

## STRONGSVILLE PLANNING COMMISSION

### MINUTES OF MEETING

October 11, 2007

The Planning Commission of the City of Strongsville met in the Caucus Room at the Strongsville Municipal Building 18688 Royalton Road, on **Thursday, October 11, 2007 at 7:30 p.m.**

Present: Planning Commission Members: Jeffrey Ice, Chairman, Charlene Barth, Gregory McDonald, Mary Jane Walker, Thomas Stehman. Council Representative: Raymond Haseley, Mayor Thomas P. Perciak. Administration: Assistant Law Director, Daniel Kolick, Design Engineer, Lori Daley, Assistant Building Commissioner, Keith Foulkes, Fire Department Representative, Lt. Randy French, Architectural Review Board Representative, William Boron.

The following was discussed:

**MOLLY MCGHEE'S SPORTS PUB:** Mrs. Daley stated that this proposal is to utilize 630 SF as an out-door eating area for Molly McGhee's Sports Pub on Prospect Road it will be located over 5 existing parking spaces. From the City Planner there is no report on the Conditional Use and on the Site Plan they are required to have 212 spaces and they are indicating 244 even with the 5 missing so that is ok. From Engineering there is no report on the Conditional Use and the Site Plan is in approvable form. Mr. Foulkes stated that from Building the plans are in approvable form. Mr. Boron stated that that ARB gave favorable recommendation on 10-9-07. They did have the posts out about 5' away from their fence line. They agreed to pull the posts in and incorporate them with the fence similar to what Coldstone did and we asked them to extend their concrete out to make a curb so that a car would hit the curb first and then the rail. It gives a little buffer zone. They agreed to those changes. Lt French stated that the Fire Department had no report. Mr. Kolick stated that on the Conditional Use we will hear comments. There are residents on Harper and we need to be cognizant of their feelings. We have had complaints from them before. We should look at hours of operation and if there will be any speakers. You have the authority to attach conditions for the hours and noise if that is what you wish to do. Mr. Haseley asked if additional lighting was looked at. Mr. Boron stated that there was none proposed.

**PACINO'S RESTAURANT:** Mrs. Daley stated that this proposal is to utilize 1,925 SF as an out-door eating area for Pacino's Restaurant located on Pearl Road. From the City Planner there is no report on the Conditional Use and the Site Plan show 72 parking spaces required and they are providing 69. This leaves a deficit in parking of 3 spaces. From Engineering there is no report on the Conditional Use and the Site Plan is in approvable form, they did address the drainage of the patio as requested. They are going to install some drains and hook into the existing storm sewer. Mrs. Barth asked if there was going to be enough room for cars to park. Mrs. Daley stated that

there would be, they are not changing the width and that this would not change anything. Mr. Foulkes stated from Building the plans were in approvable form but we want some additional details on the wall construction. Mr. Boron stated that the ARB gave favorable recommendation on 10-9-07. They will have a grass tiki hut look at this site with thatched roofs. They were going to continue it the whole way down but they agreed to change that section to a permanent roof. They are going to reroof the whole thing with shingles on the structure. We limited the thatched roofs to over the bar area itself. Lt. French stated that the Fire Department had no report. Mr. Kolick stated this one will not impact into residential areas so I don't think you need to be as concerned about hours of operation, lighting or noise. Mrs. Barth asked if there were bollards. Mr. Foulkes stated that they were installing a masonry wall and the reinforcement of that, the wall extends up above the parking area. Mr. Davison stated that there would be some bollards along the fence which would be painted the same color of the fence.

**DOGGY DAYCARE:** Mrs. Daley state that this proposal is to use 3,080 SF for a dog daycare located within an existing building on Progress Drive, currently California Concepts. They are going to break the building into 3 different areas with the middle one being used for doggy daycare. From the City Planner Main buildings and uses permitted in Section 1262.03, Use Regulations lists veterinarian's office, animal hospitals and kennels as main use is permitted. They are required 14 spaces and there are 23 parking spaces indicated. From Engineering there is no report, all the work appears to be interior. The only comment I have is that they are showing a new door going in on the east side of the building and if that is going in they will need to reconfigure their parking because all the parking currently is flush up against the building. Mr. Foulkes stated that the door they are adding in may become a Building issue because they only have ADA access in front of the building which might require an additional ramp for this area. The plans do not indicate an exterior kennel and clarification would be necessary for the interior alterations. The Building Department has conveyed to the applicant the need to restrict noise and odors generated from the intended use. The applicant has not clarified disposal of waste, nor methods for reducing any noise generated from barking dogs. These are the only interior renovations that they have shown us. They don't have a demising wall or any other type of indication of how they are separating those uses. They are somewhat incomplete at this time. Lt. French stated that there was no report from Fire. Mr. Kolick stated that before we have them do anything more with the drawings we should see if this use is applicable. We have never approved a dog daycare or kennel in the middle of any of our Industrial Parks. We are doing a Multiple Use, you have the authority to do it but you also have the authority to say this is not a good place to put it. The only places that have this in industrial zoning are free standing buildings. The other thing is that this is fairly close to Co Moor. There will be some area outside with dogs and is that what we want to do? You have that discretion to make the determination of use

