there. I don't know if the commission has seen anything unique like this before. It seems like it might box in the property?

Greg Modic stated that we could try to stagger them so that it creates that line of sight a little bit there.

Chairman McCall added that that might be a better look, I'm just looking for a barrier there. Staggering them will probably be much more esthetically pleasing than just a white fence.

Greg Modic added that if we come up with a plan, if we say we're going to stagger them like this, we'll put them in, the business opens up and I'll tell you right now the second or third house on Maplewood, she'll show up at our office, visiting her daughter and give me a smack over the head if she's getting headlights. If we need to come back on our side of the pond and possibly supplement it once it's in, we're more than willing to do that.

Mr. Litten stated that he knows there will be some mounding and some trees. In driving down the street I don't remember where they start and I'm wondering if that's something that's going to help with the light as well. Is there any way for us to know where that mounding and trees start?

Greg Modic responded with I don't remember exactly where that begins and was trying to reach the landscaper during the meeting.

Mr. Litten then stated that it doesn't really sound like it matters, because you sound as if you're going to take care of what you need to take care of regardless.

Greg Modic responded that if there's a problem between the pond and 7 Brew, if it isn't adequate when we look at it. We'll come on the other side and see if we need to supplement that as well at our cost, our property. I believe there is something there now, and if not, I believe there should be.

Assistant Director O'Malley added while the developer's assurance is greatly appreciated, the Building Department reviews plans and the City Council will be addressing the conditional use permit based upon recommendations that you make that are specific and that can be documented in writing and on paper. Whether it's a fence on the sideline, or a fence behind the Burger King or both, is something that needs to be shown on a plan so the Building Department knows what they're inspecting. It can't be on the go or on the fly. I don't know if the mounding might work better with a combination with the fence or a combination of tall grasses might be more affective and more esthetically appealing than a white vinyl fence.

Mr. Litten added if you're speaking to the comment I made, I would like to see anything natural before vinyl, it was just a thought in my head that that would be another thing that would help if we knew the mounding was down that far, it would be just another natural barrier for the headlights.

Chairman McCall added that Mr. Litten is referring to the fact if it's already there. Not that it needs to be built. If it's already there, it's just another barrier, but what I think we need to do here is make with the conditional use, make it subject to one the fence in the back as well as a plan for some kind of staggered fence and/or grass that would help with the that barrier. It's all good when you say you can do it, but it would be better to put it in writing for the record.

Greg Modic asked if the commission is leaning more towards natural barrier instead of vinyl adjacent between the pond and 7 Brew there would be a natural barrier, Arborvitae, possibly grasses as well. Might be appropriate if it is a natural barrier with the condition being that it be provided from the back corner along the easterly property lines towards Pearl Road in a length and plantings to screen the headlights subject to approval of the Building Department. And if space were not to allow for enough plantings between the pond and 7 Brew which I wholeheartedly believe there is room, but if there is not that additional plantings shall be added along the side of the pond adjacent to Maplewood as an added barrier for screening. I think that clearly defines what needs to happen with the final check being done by the Building Department. The definition would be the radius point of the pavement, to this point of curvature again with the specification to block lights, so should the Building Department determine and the engineer with the placement needs to be extended 10 more feet up here, but this is point of curvature. I think we're at about 100 feet.

Chairman McCall added okay 90 to 100 feet. Makes sense.

Assistant Director O'Malley responded that from the comments of the commissioners that your suggestion was plantings in lieu of or instead of a fence. I don't know if the commissioners as a body were implying? Or if you were seeking both a fence and plantings? I think it's presumptuous on the part of the developer to assume that your suggesting plantings instead of a fence, unless that is in fact what you were suggesting to him.

Chairman McCall responded that I think in the conversation when the fence came up because that's the first common barrier I think of, and then as Mr. Litten said, natural is better than vinyl. I think it would better for someone who is a Landscape Architect to say what's best use. We would recommend that there would be coverage and/or a fence or natural, and leave it up to the team with City Hall that has a Landscape Architect to say that this is going to look better than this because we're not in a position, if

you came to my house and saw my landscaping, you're not going to want to have me make the decision. It's a fact. What it does and how it looks, what it accomplishes?

Greg Modic added that we began the discussion with the fence but as it was further discussed the idea of natural barrier, which I believe would be the best aesthetic for the folks on Maplewood and in general would be a natural barrier which I'm confident that we can.

Mr. Litten stated that he feels it might look kind of odd for the fence to go along the back and then stop right there.

Director Sepik directed a question to Christian Potter/Greg Modic; if we go with a natural landscape, how quickly can we get a plan from you so we can look at it, review it and send it to our landscape architect, can we get that all done before our next Council meeting?

Christian Potter responded that we're planning on submitting full plans, I think, next week. I would think that this could be tweaked. Next week.

Chairman McCall asked to go back to the freezer. Is this the first time you've wrapped a freezer or is always been this way?

Christian Potter responded they are generally wrapped. They are not left in that silver kind of shiny reflective material, they're generally wrapped.

Chairman McCall stated that they were surprised when we saw the initial plan.

Christian Potter stated that maybe they just submitted the spec sheet instead of what it would like as a final cut, I apologize for that.

Chairman McCall asked if the commission had any final questions? Any questions from the general public?

Roger Pekarek, 11661 Appleton. You stated that the normal operation will be from 5:30 to 10:00. Is that a 7-day operation?

Christian Potter responded yes.

Roger Pekarek responded okay, just wondering because the other drive-thru doesn't have a Sunday Operation Permit, or didn't, I don't know if they've changed hands.

Chairman McCall asked what drive-thru are you referring to?

Roger Pekarek responded the beverage drive-thru. I assumed with a name like 7 Brew there will be beverage there.

Greg Modic asked when you say drive-thru are you saying where you drive in and pick up a 6 pack, a bottle of water type location? This is more comparable to the Dunkin Donuts, a more traditional service and drink type of service operation.

Chairman McCall directed a question to Director Sepik. You stated that they've met all those other requirements, that's not an issue being that early or that late?

Director Sepik responded that that is correct.

Chairman McCall looked toward Assistant Director O'Malley for advice, so when we make the motion do we need to come out of the Public Hearing?

Assistant Director O'Malley stated that I think you have a motion to approve the development plan pursuant to Chapter 1133, conditioned upon the issuance of a Conditional Use Permit. The second would be a recommendation to Council the approval of the Conditional Use Permit under 1135, and then I would recommend a list of conditions – 1) no loud speakers, 2) hours of operation (5:30 a.m. – 10:00 p.m. 7 days a week, 3) the submission of a Landscape Plan that adequately buffers the site and prevents the light obstruction from headlights onto neighboring properties as discussed,

Chairman McCall made a motion to approve the plan for Motely 7 Brew, LLC in regards to Chapter 1133, condition upon the Conditional Use Permit and then I recommend that we move to this to Council for a Conditional Use Permit via 1135 and that's subject to the following: no loud speakers, hours of operation 5:30 a.m. to 10:00 p.m., submission of Landscape plan that shows the buffer of lighting to the side properties and neighboring properties. Seconded by Mr. Sepich.

Clerk Allen: Roll Call: Sepich, Humphrey, Litten, McCall

Chairman McCall stated with no further actions, I move for adjournment; Seconded by Mr. Humphrey.

Clerk Allen: Roll Call: Humphrey, Litten, Sepich, McCall

Meeting is adjourned at 6:13 p.m.


Barbara Allen
Secretary, Planning Commission


Jim McCall
Chairman, Planning Commission