

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

JULY 12, 2007

The Planning Commission of the City of Strongsville met in the Caucus Room at the Strongsville Municipal Building 18688 Royalton Road, on **Thursday, July 12, 2007 at 7:30 p.m.**

Present: Planning Commission Members: Jeffrey Ice, Charlene Barth, Gregory McDonald, Mary Jane Walker, Thomas Stehman. Council Representative: Raymond Haseley. 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:

GOURME' DELI & RESTAURANT: Mrs. Daley stated that there was not any report from Bob Hill. From Engineering it is in approvable form. The only thing we ask that the applicant go with the alternate as shown on the plans to utilize the existing storm drainage system. Mr. Foulkes stated that the plans are in approvable form and the bollards that we mentioned last week will be installed. Mr. Boron stated that the ARB did grant favorable approval and that there were no issues. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that it should be subject to Building and Engineering. He said that he would like to have the hours of operation confirmed on record.

DAGWOOD'S SANDWICH SHOPPES: Mrs. Daley stated, from Mr. Hill that the required parking was 1630 and they were providing 1690. From Engineering there was no report. Mr. Foulkes stated that from the Building Department, the plans are in approvable form. Lt. French stated that the Fire Department, had no report. Mr. Kolick stated he had no report and it was ready for the Commission to act on it.

SHEIBAN PROPERTIES, INC.: Mrs. Daley stated, from Mr. Hill there were some areas that did not meet the General Business zoning requirements and that was the Parking setback from Pearl Road. The BZA granted the required 5' variances on 6-13-07. From Engineering the plans are in approvable form. There are some minor revisions required on the Storm Water Pollution Prevention Plan that we discussed with their engineer and they will be making the revisions. Mr. Kolick asked if Engineering was ok with the driveway entrances and Mrs. Daley replied yes. Mrs. Barth asked what was being done about a sprinkling system at this site. Lt. French stated that Assistant Chief Brown was in conversation with the applicant but that there were no decisions made as of yet. Mrs. Barth was concerned about the construction of the building without the sprinklers. There was discussion regarding the installation of firewalls versus installation of a

sprinkler system. Mr. Foulkes stated that from the Building Department, the plans were in approvable form subject to the discussions with the ARB that the dumpster enclosure and cooler on the south elevation were to be enclosed in masonry wall. Mr. Boron stated that the ARB did give favorable recommendation. In lieu of a masonry wall, they were going to install a mound to screen from the residents. There already is a huge mound there that backs up to the residences. The trees were adjusted to a 2 1/2 " caliper. They do have a clock on the corner which will have two faces one from Echo and one from Pearl. Other than that it is in approvable form. Mr. Kolick asked if the lighting was ok. Mr. Foulkes stated that it had been approved. Lt. French stated that the Fire Department, with the size of this plaza with multiple tenants and multiple uses that they preferred to see the building fully sprinklered. He stated that there would need to be 3 Knox boxes on the building for emergency access. Mr. Kolick stated that those were the issues and that he had no further report.

M & B STRONGSVILLE, LLC: Mrs. Daley stated, that from Mr. Hill there was no report. From Engineering it is in approvable form and just to point out it needs to be called a Subdivision Plat because there is no sanitary sewer on Howe Road. It was looked into and there is nothing there that the City would ever need to tie into. Mr. Kolick asked if the City owned property on the west side of the road would ever need to tie into this. Mrs. Daley stated no that we did not need additional easements that cross the property. Mr. Foulkes stated that from the Building Department, they are in approvable form. Lt. French stated that the Fire Department had no report. Mr. Kolick stated it was ready to go and it would have to be confirmed by City Council.

KIDS FIRST LEARNING CENTER: Mrs. Daley stated, that there was some concern with the traffic the last time. They did have their Traffic Study and counts updated and found that the signal at Tracy and Howe will still be operating under an acceptable level of service. They did a gap analysis and there are enough gaps to have left hand turns onto Tracy however, if some time in the future we find that there is congestion because of this they can change the timing on the signals. We don't want to do that right now. Mr. McDonald asked who commissioned the study. Mrs. Daley replied that it was Traff Pro. Mr. McDonald asked who paid for the Traffic Study. Mrs. Daley replied that Mr. Boyer had. Mr. McDonald asked for an explanation of the results of the traffic report. Mrs. Daley explained the Traffic Study. Mr. McDonald was very concerned about the effects of the turn lane on the traffic on Howe Road. Mrs. Daley stated that the Engineering Department was satisfied with the Traffic Study results. Mr. McDonald asked if there was a problem how the signals would be changed to help that. Mrs. Daley stated that the timing would be adjusted and she explained how that would be accomplished. Mrs. Barth asked if the lights were part of any State program that would require approvals to change the timing at the State level. Mr. Kolick stated in part she