given its location and the other uses. Mrs. Barth asked what was on either side of this site. Lt. French stated that on the east side was Oak Printing and Skinner on the other side. Mr. Stehman stated that there would have to be some sort of outside run for the dogs to do their business. The applicant stated that there would be an area for the dogs to go out and do their business but that they would be staying inside. Mr. Haseley asked what they would be doing with the waste? The applicant stated that Mr. Biondillo suggested an industrial toilet or that it would be put in the trash which would be picked up on a weekly basis. Mr. Foulkes stated that he contacted the Board of Health and they do not oversee issues like this. There is no body that oversees the waste elimination. He stated that Mr. Biondillo was concerned with the outside area and what was going to be used as a flooring. Ms. Scott stated that her veterinarian told her that gravel or a synthetic substance which looks like gravel would be easy to care for and works well. The applicant stated that the area would be a totally open area, no cages so the dogs could go and play. The applicant stated that the outside area would be 12 x 12 surrounded by a stockade fence to allow the dogs to go out, go to the bathroom and come back in. Ms. Scott stated that it is a big open area for the dogs to play so that they don't have to be caged up. She stated that her hours were from 6:30 a.m. to 6:30 p.m. Monday thru Friday and that there would be no overnight stays. The applicant stated that his office would also be moving in to this site. Mr. McDonald asked if there was a market for this? The applicants stated that there was a big market. Mr. Stehman asked if all the dogs got along together? Ms. Scott stated that there would be temperament evaluations of the dogs before they would be accepted. Mr. Kolick stated that the Board could act on the conditional use and if they were going to take it further they would need to table the site plan until more detailed plans are submitted. The applicant stated that they would have an architect submit detailed plans.

**POMEROY PLACE SUBDIVISION:** Mrs. Daley stated that this proposal is to replace the existing entranceway sign for Pomeroy Place which is located within the right-of-way at the corner of Howe Road and Pomeroy Boulevard. There was an existing sign that was knocked down by a car. From the City Planner there is no report and from Engineering the sign location is in approvable form. Mr. Foulkes stated that the plans are in approvable form. Lt. French stated that there was no report from Fire. Mr. Kolick stated, if you want landscaping it would need to go to the ARB. If we are just going to leave it as is then you could act on it. If it is approved and not sent to ARB then it would need to be made subject to submitting a license agreement through City Council. The applicant stated that he would inform the Association of the need for the license agreement. Mr. Kolick stated that they could call his office for more details.

**ANTONIO'S PIZZA:** Mrs. Daley stated that this proposal is in the plaza with First Federal and going in between Niko's and Coldstone Creamery. It is to utilize 1,520 SF as a restaurant with dine-in seating. From the City Planner the required parking is 94

spaces, they are providing 69 spaces. There is a deficit of 25 spaces. From Engineering there is no report. Mr. Foulkes stated that the Building Department had no report. Lt. French stated that there was no report from Fire. Mr. Kolick stated the issue is parking. If you are ok with the parking because this is the third eating establishment on that site. You need to set it for a Public Hearing.

**IDC FALLS POINTE, LLC:** Mrs. Daley stated that this proposal is to revise the landscaping previously approved for property located at 10883 Pearl Road. The applicant stated that the plan would be amended to provide a little more mounding than what was shown. The original plan called for a 3 to 4' mound and given the depth that did not make sense. The slope would be too harsh and the mulch kept washing out into the parking lot. We are proposing a lawn area with a 3:1 slope of mounding and the addition of 4 – 2 1/2" caliper Honey Locust trees along the front. We will also be sprinkling the front and the south side. From the City Planner there is no report. From Engineering there is no report. Mr. Foulkes stated that there was no report from Building. Mr. Boron stated that the ARB gave favorable recommendation on 10-9-07. Originally they had a mounding and they took it away. Based on their comments and what we asked for them to get this mound up as high as they could go at a 3:1 slope and back down to the parking lot. This will all be lawn now so the mulch issue goes away. We also asked them to put two street trees on both sides of the signage to mimic down the street so that theme would be carried up through Pearl. Lt. French stated that the western peninsula by the drive is where the Fire Department Siamese connection was and that was not hidden or covered up and that they paint it red. The applicant stated that it was all exposed and a little bit higher than the curb. Lt. French was concerned about the Fire truck being able to make the turn. The applicant stated that there was just perennials there no rocks or trees. Mayor Perciak asked if there were tenants at that building? The applicant stated that Liberty Mutual was coming in and the Community Credit Union just moved in. Mr. Kolick stated that it was ok to act on this one.

