

**MEETING MINUTES**  
**CITY OF EUCLID**  
**PLANNING AND ZONING COMMISSION**  
(REGULAR MEETING)  
EUCLID MUNICIPAL CENTER - COUNCIL CHAMBERS  
JULY 12, 2011 – 7:00 PM

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**CALL TO ORDER:**

The Planning and Zoning Commission of the City of Euclid, Ohio held a regular meeting on Tuesday, July 12, 2011 in the Euclid City Hall Council Chambers. The meeting was called to order at 7:00 PM by the Chairperson, Mr. Howard Drake.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF MEMBERS:**

MEMBERS PRESENT:

Mr. Willie Brown  
Ms. Marsha Curtis  
Mr. Howard Drake  
Ms. Laura Gorshe  
Mr. John Monroe

MEMBERS ABSENT:

OTHERS PRESENT:

Mr. Paul Beno, Zoning Commissioner  
Mr. Jason Carter, Assistant Law Director  
Councilman David Gilliam, Ward #1  
Tod Guntner, Dog Park Committee Member  
Councilwoman Kandace Jones, Ward #3  
Councilman Daryl K. Langman, Ward #7  
Councilwoman Mary Jo Minarik, Ward #4  
Mr. J. Scott Muscatello, Secretary Planning & Zoning  
Councilwoman Madeline Scarniench, Ward #2  
Mr. Frank Pietravoia, Director, Department of Economic Development  
Councilman Greg Van Ho, Ward #8  
Lynn Wilkoff, Dog Park Committee Member

**APPROVAL OF MINUTES:**

A motion was made by Mr. Monroe to accept the minutes from the June 14, 2011 regular meeting of the Planning and Zoning Commission.

Seconded by Ms. Gorshe

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**MINUTES APROVED (5-0)**

**COMMUNICATIONS:**

**OLD BUSINESS:**

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**NEW BUSINESS:**

Ordinance Referral: # 344a-11: An ordinance supporting a two year trial period for a dog park to be located at the area of the sand volleyball courts, beginning January 1, 2012 through December 31, 2013.

Randy Smith, Director of Public Service for City of Euclid – Owner  
585 East 222<sup>nd</sup> Street  
Euclid, Ohio 44123

**RE: 2011-CUA-03**  
**PP# 643-05-007, 008, 009**  
**22501 Milton Drive, (Within Memorial Park)**  
**Conditional Use Approval**  
*Ward #8*

Randy Smith, Director of Public Service, on behalf of the City of Euclid, has submitted an application for a Conditional Use Approval to allow the installation of an outdoor activity area, within Memorial Park, for a dog park use, a contained area for unleashed dog activity. The proposed dog park area is currently occupied by sand volleyball courts. Two motions are required.

1. A motion to conditionally approve the installation of a dog park in an existing outdoor activity area currently sand volleyball courts. Located 20 feet from a U-2 District to the west and 60 feet from a U-3 District to the north. PP# 643-05-007, 008 & 009

2. A motion to amend the Memorial Park Plan to reflect a two year trial period for said dog park activity area.

*1364.03 (a) and (b)*

Mr. Beno stated the Planning Commission should be aware this proposal, including the companion request for a conditional use approval was originated by a City Council referral of a resolution proposing a two-year trial period location for a dog park activity area in Memorial Park at the area now occupied by sand volleyball courts on the north side of Milton drive. In order to comply with the terms of the resolution, the Service director, who has responsibility over maintenance of City property and represents the city as owner, was called upon to file for the conditional use approval application. This application should not be interpreted as an endorsement of the proposal by the Service Director or the Administration.

There are three companion issues within this case:

- A resolution referral from City Council which seeks to establish a temporary home for a dog park, a fenced in area where dog owners allow dogs to interact with other dogs in an unleashed setting;
- A conditional use approval for the area being proposed as a dog park by the referred resolution; and,
- A presumptive amendment of the Memorial Park Master Plan adopted by the Planning and Zoning Commission on May 10, 2011 to include a dog park at the proposed Milton Drive location within the park.

Of these three, Staff recommends that the Commission begin their review of the meeting from Council with the conditional use approval process. The primary reason to begin there is that the conditional use review process provides a framework to use in evaluating the use proposal and for applying conditions to a potential conditional use approval.

