

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
January 14, 2009
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; William Harr; Richard Baldin, Kenneth Evans, Celia McGrath
Administration: Assistant Law Director, Daniel Kolick
Building Department Representative: Joey Allen
Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

1) ANGEL HOUSE CENTER/Carol Dombrose, Owner

Extension of the determination of January 23, 2008 of the Board of Zoning and Building Code Appeals:

Requesting a 23.5' Front Yard Setback variance from Zoning Code Section 1256.04 (a) which requires a 100' Front Yard Setback from the center line of Mill Hollow Lane and where a 76.5' Front Yard Setback is proposed in order to construct a New Building; property located at 14217 Mill Hollow Lane PPN 399-05-007 Zoned Public Facility.

The Board discussed that they have no problem approving the variance as long as Mrs. Dombrose was not changing any of her plans and that she still agrees to the contingencies.

2) ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative

- a) **Requesting a 3% Land Coverage variance from Zoning Code Section 1258.09 which allows a maximum 25% Land Coverage and where a 28% Land Coverage is proposed in order to construct an Addition to an Existing Retail Building;**
- b) **Requesting a 23' Front Yard Parking Setback variance from Zoning Code Section 1258.11 which requires a 75' Front Yard Parking Setback from the centerline of Pearl Road and where a 52' Front Yard Parking Setback is proposed in order to construct an Addition to an Existing Retail Building;**
- c) **Requesting a 48 Parking Space variance from Zoning Code Section 1270.05 which requires 320 Parking Spaces for Off-Street Parking and where 272 Parking Spaces are proposed in order to construct an Addition to an Existing Retail Building;**

- d) **Requesting a variance from Zoning Code Section 1270.08 (c) which requires that all parking be provided on the same lot as the main use where eight (8) of the parking spaces are proposed on an abutting lot by way of an easement agreement;**
- e) **Requesting a 5' Side Yard Parking Setback (West) variance from Zoning Code Section 1258.11 which requires a 5' Side Yard Parking Setback abutting a Non-Residential District (West) and where a 0' Side Yard Parking Setback is proposed in order to construct an Addition to an Existing Retail Building;**
- f) **Requesting a variance from Zoning Code Section 1272.12 (e) which allows one (1) canopy sign (west) and where two (2) canopy signs (north and west) are proposed;**
- g) **Requesting a variance from Zoning Code Section 1272.12 (b) which allows one (1) wall sign (west) and where two (2) wall signs (north and west) are proposed;**
- h) **Requesting a 1' Sign Height variance from Zoning Code Section 1272.12 (b) which allows a 5' Sign Height and where a 6' Sign Height is proposed in order to install a Wall Sign (north);**
- i) **Requesting a 1' Sign Height variance from Zoning Code Section 1272.12 (b) which allows a 5' Sign Height and where a 6' Sign Height is proposed in order to install a Wall Sign (west);**
- j) **Requesting two (2) 11 SF Sign Face Area variances from Zoning Code Section 1272.12 (e) which allows a 10 SF Sign Face Area and where two (2) 21 SF Sign Face Areas are proposed in order to install two (2) Canopy Signs; property located at Catan Plaza 14225 Pearl Road, PPN 396-17-114 zoned General Business.**

Several of the Board members stated that the applicant doesn't need the extra canopy sign because it won't be seen from the street. Dr. Goist suggested that the applicant make the building smaller to avoid a variance but Mrs. McGrath stated that if the building was smaller then the applicant would have to carry less product and hence would make less money. The Board pointed out that the applicant would be installing additional parking spaces by Pizza Hut with the easement agreement. Mr. Harr stated that the parking lot is already too full at the holidays without an Aldi being there. Mr. Evans cited the variance that was turned down for Baskin-Robbins/Dunkin Donuts due to density issues. Dr. Goist stated that that was turned down because the new building would have hidden the businesses behind it and that that doesn't apply in this case.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

January 14, 2009

The meeting was called to order at 8:00 PM by the Chairman, Dr. Goist.

Present: Dr. Goist
Mr. Harr
Mr. Baldin
Mr. Evans
Mrs. McGrath

Also Present: Mr. Kolick, Assistant Law Director
Mr. Allen, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this January 14, 2009 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL AYES: ALL PRESENT

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. Our first order of business on our agenda is election of officers of this Board.

Mr. Baldin – I make a motion to extend Dr. Goist as our Chairman.

Mrs. McGrath – Second.

Dr. Goist – Having no other nominations, we have a motion and a second. Kathy, would you call the roll please.

ROLL CALL: ALL AYES

Dr. Goist – And now our Vice Chairman.

Mr. Evans – Mr. Chairman, I would like to move that we appoint Mr. Baldin as Vice-Chair.

Mrs. McGrath – Second.

Dr. Goist – Having no other nominations, we have a motion and a second. Again, Kathy, would you call the roll please.

ROLL CALL: ALL AYES

Dr. Goist – Our next order of business is to approve minutes from November 12, 2008, December 3, 2008 and December 17, 2008 and before I go ahead, there is one change. Mr. Evans was here for the caucus on December 3, 2008 and that was not in the minutes. He was here both for the caucus and the meeting. So, we'll make that change. If there are no other changes, I will entertain a motion to approve the minutes with that change.

Mrs. McGrath – So moved.

Mr. Harr – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

ROLL CALL: ALL AYES

Mr. Goist – For all the people who are here in the audience, if you would like to speak before the Commission this evening, if you would now please stand and be sworn in by our Legal Counsel.

Mr. Kolick then stated the oath to those standing.

1) **ANGEL HOUSE CENTER/Carol Dombrose, Owner**

Extension of the determination of January 23, 2008 of the Board of Zoning and Building Code Appeals:

Requesting a 23.5' Front Yard Setback variance from Zoning Code Section 1256.04 (a) which requires a 100' Front Yard Setback from the center line of Mill Hollow Lane and where a 76.5' Front Yard Setback is proposed in order to construct a New Building; property located at 14217 Mill Hollow Lane PPN 399-05-007 Zoned Public Facility.

Dr. Goist – There are no New Applications. Both of our applicants on the agenda are for Public Hearing. Our first Public Hearing is Angel House Center, which is an extension of the variances that were approved last year, and they have not started the building. If you'll come forward and give us your name and address.

Ms. Dombrose – Yes. Carol Dombrose, 14217 Mill Hollow Lane in Strongsville.

Dr. Goist – Okay and can you tell us a little bit about why you haven't started?

1) **ANGEL HOUSE CENTER/Carol Dombrose, Owner, Cont'd**

Ms. Dombrose – The finances haven't come in just yet but we still intend to do so.

Dr. Goist – Are you talking within the next six months to a year?

Ms. Dombrose – Definitely within a year.

