

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

JANUARY 12, 2006

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
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.

EXCUSE MR. BUCKHOLZ

Mr. McDonald - Mr. Chairman

I move to excuse Mr. Buckholz for just cause.

Mrs. Walker – Second

Mr. Ice – Secretary, please call the roll

Roll Call:

All Ayes

APPROVED

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

Mr. McDonald – Mr. Chairman.

Mr. Ice- Let me announce it first.

ELECTION of OFFICERS

Mr. Ice- Our first order of business this evening will be the Election of Officers for 2006.

Mr. McDonald – Mr. Chairman.

Mr. Ice – Mr. McDonald

Mr. McDonald - I move to nominate Mr. Ice for Chairman and Mr. Buckholz for Secretary of the Planning Commission for the year 2006 and also request that the nominations for Chairman and Secretary be closed and that these individuals be unanimously elected.

Mrs. Walker – Second.

Mr. Ice – Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – What a surprise.

Mr. Haseley - Congratulations, I think

Mr. Ice - Thank you.

Mr. McDonald – Who is going to give Brian the news?

Approval of Minutes of November 30, 2005

Mr. Ice – You have had a chance to review the minutes of November 30, 2005. If there are no additions or corrections they will stand as submitted.

NEW APPLICATIONS:

CINGULAR WIRELESS/ED BLOCK, AGENT

- a) Conditional Use to permit an additional wireless panel antenna to co-locate on the Strongsville Water Tower and add a new cabinet at the base of the tower;
- b) Site plan approval of an above-ground cabinet and cement pad to be located at 18688 Royalton Road, PPN 396-10-014, zoned Public Facility.

Mr. Ice – Item Number One, Cingular Wireless

Ed Block- My name is Ed Block, I am with GPD Associates and Engineering, 520 South Main Street, Akron, Ohio

Mr. Kolick – Mr. Chairman, there is a button on the bottom of that microphone, if you just flip it on, I'm not sure its on, is it?

Mr. Block – It says on right here.

Mr. Kolick – Is it? Ok, because I could not hear it.

Mr. Block – Cingular Wireless currently has three locations around the City. One over at the Building Department Waste Transfer Station, also co-locating on one of the existing twin towers over there by the highway, also one up on Alameda Drive, which was actually their first new one in the City. That still leaves a hole in the coverage in the center of town here. So of course it is co-locating where at all possible. We approached the City to look at the tower currently there and we were told that's not an option at this time. So we went to the next taller structure that was here, which is the Water Tank and T-Mobile of course, is already on there. So they put the apparatus up there to allow us to attach the antennas to it. They use secure cabinet frames on the ground, Cingular prefers to use the radio equipment cabinet. The plan, as far as the location of the shelter, was pretty much determined by the City of Cleveland. They have on the plan, there is a circle for the tank and then there is another ring that is lightly shaded on there, that is talked about, it says its 10 foot from the water tank setback line. What that is, is when they, whenever they go to a have to repaint the tank, they sometimes have to bag that area, cover it up, sand blast it and when they do that they need to enclose it, parts and everything. That's kind of the hang line as far as tarps go, they don't want anything inside that ring. So the only place left inside the compound because of the back of the

compound other than where T-Mobile is at, there is no room left inside there. The front corner or the southeast corner was our first location that we looked at with the City. They came back later and told us that they were putting their backup generator in there and a propane tank and due to the distance, its kind of required to keep, to stay away from the propane tank which is 10 feet. That only pushed us right into the very corner. We asked them if they had problems with us coming on the southwest corner and they thought that was a better location. They prefer to have a separate access that is why we are fencing around the enclosure. That way they are secure with what we are doing and its also in my opinion, is a little less inclusive because its not right on the corner of the road that goes back to the Community Center. The co-axle cables, as with T-Mobile will go completely out of the shelter, under ground over, up to the tank and they will be enclosed in a couple of conduits and run up and then also be covered as they come up the tank. Basically that is the request, got any questions?

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

Mrs. Daley – Thank you Mr. Chairman. There is no report from the City Planner and from Engineering, no report on the conditional use permit. The site plan is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Biondillo.