In order to meet and exceed our notification requirements, Staff recommends that the meeting of July 12, 2011 be a preliminary meeting in which we accept public testimony from people who either support or oppose the dog park; to review the facts of the case; and, develop suggestions for any conditions which may be applied to the conditional use approval and any recommendations related to the referral by City Council.

If the Commission concludes the Memorial Park plan should be amended, conditions on the operation of the proposed dog park and recommendations back to Council can then be drafted and put to a final vote at the August 9, 2011 meeting.

Members of the Dog Park Committee or other supporters of this proposal should direct their remarks to answer the general criteria for review of all conditional uses as listed in Section 1368.06 of the Codified Ordinances:

*A conditional use and uses accessory to such conditional use shall be permitted in a district only when specified as a conditional use in such district and only if such use conforms to the following criteria, which are in addition to standards and regulations set forth in applicable sections of this Planning and Zoning Code.*

- (a) *The City Planning and Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that:*
- (1) *The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district*
  - (2) *The conditional use will not be detrimental to property values in the immediate vicinity.*
  - (3) *The conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the prevailing existing or intended character of the general vicinity.*
  - (4) *The establishment, maintenance or operation of the conditional use will not endanger the public health, safety or general welfare.*
  - (5) *The conditional use will not be more hazardous or more disturbing to the existing and future use and enjoyment of properties in the immediate vicinity than uses that are permitted by right, nor substantially diminish or impair property values within the neighborhood.*
  - (6) *The conditional use will be minimally impacted in the future by surrounding uses permitted by right that may be incompatible with the proposed conditional use.*
  - (7) *The conditional use will be designed and constructed so that:*
    - A. *All access drives, access points to public streets, driveways, parking and service area shall be in compliance with the regulations set forth in Part Nine Streets, Utilities, and Public Service Code.*
    - B. *The sites will be properly landscaped in accordance with Chapter 909 and other applicable provisions of the Planning and Zoning Code.*
  - (8) *The application complies with the specific conditions, standards and regulations set forth in this chapter, which are established for the particular conditional use proposed.*
- (b) *The City Planning and Zoning Commission may require the applicant to submit additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.*

Councilwoman Jones gave a brief overview of the history of the current Dog Park Committee and how they went about coming up with their recommendations.

Councilman Langman Gave an additional summary of the history of Dog Park planning dating back twenty years.

Councilman Van Ho spoke briefly on behalf of dog parks.

Ms. Wilkoff spoke on behalf of the trial period for a dog park, as well as the merits of how well those that visit the dog park are self-policing.

Mr. Guntner spoke on behalf of the proposed dog park.

Mr. Beno stated further input through the public hearing process will be needed to fully assess the proposed dog park use/activity area. Therefore, it is premature for Staff to formulate a final recommendation related to all of the various conditions to be applied to the proposed dog park. However, there is significant opportunity for nuisance issues to arise from a dog park in any close

proximity to residential areas. As such, it is appropriate to impose a condition on any grant that if the dog park generates complaints, the approval may be subject to the same revocation process detailed in Euclid Codified Ordinance Section 1359.06(j)(6) related to outdoor dining which states, "Complaint petitions signed by 50% of property owners and/or tenants within 200 feet of a parcel containing an outdoor dining or seating area must be heard by the Planning and Zoning Commission. Conditional use permits may be subject to additional conditions or revocation if in the judgment of the Commission the use has created nuisance conditions affecting nearby property owners and/or tenants."

The Commission members should also be aware that the Campus Institutional District requires a minimum of 50 feet of buffer be maintained between an activity area and adjacent U-1 or U-2 district boundaries. No variances have been requested of this provision. The final dog park layout will be required to install a fence to maintain a minimum separation of at least 50 feet between the existing house on Milton Avenue and the proposed dog park activity area.

Secretary Muscatello read four letters to the Board:

- "Received the notice about the July 12 P&Z meeting regarding the dog park. I am unable to attend the meeting but would like to share my strong concerns. Last summer the tenants next door had a dog that barked NONSTOP, starting at 6:30 am. It was the most miserable summer of my 52 years in Euclid. While the proposed dog park is not next door to me, it is across the street. And sound travels.