Dr. Goist – Mr. Kolick, am I correct that their extension can go for one more year?

Mr. Kolick – We can grant an extension for a year, that is correct.

Ms. Dombrose – Okay.

Dr. Goist – So, you understand that your extension will be for one year.

Ms. Dombrose – Okay.

Dr. Goist – And then, am I correct, that she we have to reapply?

Mr. Kolick – No, it can be extended again by this Board. The Board is not under obligation to extend it but she would have to come back and file, like she has, for another extension. We're not limited in the number of extensions that we can do. The only dangers that you can run into with that is if there are any changes in the code during the interim period, you may have a problem getting it extended again. So, that is something that you have to keep in mind.

Ms. Dombrose – We hope to move on it soon.

Mr. Kolick – If there are any zoning changes or anything else, you could have a problem.

Ms. Dombrose – Okay.

Mr. Kolick – But you would have to vote on it. Mr. Chairman, the only other thing I would say is if you are prone to grant it, it should be made subject to all those same conditions that were imposed back on January 23, 2008.

Dr. Goist – This is a Public Hearing. Are you finished Ms. Dombrose?

Ms. Dombrose – Yes.

Dr. Goist – Since this is a public hearing, if there is anyone who would like to speak for or against this extension? If not, I will entertain a motion from the Board.

Mr. Evans – Mr. Chairman, before you do, do we have an opportunity to ask questions?

1) **ANGEL HOUSE CENTER/Carol Dombrose, Owner, Cont'd**

Dr. Goist – Sure.

Mr. Evans – Ms. Dombrose, are you planning on doing the same as what you had proposed before?

Ms. Dombrose – Yes, nothing has changed.

Mr. Evans – Okay, thank you very much.

Mr. Baldin – Mr. Chairman, we had a new person who came into the meeting room and I don't know if she is going to plan on speaking or anything. You might want to ask her.

Unidentified audience participant – Not that I know of but I may change my mind. I'm a woman.

Mr. Baldin – Well, you need to be sworn in if you plan to speak. We'll cover that later, if necessary.

Dr. Goist – I'll entertain a motion for the extension.

Mr. Baldin - Mr. Chairman, I would like to make a motion for an approval of an extension of the January 23, 2008 decision of the Board of the Zoning Code Appeals or the extension of the variance request at 14217 Mill Hollow Lane, PPN 399-05-007. This motion for an extension has to include all the additional contingencies that we put forth last year, be approved.

Mrs. McGrath – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – Do we clarify that it's for one year?

Dr. Goist – Yes.

ROLL CALL: ALL AYES

Dr. Goist – Okay, your motion for an extension has been approved and you are all set. Thank you.

1) **ANGEL HOUSE CENTER/Carol Dombrose, Owner, Cont'd**

Ms. Dombrose – Thank you.

RULING: EXTENSION OF VARIANCE APPROVED

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative**

- a) **Requesting a 3% Land Coverage variance from Zoning Code Section 1258.09 which allows a maximum 25% Land Coverage and where a 28% Land Coverage is proposed in order to construct an Addition to an Existing Retail Building;**
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Dr. Goist – Our next Public Hearing is Aldi, Inc., Kevin McClure representative and Mike Catanzarite.

Mr. Catanzarite – Hi, Mike Catanzarite, 13000 Darice Parkway. I am the property owner of that site.

Mr. McClure – I'm Kevin McClure. I'm with Aldi, 1319 West 130 Street, Hinckley, Ohio.

Ms. Zamrzla – Gentlemen, there is a microphone up there. If you're both going to speak, one can speak into the hand held and one can speak with the mic attached to the podium.

Mr. Baldin – Do you want to spell your last name Kevin?

Mr. McClure – M-C-C-L-U-R-E.

Dr. Goist – Okay, Kevin. If you would like to take these variances since we know that there are a number of them and walk us through what you're asking for.

Mr. McClure – Well, basically, the first one, (a) were just requesting a three percent land coverage variance from the current zoning code, which allows a maximum twenty-five percent land coverage and where a twenty-eight percent land coverage is proposed in order to construct a building.

Mr. Catanzarite – The next one, we're requesting a twenty-three foot front yard parking setback and (c) is a variance for the number of parking spaces, (d) is where we're putting eight spaces onto the Pizza Hut parcel, (e) is a five foot side yard setback variance, the next four are all variances related to the Aldi signs. Actually the next five are related to the Aldi signs. So, that is why we're here tonight.

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative, Cont'd**

Dr. Goist – Okay, I know each one of them contains a lot of different information and a lot of different requests for variances and I think what we should do as a Board is walk through each one of these and then ask you or tell you what we think of the reason that you're asking for this variance. On this land coverage, can you tell us why you're asking for a variance there and what your hardship is?

Mr. Catanzarite – Our hardship is that that was your code and that didn't fit what the Aldi's needed.

Mr. McClure – Essentially, that is our prototypical size building. That's our smallest sized building that we're building now.

Mr. Harr – Without doing too much math, what is the square footage?

Mr. McClure – Just under seventeen thousand square feet.

Mr. Harr – What does the variance represent?

Mr. Catanzarite – Probably one thousand square foot on his building.

Dr. Goist – Any other questions on that variance, Board members?

Dr. Goist – No, I think it's pretty clear.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – Because we're looking at hardship, one of the things that would exist – Mr. Catanzarite, if I remember right, you do own that parcel now where –

Mr. Catanzarite – The Sherwin Williams building?

Mr. Evans – Right, correct. You do own that one. Have you investigated purchasing the Pizza Hut because that would obviously change the dynamics here and maybe make the variance go away.

Mr. Catanzarite – We have but these hardships would all go away if I consolidated Sherwin Williams parcel into ours, which it is currently not part of that, which for whatever reason, the City suggested that we not do that at this time.

Mr. Evans – The City suggested that?

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mr. Catanzarite – I think so.

Mr. Evans – Our job is to take a look at these and try to determine whether there are means of being able to make something happen without granting variances.

Mr. Catanzarite – All these variances would go away if I consolidated the parcels. Every one of them.

Dr. Goist - Mr. Kolick, could you please tell us why the City might have asked them not to consolidate?

Mr. Kolick – I don't know. I have not talked to the City Planner. I know we have consolidated the back lot. There was originally two parcels there, I think 117 and 114. The area that went behind the Pizza Hut. That was consolidated onto the main parcel.

Mr. Catanzarite – Correct. When we bought the shopping center, that piece was separate and then we consolidated. We're in the process now of working with Pizza Hut to get permanent easements to open that whole thing up so Pizza Hut would be almost like an out parcel and then the access and the egress would be excellent, really for the whole center. But these variances are misleading if you take and you consider the parcels that we own and the Sherwin Williams parcel and if you took that all into consideration, everything really meets what we're asking for.