was correct but that only if the light was on a State Highway would we have to go back for approvals. He stated that Howe Road was not a state highway. Route 82, Pearl Road, those do have to have permission from the State. Mr. McDonald was still concerned with traffic backing up. Mr. Kolick asked how many cars could stack up there. Mrs. Daley replied that she believed 4 between the two lights. Mr. McDonald asked if there was any way to get around the cars that were turning left to the right. Mrs. Daley stated no that it is extremely tight there. Mrs. Daley stated that the Study was based on previous counts. Mr. Ice stated that there would not be an increase in population because that area is built out. Mrs. Daley stated that Engineering was currently working on the intersection plans for Drake and Howe so that should help. Mrs. Barth asked how many students were expected to be enrolled. Mr. Boyer stated between 146 and 150 and that the peak time was between 10:00 a.m. and 3:30 p.m. Mr. McDonald asked why Mr. Boyer was convinced that his peak would end at 3:30 p.m. Mr. Boyer stated the records from the other schools showed that to be the case, that the majority of the parents who dropped off their children seemed to be teachers and that was the time that their day ended. Mrs. Daley pointed out that the entrance drive had been exaggerated with the right in and right out and that they did a good job with an island. Lt. French asked if that was a rolled curb there. Mrs. Daley stated yes. Mr. Foulkes stated that from the Building Department, the plans were in approvable form. Mr. Boron stated that the ARB did grant Favorable Recommendation, they revised the building elevations and the screening looked good. Mr. Kolick asked if they screened the residents. Mr. Boron stated that there was a 6' fence with a windscreen on it and that there was also a line of evergreens which were pretty dense across there. Lt. French asked Mr. Boyer if he was going to sprinkler protect this building. Mr. Boyer stated that the building was not designed to be sprinklered and that it was not required by the code. Lt. French stated that in the past 10 years there have been 4 new daycares in the City and all of them were fully sprinklered. He stated that the Fire Department would like them to also sprinkler the building. Mr. Boyer stated that he had done something to his building that the others had not done. He stated that all the classrooms had exit doors; he stated that all the children had direct access out of the building. Lt. French stated that the other daycare's had the same set up but were sprinklered and that the Fire Department would still like this one sprinklered also. He asked if there would be any food preparation or cooking. Mr. Boyer stated that it would be minor. Lt. French asked if a hood system would be required and if there would be any grease laden vapors. Mr. Boyer stated, no. Lt. French stated that they would also like a Knox box on the building for emergency access. Mr. Boyer stated that he would like to talk to the Fire Department regarding the location of the emergency pull boxes. Mr. Kolick stated that he had nothing else and that they would need to be confirmed by City Council.

BUCCI'S J. BELLA RESTAURANT: Mrs. Daley stated, that this was for outdoor eating. From Mr. Hill, the proposed patio will not impact the parking that faces Pearl Road which currently includes 17 spaces. From Engineering, the plans are in approvable form. Just a note to the applicant that they should conform to the City's Pavement Standards. Mr. Foulkes stated that from the Building Department, the only concerns at this time is that the masonry wall be constructed to prevent vehicular impact approaching the patio. Also installation of some egress lighting for the entrances and exits into the patio, and accessible hardware on the doors going onto the patio. Other than that they are in approvable form. Mr. Haseley asked if a masonry wall could be built strong enough to withstand a car. Mr. Foulkes stated that based upon the use of the parking lot it could. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that we need to find out about hours of operation, if there is any outside music. He stated that this was across from a nursing home so there needed to be some consideration in the hours of operation. Were there going to be alcoholic beverages served outside? It needs to be set for a Public Hearing and the site plan needs to be referred over to the ARB.

KENTUCKY FRIED CHICKEN: Mrs. Daley stated, that this was for the exterior renovation. Mr. Hill had no report and from Engineering, there is no report. Mr. Foulkes stated that from the Building Department, the plans are in approvable form although a site visit on July 11, 2007 revealed that the perimeter fencing is in need of painting and repair. (Rear section is leaning and needs support; new section on North side is not painted.) Also the exit ground sign on the north side has exposed wiring from the ground conduit. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that it should be referred over to the ARB. Mrs. Barth expressed her concerns over the features of the renovation.

CLEARWIRE: Mrs. Daley stated, that this was for an additional 3 antennas and cabinet on an existing monopole that is located on Alameda on the National Engineering site. Mr. Hill had no report and from Engineering it is in approvable form. Mrs. Barth asked who Clearwire was. Mr. Sindyla stated that Clearwire is the first wireless carrier that is solely dedicated to wireless internet. The band that Clearwire operates on is solely for wireless internet. You can log on at your house and drive elsewhere and still be connected. Mrs. Barth asked where they originated from. Mr. Sindyla stated they were located in Washington and they are currently doing a nationwide build out. Mr. McDonald asked if there were local offices? Mr. Sindyla stated that it is a limited capacity in terms of what type of service they provide. The entire Cleveland network was from one main hub, instead of having little offices all over the place. Mr. McDonald asked if they were connected to Cleveland via fiber optics. Mr. Sindyla stated that they were but also with microwave dishes which is supposed to be just like your DSL at

home, immediate access. Mr. McDonald asked what the range was. Mr. Sindyla stated it would be pretty much like your cell phone. There is one going onto the tower at Alameda; there were plans to put one on at 82 and I 71. Mr. McDonald stated that he thought that cell phones were only like 2 miles. Mr. Sindyla stated that this is supposed to be that type of coverage. Eventually the whole city will be covered with wireless internet. Mr. Foulkes stated that from the Building Department, the plans are in approvable form subject to a removal bond of \$50,000.00 being posted for the installation and removal of the equipment. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that this matter should be set for Public Hearing and they could be referred to ARB on their site plan.