"What hours would the park be open? Are any provisions being made to soundproof the facility? What if the noise is unbearable for neighbors -- any potential fixes? I know a dog park on the west side, between Lakewood and Rocky River, I believe, has had many noise problems and I believe folks there are still unhappy. Would hate to see the same in our city."

Barbara Chudzik  
Senior Communications Representative  
Cleveland State University  
2121 Euclid Ave. KB 300  
Cleveland, Ohio 44115-2214  
216 687 2201

- "I was not able to attend this meeting today however did ask Councilman Langman to pass on this letter for me voicing my opinions on the much needed Dog Park for Euclid residents. I have been a Euclid resident over 9 years now. I do enjoy living in the city however the one thing that does bother me the most is that Euclid does Not have a Dog park for their residents. This is my main concern. Dog parks bring the community together by getting like minded pet owners the ability to meet at a certain destination and enjoy a fenced in area for their dogs to run exercise play and socialize with other dogs in the area. I don't know any parks in Euclid that allows dogs to even enjoy a walk in the grassy areas. This truly upsets me. Three years ago, I had collected over 200 signatures from the Euclid residents that all agreed they felt Euclid should have their own dog park and it's not fair that the city has not yet provided this privilege. I am asking you to please take into consideration my opinions on this issue and to provide the Euclid residents a pet friendly community with a dog park of their own. Thank you for your time."

Sincerely,  
Tina Kohler  
391 E250th Street Euclid Oh 44132  
216-287-8619

- “Unfortunately I will not be able to attend the Planning and Zoning meeting this evening. I am asking that you offer the information contained herein for consideration during the deliberations on this matter. I have spend some time researching design and siting criteria for dog parks and I think some of this information would be useful to the commissioners as they make their decision. Specifically:
  - Denver, Salt Lake City and Lynchburg Virginia all surveyed the population in general to assess and determine the needs associated with dog parks.
  - Salt Lake City’s survey indicated that grass surfaces of less than 1 acre and very small dog parks (less than 0.5 acres) did not work well
  - The American Kennel Club and several municipalities recommend a minimum size for dog parks to be 1 acre (although Baltimore’s guidance – which appears to have been adopted by other cities – suggests 5,000 square feet is the minimum)
  - Recommendations for separation between dog parks and residences, parks, children’s play areas, etc. are 100 (Denver) to 200 feet (Baltimore)
  - Recommendations for dog park surfaces do not include sand over the entire area

“Based on my limited research it seems that the proposed site for the trial dog park does meet any of the criteria that other municipalities or the American Kennel Club have adopted. Furthermore, the current site would likely need substantial investment to ensure that it was four-season ADA compliant, had the recommended maintenance and water resources as well other necessary improvements.

“Please understand that I am personally not opposed to a dog park. I agree with those who have stated that it could be an attractive amenity for Euclid. As a member of the Memorial Park Planning committee though, I can state that locating a dog park in Memorial Park received considerable discussion and the committee decided that it was not consistent with the highest and best use of the park.

“I would be happy to supply you with copies of the documents that I reviewed upon your request. Please do not hesitate to contact me should you have any questions or comments. “

Regards,  
Fraser K Hamilton  
300 E 210th St  
Euclid, OH 44123

- “Unfortunately I am out of town and unable to attend tonight's meeting. Please express to the P&Z Commission my thoughts on the subject item as Chair of the recent Memorial Park Concept Plan Committee. You may either present this e-mail at the meeting or forward it to all.

“I support a dog park but not at Memorial Park. Our Committee gave considerable consideration to this amenity but did not think it appropriate for the park based on many issues including the following:

- Close proximity to residences; concern would primarily be noise and runoff
- Close proximity to other dissimilar park amenities
- Limited parking in the area initially proposed

“One of our Committee members researched this item in great detail looking at AKC's recommendations plus many other communities' regulations. If you look at the attached, specifically toward the end there is a page on dog park designs. Based on what I know about the proposed location, many of the design criteria can NOT be provided at the proposed location.

“Thanks for your time in review of this issue.”

John Wojtila  
City Council - Ward 6  
Phone 216/261-1002

Mr. Christopher Litwinowicz asked if the dog park was a new phase in the Memorial Park Master Plan, and stated the City find a grant to help fund the dog park.