Mr. Biondillo – Thank you, Mr. Chairman. From Building, we will need a \$50,000.00 bond for the removal of the equipment in the event of abandonment. In accordance with Ordinance No. 1273.05(h), the applicant indicated that we would like to see a raceway painted to match the existing tower, to conceal the co-axle cables running up the tower leg and across the top of the bowl of the Water Tower. We will need a state approval number for the manufacturer's shelter. Is this tied in any way to the emergency generator there?

Mr. Block – No Cingular actually has a generator plug on their unit, so if we got backup batteries inside, typically those will last 2 to 6 hours depending on the draw. Normally power isn't out that long, but if for some reason it would extend past that time, they could bring a generator up on a flat bed or set it up inside, plug it in, and just refuel that, just until, you know until the power comes back. So no, they will not be tied into that one.

Mr. Biondillo – OK. Thank you. That is all I have Mr. Chairman.

Mr. Ice – Thank you. Lt. French.

Lt. French – Thank you, Mr. Chairman. No report from Fire.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. Pursuant to our ordinances, under 1273.05, we will need a service grid indicating what area this new tower will cover. If you can get that over with the correct number of copies for the Planning Commission members. There is an agreement, that is City owned land, they have started with us. They started this agreement, but we need to finalize that agreement before you can get final Planning Commission approval. We need the bond as stated by Mr. Biondillo. We need to refer them over to the Town Center Commission under 1273.05(c) and they need to be referred to ARB for compliance under 1273.06. Ultimately, after they return here we will need to set up a Public Hearing on a Conditional Use and at this point, all we can do is refer them over to the Town Center Commission, both a and b. Thank you.

Mr. Ice - Thank you. So that's what we will do is refer you over to the Town Center Commission.

Mr. Block - Thank you.

WIRELESS TOYZ / Todd Quatro, Agent

Site Plan approval for Exterior Building and Site Modifications to the existing building and property located at 21034 Royalton Road, PPN 392-16-003 zoned Local Business.

Mr. Ice - Item Number Two, Wireless Toys

Todd Quatro - I am Todd Quatro with TS Quatro Company, Ypsilanti, Michigan. We are hoping to take the existing . . .

Mr. Ice - Todd. We are going to need a full business address.

Mr. Quatro - OK. 201 North Park, Ypsilanti, 48198.

Mr. Ice - Thank you. Go ahead.

Mr. Quatro - Sorry. We have obtained a lease on a building sitting on the corner of Prospect and Royalton. And are hoping to remodel the existing building exterior and turn the interior into a cell phone retail structure. In order to do this we have come here.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, the proposal meets the local General Business Zoning requirements for lot width, land coverage, side yard set back, rear yard set back, height, however it does not meet the requirements on the front yard set backs. The required set back from Prospect and Royalton is 125 feet from the center line. They have 46.5 feet off Royalton Road and 50 feet off Prospect and the parking set back from the right-of-way required is 20 feet and indicated is 5 feet off of Prospect and 6.5 feet off of Royalton and also the parking requirement is 12 spaces and they are indicating 11, so they are deficit 1 parking space. From Engineering, the applicant stated in caucus that they will be resurfacing the existing parking lot. The condition of the existing storm sewers will need to be verified to confirm that they are functioning properly and Engineering will need a final set of improvement plans. Thank you.

Mr. Ice - Thank you. Mr. Biondillo.

Mr. Biondillo - Thank you Mr. Chairman. From Building we will need an accessible parking space with an access isle indicated on the site plan with the proper signage. There is no dumpster indicated on the existing site plan. We will need that along with an enclosure for the dumpster and a lighting plan will have to be submitted indicating meeting the requirement of the minimum 2 foot candle power of lighting across the parking area. Thank you.

Mr. Ice - Thank you. Lt. French.

Lt. French - Thank you, Mr. Chairman. No report from Fire.

Mr. Ice - Thank you. Mr. Kolick

Mr. Kolick - We will need to deny it for the non-compliance with the codes so that they can proceed to the Board of Zoning Code Appeals. In the meantime if they're approved there they could proceed to ARB and the lighting consultant so that they could have everything done before they would get back here.