Dr. Goist – So, your plans are that eventually you would like to use that space that there are trucks parked on now.

Mr. Catanzarite – Yes, eventually as another out parcel for something. Our plans are – we're in negotiation with Pizza Hut – to actually try to buy that Pizza Hut and then take that and redevelop the rest of that.

Dr. Goist – You would not use it as parking as part of the Aldi's?

Mr. Catanzarite – Part of it would be because once it becomes our whole center, as with the Sherwin Williams property, then your land mass and your parking actually increase quite a bit.

Mr. Baldin – Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mr. Baldin – You're saying that if you acquire Pizza Hit do you plan to knock that down like you knocked Sherwin Williams down or will you keep that and run something else or rent to Pizza Hut?

Mr. Catanzarite – I don't know.

Mr. Baldin – Is that, sort of, farfetched right now?

Mr. Catanzarite – Farfetched, but we do own the Sherwin Williams. Although it's not one parcel on what we're trying to do, that is all our land. So, that is going to be incorporated into one nice facility.

Mr. Baldin – I was going to ask about the truck parking over there. Are they going to be there for awhile yet?

Mr. Catanzarite – I was trying to be a nice guy. No, they were supposed to be gone a few months ago but I don't have the heart to tell them to move yet. The auto business isn't good so I'll just let them go.

Mr. Baldin – Okay. You brought it up so I figured that I might as well ask.

Mr. Catanzarite – That's fine. We're just trying to help him out. He's a good corporate citizen.

Dr. Goist – The next variance is the twenty-three foot front yard parking setback. Again, all this relates to where the building sets and where you want to –

Mr. Catanzarite – I have to tell you honestly, I don't understand that one because it's connected to our building and our building already sits exactly there.

Mr. Kolick – That's the existing building Mr. Chairman. The Aldi building is not going to be affecting that variance. That variance is on the existing building and where it comes on Pearl Road. The building had been there for so long that it predated that requirement under the code.

Mr. Evans – Mr. Kolick, that is actually the Ohio Savings building or the Ohio Savings portion.

Mr. Kolick – The building that is there now is what I'm saying as opposed to anything to do with the addition.

Mr. Evans – So, that is an existing condition and it does not change.

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mr. Kolick – That's an existing condition that they really can't change. It's there.

Dr. Goist – I think we can move on to (c), where you're asking for a forty-eight parking space variance. The Code says that you should have 320 spaces and you're asking for 272 spaces and I know that when we were talking in caucus, one of the things that was mentioned is that parking just for your Pat Catan's is extremely limited at certain times of the year, being the holidays. You're already maxed out some of the time and if you have Aldi's there, we think we have a problem that even four policemen aren't going to solve.

Mr. Catanzarite – We hope that's the problem but from the calculations we have done with the twenty-three stores we run, if that parking lot is full, we will be happy. We just don't see it as a problem.

Mr. McClure – From Aldi's standpoint – I live fairly close in Olmsted Falls and I have visited the location at various times throughout the day and I agree that at certain periods of time around Catan's entrance, it gets kind of crowded but we're not going to invest a million dollars in a piece of property and then have a constant parking problem. We're not going to do that. We felt that we researched enough to where we are satisfied with the parking, especially when we improve the parking to the north. We are going to repave all that. That is currently – no one really parks there.

Mr. Catanzarite – It looks like a desert now but once we repave that whole lot, there is all new parking. The way that we're changing the parking to –

Mr. McClure – Right now, it's angled. We're going to change the parking to ninety degree parking. It makes for easy access. The whole parking area is going to get redone. Either it's going to be repaved or resealed and restriped. In our prior meetings, they thought that was a good idea because it will make the access for the whole center that much easier.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – I know you weren't there during the silk flower sale because it was crazy but I'm a little bit familiar with Aldi's because my wife would stop in to – there was one on 303.

Mr. McClure – Yes, it's still there.

Mr. Harr – Okay, very good. Tell me a little about the dynamic of the business because what I recall of her telling me, it's kind of a boutique grocery store with limited selection of each material and so forth. So, when we think of the madness – I know that when I go to Giant Eagle on a Sunday or around the holidays, it's chaos trying to get in and out of there. Does

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mr. Harr continues - your store experience just a little bit less traffic in that regard, do you think, or are the people in and out faster? The parking is what really concerns me.

Mr. McClure – The footprint is much smaller than Giant Eagles. People don't spend as much time in our stores. We consider ourselves a select assortment operation. We don't carry four brands of cut green beans, we carry one. We're all private labeled. We're kind of built on a convenience factor. We don't want people spending a lot of time in our stores. We want them to get in and get out and save money. That's the whole premise. The model is built on efficiency. We have wider aisles than most grocery stores. We carry maybe a thousand or a little more than a thousand items. We have special purchases that come and go. We do have peak time for traffic just like any other grocery store.

Mr. Harr – If you had to compare yourself to what we construe as a conventional grocery store, from a parking standpoint or a traffic standpoint, it's reasonable to assume that yours would be at least somewhat less if not considerably less.

Mr. McClure – We obviously don't draw the traffic that a Giant Eagle draws or a Heinen's or even a Marc's. Our concept just doesn't allow for that. Some people have called Aldi a niche player, similar to Trader Joe's but, basically, we like to think that people who want to save money that want Grade A fancy quality food and merchandise, they are going to come shop at Aldi. You're not going to spend hours in the store because it's not very big. It's a shade under seventeen thousand and the sales floor is under ten thousand. Cooler and freezer basic items – the whole philosophy is control our overhead and pass the savings onto the consumer. There are no cart corrals in the parking lot. We have a quarter operating system for the grocery carts. You put a quarter in to get a cart and you return the cart and get your quarter back.

Mr. Harr – Which was one of our questions when we talked in caucus because we didn't see corrals.

Mr. McClure – There aren't any.

Mr. Harr – So, you combat the wandering cart syndrome with cash back.

Mr. McClure – You wouldn't believe it. People do not want to lose their quarter or if they do, the mother with the kids is going to get that cart and get herself a quarter. It's phenomenal how it works. We're very happy with the outcome of it. It's well worth the investment.

Mr. Harr – You're comfortable that the parking is not going to be an issue from your perspective?

Mr. McClure – Yes.

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Dr. Goist - Kevin, I have never been in an Aldi's and just as he asked you to explain, do you carry fresh meats or only frozen meats or do you carry fresh vegetables? I'm just not familiar with your products.