Ms. Gina DeRose stated she is in favor of dog parks, and would like a dog park in the city. However the proposed location is not the best. She also submitted pictures showing the parking area where most of the spaces are filled, as well as some signatures of like minded residents. Ms. DeRose stated she feels the City may be putting too many uses into a too small area.

Ms. Deanna Hoppert stated she is a dog owner, loves dog parks, and uses the one in Eastlake often; however, she does not want on in her back yard. Additionally, she is concerned with how much this may lower her property value. There were additional questions about noise nuisance and liability.

Councilman Langman reiterated that this proposal is a test area only and the intention is to find out if this would work, exactly what issues might arise, and how to plan for them before actually moving forward toward a permanent dog park in a better location.

Councilwoman Jones stated the evaluation process not wait until the end of the test period. There should be an ongoing evaluation process.

Councilman Van Ho stated he feels the dogs would likely be less noisy then the kids currently playing and swimming in the park. He also stated this is only a test and if it is found to be an immediate failure the plug could be pulled at any time.

Ms. Wilkoff acknowledged there are poor and cons to this proposal, but we won't get anywhere if we do not at least give it a chance.

Mr. Drake asked about the parking and Councilman Langman responded that this should not be an issue based on what has been viewed at other local dog parks; however, if it were to become an issue, other parking options around Memorial Park could be looked at.

Mr. Drake asked about the cleanup of the immediate area surrounding the dog park and Councilwoman Jones stated these are the types of issues that would be thought out before the test period began.

Councilman Langman stated the idea to have such an extended lead in time is to have the Dog Park Committee reconvene to flesh out many of the concerns that exist before implementing the test period.

Councilman Van Ho encouraged the residents who have spoken out to become part of the committee to help with the creation of the rules and procedures that will govern the dog park.

Ms. Curtis stated she realizes many sites were considered as possible a possible location and understands the limits of the budget, but wants to know if this budget limit was the reason why the volleyball court was chosen, as well as why is this moving forward when the kids in her neighborhood don't have a pool to go to because it is closed for repairs.

Councilman Van Ho stated Sportsmen Park would require too much work and money. The only significant cost to the proposed test site location at the volleyball courts would be the installation of a sally port entrance at the park gate. He also stated that peer-pressure would be the driving factor to keeping the place clean. In regards to the pool being closed for repairs, this will require significant funds. The cost to implement the proposed test dog park might cost about \$5,000.

Councilman Langman stated the Committee came up this compromise deal because of the fact funds are tight. Once this is off the ground and it is found to be successful, there would be a drive to find outside funding sources through fundraising efforts.

Councilwoman Jones stated Sportsman Park was looked at thoroughly, but there would be required significant funding to create favorable drainage for the location. She also stated funding opportunities have already been identified from residents who are willing to donate. Additionally, the approval of this proposal does not mean the dog park would be open for business on January 1. It would be open if and only when all required measures have been established.

Ms. Gorshe spoke in favor of the sally port style entrance as well as spring loaded gates. She wondered if the sand would remain or would there be grass or woodchips in place.

Mr. Brown stated he is not against having a dog park in the City of Euclid, but he questions if Memorial Park is the best location. When thinking of the future development of Memorial Park, he feels it should be more geared toward people. He shares with others their concern about parking.

Mr. Monroe asked procedural questions and question if the information provided is current.

Discussion began regarding what procedural options were available.

Mr. Drake asked questions regarding liability to the City, or to each resident. He also asked what ground material is best for the park.

Councilman Langman informed the Commission that the Committee would work hard to provide answers to all of the questions asked by next P&Z meeting in August.

A motion was made by Mr. Monroe to table Ordinance Referral: #344a-11 until the next meeting of the Planning and Zoning Commission.

Seconded by Mr. Brown

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**TABLED (5-0)**

A motion was made by Mr. Monroe to table 2011-CUA-03 until the next meeting of the Planning and Zoning Commission.