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 to the Site Plan approval for Exterior Building and Site Modifications to the existing building and property located at

21034 Royalton Road, PPN 392-16-003 zoned Local Business. Wireless Toys, Todd Quatro, Agent.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Nays DENIED

Mr. Ice – Ok, Todd you are all set to go to BZA, we'll see you back in month or so.

Mr. Quatro - Ok. Thank you.

FINAL APPROVALS:

Cuyahoga Landmark Inc./ Anthony Cerny, Agent

Parcel Split and Consolidation of PPN 392-15-002 and 392-15-003, located at 21079 Westwood Drive, zoned General Industrial.

Cuyahoga Landmark Inc./ Anthony Cerny, Agent

Site plan approval of three (3) storage buildings for a total of 14,670 S.F., property located at 21079 Westwood Drive, PPN 392-15-002 and 392-15-003, zoned General Industrial, *ARB Recommendation on 12-27-05.

Mr. Ice - Ok, Items Three and Four. Cuyahoga Landmark.

Anthony Cerny - Good evening, my name is Tony Cerny. Architectural Design Studios, 620 Smith Road, Medina. We are hear requesting, I guess a lot consolidation and a final site plan approval for the construction of three garage structures, for the storage of the fuel delivery vehicles that Landmark makes use of. As far as I understand, everything is in approvable condition. The one question we raised regarding the completion of the performance standards, the owner's willing to complete that with the understanding that the existing use on the site, which includes some outdoor storage of landscaping materials and functions of that nature could continue to function on the site.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, on the parcel split and consolidation plat, both parcels A and B will meet the minimum lot width and lot area

requirements in a General Industrial Zoning District and from Engineering, it is in approvable form. Prospect Road is fully improved and the sanitary sewer on Westwood Drive is currently under construction. On the site plan, from the City Planner, the proposal meets the General Industrial Zoning requirements. The applicant did move one of the rear lines previously when they came in. They were not conforming to the rear yard set back but that's now been taken care of, so they have the 50 feet that they need there. And from Engineering, it's in approvable form. Thank you.

Mr. Ice - Thank you. Mr. Biondillo.

Mr. Biondillo - Thank you Mr. Chairman. From Building the plans are in approvable form. We do have an approved lighting plan. Thank you.

Mr. Ice - Thank you. Mr. Boron

Mr. Boron - Thank you Mr. Chairman. The ARB did give favorable recommendation on 12/27/05. Thank you.

Mr. Ice - Thank you. Lt. French

Lt French - Thank you Mr. Chairman. No report on number three or number four from Fire.

Mr. Ice - Thank you. Mr. Kolick

Mr. Kolick - Thank you Mr. Chairman. On the parcel split and consolidation, the plat is in approvable form. Just a note for the applicant though. Because you have technically two different owners, therefore the county will need a deed from the one owner to the other. I realize they are related but they will need that deed before they will accept the plat. On the second item, on the site plan, we do acknowledge that there may have been some storage on the property that predated our performance standards. To the extent there was any outside storage, storage which predated our performance standards, that can remain as a nonconforming use; but your approval tonight would be needed to be made subject to receipt of those signed performance standards, but with the understanding that they would apply to the new area and you couldn't further expand any nonconformity. Thank you Mr. Chairman.

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

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for the Parcel Split and Consolidation of PPN 392-15-002 and 391-15-003, located at 21079 Westwood Drive, zoned General Industrial, Cuyahoga Landmark, Anthony Cerny, Agent.

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 the Site plan approval of three (3) storage buildings for a total of 14,670 SF, property located at 21079 Westwood Drive, PPN 392-15-002 and 392-15-003, zoned General Industrial. ARB recommendation on 12-27-05. Subject to Assistant Law Director's comments on the floor tonight. Cuyahoga Landmark Inc., Anthony Cerny, Agent.

Mrs. Walker - Second

Mr. Ice - Secretary please call the roll.

Roll Call: All Ayes APPROVED

TGI Friday's/ Linda Sherman, Agent

Site Plan approval of exterior building renovations to the existing Friday's Restaurant located at 18400 Royalton Road, part of PPN 396-11-002 zoned General Business.
*ARB Unfavorable Recommendation on 12/27/05.