**AT & T – 19166 ALBION ROAD:** Mrs. Daley stated that this proposal is to install an above ground cabinet and concrete pad within the right of way next to a pole mounted cabinet that is already there at 19166 Albion Road. From the City Planner there is no report. From Engineering the site plan is in approvable form. The existing roadway ditch is not to be obstructed. Mr. Foulkes stated that the Building Department had no report. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that the issue with any of these boxes is do we want landscaping on them? If you don't want landscaping around them in the right-of-way there is no use sending them to ARB. The Commission was in agreement that they did not want to see landscaping in the right-of-way. The same report for all of them the ones in the right-of-way will just need to go to

City Council. Mr. Ice stated that the office on Pearl Road needed to be cleaned up and asked that the applicant take that back to the corporate office.

**AT & T – 10854 MEADOW TRAIL:** Mrs. Daley stated that this proposal is to install a pole mounted cabinet located within the right of way in the rear of 10854 Meadow Trail on Marks Road. From the City Planner there is no report. From Engineering the site plan is in approvable form. The cabinet and pole location will not obstruct drainage or sight distance. Mr. Foulkes stated that the Building Department had no report. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that this is the same report as the last one.

**AT & T – 9210 WEBSTER ROAD:** Mrs. Daley stated that this proposal is to install an above-ground equipment cabinet and cement pad located in a private easement. From the City Planner there is no report. From Engineering the plans are in approvable form. The proposed cabinet is located within a private easement. There are no sight line or drainage issues. Mr. Foulkes stated that the Building Department had no report. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that this is the same report as the last one.

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

Roll Call:

Members Present: Mr. Ice, Chairman  
Mrs. Walker  
Mr. McDonald  
Mr. Stehman  
Mrs. Barth  
Mr. Haseley, Council Rep.  
Mayor Perciak

Also Present: Mr. Biondillo, Bldg. Com.  
Mrs. Daley, Design Engineer  
Mr. Kolick, Asst. Law Dir.  
Lt. Randy French, Fire Dept  
Mr. Boron, ARB Chairman  
Carol Oprea, Recording Secy.

## **REVISED AGENDA**

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to use the Amended Agenda for this evening.

Mrs. Walker – Second.

Mr. Ice – Secretary please call the roll.

Roll Call: All Ayes APPROVED

**PUBLIC HEARINGS:**

**MOLLY MCGHEE’S SPORTS PUB/Rob Miller, Agent**

a) Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 630 SF for an outdoor patio for Molly McGhee’s Sports Pub located at 13169 Prospect Road, PPN 392-31-002 and 017 zoned General Business.

b) Site Plan approval for a 630 SF outdoor patio for Molly McGhee’s Sports Pub located at 13169 Prospect Road, PPN 392-31-002 and 017 zoned General Business. \* *ARB Favorable Recommendation 10-9-07.*

Mr. Ice – Item Number One, Molly McGhee’s Sports Pub. Anyone wishing to speak in favor please step forward and state your name and address for the record.

Ms. Schroeder – Bonita Schroeder, 38284 Pebblelake Trail, North Ridgeville, Ohio.

Mr. Davison – Bill Davison, 26031 Center Ridge Road, Westlake, Ohio.

Mr. Ice – Please describe what you are doing.

Ms. Schroeder – We are building a patio.

Mr. Davison – It is a 630 SF patio just outside the front entry in the parking area.

Mr. Ice – What will the hours of operation be?

Ms. Schroeder – The same as the bar, 11:00 a.m. to 2:30 a.m. seven days a week.

Mr. Ice – Is there any music out there?

Ms. Schroeder – No there is no music and we are not going to change anything. Everybody is out there smoking anyway. All we are doing is providing them somewhere to sit down.

Mr. Ice – Anyone else wishing to speak in favor or against? Seeing none I declare the Public Hearing closed and we will listen to the administration report. Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use Permit and on the Site Plan, the parking provided is 244 spaces, required is 212 so they are ok with their parking. From Engineering, there is no report on the Conditional Use and the plans are in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, the plans are in approvable form. Thank you.