Mr. McClure – We do carry fresh meat and fresh poultry. We're new too as far as getting into that. We used to carry frozen everything but now we have what we call a multi-dec case and we do carry select meats. Not a lot. Some vegetables. We carry a lot of produce. Not like your typical Giant Eagle or Heinen's. They carry a lot more produce than we do but we like to think that we carry the staples. Does that help you? Also, this store would be – this is a prototypical what we call one of our green stores. The closest one to here is probably in Toledo. It's a very different concept with high efficiency refrigeration, clear story windows, we're trying to go greener, greener, greener, occupancy sensors all over the place, T8 high energy efficient lighting in the store, a very, very efficient quiet refrigeration system that is the protocol by Hussman, state-of-the-art HVAC system with Humiditrol by Lenox that is one of the best out there. We're putting a lot of effort into this. It's a very – if you have been into any Aldi's store in this area, you'll be amazed at the difference. There is no more ceiling any more. It's all open with painted rafters and decking. It's very open, very spacious and very inviting. We're really please how it looks. The graphics are really nice.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – Your store size is approximately seventeen thousand square feet. What is the approximate size of the Giant Eagle of Heinen's? Just for a comparison.

Mr. Catanzarite – They are at least double.

Mr. McClure – Sixty to eighty thousand square feet.

Mr. Catanzarite – The Giant Eagle in SouthPark is about sixty-five thousand.

Mr. Baldin – Definitely a big difference.

Mr. McClure – A huge difference.

Mr. Baldin – There is an Aldi's over off of Tiedemann Road. How big is that store? Any idea?

Mr. McClure – It's 14,860.

Mr. Baldin – I know it's not very big.

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mr. McClure – It's a little bit smaller than this one.

Mr. Baldin – Thank you.

Mr. Evans - Mr. Chairman?

Mr. Baldin – Yes, Mr. Evans?

Mr. Evans – Two questions: Mr. Allen, number one, in the parking considerations when we're counting here, can you tell me whether the spots that are in what would be the southeast corner, which is behind the Chase and optometry building, are those parking spaces that are identified on the plot plan here part of the count?

Mr. Allen – I did not review this. I believe Mr. Hill reviewed this but I believe that they are based on the number of spaces.

Mr. Catanzarite – I don't think they were. They were not.

Mr. Baldin – That's a good question.

Mr. Evans – It looks to me like they would be. I did just sort of a rough count and it appears that those are in the number and I guess the second question, Mr. McClure, would be as you sort of talked about the one on Tiedemann, several of the stores are a smaller footprint than the seventeen thousand. Would it not be possible to do this store at sixteen thousand and not have to worry about that variance?

Mr. McClure – No, it wouldn't be. The design, as I stated – everything is built on efficiency. That building does not exist anymore. It's off the books. The design is antiquated. The whole store is designed around efficiency. The 14,860 didn't really work well for us. It's a different sized building length and width. This one is ninety-three feet wide. I think the one on Tiedemann is eighty-six. There are little nuances that do make a big difference to us.

Mr. Evans – Thank you, Mr. Chairman.

Dr. Goist – Any other questions on that area? If not, I know, Mr. Baldin, that you're working on the parking. Have you come up with anything?

Mr. Baldin – If my addition is correct, I come up with 199.

Mr. Kolick – He may have included those spots behind the building. It's probably included in the total number. If he got to 272 then they're including the spots that aren't available yet.

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes, Mrs. McGrath?

Mrs. McGrath – Mike, can you tell me again at what point that you are in dialogue with Pizza Hut on possibly purchasing the property?

Mr. Catanzarite – The only thing that we have with Pizza Hut is we have their commitment on the easements that Dan Kolick has to open that whole thing up so it isn't such a mess. If you look at it, Pizza Hut doesn't have access to that light. We're going to make an offer on the building but whether we get that or not –

Mrs. McGrath – Is that where you are right now? Just making the offer?

Mr. Catanzarite – We want to open that whole thing up so that he has access and we have access and they have committed to that. GE Capital is gigantic. Just one thing in our process, the last thing that we would do is to screw up our core business so when we marketed this property, we obviously looked at the people that were available. He doesn't toot his own horn but Aldi's is probably the largest grocery chain in the world.

Mr. McClure – Probably second since Wal-mart went to groceries.

Mr. Catanzarite – Besides Wal-mart, Aldi is the largest grocer in the world. They kind of have this perception that it's more like a convenience store but out of all the deals I've done and the people I've dealt with, these guys come in and everything is first class. The last thing that we would do is to put our customers out of a parking spot to buy a turkey. Nothing against you. So, with his engineers that he brought in, which were first class and the one's we had, that's why we were so comfortable to move forward. So, again not to toot – he hasn't done it but they are the largest in the world at what they do and the money that they put on engineering and the sophistication of the buildings is well beyond anybody that I've ever seen and to be a partner, we're glad to have them.

Dr. Goist – Okay. We appreciate that. I notice that some of the parking spots on (d) with the abutting lot, that must be Pizza Hut, am I correct?

Mr. Catanzarite – Yes.

Dr. Goist – So, you're going to have an easement there and open that up. That happens right away if we give you the variance.

Mr. Catanzarite – Yes, that happens right away.

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Mr. McClure – It's a green space and we wanted the parking there. It just makes a lot of sense.

Dr. Goist – Our next variance (e) is a five foot side yard setback on the west side, which requires five foot and you're going to go to zero.

Mr. Catanzarite – I don't know what that one is.

Mr. Allen - Mr. Chairman? That's the lot with the parking lot.

Mr. Kolick – That's the lot that is right up against the Pizza Hut.

Dr. Goist – Okay and the next one is a variance which allows one canopy sign west and two canopy signs north and west are proposed and I as a Chairman am going to ask you right away, why do you need a sign on the north side?

Mr. McClure – I knew you were going to ask this. The only reason, whether it's good or not - everyone has their own opinion – is it completes the aesthetics of the facility. There are certain glass panels that will have to be filled in with more glass panels and we feel the sign just breaks them up for the most part. Since we're putting the "Aldi" logo there, we kind of want the "Food Market" on the canopy below it.

Dr. Goist – Kevin, our job as the Board of Building Code and Zoning Appeals is to try and eliminate variances where they can be eliminated and if I had to say that any one variance could be eliminated, that sign on the north side to me – I'm not going to speak for the rest of the Board but I'll let them speak – you cannot see it from 82. You cannot see it except for the people in Pizza Hut, which may go away and there is no access now. It sets back so far, you can't see it from Pearl Road. So, it does not make sense to me. I'm just speaking for myself. So, I would ask the other Board members to say whether they feel the same way or they don't.

Mr. Kelleher - Mr. Chairman?

Dr. Goist – Yes?

