

ALLIANCE CITY PLANNING COOMMISSION

MINUTES OF May 20, 2020

4:30 P.M.

Attendance: Members – Mark Locke, President; Mayor Andreani; Mike Dreger; Brad Goris; Kim Henderson; Cheryl Lundgren; Harry Paidas

Meeting held by telephone/video conference due to COVID-19 pandemic. Also present were Commission Counsel William Morris; Joe Mazzola, Planning & Development; Andrew Pietrzak, Asst. Engineer; Curtis Bungard, Engineer; Shane Howard, Zoning; Kim Palmer; Candice Martin; This meeting was attempted but failed to stream live on the City of Alliance Facebook page.

Paidas made the motion to move into public hearing. Henderson seconded the motion. All are in agreement.

Request of a Conditional Use for Temporary Pandemic Outdoor Seating by A-Town Burgers and Brews located at 1975 W. State St., Alliance, OH 44601 submitted by Frank Minear (20200460PC) Public hearing set for 4:31 p.m.;

Frank Minear, A-Town Burgers and Brews. With losing tables inside their dining room they are asking to add tables outside to make up for the ones they lost. Allowing them to utilize what they can during this pandemic to compensate for the income they have lost for the last 6 weeks.

No other requests for comments therefore Locke moves out of public hearing and back into regular session.

1) Minutes from April 19th, 2020 meeting:

Paidas made the motion to accept the minutes from the April 19th, 2020 meeting. Lundgren seconds the motion. All are in agreement.

2) Request of a Conditional Use for Temporary Pandemic Outdoor Seating by A-Town Burgers and Brews located at 1975 W. State St., Alliance, OH 44601 submitted by Frank Minear (20200460PC);

Locke states we are offering a conditional use permit for outdoor seating and there are two ways of doing it.

If not comfortable offering conditional use it has been recommended using temporary conditional use with a sunset date of August 31, 2020.

Discussion:

Pietrzak, Assistant Engineer had listed comments below regarding A-Town’s request:

1. The Conditional Use checklist was never completed nor was a formal drawing ever submitted.
2. According to Sec. 1150.06 of the Planning and Zoning Code, “Bumper stops, curbing or wheel chocks shall be provided in parking spaces adjacent to a wall, sidewalk, or fence to ensure proper pedestrian access and avoid property damage or injury. Bumper stop, curbing or wheel chocks shall be placed a minimum of four feet from the element intended to be protected.”

3. A Temporary Conditional Use permit shall only be valid until August 31, 2020.

4. Safety issues are a concern; please make sure to comply with all other applicable Planning and Zoning Code requirements as well as all city, state and/or federal laws.

Joe Mazzola with planning and development recommends approval.

Mayor Andreani prefers temporary conditional use and wants to make sure safety is maintained with parking being right up against these facilities. He also notes that temporary conditional use does not waive any of the state laws regarding liquor, smoking or any other laws and does not waive any other requirements made by the state such as the 6 ft. rule or masks.

Dreger talks about conditional use and what is required.

Paidas made the motion to move into public hearing at 4:41pm. Henderson seconded the motion. All are in agreement.

**Request of a Conditional Use for Temporary Pandemic Outdoor Seating by Doug's Classic 57 Diner located at 2031 S Rockhill Ave., Alliance, OH 44601 submitted by Kimberly Kinkade (20200483PC)
Public hearing set for 4:41 p.m.;**

Same request as A-Town Burgers and Brews. Kimberly Kinkade was not present.

There were no other requests for comments therefore Locke moves out of public hearing and back into regular session.

Locke returns to regular session to continue discussing conditional use for A-Town Burgers and Brews.

Goris has a safety concern with the tables being so close to the parking area. He measured and the edge of sidewalk to the edge of the tables is approx. 4 ft. If the cars extend a little over the sidewalk it could be 3 ft. or less. The bumper blocks if installed will help keep the cars back some. He only wants temporary use.

Henderson also has safety concerns. He questions when will the bumper blocks be installed? Frank has already had a customer drive into the restaurant when it opened. What about fumes from cars if they back into the space?

Mr. Minear said he will look into getting safety stops.

Lundgren also repeats safety concerns for people sitting outside with nothing blocking them from cars. Looking into bumper stops is not enough. We need a promise that bumper stops will be there.

Paidas believes outdoor dining should follow the same rules that indoor dining follows and therefore suggests that outdoor dining should be non-smoking. He also agrees with bumper stops.

Locke swears in Mr. Minear.

Mr. Morris comments that we can make non-smoking part of it.

Goris asks if liquor will be served outside.

Mr. Morris says no. Liquor laws are such that they have to apply with the dept. of liquor control to expand their area of service and they are slow and there are many requirements that must be followed like fencing and such. It is up to the liquor agency to grant that and the commission has no power over that.

Henderson states that bars must have a closed separate smoking area.

Curtis Bungard, city engineer explains that some of the conditional uses we have granted in the past were for outdoor smoking patios. If we want to treat this like some of the other ones then we might want to consider allowing smoking.