AT & T – 10046 HUNTINGTON PARK DR.: Mrs. Daley stated, this plan is in the right-of-way at Huntington Park and Twelve Oaks Circle. There is an existing box here now. Mr. Hill had no report. From Engineering there is no report, there are no sight line obstructions. Mr. Foulkes stated that from the Building Department, the plans are in approvable form. He stated that he did receive a memo from Jennifer Milbrandt, the Coordinator of Natural Resources. She forwarded photos of 21 locations with either incomplete landscaping or a lack of maintenance on the existing landscaping. Mr. Kolick stated that maybe it is time to make them clean some of these up rather than approving new ones. These two need to move onto ARB but some comments need to be made. There was Commission discussion regarding the constant problems with these sites and lack of communication between AT & T and the City. Mr. Boron stated that they had promised to clean this up and they have contacted Jennifer. She went out there with them. Mrs. Barth stated that as long as they have been in the City, they have never maintained their sites, it has been an ongoing issue from the start. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that it was an enforcement issue but that they also still have about 15 more to come before the Commission and maybe there could be Board enforcement by not acting on them until they clean up the other ones. The Commission stated that they felt that there should be no landscaping because there is no one to maintain it. Mr. Boron stated that you could not do any landscaping in the right-of-way any way.

AT & T – 15814 WHITNEY AND GROVESIDE: Mrs. Daley stated, that this is a real good location, there are no houses near by. It is far away from the intersection. Mrs. Barth referenced the memo from Mike Daymut. Mr. McDonald noted that he is asking for more landscaping. The Commission agreed that there could not be more landscaping because this is in the right-of-way. Mr. Foulkes stated that from the Building Department, they had the same comments as the one before. Lt. French stated that the Fire Department had no report. Mr. Kolick stated that it depends on where the cabinet is located in the right-of-way. You can't block any sight lines. Even

in the right-of-way you can do some landscaping if it is in the right area. This needs to be referred to ARB.

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

EXCUSE MAYOR PERCIAK:

Mr. McDonald - Mr. Chairman

I move to excuse Mayor Perciak for just cause.

Mrs. Walker – Second

Mr. Ice – Secretary, please call the roll

Roll Call: All Ayes APPROVED

Approval of Minutes

Mr. Ice – You have had a chance to review the minutes of June 14, 2007 and June 28, 2007. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

GOURME' DELI & RESTAURANT/ Azar Khouri, Principal

a) Conditional Use Permit pursuant to C.O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 1,040 SF as an outdoor patio for the Gourme' Deli & Restaurant located at 15315 Pearl Road, PPN 396-19-003 zoned General Business.

b) Site Plan approval for 1040 SF outdoor patio for the Gourme' Deli & Restaurant located at 15315 Pearl Road, PPN 396-19-003 zoned General Business.

Mr. Ice – Item Number One, Gourme' Deli & Restaurant. Anyone wishing to speak in favor please step forward and state your name and address for the record.

Mr. Khouri – Azar Khouri, 15315 Pearl Road, Strongsville, Ohio 44136. Trying to put a patio outside the restaurant in the front. It is 1,040 SF, we would like to put in about 10 tables in the front. I would like to put a door from the inside. I am looking for an awning, from the main doors to the east side of it we are going to be putting fencing all the way around it.

Mr. Ice – What are your hours?

Mr. Khouri – We are open at 6:00 a.m. and close at 10:00 p.m.

Mr. Ice – Anyone else wishing to speak 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 or the Site Plan. From Engineering, there is no report on the Conditional Use. On the Site Plan is in approvable form. We ask that the applicant go with the alternate as shown on the plans showing that the existing storm drains will be utilized. Thank you.

Mr. Khouri – The only way we can find out is if we dig it down to find out if we have storm drains down there.

Mrs. Daley – After you have removed the existing landscaping and that is fine.

Mr. Khouri – Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, the plans are in approvable form subject to vehicle bollards being installed at the south elevation of the patio. Thank you.

Mr. Ice – Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. The ARB did give favorable recommendation on July 10, 2007. The Board had no issues with the plans as submitted as long as the bollards are installed per the Building Department. 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. You may want to look at those hours of operation. I don't know if 10:00 p.m. is a problem but 6:00 a.m. is pretty early. It is across from the Altenheim. It may be something you may want to consider. If it is approved it should be made subject to Engineering and Building. Thank you.

Mr. Haseley – I think that is where he gets most of his customers. I'm sorry Azar.

Mr. Khouri – No problem.

Mr. Ice - Thank you. Are there any questions or comments from the members?

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 1,040 SF as an outdoor patio for the Gourme' Deli & Restaurant located at 15315 Pearl Road, PPN 396-19-003 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 1040 SF outdoor patio for the Gourme' Deli & Restaurant located at 15315 Pearl Road, PPN 396-19-003 zoned General Business, subject to the reports of the Building and Engineering Departments.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – You are all set.