Mr. Ice – Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. During ARB the discussion was with the Building Department to move the bollards back and incorporate them into the fence which they have done on the revised plan. These bollards will be concrete filled. Also the concrete was to be extended out to make more of a safety zone and a curb now away from the fence line. Other than that it was approved on 10-9-07. Thank you.

Mr. Ice – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. From Fire, there is no report. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. There is a residential street, Harper to the east of it. I know that we have had complaints in the past of noise from the shopping center. If you consider this you may want to consider conditioning it as you have the right to do on no music or loud speakers which they are not doing anyway so that should not be a problem. You may also want to consider some restriction on the hours. They start as one thing and wind up as something else. Thank you.

Mr. Ice – Any questions or comments, what do you think about the hours?

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – My question would be is there any way we can just monitor it as it goes? Do we have any authority after the fact if 2:30 a.m. seems to be too long or too loud for the neighboring residents, do we have any authority to change that?

Mr. Kolick – You really need to set that here because if they are telling us that they want it open from this till 2:30 a.m., if you don't put any restrictions on it, they are permitted to do that even under their permits till 2:30 a.m. If you want to restrict it you should restrict it now.

Mr. McDonald – I am suggesting that we would only want to restrict it if there were a problem. At this time we won't know if there is a problem so is there any way we can have a contingency that if there is a problem that we will negotiate or decide or come back to a different operating hour?

Mr. Kolick – That makes an administration problem as to when there is a problem. A problem may or may not be a problem in the Harper resident's mind which may or may not be a problem with the Building Commissioner. I would rather just see you put a restriction on the time if you feel that is appropriate it should just be done.

Mayor Perciak – I really believe that we should put a restriction, minimum Monday through Thursday. We have just gone through a slur of all kind of complaints on a neighboring facility and the residents around there are just hopping mad about noise and everything that goes on after midnight. I guess that was one of the reasons that someone on the panel asked if there was going to be music. Even when there isn't music, the residents are still complaining because they still have to get up for work the next day and if we are going to have people out there hooting and hollering and screaming and yelling and blowing horns and doing all kind of crazy things that does create a problem for all of us. I understand the Friday night crowd and I understand the Saturday night crowd but could you work with us on the Monday through Thursday crowd and the Sunday till 2:30 a.m. you can't be doing that.

Ms. Schroeder – Sunday's we close at 1:00 a.m.

Mayor Perciak – This is going to be a potential problem down the road and that is why we are asking you now. During the week you may be open till 2:30 a.m. but are they out there till 2:30 a.m.?

Ms. Schroeder – Smoking, today? Yes, since the smoking ban everybody is outside smoking. I don't think that adding a patio is going to change our noise level.

Mr. Kolick – I think what we are looking at is this, I don't think anybody is going to care if you have 3 people or 10 people out there smoking. The problem is that you have tables and you have the ability to serve out there. If you are going to be serving alcoholic beverages or they are going to be taking their beers and things out there then things tend to get a little louder out there and if you are serving till 2:30 a.m. then that is when we can have problems. As the Mayor is relating we have had problems in other areas now as well.

Mayor Perciak – We just want that cut off at a certain hour especially during the work week. If they want to go out there and smoke, they can go out there and smoke but the serving of any type of beverages or food after midnight is not a good idea.

Ms. Schroeder – You are asking us to quite serving at midnight.

Mayor Perciak – Outside.

Ms. Schroeder – Ok. I don't think that is a problem.

Mr. Davison – All seven days a week?

Mayor Perciak – Yes that would be a good idea because this is when all the problems start and if they want to eat they can eat inside. If they want to come outside to talk and smoke ok that is fine but we just don't want any serving going on outside there. It is just not a good idea. Just like now you are telling me they are going out to smoke and I understand what the State law is making you do but you are not going out there serving people at midnight either anymore. You are serving them from inside. We are saying that is enough. We are trying to be good neighbors.

Ms. Schroeder – Ok.

Mr. Ice – You are agreeing with that then?

Ms. Schroeder – Right.

Mayor Perciak – Thank you.

Mr. Haseley – What are they agreeing to?

Mayor Perciak – Midnight, that they will stop serving at midnight.

Mr. Haseley – I just wanted to make sure that she knew that.

Mayor Perciak – That is what she agreed to.

Ms. Schroeder – No alcohol outside after midnight.

Mayor Perciak – Or food.

Ms. Schroeder – Or food.

Mayor Perciak – They can smoke.

Ms. Schroeder – I don't think they care about the food.