Dreger adds that we don't have to think of everything; if there are laws in place they apply we aren't waiving them. We can limit it though. If there are things we want to restrict or put conditions on the conditional use then we have to make it part of the motion because the only restrictions that apply later are the ones we put in the motion.

Lundgren asks a question about the issue of requiring bumper stops. Does that need to be part of the motion or are they included already because of the zoning code?

Dreger says that if the law requires it, then it has to be done whether we say it should or not but for your own piece of mind if you want to ensure that it is you can impose it in the case that it isn't.

Lundgren moves to request conditional use for the outside dining for A-Town Burgers and Brews with the condition that bumper stops must be installed prior to allowing outdoor seating for safety of patrons and drivers with a sunset date of August 31st, 2020. Goris seconds motion. All are in agreement. Motion approved.

**3) Request of a Conditional Use for Temporary Pandemic Outdoor Seating by Doug's Classic 57 Diner located at 2031 S Rockhill Ave., Alliance, OH 44601 submitted by Kimberly Kinkade (20200483PC)
Public hearing set for 4:41 p.m.;**

Locke states that there were no comments in the public meeting. Kimberly is not present.

Pietrzak, Assistant Engineer had the same comments as he had for A-town but added that Doug's is different in the fact that their parking lot is almost entirely in the right of way. Andy's proposed a checklist be created and a fee charged similar to a certificate of occupancy. He could come out and inspect to make sure that no one is attached to the sidewalk, enough room for pedestrians, not close to hydrants, etc.

Mazzola with planning recommends approval.

Mayor Andreani states that we should do the same thing we did for Frank with the same restrictions and then do a checklist or whatever is the appropriate method by the engineering dept. and make sure it is a safe environment.

Goris says that without her being there, no drawings submitted, he is uncomfortable supporting it.

Mr. Locke states that our rules say that a proponent for each item must be present to speak to the commission.

Henderson says he drove around the building and believes people will have to sit in the parking lot somewhere and without knowing where the restaurant want to put people or how the people will be protected he is not comfortable granting approval.

Lundgren says we have no representative and nothing submitted so she feels uncomfortable voting in favor for it.

Paidas states not enough information to move forward.

Mayor moves to table the request. Henderson seconds motion. All are in agreement.

4) Site Plan review for the University of Mt. Union Oak Hall Expansion located at 1700 Miller Ave., Alliance, OH 44601 submitted by Hettler Engineering (20200440PC);

This has been requested to be tabled by Mount Union until the next meeting.
Lundgren moves to table. Henderson seconds. All are in agreement

5) Site Plan review for Blue Devil Plaza to be located at 1390 S. Sawburg Ave., Alliance, OH 44601 submitted by Douglas K. Berry Architect, LLC (20200458PC);

Mr. Doug Berry sworn in. Doug Berry is the registered architect for the project and is submitting the site plan for approval.

Engineering Comments by Pietrzak are as follows:

1. Submit a sign and lighting plan.
2. A variance is needed for waiving the sidewalk requirement, interior islands and landscaping that meets the requirements of Type C screening along the City's right-of-way.
3. Site plans must be referenced to the Alliance Mapping System. Please contact the Engineer's office at 330-823-5122 for reference points for your project location.
4. On the Utility Plan, an approved Fernco wye connection to the City's sewer main will be required (not a Kor-N-Tee.)
Doug Hastings, City of Alliance Water Dept. Superintendent stated, "I was looking at the plans for Blue Devil Plaza and it looks like the sanitary lateral is around 500' with a number of direction changes. They show quite a few cleanouts and I didn't see anything that shows how they are going to protect them and keep them water tight. I would suggest gasketed fittings with some sort of casting set to grade with concrete."
5. Our general storm water note needs to be added to plan.
6. Please include our standard details in regards to utility trenches, sidewalks, curbs, etc. These can be made available upon request.

7. The embankment of the detention basin shall be set at an elevation of at least 12 inches above the emergency spillway. Also, the outlet from the basin appears to discharge almost directly onto the property to the north. The outlet pipe shall be moved to the southeast to avoid discharging onto the neighboring property.

He recommends conditional approval.

Mr. Berry states he is aware of these comments and he is working with the civil engineer on the project to address them. Members discuss.

Henderson asks question about a statement made that the plaza does not have approval of the owners or an architect.

Mr. Brian Coffelt, owner of the proposed plaza is sworn in to explain a statement that his wife had made in the local paper. It does have approval by owners and an architect.

Lundgren asks about whether there will be an underground water supply for landscaping? Berry says no underground sprinklers are planned to be installed.

Mayor Andreani moves on motion for conditional approval based on engineering's comments for Blue Devil Plaza. Paidas seconds. All are in agreement. Motion conditionally approved.

6) Other business:

None

Goris made the motion to adjourn. Henderson seconded the motion. Meeting adjourned at 5:15 pm.