Mr. Khouri – Thank you.

DAGWOOD'S SANDWICH SHOPPES/ Greg Paul, Agent

Conditional Use Permit pursuant to C. O. Sections 1258.03(a)(3)(A)(6) and 1242.07 to utilize 1,580 SF as a restaurant located at 18058 Royalton Road part of PPN 396-11-003 zoned General Business.

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

Mr. Paul – Greg Paul, 4960 Bradley Road, Westlake, Ohio 44145. It is Dagwood Sandwich Shoppes. We are going to have a variety of sandwiches, salads, soups, carryout, eat in. It will seat probably between 35 and 45 people. Hours of operation are between 10:30 a.m. and 11:00 a.m. and go till 9:30 p.m. or 10:00 p.m.

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, The Greens required parking is 1,630 spaces (326 x 5 = 1,630). The parking provided for in Phase I and II is 1,690 spaces so they do have adequate parking. From Engineering, there is no report. 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 – 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. I have no report. Thank you.

Mr. Ice - Thank you. Are there any questions or comments from the members?

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)(6) and 1242.07 to utilize 1,580 SF as a restaurant located at 18058 Royalton Road part of PPN 396-11-003 zoned General Business.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

FINAL APPROVALS:

SHEIBAN PROPERTIES INC./Andres Riitel, Agent

Site plan approval of a 22,089 SF Retail Center for property located at the Southwest Corner of Pearl Road & Echo Drive, zoned R-RS. * *BZA Variance granted 6-13-07.*

Mr. Ice - Item Number Three, Sheiban Properties, Inc. Please state your name and address for the record.

Mr. Hoffman – George Hoffman, 24 Beech Street, Berea, Ohio 44017.

Mr. Ramage – Glen Ramage, Architect, 34 S. Main Street, Suite #200, Chagrin Falls, Ohio 44022.

Mr. Sheiban – Tony Sheiban, 16938 Pearl Road, Strongsville, Ohio 44136.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there was one area that did not meet the General Business zoning requirements and that was the Parking setback from Pearl Road. The BZA granted the required 5' variances on 6-13-07. From Engineering the plans are in approvable form. There are some minor revisions required on the Storm Water Pollution Prevention Plan that we discussed with their engineer and they will be making the revisions. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, subject to the ARB discussions, requiring the masonry enclosures for both the Dumpsters and the Cooler at the South elevation are the subjects in question. The plans are in approvable form. Thank you.

Mr. Ice – Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. The ARB did give favorable recommendation on July 10, 2007. The applicant was asked to make some minor revisions to the plans which they did. There will be masonry enclosures around the cooler and dumpster. They are opting not to have a masonry wall to the west, instead they will be installing a landscape mound for the screening of the residents. We suggested that the trees be adjusted to a 2 ½" caliper and they agreed to that. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire with the size of this facility, the Fire Department still prefers to have it fully sprinkler protected. Our Fire Marshall is still in discussions with Mr. Sheiban about possibly doing this. We need 3 knox boxes on the building also. Thank you.

Mr. Ice - Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, in addition to the variance that Mr. Hill referred to, there was also a 7 parking space variance that was granted by the BZA as well. That brought that into compliance as to the parking. There were 134 spaces indicated and

there are 141 required. The other item I have is if any approval is forthcoming it should be made subject to the ARB. There was also a lighting report that just states that after the lights are up you may need to put some glare shields on those to make sure that they are away from the residential area. I would make it subject to ARB and to the lighting report that we received. Thank you.

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – For the applicant, do you have a rendering of the building?

Mr. Ramage – We have a site plan and the exterior elevation.

Mr. McDonald – I would like to see the exterior elevation.

Mr. Ramage – This is the exterior elevation, again it is one story for the most part, there is a plan for a small mezzanine under one of the towers. In general the exterior materials are face brick in two colors. There is a darker red brick and a lighter contrasting trim brick. The shingles on the roof are asphalt shingles. The towers have a green metal standing seam roof. The fascia for the sign board and the area under the gables and around the clock is an EIFS system. A stucco system that I am sure you have seen before, it is a buff color. In general earth tone colors and a relatively small scale and we have broken up the mass of the strip center, I think quite well. It's not just a long run.

Mr. McDonald – Do you have a tenant planned for the restaurant.

Mr. Ramage – No, it's planned to be a restaurant but we don't have an operator yet.

Mr. Sheiban – There are people interested.

Mr. Ramage – It is planned for a restaurant and we are aware of the requirements for sprinklers, given the size of the building and given the use and occupancy of the building. I would say that the building will be subdivided by its nature due to the fact that the floor level steps down in three different places. To be able to step the floor down, we need to build a masonry wall to accommodate that step and that wall will extend to the deck and effectively separate the building into three separate areas by necessity. Apart from separating the assembly use group from the retail, it will be well divided and I think, fall well below the maximum for sprinkler coverage. That is aside

from your discussions with Mr. Sheiban but we will comply with code when we submit the plans to the Building Department.

(Exterior elevation was passed around to all the members)

Mr. McDonald – That is a very classy building, I like the design. A nice restaurant in that location would be very good. Chick-a-Fillet or Moe's Ribs probably would not be appropriate.