Mr. Kelleher – I'm Bill Kelleher and I'm with Century Sign Company, 7401 Exchange Street and I would like to explain to you the variance items for the signs themselves. It's a little confusing. I have a photograph that shows an actual Aldi's store with the signage at a prototypical store or green store as Kevin has talked about. It's the one in Toledo and I would like to show it to the Board if I could. That is what the store looks like. The signage on that particular store consists of two wall signs that recess into the glazing on the storefront, two six foot by five foot wall signs and there is also two sets of channel letters that say "Food

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Mr. Kelleher continues - Market” that sit on top of the canopy and the reason that we’re asking for the variance here is, yes they are not probably as visible as we would like them to be for traffic coming down Pearl Road. In fact, they may not be visible at all but they do have the look of the prototypical Aldi store and this is the first store of it’s type in the area. It’s important to Aldi that we carry that look. Going forward, all the stores are going to look like this. So, one variance is for an additional sign on the side wall, one is for the height of that sign being six foot high instead of the five foot that code allows, another one is for an additional “Food Market” sign on that side wall and then the other variance is for that six by five sign on the west side. So, that’s what they would look like if the variances were granted but that is the look that Aldi is after.

Dr. Goist – That is a nice looking picture. I’m glad you brought it because it did not depict that in the drawings that we received before.

Mr. Kelleher – If I could say one more thing, that particular store is the prototype Aldi store but because the store that they’re bringing to you today is attached to Catan’s, the coloring of the store is different. It’s not just the usual store. So, it won’t be that color that you’re seeing there but if it were a free-standing Aldi’s store, it would be that color.

Dr. Goist – Okay. So, it will be done to blend with the Catan’s store?

Mr. McClure – Correct. We’re bringing some of the – it’s called Colonial Red by Akron Brick and Block. We’re going to bring that into our store and we’re going to have a field brick that is kind of like a sandstone color as our field brick, it makes up the major part of the store.

Dr. Goist – Mr. McClure, I have another question which is kind of off the subject. How many employees will you have at this business?

Mr. McClure – It depends upon sales. Usually that is an operational question. It can be anywhere between six or seven employees up to eighteen. It just depends upon store and sales.

Dr. Goist – I ask that because one thing we like is business and we like people being brought into the city. So, we are very much in favor of that and so is the City. I wanted to know that and I appreciate you coming and telling us about the signs.

Mr. Kelleher – One more if I may. That’s a little bit of the representation of what the store will look like. You can see the difference in the color of the brick there and it will hopefully match the Catan’s.

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Mr. McClure - You can see that this is the field brick and it's all going to blend together. We're going to draw as many colors into our building from the Catan's store as we can, into our building.

Mr. Harr - Are both the "Aldi" logo sign and the "Food Market" sign both lit signs as well?

Mr. Kelleher - Yes, they are?

Dr. Goist - Mr. Evans, do you have a question?

Mr. Evans - Yes, a couple of things. Number one, I want to echo the sentiments that you expressed about the variances on the signs particularly in this situation where they are not necessary and not going to be viewed or anything. To do variances would be unconscionable. The second observation would be that although we have seen a representation of what these signs would be, I don't think that the "Food Market" fits in with the sign package that was approved for this particular plaza and so would not be able to be done and while they might want to do that as prototypical, I don't think the sign package would allow that. So, when we're looking at providing a separate sign, I would not want to be swayed by the fact that this is a pretty design because it may not be acceptable in terms of Architectural Review or the sign package that is presently at the plaza.

Dr. Goist - Kevin, have you been to Architectural Review?

Mr. McClure - Yes.

Mr. Kelleher - They had no problem with the signs other than what is required by the variances. They liked the look of them.

Dr. Goist - Okay. Board members, do have other questions?

Mr. Baldin - Yes, Mr. Chairman. You don't have a larger rendition with you that shows the north and west complete all together in one picture? You're looking at a canopy sign right next the Catan's right now on the west side. That's one of the variances that you're looking for. You're looking for two of them.

Mr. Kelleher - The can-type sign on the west side will require a variance as it will be the second sign there.

Mr. Baldin - But you're also looking for a canopy sign there too, aren't you?

Mr. Kelleher - The canopy was approved by ARB. So, the canopy on that sign won't require a variance.

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Mr. Baldin – Hold on a second.

Mr. Catanzarite – They are way under as far as square footage.

Mr. Baldin – As far as the size, I'm not concerned that much with the sign. "Which allows one canopy sign and where two canopy signs north and west are proposed."

Mr. Kelleher – Correct.

Mr. Baldin – You're only allowed one but you're trying to say that they approved two?

Mr. Kelleher – No. They approved the "Food Market" letters on the west side. The can sign requires the variance because it's the second sign and then it requires another variance because we're proposing a sign that is six foot tall instead of five foot tall which is what the code allows. So, that is two of the variances. The other two variances are on the north side where we are asking for another "Food Market" sign and another box type sign and then the box type sign also will be six foot tall as proposed so that requires a variance for that also.

Mr. Baldin – The entrance is going to be on the west side?

Mr. Catanzarite- The north side.

Mr. Harr – The entrance is on the west side facing the street. The sign size doesn't cause me an issue only because the setback is so far that I think you need to be to have it visible. The north side, unless your people are directionally challenged to park in that parking lot over there, I don't know who would see it. The buildings that are on the adjacent lots totally obscure it. I would suppose that if those two lots were not flat, it would give people southbound on Pearl Road a little bit more room but I don't think you'll see it at all unless you're in that parking lot.

Ms. Zamrzla - Mr. Chairman?

Dr. Goist – Yes?

Ms. Zamrzla – For the record, when I spoke to Mr. Biondillo about this, the reason why I worded this this way in (f) "which allows one canopy sign west and where two canopy signs north and west are proposed", the same as in (g), is because Mr. Biondillo said that the one that ARB approved is the west one not the north one. The west ones are approved by ARB and the north ones are not and that is why they sent them here.

Mr. Baldin – So, they approved two on the west side?

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Dr. Goist – No.

Ms. Zamrzla – No, they approved the wall sign on the west –

Mr. Baldin – I mean the wall sign and the canopy sign.

Ms. Zamrzla – Correct.

Dr. Goist – They didn't approve anything on the north side.

Mr. Catanzarite – The two Aldi signs with the one foot variance, actually if they wanted they could come back and make those signs three times as big based on the façade but because of the code, they just want to go a foot higher. These signs are actually much smaller than you would get by the average square footage to the façade. Do you follow me?

Mr. Harr – It's just the height. I don't speak for everybody but I don't think the height is an issue.

Mr. Catanzarite – That's why we're at a variance for those, that one foot. It's not like we're over the – correct? Agree with me, will you?

Mr. Kelleher – We're asking for 100 square foot of signs if all the variances are granted. That is a fraction of what they are allowed for a store their size.

Mr. Catanzarite – Right.