Mr. Ice - Item Number Five, TGI Friday's.

Linda Sherman - I am Linda Sherman, TGI Friday's Agent 6000 Freedom Square Drive, Independence 44131. Before I get started, Mr. Michael Climaco is here tonight with me as well. He is one of the owners and would like to say some words.

Michael Climaco - Thank you. Mr. Chairman for the record, my name is Michael Climaco, our corporate address is 6000 Freedom Square Drive, Suite 500,

Independence, Ohio. We are the licensed franchisee, owner for TGI Friday's in northeast Ohio. My partner and I have 10 TGI Friday's that are located throughout Northeast Ohio as well as Erie Pennsylvania. Mr. Chairman, excuse me, to the Mayor, and to the Councilmen, and to the members of Planning Commission. We appreciate the opportunity to be able to appear before you tonight to ask for this. When we first came to Strongsville, it was one of our third locations and actually it is truly one of our better locations. All Friday's fortunately grew very very well. The history of Friday's as you all realize is a long history. It's the longest standing casual food restaurant in the industry. I think that you will find that with Friday's they spend hundreds of thousands of dollars a year. Not only marketing but trying to detect what is the best product as well as what would be the best visual appearance for their restaurants. I don't have to tell any of you that each and every year restaurants such as this with new concepts coming about have to renew themselves. They have to revitalize themselves. Within the last two years, TGI Friday's corporate in Dallas has spent millions of dollars designing a new concept and new food for the 2000's. The concept as it currently stands, as you know, began in New York, and this is just history basics. All of the 400 and some Friday's nationally and world wide, not only here, but also in New York and the original concepts are going to be required as a franchise owner, as my partner and I are, to in fact comply with the visual changes of Fridays. As I indicated, they have spent millions of dollars coming up with this design and color, they have in fact polled individual franchisee's, individual owners, but most importantly people who have come to our Friday's as to the design concepts that they would in-fact approve and like. The most current one that we have completed is in Westlake, Ohio and it was opened in December of this past year. I think the City of Westlake and Mayor Clough and all the Council members and the Planning Commission will tell you just what a dynamite design it turned out to be. As a matter of fact, out in Crocker Park, where this is located, there are several new concepts, as you know. Since the opening we have received not only accolades and approval from people in the City, but people nationally in the franchise restaurant industry have indicated that this is not only one of the finest concepts, new visually, but our particular one that we have done in Westlake, Ohio has been recognized for awards. We intend on spending, with your permission, over \$500,000.00 in remodeling this restaurant. As you know since we first developed this with Eric Wald, we, and it hasn't been that long, but the franchise restaurant industry has changed such a great deal. I can tell you that we will be doing this and we choose this City because we believe this is a City that will be accustomed to and excited about this new concept. I can also tell you that throughout the time, and I'm certain other people will tell you, who are members of this organization, that we have become a very very good corporate citizen in this community. We make annual contributions and sometime monthly contributions to Ice Land USA signage and sponsorship, The Knights of Columbus Fundraisers, Kiwanis Golf Outing Fundraisers, Chamber of Commerce, Strongsville Women's League Fundraisers, all Strongsville Schools Fundraiser. We were at one time the sole supporter of the Football Team.

Today we are simply just another sponsor, because it has grown so large. We also make ongoing donations to the High School Prom Activities and every other activity. We request that you consider, as you know a franchise, and I conclude with this, has to be uniform, not only in its food and its service and its design, but most important to us, appearance. With over 400 and some in the world. this is the concept that Friday's has recommended that we in fact pursue. We think it is a well-designed concept and we would request your approval. Anything we are dealing with, the exact design, I am going to turn over to Linda Sherman, because she does a much better job than I would. Thank you very much for your consideration.

Mr. Ice - Thank you.

Ms. Sherman - Let me just add a few things before you vote or discuss this issue. In addition to what Michael said, regarding the revitalization program from TGI Friday's, as a business it was starting to lose some of it's clientele and that's the entire purpose of this program and they put together many studies as to the exterior design including the travertine and they agree as well as us that we would not get the same percentage point pop or the same customers coming back or new growth of customers without the travertine. That is the focal point, as you know, Friday's has been known for their red and white awnings for as long as it has been around, fifty years.