Mr. Ramage – No, I don't think that was the intention at all.

Mrs. Barth – Mr. Chairman.

Mr. Ice – Mrs. Barth.

Mrs. Barth – I think that building is beautiful. Relative to the sprinkling system and the fire wall, if something should happen and your tenant doesn't turn out to be a restaurant or you want to reconfigure that building and there are fire walls that are in there because of the lack of a sprinkling system that does mean that you have to reconfigure. You have to take that into consideration. Am I not correct in saying that?

Mr. Foulkes – That is correct, with the current building code, the mixed use in that facility would be permitted without a sprinkler system, depending on the segregation of the fire walls in that area. However, if it is reconfigured there would be the need for additional fire separation between mixed uses.

Mr. Ramage – We do understand that and we understand that limits the flexibility in the leasing the space and combining spaces and again we have a separate, we have a difference in the floor elevation and that by itself does effectively the same thing. Again, our plan would be to try to combine those two points of inflexibility of our separation and floor level into the same place and then subdivide the building that way.

Mrs. Barth – I think that the City understands what you are describing here. I think it's our intent that we would like to see it sprinkled. That is the intent of the City.

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 22,089 SF Retail Center for property located at the Southwest Corner of Pearl Road & Echo Drive, zoned R-RS. * *BZA Variance granted 6-13-07*, subject to the ARB and lighting report as read this evening.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – You are all set Tony.

M & B STRONGSVILLE, LLC, Matthew C. Neff, Agent

Deviation to permit a subdivision without sanitary sewers on Howe Road, pursuant to Codified Ordinance Section 1228.01(i).

Subdivision Plat of PPN's 396-25-003, 399-04-005; 399-04-006 and 399-04-010 to subdivide two parcels, listed as Sublot 1 and Sublot 2, located on Howe and Tracy Lane. Zoned R1-75.

Mr. Ice – Item Number Four, M & B Strongsville. Please state your name and address for the record.

Mr. Boyer – Bill Boyer, 323 Lakeside Ave., West, Cleveland, Ohio. I am here on behalf of M & B Strongsville LLC.

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, there is no report on the deviation and the Subdivision Plat is in approvable form. There are no sanitary sewers currently on Howe Road which is why this needs to be a subdivision plat. There does not seem to be any need to install any sanitary sewers on Howe Road, everyone is currently serviced or has accessibility. 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 – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. From Fire, there is no report on the deviation or the subdivision. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. The only thing I would note is under item “b” it should be zoned Public Facility rather than R1-75 at the end of the subsection. This would need to go to City Council if approved here tonight. 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 Deviation to permit a subdivision without sanitary sewers on Howe Road, pursuant to Codified Ordinance Section 1228.01(i).

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 Subdivision Plat of PPN’s 396-25-003, 399-04-005; 399-04-006 and 399-04-010 to be subdivided into two parcels, listed as Sublot 1 and Sublot 2, located on Howe and Tracy Lane. Zoned Public Facility.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – Ok Bill you are all set there.

KIDS FIRST LEARNING CENTER/ Willis Boyer, Agent

Site Plan approval of a 12,400 SF Day Care Facility for property located at 15210 Tracy Lane, PPN 396-25-003, 399-04-005, 006 & 010 zoned Public Facility. **ARB Favorable Recommendation 6-26-07.*

Mr. Ice – Item Number Five, Kids First Learning Center. Mr. Boyer remains at the podium. Let's go to the reports, Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner there were two areas of nonconformance in the Public Facility Zoning, the Drive Setback on the North property line and the Play Area Setback on the South property line. The BZA granted the required variances on 3-29-07. From Engineering, the plans are in approvable form. The traffic study has been updated in March 2007 with special consideration taken to the intersection of Tracy Lane and Howe Road. Updated traffic counts were observed and an Intersection Gap Analysis was conducted. It was determined that the intersection is expected to remain at an acceptable level of service with sufficient gaps in northbound Howe Road traffic for southbound traffic to make a safe left turns into Tracy Lane. Once the site is being completely utilized, if necessary, the existing traffic signal controller equipment is capable of providing timing modifications. 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 – Thank you. Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. The ARB did give favorable recommendation on 6-26-07. The applicant revised that building as suggested and they are providing adequate buffering to the south from the residences. Thank you.

Mr. Ice – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. From Fire, we just want to note that in the past 10 years we have had 4 new Daycare facilities comparable to this size and some even bigger built here in the last 10 years here in Strongsville. We have gotten great cooperation from the owners and they are all fully sprinklered. We would like this one to pretty much be in line with that too. We would prefer to see this building fully sprinkler

protected also. We would also need a knock box on the building for emergency access. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. Just a follow-up, for the applicant, is there a problem with sprinklering this building Mr. Boyer, would you be agreeable to doing that?

Mr. Boyer – Mr. Chairman, Mr. Kolick, no, there is no problem. We just haven't submitted our final working drawings at this point and we haven't, they are not required by code. We have exit doors at every space so we will look closely at the sprinkler question.