Mr. Baldin – You people definitely want to stick to the two signs on the north?

Mr. Catanzarite – We would like to.

Mr. Baldin – Would you compromise?

Mr. McClure – It depends what the compromise would be.

Dr. Goist – I think what we started out to say at the beginning was that the north sign was kind of superfluous and in this case we still think it is and it's not that we don't want you to have it, it's that we don't think anyone is going to see it.

Mr. Harr – And complying with your model unit is not necessarily a hardship. If it doesn't serve a purpose, there is no need directionally, there is no safety issue, there is not a real reason to put it there.

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Dr. Goist – I agree. So, we're asking you in a compromising situation, would you eliminate that variance for the north side?

Mr. Catanzarite – Just vote.

Dr. Goist – This is still a Public Hearing. We have other people in the audience who may want to speak.

Mr. Catanzarite – Gotcha. Okay. Not to speak for Kevin but it's a national franchise and that is part of their logo. It would be like taking part of the M off of the McDonald's.

Mr. McClure – It's part of the national branding process and it's a look that you go for. It's kind of like your international trademark logo. Your building is the same thing. It's a look that you're going for. Is that a hardship? That's for you to determine. We think it is because of what we're trying to accomplish. Obviously, we would love to have all those signs but it's your decision if we can have the ones on the north.

Mr. Baldin – You made a comment about the look and what you're looking for. The length of the building is about 155 feet?

Mr. McClure – I think it's a 156 feet or 160 feet.

Mr. Baldin – On the west face of the building it's going to be pretty flat, pretty plain. You have some windows up above and you're looking for the Aldi logo next to Catan's right now where the façade and the pillars are. Is that the way it's actually going to be, you're going to have windows here?

Mr. McClure – That's the back of the building that faces the residential.

Mr. Baldin – I realize that but this is facing the west, correct? (indicating on drawing)

Mr. McClure – No, this is west. That is north.

Mr. Baldin – No, this here. This is facing west?

Mr. McClure – Correct.

Mr. Baldin – And you're going to have this over here and you want this over here?

Mr. McClure – No, the Catan building is in the distance there. That's looking that way at it.

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Mr. Baldin – So, we're going to have a plain brick wall to look at here. No canopies hanging out to match the rest of the whole facility here. They have a very nice facility here with canopies and overhang. I know that's not really our decision. That's an Architectural Review Board decision.

Mr. McClure – We're working with the ARB on that.

Mr. Baldin – Alright. So, that has come up.

Mr. Catanzarite – That's not the final drawing.

Mr. Baldin – Do you see what I'm driving at?

Mr. McClure – I understand what you're saying but remember, that is one dimensional. It actually looks a lot different.

Mr. Baldin – I don't want to see a big blank wall there and when the rest of the shopping center there has an overhang and pillars and everything, it looks very nice and here you're going to come up and put a brick wall there. Do you have my point?

Mr. McClure – Yes.

Mr. Baldin – Thank you.

Mr. McClure – You're welcome.

Dr. Goist – What we hope is that ARB comes up with a design that looks aesthetically pleasing that Mr. Baldin is asking for. Not just a plain brick wall. That's not our league. We have to give you the variances.

Mr. Catanzarite – We agree. We sent them a bunch of variations. In fact, Kevin sent them more this week.

Dr. Goist – That is not our area. Our area is to grant you or not grant you these variances and we were asking if you at all would eliminate the variance that requested the north sign and you said that you preferred not to.

Mr. McClure – Correct.

Dr. Goist – That's as easy as I can say it if I'm saying it correct. I know that Mr. Baldin was saying that he is looking at a one dimensional picture and not a three dimensional picture or two dimensional anyway.

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Mr. Catanzarite – You said that correct.

Mr. Baldin – We're not finished here yet but as we go through these, I think that we're going to take one at a time instead of putting them all together.

Dr. Goist – Well, I kind of feel like we have been walking through them.

Mr. Baldin – I mean when it comes time to take a vote on these.

Dr. Goist – Okay. You want to vote on each variance separately. Does the Board agree with that? Are there any other comments on that?

Mr. Baldin – I think if we have an objection to one or two variances they might be able to segregate those out but I don't know that we need to act on every single one. Some of these are for existing conditions.

Mr. Baldin – Are we through with the signage all the way?

Mr. Evans – Mr. Kolick, I believe that we can group several of them and isolate several. Would that not be correct?

Mr. Kolick – Absolutely.

Mr. Evans – Thank you.

Mr. Baldin – I'll go along with that.

Dr. Goist – All right. Are you gentlemen done with your presentation?

Mr. Catanzarite – Yes, unless there are additional questions.

Dr. Goist – Board members, any additional questions here.

Mr. Evans – The only other thing that we need to do is nail down the parking number. Mr. Harr came up with a number similar to what I did at about 260 not including ones that are behind the Chase and the optometrist building. Those parking spaces back there, while they could be used for employees, represent almost twenty spaces there that when added to the amount that we're giving in the variance, are significant and parking variances being what they are in this town, I would just want to make sure that the Board understands that that number is probably not exactly as it's represented to us in terms of usable numbers.

Mr. Baldin – It would be about seventy spaces deficient. Is that what you're saying, Ken?

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Mr. Evans – Yes.

Mr. Harr – No.

Mr. Evans – That's pretty close.

Mr. Catanzarite – Then the engineer that we paid a lot of money to did not add these up correctly, Ken.

Mr. Harr – There are twenty-two or so right here to the south.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – I think the section of code and Dan can correct me if I'm wrong, as long as the parking spaces are 250 feet of the building, they can be counted.

Mr. Kolick – I think that Mr. Hill counted everything that is on the lot.

Mr. Harr – I think so as well.

Mr. Kolick – So, everything that is on the lot is what amounts to the 272 or whatever including the eight new ones that they are utilizing as well. As a practical matter they may even be able to utilize some others on the Pizza Hut lot even though they don't technically have an easement over it but people are going to park there. So, you really have some other spots that will probably wind up being used particularly at the east side of the Pizza Hut. They probably will be using those spaces too. So, there are some other spaces that are going to be used, whether they have a legal right to use them or not.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes, Mrs. McGrath?

Mrs. McGrath – I wanted to ask what are the hours of operation normally. Six a.m. to ten p.m.?

Mr. McClure – Currently we're nine in the morning to eight at night, Monday through Saturday and Sunday we're like ten to six. So, we have limited hours. Not only are we limited assortment, we are limited hours.

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Mrs. McGrath – I know that in this kind of economy, you all do much, much better than the average store and that's not our bailiwick but I know that you all are doing very well.

Mr. Baldin - Mr. Allen, according to the Code in the City, how many parking spaces per 1,000 square feet? Did the City just change that code? It was like three or four and now they just went up to five?