Mr. Climaco- About forty-five.

Ms. Sherman - Forty-Five years. Their new concept is to be known for their tower and the travertine is the key element of the tower. We have tried for three months now and I have spent \$8,000.00 trying to change the design to meet what the ARB has requested. We think we have come to a great compromise. We acquiesced on every item except the travertine. So we come to you tonight in anticipation that you will approve our final design. I do have copies if there is anyone here who has not seen the drawing. Would you like to see those?

Mr. Ice - I think we have all seen them. I thank you for your comments. We'll listen to the reports. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. There is no report from the City Planner or from Engineering. Thank you.

Mr. Ice. - Mr. Biondillo

Mr. Biondillo - Thank you Mr. Chairman. From Building, no report at this time.

Mr. Ice - Thank you , Mr. Boron

Mr. Boron - Thank you Mr. Chairman. The ARB did not give favorable recommendation on 12/27/ 05 and I am going to explain a little bit what our thought process was. It was a consensus on the board to have this conform to the existing center, The Greens. Basically to tie in, if anybody is familiar with the center of The Greens, all the tower elements, all the vertical elements in the Greens themselves are brick. Then they basically conform pretty much uniform and they create a uniform presence for the center of the Greens. As a matter of fact, as a board, the consensus, it wasn't so much the travertine as the problem is the way it was used. We are asking, and Friday's did come back and comply with a great deal of effort and we applaud them on providing the top of the tower to match the Star Bucks tower. That was just the whole start of it of creating a bookend basically for the Greens as you come in and creating this whole center. The thought process is to keep the vertical outlets as brick and using the travertine as an accent item, not to completely get rid of it but actually incorporate it into the tower but as an accent, either above the, I guess you want to call it the metal framing of the signage and either behind or below the sign. We did ask the architect to come back in and I believe the answer from corporate was, no. They will not incorporate the brick on the tower. They wanted the travertine as corporate symbol logo. Again it wasn't so much the travertine. It was more using the travertine as an accent , using the brick for the vertical elements of the tower, again to tie into the existing center the Greens. That's basically the whole history of how the consensus went on the ARB of an unfavorable recommendation. Thank you.

Mr. Ice - OK. Lt. French

Lt. French - Thank you Mr. Chairman. No report from Fire.

Mr. Ice - Thank you, Mr. Kolick

Mr. Kolick - Thank you Mr. Chairman. As noted by the ARB, this has come a long way from where it first started by incorporating the tower and by making other changes in there. However I would also state that I was here when that original shopping center came in and was developed and we did spend, both as a Planning Commission and as an Architectural Review Board, meeting upon meeting to look at and try to make that whole shopping center compatible, both in materials and color schemes and I know that was something that was very important to Mr. Wald and Fisher. When they started this it was very important to the City so I think we need to weigh those two and make a determination on this as far as the integrity of maintaining that compatibility of the buildings and materials and color schemes with allowing any business to progress within the City, and I think that is weighing this commission needs to do in making a determination. Thank you.

Mr. Ice - Thank you. Comments from the members.

Mrs. Barth - Mr. Chairman.

Mr. Ice - Mrs. Barth

Mrs. Barth - I applaud them for what they did with the tower and the signage. I don't think its going to be a problem to have that material in front there. I think that is a freestanding building. I think it faces 82 and I think the end of the plaza will be conformed and I don't think that's going to cause a problem. I don't see a problem with the building as it's presented.

Mr. Ice - Thank you.

Mayor Perciak - Mr. Chairman, if I may. First of all thank you for being here and I think everybody in this community knows that I am pro business and not only welcome business, want to encourage business to stay here and grow and continue to grow their business here and, Mr. Climaco, I do believe that you have been a very very, very good business citizen here in the City of Strongsville and I want you to continue to be a good business citizen here. I also will support you in this change. Coming from corporate America as I did for so many years and working for a 100 billion dollar institution, it is absolutely imperative, imperative that whether you are in the State of Ohio or you are in the State of Kentucky or you are in the State of Michigan, when I was in the banking business that all of our Fifth Third Banks looked alike, so people could find them. That's what you are beginning to see throughout Northeastern Ohio, most Fifth Third Banks that are being built will look alike and there is something to be said, not only about the Friday's here in Strongsville but in order to maintain the shareholders approval of how management is running organizations, especially in a chain. There really is little that you can do as an owner other than try to comply to keep that business open and vibrant. So I will also support you tonight.