Mr. Kolick – We would like you to look at that because, understand we encourage everybody on the sprinkler system because it not only affects your individual building, it can affect our rating as a City on these things that can adversely affect everybody. It is real important that you look at that. I don't have anything else other than we know that the issue there is traffic. If this is approved it is a Public Facility and would need to be confirmed by City Council.

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald.

Mr. McDonald – For the applicant, I appreciate the effort at updating the traffic study and I am optimistic with your peak hours of operation being 10:00 a.m. to 3:30 p.m. However, if the demographics of this location don't prove to follow that of other stores, the situation that we have on Howe Road gets ridiculous between 4:30 p.m. and 6:00 p.m. We have traffic backing up almost all the way to Rt. 82 as it goes down to two lanes at that point. I am very concerned about the evening traffic going into that facility. One car turning left can put a hiccup all the way back to Rt. 82.

Mr. Kolick – Mr. Chairman, I'm sorry I should have asked this in caucus but, what level of service are they at now? You said that they are maintaining the same level? Lori, do you know what level of service they are at, a "C" level, a "B" level or what?

Mrs. Daley – I would have to check with the Traffic Study.

Mr. Kolick – Do you have that with you Bill?

Mr. Boyer – I have that in the car, I’m sorry that I did not bring that in because I thought it was covered already. I think it was a “C”, it might be a “B”.

Mr. McDonald – Dan, for my information could you tell me what that means.

Mr. Kolick – Well it is probably more properly coming from Engineering but a “B” level is obviously better than a “C” level. A “C” level is fairly average at best is it not Lori?

Mrs. Daley – Right, it’s just a grading system basically and for this type of a road even a “D” level is deemed acceptable by the Uniform Traffic Control. This is at a “C” level.

Mr. Ice – Any other questions?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Site Plan approval of a 12,400 SF Day Care Facility for property located at 15210 Tracy Lane, PPN 396-25-003, 399-04-005, 006 & 010 zoned Public Facility. **ARB Favorable Recommendation 6-26-07.*

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

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

APPROVED

Mr. Ice – It is 4 to 2 so you are good to go Bill.

Mr. Boyer – Thank you.

BUCCI'S J. BELLA RESTAURANT/ Ronald J. Makovich, Agent

Conditional Use Permit pursuant to C.O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b)(2) to utilize 800 SF as an outdoor patio for Bucci's J. Bella Restaurant located at 12201 Pearl Road, PPN 396-03-048 zoned General Business.

Site Plan approval for an 800 SF outdoor patio for Bucci's J. Bella Restaurant located at 12201 Pearl Road, PPN 396-03-048 zoned General Business.

Mr. Ice - Item Number Bucci's J. Bella Restaurant. Please state your name and address for the record.

Mr. Bucci – Joe Bucci, 10364 Pineneedle Trail, Strongsville, Ohio 44136.

Mr. Makovich – Ronald J. Makovich, 111 Front Street, Berea, Ohio 44017. We do have a color rendering of the site plan and of the elevations. We also have an existing photo.

Mr. Ice – Lets see the elevation.

Mr. Makovich – We might want to pass it around Joe. The intent here is to create an outdoor dining area for J. Bella. It is to be constructed on the front or the west facade of the building. We have taken the opportunity not only to create outdoor dining but to add some visual relief with planting, landscaping and some lighting to the front of the building to soften up the rather harsh facade that it is now to the west. We have chosen to include a barrier or a buffer between the vehicular circulation/parking and the dining area using an architectural wall that is reinforced unit masonry, vertically reinforced to resist impact. We did meet with the City Planner and discussed the bollards but since again we have a west exposure, it does get relatively hot in the afternoon intense sun, we thought that the mass of the unit masonry which will match the building as a split faced material in two colors was a way of holding back some of the heat going on the diners and the food as well as protecting them from the vehicular circulation on the opposite side of the wall.

Mr. Ice – The hours of the outside will be the same as the restaurant?

Mr. Bucci – Yes, they would be the same as the inside.

Mr. Ice - Which is what?

Mr. Bucci – Well, our license is till 2:30 a.m. but we normally serve till midnight, 11:30 a.m. till midnight.

Mr. Kolick – Mr. Chairman, for the applicant, would you have any problem limiting the use of the outside area to that midnight number? It is up to the Commission but I would think that you would need that as a minimum and again that is pretty late.

Mr. Bucci – I'm sorry, I did not understand.

Mr. Kolick – Would you have any problem limiting the use of the outside area to your midnight hour? I hope your business takes off, I hope you do well till 2:30 a.m. but we have to be concerned somewhat about late night hours. You are on Pearl Road, you are blocked with the building somewhat but you are still opposite of a nursing home and an assisted living facility and you are obviously serving alcoholic beverages out there, correct?

Mr. Bucci – Yes we would be. I would have no problem with it. We are normally never open after midnight. It would be tough to ask people that are sitting there to leave. I would stop seating out there at midnight. People that would already be sitting there, it would be hard to ask them to leave. I would have no problem with it.

Mr. Kolick – It is something you as a Commission need to consider because people out there till 2:00 a.m., maybe it is not a problem but I just raise it for the Commission to consider. Will there be any loud speakers or music or anything piped into that area?

Mr. Bucci – Only background music.