Mr. Allen – It's four and one half. They dropped it to four and one half.

Mr. Baldin – I knew I just saw it somewhere.

Mr. Kolick – Four and one half parking spaces per 1,000 square feet.

Mr. Evans – For General Business.

Mr. Allen – Section 1270.05 (c) without food services, 4.5 spaces per thousand feet of gross building floor area.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Who are the other tenants in there right now?

Mr. Catanzarite – Amtrust Bank, Super Tan and John Beck the printer, which is Copy Quick and then a tailor.

Mr. Harr – I would think that most of them would certainly be under utilization parking wise for the most part. Maybe the bank might be on par but the tailor and the Super Tan, I can't believe are using up equivalent spaces.

Mr. Catanzarite – As I said, if (c) becomes an issue, I will consolidate the parcels and we don't have any issues. Going back to (c), are we trying to say that we need more than a 48 space variance? Is that what you're saying Ken?

Mr. Evans - My comment, Mike, is directed at that back corner and saying that we're concentrating on the front part of the parcel that is used by everybody. We're relying on those twenty-two spaces that are out in the back field as part of that. It's a practical matter. They're not going to be usable. So, again, our problem is it's not Mike Catanzarite, it's all the other people in this town who come to us for parking variances that are germane because they see that Mike Catanzarite got this variance for sixty spaces or whatever so they want their number as well. In your case, as Bill suggested, the utilization of the retail

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Mr. Evans continues - establishments that you have in the center probably are a lower draw and our job is to try and figure out and make that when we set precedent and when we go against the Code and go against what City Council has put in place, then we have valid reasons.

Mr. Catanzarite – I can appreciate that.

Mr. Harr – The reconfiguration of the lot to straight parking will certainly help. I think the other tenants that you have there that are hopefully low volume tenants will help and the fact that you have a contiguous parcel there that could be consolidated and utilized for parking helps ameliorate that situation.

Mr. Baldin – One other question Mike. Where the Sherwin Williams property was, I'm looking here at the print and where the back line is –

Mr. Catanzarite – That just touches our property.

Mr. Baldin – But he is not utilizing all of that, is he?

Mr. Catanzarite – We're repaving that whole area behind Sherwin Williams. In fact, part of the easement agreement with Pizza Hut is that we're going to repave their lot. So, when you look at that, it will be all new, all new lighting.

Mr. Baldin – You're going to stripe that all behind Pizza Hut but you're not going to stripe behind the Sherwin Williams property?

Mr. Catanzarite – Yes, we are.

Dr. Goist – So, there might be some excess parking spots there?

Mr. Catanzarite – I think he counted those.

Mr. Baldin – I don't think so.

Mr. Kolick – He is talking about the striping behind Sherwin Williams, not the Sherwin Williams parcel itself. Sherwin Williams parcel ends right here. (indicating on drawing)

Mr. Baldin – But they don't use that whole lot to park, do they?

Mr. Kolick – He talking about the car dealer. The car dealer doesn't use the whole lot?

Mr. Catanzarite – No. He just has a few cars in front.

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Mr. Baldin – Is that all paved there now?

Mr. Catanzarite – Yes.

Mr. Baldin – So, theoretically, some cars could be parking there now?

Mr. Catanzarite – Oh yes. You can park a lot up there but the reason that it's not in any calculations is it's a separate parcel.

Mr. Baldin – But if you happened to make sure it's all paved and put some striping in there, someone may utilize it.

Mr. Catanzarite – The plan is we're going to repave the whole parking lot, we have all new lights and then the fencing and the lighting that we did towards the south, we're going to continue that all the way down past the school so that will be one –

Mr. Baldin – The fence that is up there now?

Mr. Catanzarite – The fence that we put up there.

Mr. Baldin – What I'm saying is there might be some additional parking even though you might not be consolidating and there might be some parking spaces open there.

Mr. Catanzarite – Oh yes, there is additional parking there, absolutely. They just can't be counted. If you remember Sherwin Williams, it's all the parking behind their building which abuts the Co-op.

Mr. Harr – Which you can almost be assured, if all the other parking spaces are full on silk flower sale day, people will find those spots.

Mrs. McGrath – How is pick-up at the day care affected by any of this?

Mr. Catanzarite – The girls would have to answer that.

Dr. Goist – If you would give us your name and address please.

Ms. Joniak – Tracy Joniak, 12311 Cooper's Run. I'm the President of the Strongsville Co-Operative preschool and we currently use entrance and egress between the Pizza Hut and the Sherwin Williams lot. We loop around and we exit between the Co-op and the AT & T. We own the property of one lane. On the AT & T and Co-op side there is a metal divider between the highway that comes down that way. We have at any given time, twenty cars entering and exiting four times a day. We have a morning and afternoon class so we have twenty parents

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Ms. Joniak continues - picking up and dropping off. The way our pick up and drop off is structured is that the cars enter between Pizza Hut and Sherwin Williams, they loop around our back parking lot. The children are taken out of the cars on our side door. They are taken out by the teacher. They enter directly into the building. The cars continue and exit out onto Pearl Road. So, our big concern of course is drop off and pick up and making sure that we don't back up twenty cars up and down Pearl Road. Already we have some issues of people turning left into the back and right into us first thing in the morning. No one has had a head on collision yet so that's a good thing.

Mr. Baldin – I can remember back when – Ken, were you on the Board way back when, when they reconstructed that and people were using that common egress there.

Ms. Joniak – Yes, we use the common egress there.

Mr. Baldin – We were very concerned with the safety issue.

Ms. Joniak – Which is why the children enter from the car into the building directly. The children do not walk across the parking lot. That is one of the reasons that we do that because the kids are not walking where cars are moving. The teachers get them right out of the back seat of the car, put them right in the building and at the end of the day the teachers take them right out of the building and into the car. The kids do not cross the parking lot.

Mr. Baldin – Have you ever had any complaints from parents dropping their kids off and exiting?

Ms. Joniak – No. Occasionally turning left there becomes an issue. We have noticed just anecdotally from my own experience, if they're doing construction on that lane to turn right onto Pearl Road, like when the CVS was under construction, that would back up but as a general course of events, we don't usually have a problem, no.

Mr. Baldin – Okay, thank you.

Mrs. McGrath - Mr. Chairman, this would mean that the improvements that you all are going to do to the property, the parents could exit and be protected at the light.

Ms. Joniak – That would be wonderful.

Mr. Catanzarite – They can get out there now. When I bought the property, I opened that all up.

Mr. Joniak – Sometimes we four-wheel over through it. There is a traffic issue some days like at the holidays so we can cut through and back and forth.

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Mr. Baldin – It's hard to make a left-hand turn.