Mr. Ice – Questions or comments from the members?

Mr. Kolick – I think it would be appropriate to add the condition of no serving after midnight, no music or loud speakers.

Mr. McDonald - Mr. Chairman.

Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 630 SF for an outdoor patio for Molly McGhee's Sports Pub located at 13169 Prospect Road, PPN 392-31-002 and 017 zoned General Business subject to restricting the serving of alcohol and food to no later than midnight seven days a week and the provision of no music or loud speakers in the outside area.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call:

All Ayes

APPROVED

Mr. McDonald - Mr. Chairman.

Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Site Plan approval for a 630 SF outdoor patio for Molly McGhee's Sports Pub located at 13169 Prospect Road, PPN

392-31-002 and 017 zoned General Business. \* *ARB Favorable Recommendation 10-9-07.*

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**PACINO'S RESTAURANT/ Bill Davison, Agent**

a) Approve a Modification of Parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 3 less parking spaces for property located at 14952 Pearl Road and where the Code requires 72 spaces and where only 69 spaces are intended, PPN 393-23-004 zoned General Business.

b) Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 1,925 SF for an outdoor patio at 14952 Pearl Road, PPN 393-23-004 zoned General Business.

c) Site Plan approval for a 1,925 SF outdoor patio for Pacino's Restaurant located at 14952 Pear Road, PPN 393-23-004 zoned General Business. \**ARB Favorable Recommendation 10-9-07.*

Mr. Ice – Item Number Two, Pacino's. Anyone wishing to speak in favor please step forward and state your name and address for the record.

Mr. Russo – Chris Russo, 3520 Longwood Drive, Medina, Ohio.

Mr. Davison remains at the microphone.

Mr. Russo – We are going to add a 1,925 SF patio in the parking lot adjacent to the building with an outdoor bar and seating.

Mr. Ice – Anyone else wishing to speak in favor or against? Seeing none I declare the Public Hearing closed and we will listen to the administration report. Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use and the Site Plan the total parking required is 72 spaces, they are providing 69 spaces so there will be a deficit of 3 parking spaces. From Engineering,

there is no report on the Conditional Use and the site plan is in approvable form. They did address the drainage concerns that we had with the patio. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, the plans are in approvable form subject to substantial barricades from vehicular impact. Thank you.

Mayor Perciak – Are we going to put bollards there?

Mr. Foulkes – Mr. Chairman and Mayor, they do not show bollards on their plan, they show a masonry wall.

Mayor Perciak – Better.

Mr. Davison – We show bollards.

Mr. Foulkes – On one end they do.

Mr. Davison – I have bollards planned plus a masonry wall and iron fence.

Mr. Ice – Mr. Boron.

Mr. Boron – In discussion in ARB we discussed limiting the thatch roof to the outdoor bar, the other extensions of the roof will be shingled to match the reshingling of the entire restaurant. ARB gave favorable recommendation on 10-9-07. Thank you.

Mr. Ice – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. From Fire, there is no report. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. The only issue, like the last one is noise and hours, of course this is on Pearl Road, not within the proximity of residents so I guess you can take that into consideration in determining whether you feel you need to do anything else with it. Thank you.

Mr. Ice - Thank you. Any questions or comment from the members?

Mayor Perciak – Again we are going to ask you, you are not surrounded by residents but we have to always be courteous to our friends and neighbors around us so I ask you to please use good common sense with all the late hour activity outside on the patio. If our Police have a problem, it's because of these outdoor patios and we understand why you want one. We are going to help you. If you abuse it and violate it we are going to be visiting you.

Mr. Russo – I understand.

Mayor Perciak – Thank you.

Mr. Ice – Any other questions?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Approval of a Modification of Parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 3 less parking spaces for property located at 14952 Pearl Road and where the Code requires 72 spaces and where only 69 spaces are intended, PPN 393-23-004 zoned General Business.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 1,925 SF for an outdoor patio at 14952 Pearl Road, PPN 393-23-004 zoned General Business.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Site Plan approval for a 1,925 SF outdoor patio for Pacino's Restaurant located at 14952 Pear Road, PPN 393-23-004 zoned General Business. *\*ARB Favorable Recommendation 10-9-07.*

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**NEW APPLICATIONS:**

**DOGGY DAYCARE/Diane Scott, Principal**

- a) Conditional Use Permit for Multiple Occupancy pursuant to C. O. 1262.14 for a doggy daycare for property located at 19668 Progress Drive, PPN 392-25-012 zoned General Industrial.
- b) Site plan approval for a 3,080 SF tenant site to be used for a dog daycare for property located at 19668 Progress Drive, PPN 392-25-012 zoned General Industrial.