Mr. Ice - Thank you Mayor. Other comments.

Mrs. Walker - Mr. Chairman.

Mrs. Walker - I certainly appreciate everything that Friday's has done for the City of Strongsville. You have been a good citizen, however, with all the planning that went into that whole area, to have it be all uniform. It's a very attractive area, I personally don't feel that it fits in with the design. Nothing against Friday's, its just that particular design.

Mr. Haseley - Mr. Chairman.

Mr. Ice - Mr. Haseley.

Mr. Haseley - Mr. Climaco thank you for your comments. I too come from a business background, so I can appreciate where you are coming from; however, I was a part of the original workings, trying to establish the design integrity of that center. I for one have no objection to the use of that material or the color. I do think that there is still a compromise that could be reached where it would satisfy you and satisfy us and still complete the integrity of that whole center. That is the only center in town really that has a design integrity to it. I hate to see it changed.

Mr. Climaco - Mr. President, may I just simply respond to that?

Mr. Haseley- Sure.

Mr. Climaco - That is, first of all I thank you both for your support and all of you for your time and I understand everyone's kind of fit here. We don't, we have tried to go as far as we possibly can and encourage corporate to allow us to make modifications throughout. Its corporate who has said to us, no, this is as far as we go with our authority. In so we are kind of locked in, we don't have any choice, and I understand. I mean I was a Cleveland City Councilman for years, I practiced law, I understand what these boards are about and the importance of Planning Committees. If you can see my hands are behind my back. I don't have any choice and they may simply say, well if that's not going to be uniform with the rest of the country, then you are going to leave the store the way it is for the next 25 years, or from year to year as well. So I understand what you are saying and I appreciate your comments but I just note from where we come.

Mr. Haseley - As just aside and this doesn't even have to go on the record. I do go there to eat, I don't go there because of the color of the tower. I go there because of the food and that isn't going to change.

Mr. McDonald - Mr. Chairman

Mr. Ice - Mr. McDonald

Mr. McDonald - I think this can be summarized very simply. For all the reasons corporate wants the Friday's design and franchise to be consistent throughout the country there are many of the same reasons why we want the design and colors to be consistent within the center. I don't look at this as a whole lot different issues that we have in front of us, where we have existing tenants and existing buildings that moved into that plaza with the consistency of design that we have in the Greens. To make an exception to that consistent design and the original development agreement that we have, I have concerns over that.

Ms. Sherman - Mr. Chairman, if I can respond to Mr. McDonald real quickly.

Mr. Ice - Sure.

Ms. Sherman - I just want to point out the fact that the building itself is still 95% brick, that Friday's is I believe, was actually the first tenant in the site and the rest of the changes have been made since we have come in. Again, corporate has agreed to the tower, they have agreed to the green, which is a stretch. We've agreed to keep it an open tower to exactly duplicate the Star Bucks tower on the other side. The only item we are asking is that the 5% of the building be in different material than the rest of the center.

Mr. Ice - Thank you. Yeah I for one am struggling a little bit with it and I like the Mayor am pro business and I like to see things go forward unless there is a really good reason to not go forward. However, having said that, there are other businesses in this town that have corporate franchise issues and certain designs that they are supposed to follow and if we went along with everyone of those, this town would look appreciably different today. I can cite example after example. Its a little disturbing to me that Friday's doesn't have the flexibility to make that small change such as I think we are asking. But having said that again, I am struggling a little bit and I'm not sure which way I want to go, but I just thought I would say that for the record.

Ms. Sherman - Mr. Chairman, did you see the original design that was first brought forth? OK, so you have seen the changes that we have made over three months.