Seconded by Mr. Brown

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**TABLED (5-0)**

Brian Palisin – Applicant  
27100 Oriole Avenue  
Euclid, Ohio 44132

**RE: 2011-LBK-05**  
**PP# 645-28-042**  
**27080 Oriole Avenue**  
**Land Bank Purchase**  
*Ward #6*

Brian Palisin, has submitted an application to purchase the above referenced property from the Euclid Land Bank for yard expansion and open space as authorized by Ordinance #61-2010. One Motion is required

1. A motion to approve the sale of PP# 645-28-042 to Brian Palisin.

Mr. Brian Palisin was present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the Staff recommendation in this case is based on the revised criteria passed by the City Council on June 20, 2011. The revised pricing criteria did two things which relate specifically to this proposal. First, it establishes a baseline price for residential lots over 5,000 square feet at

\$1,000 – in this case, the amount originally offered. The second change in the ordinance eliminates the \$50.00 filing fee which the applicant has paid. Therefore, Staff recommends pricing this lot at \$950.00 which will effectively credit Mr. Palisin for the filing fee collected. Standard transfer costs will apply to this transfer.

Councilwoman Mary Jo Minarik spoke in favor of the new Land Bank Policy.

Councilman David Gilliam spoke in favor of the Land Bank purchase. He also wanted to clarify that since the new Land Bank Policy was not passed as an emergency ordinance, the new ordinance does not take effect until July 15 – thirty days after Council passed the ordinance.

Director Pietravoia stated Staff did not see an issue with this case as long as the actual transaction does not take place until after the thirty-day period when Council meets again.

A motion was made by Ms. Curtis to approve the sale of PP# 645-28-042 to Brian Palisin for the sum of \$950.

Seconded by Ms. Gorshe

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**APPROVED**

**(5-0)**

Joyce Luo and Janet Yee – Owner/Applicant  
120 East 214<sup>th</sup> Street  
Euclid, Ohio 44119

**RE: 2011-VAR-17**  
**PP# 641-23-006**  
**627 E. 200 Street – D.B.A. Dale’s Deli**  
**Variance**  
*Ward #2*

Joyce Luo and Janet Yee, Owner/Applicant of Dale’s Deli, 627 East 200<sup>th</sup> Street, have submitted an application for a variance of ten (10) foot setback to residence district to allow the installation of a dumpster storage area adjacent to the rear building line of PP# 641-23-006. One motion is required.

1. A motion to approve the installation of refuse storage area seven feet from the property line in the rear of PP# 641-23-006; a variance of three feet

*1359.05(f)(2) (A)*

Mr. Brown recused himself from this case due to conflict of interest

Joyce Lou and Janet Yee, Owner/Applicant of Dale's Deli, 627 East 200<sup>th</sup> Street were both present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the subject property is relatively small at 5,000 square feet. The request involves shifting the proposed dumpster containment area toward the adjacent property line by three feet. At the same time, the proposed dumpster is located approximately ten feet north of the property's southern property line. This placement does move the dumpster further away from the adjacent residence than having the dumpster enclosure at the south property line.

Based on this location having the effect of moving the dumpster further from the house, staff has no objection to the proposed variance. The installation of this dumpster enclosure area will help bring the property into conformance with codified ordinances related to dumpster containment areas.

Ms. Gorshe asked if there was any correspondence from the neighboring property.

Mr. Joseph Mance, 20017 Miller Avenue (adjacent residential property), gave testimony regarding the trash and debris coming from the Dale's Deli.

Ms. Gorshe asked how often the dumpster and cooking oil container were emptied. Ms. Luo stated once a week for the dumpster and as needed for the cooking oil.

Mr. Beno informed the Commission the case began as a violation notice.

A motion was made by Ms. Curtis to approve the installation of refuse storage area seven feet from the property line in the rear of PP# 641-23-006; a variance of three feet

Seconded by Mr. Monroe

Roll Call:	Mr. Willie Brown	(recused)
	Ms. Marsha Curtis	(no)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(no)
	Mr. John Monroe	(yes)

**NOT APPROVED**

**(2-2)**

Messrs. Monroe & Drake informed the applicants of their possible next steps.

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Freddie Steven Harper - Applicant  
21207 North Street  
Euclid, Ohio 44117

**RE: 2011-VAR-18**  
**PP# 646-31-027**  
**21181 North Street**  
**Variance**  
*Ward #2*

Mr. Freddie Steven Harper has submitted an application to erect a five (5) foot tall fence located forty (40) feet from the street line of North Avenue; but located approximately six (6) feet in front of the line of existing adjacent building to the west. One motion is required.

