

SEVILLE ZONING & PLANNING COMMISSION

MAY 26, 2009

The meeting was called to order at 7:05 p.m. by Pete Fontana after the recital of The Pledge of Allegiance.

PRESENT: Rich Demastes, Ralph Smith, Mayor Larry Landis, Mayors Office Manager Nancy Leonard, Zoning Inspector Keki Vania, and Assistant Solicitor Jennifer Hensal.

ABSENT: Chairman Dennis Gordon, due to work.

Council members Sue Frey, Bonnie Gordon, James Lovejoy, Courtney Harlan, and Richard Barbera were also in attendance.

Fontana chaired the meeting due to Chairman Gordon's absence. Mayor Landis made a motion to approve the April 27, 2009 regular minutes as written. Demastes seconded the motion, and the motion passed with aye votes by all. Smith made a motion to approve the April 27, 2009 public hearing minutes as written. Landis seconded the motion. The motion passed with aye votes by all.

OLD BUSINESS:

Robert Yanke of 105 Greenwich Road was present for his conditional zoning application to open a vehicle repair shop at his home. Yanke was present last month and was asked to provide a site plan map. He submitted a drawing for this meeting showing a plan to extend his driveway. He has a four car garage and wants to support his family with the auto repair business. He said all repairs will be done inside the garage with no disabled vehicles scattered around the tree lawn becoming an eyesore.

Yanke will accept work by appointment only. Fontana asked if he will run the business seven days a week. Yanke said no, he will work six days a week but not on Sunday. Fontana asked if it will be light trucks and auto repair. Yanke said, yes. Fontana asked what will happen if the business outgrows the space he has. Yanke said he only wants to support his family and doesn't want it to grow beyond a family operated business. He said enlarging his driveway will give him room for three vehicles to be parked at an angle. Fontana asked if Yanke will be doing repair work, only. Yanke said, yes.

Fontana said no one wants to prevent him from making a living, but the business needs to be kept neat and orderly. Smith asked if Yanke would be opposed to having business hours restricted to Monday through Saturday with hours until 7 in the evenings. Mayor Landis asked if office hours of 7 am to 7 pm would be sufficient. Yanke agreed that is reasonable. Mayor Landis said that if a vehicle is going to be stored longer than two days it should be stored inside the garage rather than outside in the driveway. Fontana said the front setbacks also apply.

Fontana said the residence is actually a nonconforming use. Hensal said it is a non-conforming lot that a conforming use is being placed on. It becomes a mixed use lot which makes it non-conforming in that manner but the use Yanke is proposing conforms to the district the property is located in. It wouldn't qualify as a home based business

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because all operations aren't carried on within the dwelling. Yanke isn't expanding his non-conforming use and as the use is conforming in the zoning district there is no reason to prohibit it as long as he has an approved site plan. Fontana questioned whether the drawing that Yanke provided is sufficient for a site plan. Hensal said the drawing shows what he plans to do and maybe Yanke can answer additional questions. She said he needs to provide some landscaping and if there aren't going to be cars stored outside he doesn't have that issue. Yanke said he has already taken a few jobs because he needs to support his family.

Demastes said he doesn't have any issues with the business but would like to place a limit on how many cars can be parked in front of the business. Yanke said four cars can comfortably fit inside the garage. Mayor Landis said four more can fit in the driveway. Yanke said six would actually fit in the driveway. He said three of them are his personal vehicles, but one of them is being sold. Demastes said with the four cars he can store in the garage and four in the driveway, Yanke could store as many as eight. He asked if he plans to store eight vehicles. Yanke said, no. Demastes suggested limiting it to 6 vehicles. Fontana said that would be four cars to work on and Yanke's personal vehicles. Yanke said he would be happy with a limit of 6 cars.

Hensal said Section 905 limits the business to two curb cuts, and Yanke only has one. All work on the vehicles needs to be performed inside of the building and the business can service vehicles under a 1 ½ ton capacity. Other than that, the commission can limit the number of cars and stipulate business hours. Fontana said there's already basic landscaping at the home. Mayor Landis made a motion to approve the conditional zoning application subject to all of the conditions stated above. Smith seconded the motion. The motion passed with aye votes by all.

DANCE CLUB – 119 & 121 Royal Crest Drive

Debbie Rediger and Robert Crowley were present to inquire about opening a dance club. Crowley said he owns 43 properties in the Village of Lodi. He invited commission members to check with the utility and police departments to confirm that there aren't any problems with his properties, and said he won't tolerate problems with tenants. In Medina County he can evict tenants in 30 days. He explained that the clientele that will frequent the dance club are there to dance and are not big consumers of alcohol. He wants to improve the facility and create a nice entertainment spot for the Village of Seville. He introduced Rediger, and said she will answer any questions that residents may have.

A resident asked whether liquor will be served. Rediger said yes, they are applying for a liquor permit. She said they want to bring an entertainment facility for country line dancing and couples dancing to Seville. She said it will never be hip hop or rap type music. She met with Seville Police Chief Don Burson today on her lunch hour to discuss the business venture. She said there is so much activity going on that people don't sit down and drink. They will be serving food and hope to eventually have a restaurant in

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the other side of the building. Rediger is a dance teacher and will teach different types of dancing including ballroom and swing. She offered to answer questions. A resident asked what the business hours will be. Rediger said initially they are hoping to be open from 7 pm to 1 am Wednesday through Saturday. They plan to apply for a D-1, D-2 and D-3 liquor permit and with that they have to serve food. Crowley said they also plan to have evenings where there don't have a cover charge and residents can come in for a sandwich and to watch the dancing. A resident asked why it's necessary to serve liquor instead of beer. Crowley said some people don't like beer and would prefer a mixed drink.