Mr. Ice - Item Number Three, Doggy Daycare. Please state your name and address for the record.

Ms. Scott – Diane Scott, 17417 Sun Meadow Trail, Strongsville, Ohio. I wish to open a dog daycare center. It is a place that will offer a supervised safe and healthy environment for people to drop off their dogs so that they can play all day. The dogs are happier, the owners are happier and they don't have to worry about keeping their dogs cooped up all day while they are at work. My hours of operation would be from 6:30 a.m. till 6:30 p.m. Monday thru Friday.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, Section 1262.03, Item (a)(2)H of the Codified Ordinances lists veterinarian offices, animal hospitals and kennels as main uses permitted in the Commercial Service district. Section 1262.40 Item (a)(1) provides that uses permitted in a Commercial Service district are also permitted in General Industrial districts which is what this site is zoned. For the parking they are providing 23 spaces they are required 14. From Engineering there is no report on the Conditional Use and on the Site Plan they are showing a new door going in on the east side of the building. They will need to reconfigure the parking. Right now all of the existing parking is flush up against the building. Wherever that door goes they will need to provide access there. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, the plans submitted do not indicate the proposed exterior kennel and do not clarify the proposed interior changes. The Building Department has conveyed to the applicant the need to restrict noise and odors generated from the intended use. The applicant has not clarified disposal of waste nor methods of reducing any noise generated from barking dogs. With the addition of the door on the north side, ADA egress may also need to be reviewed with these modifications. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire there is no report. Thank you.

Mr. Ice - Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, the issue on the Multiple Occupancy, we have never approved a veterinary or kennel or anything within the industrial parkway. Obviously the issue is its compatibility with the other uses both industrial and given its location backing up to Co Moor is something you need to consider in determining if the use is a harmonious use with the other uses in the area. That is something the Commission needs to talk about. If this were to be granted as a conditional use you would have to table the site plan. They are talking about an outside area where the dogs run and relieve themselves or whatever. That is something that the Commission needs to be concerned about.

Mr. Holmes – Richard Holmes, 17417 Sun Meadow Trail, Strongsville, Ohio. The area outside is going to be approximately 10 x 10 with a stockade fence. We are going to submit plans, architectural drawings for everything. Not for the dogs to be outside

playing its just to go outside to relieve themselves and come back in. I just want to clarify it because everybody keeps saying kennel outside. It is not a kennel.

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald – For the applicant, what are your hours of operation going to be?

Ms. Scott – 6:30a.m to 6:30 p.m.

Mr. McDonald – Ok and what happens with the eventuality that one of the dogs has not been picked up by 6:30 p.m.

Ms. Scott – There will be a charge but there will be no overnight boarding of the dogs.

Mr. Ice – Someone will stay there?

Ms. Scott – Yes.

Mr. Ice – What are you charging per day?

Ms. Scott – That remains to be seen but probably about \$20.00 per day.

Mr. Holmes – We don't feed that dogs. Any dog daycare center that we have had our dog at, you bring them in, you supply them with water and you don't feed them unless the owner wants you to occasionally give them some treats but that is about it.

Ms. Scott – Most dogs only eat twice a day. You feed them before you go to work and then you feed them when you come home from work. Pet daycare is a big thing right now.

Mrs. Barth – What is the capacity? How many dogs can you house in there?

Ms. Scott – I am looking to do about 20 dogs. I am not looking to be like Metro Barks, they do 140 a day.

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – I move to give favorable consideration for Conditional Use Permit for Multiple Occupancy pursuant to C. O. 1262.14 for a doggy daycare for property located at 19668 Progress Drive, PPN 392-25-012 zoned General Industrial.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call:	Mr. Ice	Aye	
	Mr. McDonald	Aye	
	Mrs. Walker	Aye	
	Mr. Haseley	Aye	
	Mr. Stehman	Aye	
	Mrs. Barth	Nay	
	Mayor Perciak	Nay	APPROVED

Mr. Ice – You have a yes. We will have to table you on the site plan until you come back with the drawings.

Mr. Kolick – Mr. Chairman before the applicant leaves so that they know what we want. We need a site plan showing what you are going to have in the inside, how you are going to dispose of any waste, anything that is going outside the building whether it is fenced in, the are that is there, we need to see detailed plans.

Mr. Holmes – You will, I have an architect that will be doing the drawings.

Mr. Kolick – Show what you will be doing for noise reduction or whatever they are doing because that will be a concern. Bringing dogs in at 6:30 a.m. we don't want the residents at Co Moor. . .