1. A motion to permit a five (5) foot height fence located forty (40) feet back from North Avenue for PP# 646-31-027; a variance of one foot in height.

1387

Mr. Freddie Steven Harper was present to discuss this case with the Planning and Zoning commission.

Mr. Beno stated the proposed fence will match an existing non-conforming fence which appears to belong to the neighboring property. In the proposed fence is located 40 feet back from the right-of-way, Staff finds the proposed fence will have a very minimal impacts on the lot. Staff has no objection to granting the requested variance.

A motion was made by Ms. Gorshe to permit a five foot height fence located forty feet back from North Avenue for PP# 646-31-027; a variance of one foot in height.

Seconded by Ms. Curtis

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**APPROVED**

**(5-0)**

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R. Todd Deegan, Meadowood Park Associates, LLC #1 – Applicant  
19710 Euclid Avenue, Suite 3  
Euclid, Ohio 44117

**RE: 2011-LBK-03**  
**PP# 650-30-005**  
**24150 Euclid Avenue**  
**Land Bank Purchase**  
*Ward #2*

R. Todd Deegan, Meadowood Park Associates, LLC #1, has submitted an application to purchase the above referenced property from the Euclid Land Bank for yard expansion and open space as authorized by Ordinance #61-2010. One Motion is required

1. A motion to approve the sale of PP# 650-30-005 to Meadowood Park Associates, LLC #1

Mr. R. Todd Deegan, Meadowood Park Associates, LLC #1, was present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated that while the price being offered is below the County Auditor's assessed value of \$71,100, this property for reduced pricing found in the sale and pricing policies adopted by City Council in Ordinance #062-10. It is important to realize the property is located in a U-1 Single Family District and the applicant's property is adjacent to an apartment complex which is to the south and west of the lot. The applicant's property also sits uphill from the subject property and the natural path of drainage is onto the Land Bank parcel.

Due to the Single Family zoning, and the fact the applicant's property wraps two sides of the property, it is doubtful that there would be a market to redevelop the property without rezoning. This property has been a significant maintenance burden to the due its size. In our preliminary hearing of this case on June 14, 2011, the applicant committed to removing the dilapidated wooden fences surrounding the property and undertaking a cleanup of the existing shrubs and overgrowth.

Staff has also confirmed with the Housing Manager that Deegan Management has a good reputation for taking care of their apartment buildings. Staff recommends sale at a price of \$850.00. This price is generally in conformance with the revised Land Bank pricing policy guidelines passed by City Council. The applicant did pay a \$100.00 application fee which is now obsolete by the newly adopted Land Bank Policy and he will be required to pay \$76.00 in additional transfer fees to complete the purchase.

Mr. Drake reminded the Commission about the fence that was brought up by a resident at the previous meeting.

Councilman Gilliam stated he is in favor of this purchase, but would like future case to have a definitive purpose brought before the Commission and City Council.

Councilwoman Scarniench spoke in favor of the purchase.

A motion was mad by Mr. Monroe to approve the sale of PP# 650-30-005 to Meadowood Park Associates, LLC #1 for \$850.00.

Seconded by Mr. Brown

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**APPROVED**

**(5-0)**

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R. Todd Deegan, Meadowood Park Associates, LLC #1 – Applicant  
19710 Euclid Avenue, Suite 3  
Euclid, Ohio 44117

**RE: 2011-LBK-04**  
**PP# 649-08-002**  
**19740 Euclid Avenue**  
**Land Bank Purchase**  
*Ward #1*

R. Todd Deegan, Meadowood Park Associates, LLC #1, has submitted an application to purchase the above referenced property from the Euclid Land Bank for yard expansion and open space as authorized by Ordinance #61-2010. One Motion is required

1. A motion to approve the sale of PP# 649-08-002 to Meadowood Park Associates, LLC #1

Mr. R. Todd Deegan, Meadowood Park Associates, LLC #1, was present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated that while the price being offered is below the County Auditor's assessed value of \$26,900, this property meets the criteria for reduced pricing found in the sale and pricing policies adopted by City Council in Ordinance #062-10. This property is adjacent to the apartment complex which is to the west of the lot. It is a steeply sloped wooded lot which complements the apartment development and provides an open space amenity but has little or no development potential on its own.