Ms. Joniak – Sometimes it is. Sometimes. The thing that we do and I think it perturbs the AT & T people is that sometimes we'll take both lanes and then the AT & T people get mad at us for taking both lanes. Sometimes someone wants to turn left and someone may want to turn right and that's when AT & T yells at us but they have another driveway.

Dr. Goist – Again, I apologize for the short memory but your last name was –

Ms. Joniak – It's Joniak. J-O-N-I-A-K.

Dr. Goist – While you're here and since this is a Public Hearing, one thing that we're going to ask for is people to speak in favor of this variance and people who are against. I'm asking you as the head of the school are you for or against the variances that we are looking at tonight?

Ms. Joniak – I hate to make an opinion based on less than the full information. We have worked with Mr. Catanzarite in the past and we have a great relationship with Mr. Catanzarite. I have faith in that he is working in the best interest of all of our activities. He has been very generous working with our school and I have faith that our school will be impacted as minimally as possible during the construction and the process. I hate to make a judgment based on not all the information. I don't think the signage affects us directly. I don't know about the parking situation. That doesn't affect us directly. We have our own parking lot that we pave, that we plow and are in charge of. We have our own egress. The common entrance is an issue for us. In general, I think that development is good for the city especially during these economic times. My opinion is I think that it's a good idea. Do I have all the information? No.

Dr. Goist – Thank you. Is there anyone else in the audience who would like to speak for the variances? Is there anyone who would like to speak against the variances? Our Board members seem to be somewhat divided as to whether we should vote on these variances in part or on a whole. My personal opinion as Chairman is that I think that we should vote on them as a package. If someone would like to separate them out I would like to hear it. I would like to entertain a motion.

Mr. Baldin - Mr. Chairman? I would like to propose a caucus.

Mr. Evans – Did we do the whole Public Hearing? Did you ask if there was anyone else?

Dr. Goist – Yes.

Mr. Evans – Okay, all right, I'm sorry.

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The Board breaks for a caucus.

Dr. Goist – We are finished with our caucus and we have come to some determination on some of the variances and I'm going to ask Mr. Evans to point out and say for the record exactly how the Board feels. This is where we're coming from.

Mr. Evans - Mr. Chairman? Thank you. I think what we want to do is to just define some of the clarifications that we talked about in caucus and part of it is that in terms of variance (a) with the three percent that the plaza is connected or is next to or adjoining another parcel of property which could be included and for reasons of developing a parcel over a period of time here that that choice is not to do that right now but the fact is that the owner of the plaza does own contiguous property which would mitigate that three percent. So, in terms of the overall development we recognize that the potential of the entire area outweighs the short term of the variance extension here. In terms of (c) with the parking space variance, that same situation would be true that the plaza owner could develop the other parcel and adjoin that and that would do away with the parking variance or at least mitigate it tremendously but at this point, again, looking at overall development, working with Pizza Hut and the entire area we feel mitigates that circumstance as well. In terms of (f), (g), (h) and (i) and (j) as well, part of our determination is that as we talked about on the floor, the overall square footage that is allowed by the design of the building is substantially more than what is being proposed by the requester here. In light of the fact that these signs could be much larger, what we are looking at is the overall total square footage and determining that having multiple smaller signs would certainly be advantageous to having one much larger sign, which the applicant could do if they chose to. So, in terms of the way that the Board is looking at these situations and then the parking variances for the setbacks, those are all existing conditions, those are some of the premises that the Board members talked about in caucus there in terms of looking at the way the variances lay out. Thank you, Mr. Chairman.

Dr. Goist – Thank you.

Mr. Evans – Having said all that, I would move to approve a request for a 3% Land Coverage variance from Zoning Code Section 1258.09 which allows a maximum 25% Land Coverage and where a 28% Land Coverage is proposed in order to construct an Addition to an Existing Retail Building and b) approving a 23' Front Yard Parking Setback variance from Zoning Code Section 1258.11 which requires a 75' Front Yard Parking Setback from the centerline of Pearl Road and where a 52' Front Yard Parking Setback is proposed in order to construct an Addition to an Existing Retail Building and c) approving a 48 Parking Space variance from Zoning Code Section 1270.05 which requires 320 Parking Spaces for Off-Street Parking and where 272 Parking Spaces are proposed in order to construct an Addition to an Existing Retail Building and d) approving a variance from Zoning Code Section 1270.08 (c) which requires that all parking be provided on the same lot as the main use where eight (8) of the parking spaces are proposed on an abutting lot by way of an easement agreement and e)

2) **ALDI, INC. Ken Black, Representative/Mike Catanzarite, Representative,
Cont'd**

Mr. Evans continues - approving a 5' Side Yard Parking Setback (West) variance from Zoning Code Section 1258.11 which requires a 5' Side Yard Parking Setback abutting a Non-Residential District (West) and where a 0' Side Yard Parking Setback is proposed in order to construct an Addition to an Existing Retail Building and f) approving a variance from Zoning Code Section 1272.12 (e) which allows one (1) canopy sign (west) and where two (2) canopy signs (north and west) are proposed g) approving a variance from Zoning Code Section 1272.12 (b) which allows one (1) wall sign (west) and where two (2) wall signs (north and west) are proposed and h) approving a 1' Sign Height variance from Zoning Code Section 1272.12 (b) which allows a 5' Sign Height and where a 6' Sign Height is proposed in order to install a Wall Sign (north) and i) approving a 1' Sign Height variance from Zoning Code Section 1272.12 (b) which allows a 5' Sign Height and where a 6' Sign Height is proposed in order to install a Wall Sign (west) j) approving two (2) 11 SF Sign Face Area variances from Zoning Code Section 1272.12 (e) which allows a 10 SF Sign Face Area and where two (2) 21 SF Sign Face Areas are proposed in order to install two (2) Canopy Signs; property located at Catan Plaza 14225 Pearl Road, PPN 396-17-114 zoned General Business and subject to the receipt by the Law Department of the easement agreement between the Pizza Hut parcel and the subject property.

Mrs. McGrath – Second.

Dr. Goist – We have a motion and second. Kathy, would you call the roll please.

ROLL CALL: ALL AYES

Dr. Goist – Mr. Catanzarite, your variances in their entirety have been approved. There is a twenty-day waiting period as you probably know but I think you have to go back to ARB and Planning Commission and you need to get the easement that Mr. Kolick needs but congratulations. It was a long haul.

Mr. Catanzarite – Thank you.

Mr. McClure – Thank you.

Mr. Kelleher – Thank you.

RULING: VARIANCE APPROVED

Dr. Goist - If there is no other business to come before this Board, meeting is adjourned.

Meeting adjourned at 9:14 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

March 25, 2009
Approval Date