

- 4525 Mayfield Rd, Burger King, conditional use application, drive thru, discussion
- Dark store ordinance, discussion

Chairperson King called the meeting to order at 7:03 pm in the Community Room of City Hall.

Members present: Ramon Adams, Randy Bowling, Dan Ivins, Dan Monroe.

Also present: Laura Heilman, Building Commissioner

4525 Mayfield Rd – Burger King – conditional use, drive thru, discussion

Mr. Bowling stated that he is against the project and not just because of how the community feels.

Chairperson King referenced the memo from the Building Commissioner, Laura Heilman, recommending that the Planning Commission recommend the conditional use approval with a list of conditions. Chairperson King is concerned that there has not been a traffic study and the possibility of bottle necking of the parking lot is a concern. The drive thru and ingress will cause more congestion for the parking lot. The board was not given any information from the applicant on how they will alleviate the concerns with the increased traffic.

Mr. Adams stated that he has not seen any significant reasons for the commission to not recommend approval as long as they put the conditions on the recommendation.

Mr. Monroe stated that he does not see how the confines of the site will allow for queuing in a good manner. He does not feel the project fits with the overall vision of the Mayfield Green district. He also has concerns for the safety of the pedestrian traffic due to more traffic for the plaza.

Mr. Ivins stated that parking and bottle necking are a concern.

Commissioners went over the conditions presented from the Building Commissioner:

Mr. Bowling referred to the 2nd paragraph of Commissioner's memo and asked if the vision for the Mayfield Green District was involved in the recommendation.

Building Commissioner, Laura Heilman, responded that she is required to recommend the conditional use for approval with conditions based on the litigation from the past applications.

Additional conditionals discussed:

Mr. Adams – see a plan for the overflow of traffic; this is reflected in Condition #5 from the Building Commissioner's memo.

Chairperson King – require a traffic study.

Mr. Ivins – see a finalized plan of how they will prevent bottle neck.

Mr. Monroe – see plan of how traffic will not impede ingress/egress and not spill into Mayfield Rd.

Chairperson King made a motion to recommend the conditional use application for 4525 Mayfield Rd, Burger King drive thru, with the conditions lined out in the memo from Building Commissioner, in addition to a condition that a traffic study is conducted, and a condition that a plan or method of how the drive thru traffic will not bottle neck and impede ingress or egress and traffic not spill on to Mayfield Rd. is presented. Mr. Adams seconded.

Vote: Motion denied. (1-4-0)

Aye: Adams

Nay: Bowling, Ivins, Monroe, King.

Dark Store Ordinance – discussion

There was a discussion on the edits to Section 1336.09; section was renamed to *Commercial Development* from *Major Retail Center*. The board decided they will not have an escrow requirement in the ordinance.

Mr. Bowling discussed the performance bond that they require for jobs at Cleveland State. He stated that he found out it is nearly impossible or extremely expensive to have no end date on the performance bond.

Mr. Monroe discussed the possibility of making big box stores register each year with a fee for the possible use for future nuisances. This would apply moving forward for new construction.

Chairperson King discussed taking out the performance/surety bond section. If they remove, should they substitute with something else?

Mr. Bowling discussed timeline of vacancy; is there a time line to notify the city it is vacant? Board feels the City or resident will notify the city if it becomes vacant if the owner does not register.

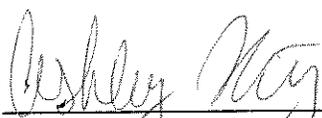
Chairperson King went over the definitions section; they will redefine C. and use as purpose and make as Section 1336.01 while other definitions move down.

There was discussion on requiring an annual nominal fee; possibly 1% of the cost of the job.

Mr. Bowling made a motion to approve the April 25, 2019, Planning Commission minutes move to approve. Mr. Adams seconded. All ayes. (5-0-0).

Chairperson King made a motion to adjourn the May 9, 2019, meeting. Mr. Bowling seconded. All ayes. (5-0-0).

Meeting adjourned: 7:48 pm.



Chairperson Ashley King

5/23/19
Date



Monica Ferrante, Recording Secretary