Mr. Holmes – There are no windows, the door will be left open. The noise will be contained inside the walls.

Mr. Haseley – I am particularly concerned about the waste disposal. I hope that when you come back with your plans that you address that issue. Something different than putting it in a container and getting it picked up once a week.

**POMEROY PLACE SUBDIVISION/ Dwayne Cook, Agent**

Subdivision Entranceway Signage for the Pomeroy Place Subdivision entrance located at the corner of Howe Road and Pomeroy Blvd zoned R1-75.

Mr. Ice – Item Number Four, Pomeroy Place. Please state your name and address for the record.

Mr. Cook – Dwayne Cook, ABC Signs & Graphics, 15241 High Point Road. I have been requested, the sign was damaged and knocked down at Pomeroy Place, to replace that with an insurance claim that they have completed. A drawing here is the exact location, this is 1 foot larger than the sign that was originally there. It was 8 foot from one post to the other, this one will be 9 feet, 5 foot tall. It is 25 foot from the main intersection from the front and it is centered in the middle of this 10 foot easement. The width of the sign is only 1 foot 9 inches wide on the sides. It is made out of a foam polycarbonate covered with an epoxy, extremely hard, durable, stands up to the weather but it is low maintenance. It never needs to be painted, very light even though this looks like a brick it will be made out of this type of material.

Mr. Ice – We will listen to the administration reports, Mrs. Daley

Mrs. Daley – Thank you Mr. Chairman. From the City Planner there is no report. From Engineering, the location of the sign is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, there is no report.

Mr. Ice – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. From Fire, there is no report.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. If you don't feel they need to have any landscaping around it, you don't need to send it to the ARB, you can act on it. If you do though it needs to be made subject to a license agreement from the City, if the applicant, if this is approved contacts the Law Department, we have a license agreement that we can forward to the applicant. You can contact my office if this is approved here this evening. Thank you.

Mr. Ice - Thank you. Any other questions, or comments? I am good with not sending it to the ARB.

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Subdivision Entranceway Signage for the Pomeroy Place Subdivision entrance located at the corner of Howe Road and Pomeroy Blvd zoned R1-75, subject to the license agreement with the City.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – Thank you.

**ANTONIO’S PIZZA/ Darrell Young, Agent**

a) Approve a Modification of Parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 25 less parking spaces for property located at 14232 Pearl Road and where the Code requires 94 spaces and where only 69 spaces are intended, PPN 393-18-017 zoned General Business.

b) Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 1,520 SF as a restaurant with dine-in seating, located at 14232 Pearl Road, PPN 393-18-017 zoned General Business.

Mr. Ice – Item Number Five, Antonio’s Pizza Please state your name and address for the record.

Mr. Young – Darrell Young, L & Y Properties, 4925 Galaxy Parkway, Suite O, Warrensville Heights, Ohio 44129. We are here this evening because we would like to receive favorable consideration to locate Antonio’s Pizza into 14232 Pearl Road. The result of that request creates a parking deficit of approximately 25 spaces. I would ask the you would please consider that while the Code deals with restaurant use, this would be the third food establishment all of which are really take-out kinds of restaurants. They don’t have any table service and we have 69 parking spaces at the property and candidly we’ve never had more than 20 or 23 or 24 spaces utilized throughout the day. I would ask that you would give us favorable consideration to proceed.

Mr. Ice – We will listen to the administration reports, Mrs. Daley

Mrs. Daley – Thank you Mr. Chairman. From the City Planner the total required parking is 94 spaces and as the applicant stated they have 69 so they will be deficit 25 spaces. From Engineering there is no report. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, there is no report. Thank you.

Mr. Ice – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. From Fire, there is no report. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. The parking would be the question here before the Commission. We will need to set the Conditional Use Permit for a Public Hearing. For the applicant, the new use coming in is just strictly take-out too?

Mr. Young – There are some tables but the Antonio's Pizza folks have indicated that they don't serve at the tables. They are just there for waiting purposes.

Mr. Kolick – Ok, so it will be strictly carry-out.

Mr. Young – Yes and at the Public Hearing a representative of Antonio's Pizza will be here.

Mr. Kolick – Then we can just table "a" and set "b" for a Public Hearing and act on both at that time. Thank you.

Mr. Ice - Thank you. That is what we will do. We will set this for Public Hearing on October 25, 2007.

**IDC FALLS POINTE, LLC/ Brett Davis, Agent**

Revised Landscaping approval for property located at 10883 Pearl Road, PPN 392-21-002 zoned General Business.\* ARB Favorable Recommendation 10-9-07.