Rediger explained that the average age of the clientele is 40, and the management will be accountable for disruptions. She said she has never witnessed any problems from the clientele that frequent this type of club. Council member Bonnie Gordon asked about noise since the club is so close to the residential condominium units. Rediger said as co-owner of the business she will make sure the music that the disc jockey plays will be kept at a level low enough for conversations to take place within the bar. She said they will also have live bands from time to time and will let them know they don't want the music played at a loud volume.

Council member James Lovejoy said if live bands will be performing, it won't be possible for Rediger to control the volume of the music. She said she can control the volume. The patrons don't typically drink much because everyone is focusing on learning the dancing. She said the cover charge will ensure that they don't have to rely on liquor sales.

Resident Dee Kelly asked if there are market studies showing this type of business is desired in this area. Rediger said there is a market for it. He asked how many people may frequent the club in any one evening. Rediger said they will have a set limit of seating capacity by the fire codes and she would envision a good evening as being 200 patrons. They plan to advertise on the radio. Rediger reiterated that they will demand the utmost respect of the patrons for the community and the facility. A resident asked about parking. Fontana said there is a zoning requirement based on the occupancy to make sure the parking is sufficient.

Kelly asked what the name of the club will be. Rediger said it isn't set in stone, but she is thinking of "Thunder Road." There are similar clubs on the east side of Cleveland that provide this type of entertainment. They are called the Dusty Armadillo and Mustang Sally's. This will be Rediger and Crowley's first business venture.

Hensal said the day care center is within 500 feet of the location for the bar, so the day care center will be entitled to notice before the liquor permit is approved. Rediger said the day care center hours are 5:30 am to 7 pm and the bar won't be open until 7 pm, at least initially. Kelly asked for a show of hands from the audience that would be opposed to the business. Quite a few of those in attendance raised their hands. Fontana said it's

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noble that Rediger and Crowley want to control the behavior of patrons but it's not possible. Fontana said his main concern is the noise from the music.

Hensal said the restaurant is a permitted use in the local commercial district, and clubs and social organizations are a conditionally permitted use. She suggested that Rediger and Crowley proceed in obtaining their liquor permit and return to the commission once they obtain the permit. That will sort out some of the questions as to whether the business will be a restaurant or a bar. The liquor permit requested requires the serving of food. Once Rediger and Crowley return with the details, the commission will have a better idea as to how to proceed.

Smith commented that he isn't comfortable with the proposed bars proximity to the day care center. Demastes commented that he doesn't think it would be a problem, if done correctly. Fontana said the plan is good, but it is difficult to control the behavior of customers since it won't be a private club.

Barb Schwartz asked how much consideration will be given to residents that are opposed to the business if the business can meet all of the zoning requirements. Fontana said residents opinions are important. Rediger said they don't want to locate in a community that doesn't want them here. Crowley said their business will be modeled after the "Dusty Armadillo" and he suggested that residents visit it to ease their concerns. A person in the audience that is part of their dance class agreed. Fontana asked Rediger and Crowley to proceed obtaining their liquor permit and return to the commission.

ZONING INSPECTOR'S REPORT:

Permit number 1165 was issued to Rick Vierheller of 45 Pleasant Street for a porch.

Permit number 1166 was issued to Seville Inn for a sign at 39 West Main Street.

Carol & Bill Carter turned in a list of resident's addresses that they believe to be in violation of the zoning code. Vania checked each address and sent letters to 20 of the property owners. Seven of the addresses supplied were incorrect and 13 properties listed weren't in violation of the zoning code. In addition to the 20 on the list, Vania sent out 7 other warning letters.

Fontana suggested scheduling a work session to discuss Section 808 of the zoning code (yard restrictions) and floodplain regulations. The work session is scheduled for Saturday, June 6th, 2009 at 9 am. Fontana asked Hensal to attend.

PRIVILEGE OF THE FLOOR:

Fontana said since we will be discussing front yard storage and floodplain regulations at the work session he isn't going to discuss those issues this evening. Annexation won't be discussed either, since a hearing date is scheduled for tomorrow. A resident said she

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received a letter about her single axle utility trailer parked in her driveway and she asked whether the commission will pass rules on Saturday at the work session. Fontana assured her it will take several months if the regulations are changed. She said she is on a corner lot and has the trailer stored behind her home. Vania assured her that the letter was not a violation letter; it was a letter explaining that Section 808 is being examined. Mayor Landis assured her that it takes 3 months to amend the rules and a public hearing is required before changes are adopted. Vania and commission members explained that if the trailer isn't a dual axle, the resident is not in violation.

Mr. Sulzener asked if the commission will consider adding language to the code to make it more acceptable to those residents that own recreational vehicles. Fontana said the emphasis at this time is front yard storage.

Fontana thanked residents for their input. Schwartz said the minutes use 1 ½ ton and 1 ½ ton capacity interchangeably, and that is not correct. Fontana said he understands and there is no point in Schwartz continuing. Mayor Landis said 1 ½ ton is the rated capacity for trucks. He asked her to bring the specific minutes to our attention. She said "you guys approved them."

Demastes made a motion to adjourn. Fontana seconded. The motion passed and the meeting adjourned at 8:15 pm.

Pete Fontana

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