Mr. Kolick – So low level.

Mr. Bucci – Right, there will not be entertainment or anything out there.

Mr. Ice – Thank you.

Mrs. Barth – Mr. Chairman.

Mr. Ice – Mrs. Barth.

Mrs. Barth – That wall is it high enough to prevent the lights from the cars coming in when people are sitting there?

Mr. Makovich – Yes, it is 4'-8" high, that was one of the other considerations.

Mr. Ice – Lets go to the reports, Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use. On the site plan the proposed patio will not impact the parking between the restaurant and Pearl Road which currently includes 17 spaces. From Engineering, there is no report on the Conditional Use and the Site Plans are in approvable form. Note to the applicant that the concrete and curb must conform to the City Standards. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, plans are in approvable form subject to the masonry retaining wall being constructed to withstand a vehicular impact and reduce encroachment onto the patio area, installation of Egress lighting in the patio area to the exits and accessible hardware for the exit doors and gates to and from the patio area. Thank you.

Mr. Makovich – May I respond to those please?

Mr. Ice – Sure.

Mr. Makovich – Thank you. Relative to egress lighting, it will meet the National Electric Code based on IES Illuminating Engineers Society as we get into the final design of the lighting will be available on the contract documents for review and approval. The area is fully ADA accessible, where we are touching it we will have ADA ramps which provide 50% accessibility, actually it will be 100% accessibility from the patio to the paved area. With respect to the door that we are adding on the west side, it is a service door only and is not a required means or egress so we will not have an exit light on there.

Mr. Kolick – Mr. Chairman, do we need from the Building Department, do we need to refer them to the lighting consultant?

Mr. Foulkes – We had a discussion earlier with the applicant and there was no wall pack or diffused lighting being installed in this area, it was only low path or accent lighting is what they indicated to us. We understood to be their intent. Subject to those items mentioned, they are in approvable form.

Mr. Kolick – Ok.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. From Fire there is no report. I do have a question for the applicant, is there a smoking and nonsmoking areas on this patio or is all open?

Mr. Bucci – It would be completely nonsmoking.

Lt. French - Thank you.

Mr. Ice - Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman, one other question for the applicant, I don't see any parking that goes right up against this wall. They would just be backing out towards the wall?

Mr. Makovich – That is correct. It is a drive as opposed to parking.

Mr. Kolick – Good. The only item I have Mr. Chairman is that we will need to set them for a Public Hearing and if you are comfortable you could send them over to ARB so that they could look at the plans in the meantime so that when they come back we would be in a position to act on them if that is what you would like to do.

Mr. Ice - Thank you. Any other questions, or comments? Ok, then that is what we will do set you for a Public Hearing for the 26th and send you over to the ARB on the 24th.

Mr. Bucci – Thank you.

KENTUCKY FRIED CHICKEN/ David Post, Agent

Site plan approval of the exterior renovation for the current Kentucky Fried Chicken Restaurant located at 12827 Pearl Road, PPN 396-08-001 zoned R-RS.

Mr. Ice - Item Number Seven, Kentucky Fried Chicken. Please state your name and address for the record.

Mr. Post – David Post, 201-974 Breckinridge, Louisville, KY 40207. What we are planning is a proposed façade change to the existing KFC building on Pearl Road. That consists of removing the mansard roof that is on there now and putting up a new EIFS material façade with some trim, some awnings and a new tower.

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, the plans are in approvable form. A site inspection on July 11, 2007 revealed that the perimeter fencing is in need of painting and repair. (Rear section is leaning and needs support; new section on North side is not painted.) Also the exit ground sign has exposed wiring from the ground conduit. 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, we need to refer this over to the ARB.

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

Mrs. Barth – Yes, thank you. Are there any other designs than the one that you presented to us this evening for the exterior of that building?

Mr. Post – Yes, there is one other design. If you have concerns over this one, I don't think you will appreciate the first version.

Mrs. Barth – I have a lot of concerns with this one and the reason I am saying that is when I served on City Council in the City of Strongsville we challenged Kentucky Fried Chicken and they came up with a new plan for the City of Strongsville. I think if you take a ride around this City you will see that in no way does that plan before us now fit.

Mr. Post – Ok.

Mrs. Barth – I want it on record that I am not in favor of what I see right now.

Mr. Post – Modifications are possible to the design. The basic design would have to remain. As far as colors, we can eliminate striping on the awnings and the copula tower. It's pretty much a set design that we are offering. We can tone it down somewhat but that is a corporate dictated design. It is part of their branding. If you look at the TGI Fridays in town, it is very similar to that.

Mr. McDonald – We didn't say that we liked that either.

Mr. Ice – Well you may have a challenge. Ok we will send you over to the ARB on the 24th.

Mr. Post – Ok, thank you.

CLEARWIRE/ John Sindyla, Agent

Conditional Use to permit the installation of three (3) antennas and three (3) microwave dishes to co-locate on the existing tower;

Site plan approval of two (2) above-ground cabinets to be located on a 49 SF cement pad to be located at the base of the existing tower at 12609 Alameda Drive, PPN 392-23-024 zoned General Industrial.