Due to the slope of the lot it, is doubtful there would be a significant market to develop the property. Due to the wooded nature of the property, there is little maintenance burden of the property. However, it is generally one of the goals of the Land Bank is to return properties to private, tax-producing status. Staff has checked with the Housing Manager and finds that Deegan management has a good reputation for taking care of their apartment buildings. They have also been mowing the grass along the side of the wooded area near the apartments for many years. Therefore, Staff recommends selling at a price of \$150.00 which is the applicant's amended offer. This price reflects the adopted Land Bank disposition policy which eliminated the application fee to submit a Land Bank purchase offer.

A motion was made by Ms. Curtis to approve the sale of PP# 649-08-002 to Meadowood Park Associates, LLC #1 for \$150.00

Seconded by Mr. Monroe

Roll Call:	Mr. Willie Brown	(yes)
	Ms. Marsha Curtis	(yes)
	Mr. Howard Drake	(yes)
	Ms. Laura Gorshe	(yes)
	Mr. John Monroe	(yes)

**APPROVED**

**(5-0)**

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Kathleen B. Foster – Applicant  
26510 Forestview Avenue

Euclid, Ohio 44132

Irish American Club East Side, Inc – Owner  
22770 Lake Shore Boulevard  
Euclid, Ohio 44123

**RE: 2011-CUA-02**  
**PP# 644-24-027**  
**22770 Lake Shore Boulevard – Irish American Club**  
**Conditional Use Approval**  
*Ward #5*

Kathleen B. Foster, on behalf of the Irish American Club, has submitted an application for a Conditional Use Approval to allow the installation of an outdoor patio area in the rear parking area, adjacent to the rear building line of 22770 Lake Shore Boulevard, a U4 Local Retail – Wholesale Use District. One motion is required

1. A motion to Conditionally Approve the installation of an outdoor patio area in the rear parking area of PP# 644-24-027

*1359.06(j)*

Kathleen B. Foster and Linda Walsh, Irish American Club, were both present to discuss this case with the Planning and Zoning Commission.

Mr. Beno stated the proposed outdoor seating area is located to the rear of the building. The City has acquired additional public parking within this block to help support the entertainment sector within this portion of the downtown Business District. Staff supports the conditional use approval of the outdoor seating area as an amenity for the business and as a general effort to increase activity in the area. The applicant should be aware that if there are complaint petitions filed by tenants or property owners within 200 feet of the property, this approval could be revoked after a review by the Planning and Zoning Commission.

Ms. Curtis asked for clarification regarding the location of the patio. She also asked if there would be a conflict with the movie theater emergency exits. Mr. Beno stated there would be no conflict.

Ms. Gorshe asked if it was correct that no food or beverage would be served on the patio. Ms. Foster stated there is no intention to do so at this time, but there may be light snacks served in the future. She also asked if one of the handicapped parking spaces would be taken away. Ms. Foster stated there are currently four spaces and only two are required. The proposal would result in the loss of one space.

Mr. Brown asked for clarification regarding the amount of parking available and how many spaces will be removed.

Mr. Drake asked for clarification regarding the smoking laws and the amount of space needed between designated smoking areas and doorways. Mr. Carter was asked to research the what the current law allows.

A motion was made by Mr. Monroe to Conditionally Approve the installation of an outdoor patio area in the rear parking area of PP# 644-24-027

Seconded by Mr. Brown

Roll Call: Mr. Willie Brown (yes)  
Ms. Marsha Curtis (yes)  
Mr. Howard Drake (yes)  
Ms. Laura Gorshe (yes)  
Mr. John Monroe (yes)

**APPROVED**

**(5-0)**

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**MATTERS OF CONCERN:**

**PUBLIC PARTICIPATION:**

**INFORMAL COMMENTS OF COMMISSION MEMBERS:**

**ADJOURNMENT**

9:58 PM

\_\_\_\_\_  
**SECRETARY**

\_\_\_\_\_  
**CHAIRPERSON**

**THE TAPED PUBLIC RECORD OF THIS MEETING IS ON FILE AT EUCLID CITY HALL AND MAY BE REVIEWED UPON REQUEST.**