Mr. Ice - Item Number Six, IDC Falls Pointe LLC. Please state your name and address for the record.

Mr. Davis - Brett Davis, 20595 Lorain Road, Fairview Park, Ohio 44126. Seeking approval for a revised landscaping plan. The plan that was originally approved contained a 3 to 4 foot landscaped mound. The revised plan that you have in front of you calls for a 3:1 slope landscaped plan or 3:1 slope that would be planted with seed and sprinkled with a full irrigation system.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there is no report. From Engineering there is no report. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, there is no report. Thank you.

Mr. Ice – Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. There was discussion with the ARB about the mound and the applicant stated that the 3:1 mound going up as high as they can get it within that area and an addition of 4 street trees that will match, the Imperial Honey Locust that is down the street. They did get favorable recommendation on 10-9-07. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire, for the record, can the applicant state that they are aware of the Fire Department Siamese connection there in this landscaped area.

Mr. Davis – Yes.

Lt. French – They will keep it visible and easily accessible for us and he stated that he would paint it red for us too.

Mr. Davis – Yes we will do that as well.

Mr. Ice - Thank you. Mr. Kolick

Mr. Kolick – Thank you Mr. Chairman, the Commission is in a position to act on this. Thank you.

Mr. Ice - Thank you. Any other questions, or comments?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Revised Landscaping approval for property located at 10883 Pearl Road, PPN 392-21-002 zoned General Business.\* ARB Favorable Recommendation 10-9-07.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**AT & T/ Thomas J. Fogarty, Agent**

Site Plan approval of an above-ground cabinet and cement pad to be located within the right-of-way for property located at 19166 Albion Road, PPN 392-20-002 thru 006 zoned General Business.

Mr. Ice - Item Number Seven, AT & T. Please state your name and address for the record.

Mr. Williams - Mike Williams, AT & T, 13630 Lorain Avenue, Cleveland, Ohio 44111.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there is no report. From Engineering the site plan is in approvable form. Just a reminder to the applicant to keep the roadway ditch unobstructed. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, there is no report. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire there is no report. Thank you.

Mr. Ice - Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, if the Commission does not feel that they need any type of landscaping you would be in a position to act on all three of these this evening. All three will need to go to City Council, two are in the right-of-way and one is on City owned land. The same report would go for all three.

Mr. Ice - Thank you. I think that we all agreed in caucus that the landscaping was not going to be an issue here. Any other questions, or comments?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Site Plan approval of an above-ground cabinet and cement pad to be located within the right-of-way for property located at 19166 Albion Road, PPN 392-20-002 thru 006 zoned General Business.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**AT & T/ Thomas J. Fogarty, Agent**

Site Plan approval of a pole mounted cabinet to be located within the right-of-way near the rear of 10854 Meadow Trail on Marks Road, PPN 391-07-087 zoned R1-75.

Mr. Ice - Item Number Eight, AT & T. Mr. Williams remains at the microphone.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there is no report. From Engineering the site plan is in approvable form. This is a pole mounted cabinet and it is not going to obstruct any drainage or site distances. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, there is no report. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire there is no report. Thank you.

Mr. Ice - Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, same report as the last one. Thank you.

Mr. Ice - Thank you. Any other questions, or comments?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Site Plan approval of a pole mounted cabinet to be located within the right-of-way near the rear of 10854 Meadow Trail on Marks Road, PPN 391-07-087 zoned R1-75.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

**AT & T/ Thomas J. Fogarty, Agent**

Site Plan approval of an above-ground cabinet and cement pad to be located within a private easement opposite 9210 Webster Road, PPN 398-07-001 zoned Public Facility.

Mr. Ice - Item Number Nine, AT & T. Mr. Williams remains at the microphone.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there is no report. From Engineering the plans are in approvable form. This proposed cabinet is located within a private easement and will cause no sight line or drainage issues. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, there is no report. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire there is no report.

Mr. Ice - Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, same report as Item Seven. Thank you.

Mr. Ice - Thank you. Any other questions, or comments?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Site Plan approval of an above-ground cabinet and cement pad to be located within a private easement opposite 9210 Webster Road, PPN 398-07-001 zoned Public Facility.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – You are all set. Please take the message back about that Pearl Road Building. Clean it up.

Mr. Williams – I will get that back to them and I will get with Jennifer.

Mr. Ice – Thank you. I appreciate it.

Mr. Ice – Any other business to come before this Commission this evening? Seeing none, we are adjourned.

Hearing no other business to come before the Commission, the Chairman adjourned the meeting at 8:35 p.m.

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Jeffrey A. Ice, Chairman