Mr. Ice - Item Number Eight, Clearwire. Please state your name and address for the record.

Mr. Sindyla – John Sindyla, 7425 Royalton Road, N. Royalton, Ohio 44133. The proposal before you tonight is to locate 3 antennas and 3 microwave dishes on the monopole tower at 12609 Alameda Drive. At the base of the tower and within the existing compound would be two equipment cabinets with a new pad. Clearwire US LLC is the first nationwide wireless internet company. Where as cell phone companies offer wireless internet as a service on their cell phones, Clearwire is solely dedicated to wireless internet. Their aim is to provide the same type of wireless service that you have in your houses but in this case you will be able to take your lap top anywhere in the United States.

Mr. Ice – You say this is the only one that does that?

Mr. Sindyla – Correct, this is the first one that is solely wireless internet. All the other companies' cell phones is part of the service but also wireless internet, text messages and things like that. Their sole dedication is to wireless internet. That is their main focus.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use or the Site Plan. From Engineering, there is no report on the Conditional Use. The Site Plan is 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 subject to a removal bond of \$50,000.00 being posted for the installation and removal of the equipment. 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, for Building, have we looked at the total number, Keith of the boxes down there to make sure that they meet the square footage?

Mr. Foulkes – We have and I am also getting a nod from Engineering that they are in compliance with the total square footage.

Mr. Kolick – Ok, thank you. Mr. Sindyla, we do need to see the agreement between Clearwire and the tower owner. I have the land lease agreement between the tower and National Engineering but we also need to see the other agreement between Clearwire and the owner of the tower. If you would get us that. We are going to need the removal bond as noted in the Building Department report as we have for all the other ones from you. We will need to set this for a Public Hearing and we can refer them to the ARB.

Mr. Ice - Thank you. Any other questions, or comments? Ok we will send you over to the ARB on the 24th and set you for a Public Hearing on the 26th.

AT & T/ Thomas J. Fogarty, Agent

Site Plan approval for an above ground cabinet and cement pad to be located within the public right-of-way at 10046 Huntington Parkway, PPN 395-26-062 zoned R1-75.

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

Mr. Williams - Mike Williams with AT & T, 13630 Lorain Ave., Cleveland, Ohio 44111. The first one I am here on is to place an above ground cabinet in the right-of-way at 10046 Huntington Parkway.

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. There are no sight line or drainage issues. Just to point out, this new cabinet is located within the right-of-way next to an existing cabinet. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, the plans are in approvable form. I would also like to note that we are in receipt of a memorandum from Jennifer Milbrandt, Coordinator of Natural Resources and in the memo it outlines the lack of installation of landscaping on 21 locations of these units or poorly maintained landscaping and the photos are contained within for your review. 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, for the applicant, Mr. Williams, I know that you are not always the representative here but we have addressed this same concern with you and with the other applicants every meeting and we don't seem to be getting anywhere and everybody says that they are going to go back and tell someone but then it stops there. These problems have got to be addressed. Would you please tell your people, you keep asking us to approve boxes and they aren't taking care of the boxes that are currently here. We have to be serious about this. These boxes need to be addressed and they need to be addressed now.

Mr. Williams – The last time I was here it was brought up and I talked to Jennifer and she wasn't getting the response from the landscaping company. What happened was the owner died and the wife took over and the next time I talked to Jennifer they had just reached her. I thought that things were being taken care of at that time. The next time I heard about it was today, this afternoon I received an e-mail from Jennifer. It's not like we have been brushing it off. I understand your point.

Mr. Kolick – We can work with your landscaper but ultimately it still falls onto AT & T. They are the ones the pulled the permit, they are the ones who we approved it for. If there is a problem with the landscaper that is AT & T's problem. If that landscaper is

not doing it then you have to get another landscaper who is going to take care of it. Again, it needs to be addressed. It is going on month after month. Now is the time that maybe we can get it addressed between now and the fall, before winter. We will refer these over to ARB but I don't want to waste the City's time sending it to ARB for the following year when nothing we got approved for is still there. They have to be addressed and if you could make that clear to your people.

Mr. Williams – I will.

Mr. Ice - Thank you. Any other questions, or comments? Ok we will send you over to the ARB on the 24th.

AT & T/ Thomas J. Fogarty, Agent

Site Plan approval for an above ground cabinet and cement pad to be located within the public right-of-way at 15814 Whitney and Groveside Drive, PPN 395-14-008 zoned R1-75.

Mr. Ice - Item Number Ten, AT & T. Mr. Williams remains at the podium.

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. There are no sight line or drainage issues. Again, this one is located within the right-of-way. Thank you.

Mr. Ice - Thank you. Mr. Foulkes.

Mr. Foulkes - Thank you Mr. Chairman. From Building, the plans are in approvable form. We would like to mention again the memo from the Coordinator of Natural Resources with regard to landscape as mentioned for the first application of this as Item #9 from AT & T. 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 same comments, you can send this over to ARB.

Mr. Ice - Thank you. Any other questions, or comments? Ok we will send you over to the ARB on the 24th on this one also. Please take the comments to heart.

Mr. Williams – Will do.

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 8:57 p.m.

Jeffrey A. Ice, Chairman