Mr. Ice - Again, as Mr. McDonald said, I mean it is, we worked very hard to get that center as good as it looks right now, and being very consistent throughout and it being the location you are in, there is a bit of an issue and even though it is just on the tower, of course, that is the thing that sticks out the most now. So, similarly to I guess in the mall when they wanted to make the changes they are making and eliminate the portico, initially and that was the whole, that destroyed the integrity of that center and we didn't go along with that, so. . .

Mr. Kolick - Mr. Chairman, so the record is clear. I think what the Architectural Review Board ultimately agreed to go by way of compromise, they were just looking for the columns to be changed to the brick. They did not have a problem with your new corporate image or logo or terrazzo in-between it was just the columns were still requesting be within the original material. I understand that you have to work with corporate and what to do, but I wanted the record clear they weren't against that terrazzo material all the way throughout. They were willing to go with it. They were looking just for the columns themselves to be a brick that would match the rest of the shopping center.

Ms. Sherman - Actually the, perhaps they had this incorrect at the ARB meeting with Mr. Boron, but the way that we had left it was that they wanted the brick to be used and that was it. I don't recall a portion of terrazzo, its actually travertine being allowed to be maintained at all. I may have that wrong but the columns themselves make up the majority of the tower, since we do have it open. The only portion that would be travertine would be about 21 square feet on the south and on east side of the property. If they are willing though to allow a little more travertine and just have the 2 foot wide columns themselves in the brick and the remainder of the west and the south sides, or north and west sides of the tower in the travertine and the insert of the south and east sides in the travertine, then we may be able to discuss that with corporate.

Mr. Ice - That's exactly what we are saying.

Ms. Sherman - So I want to make sure, if you do all have all four elevations, I want to confirm that the west and the north.

Mr. Ice - Hold on.

Ms. Sherman - would still be in all travertine? Its just the front columns in brick?

Mrs. Barth - That's what somebody said in caucus. So.

Mr. Boron - Mr. Chairman, let me respond. The consensus of the ARB was to create the vertical elements in brick, the columns, if you will of the tower, and as we said before, I want say this right, travertine, as an accent in the middle and could be used behind the signage. That's how we left it in ARB. Now I'm not sure how that would work in terms of, I mean that may be brick and the travertine behind the sign. I'm not sure how that would all play, I'm not an Architect, so I'm sure if that, that may have to be brick. I'm not sure how that would play, but we're, the columns themselves, the vertical elements, to be used as brick, to match the vertical columns on the whole center itself.

Ms. Sherman - So the three front.

Mr. Ice- Hold on. Bill we need your drawings.

Mrs. Barth - He said the vertical areas in the back had to be brick too.

Mr. Boron - Now these are brick, I'm not sure these are the back panels to here so those would probably become brick and they could use travertine behind the sign and in through here (indicating).

Mr. Kolick - Would the travertine in here be so bad if they bricked up the ends?

Mrs. Walker - That's what I was thinking.

Mr. Haseley - This would be where? Two sides?

Mr. Kolick - This would be what you are saying?

Mrs. Walker - Two columns, the front.

Mr. Haseley - Yeah.

Mr. Ice - Yeah

Mr. Boron - I don't know how that would work coming up. I guess if they would continue bricking and keep the travertine in the middle in an accent.

Mrs. Barth - You mean make it like columns here and columns here and make this travertine?

Mr. Kolick - Show that drawing to the members.

Mrs. Barth - Why don't you show that to them? That's not what was said in caucus.

Mr. Kolick - Why don't you show that to them? We can work with them to get it done.

Mr. Haseley - I still say there is a compromise.

Mr. Kolick - Maybe if you can come up here and take a look

Mr. Climaco - May we approach?

Mr. Kolick - Yes, absolutely. Come on up.

Mr. Climaco - Now keeping those brick coming up in the travertine, The backside, I'm not sure how this would work. I'm not sure bringing the brick up and keeping that look as is possible.

Ms. Sherman - We would have to create a false tower but we could do that.

Mr. Climaco - Right. Then keeping contacts after the bricks coming up and the travertine in the middle and travertine in the back also.

Mr. Kolick - I think that would serve your corporate purpose to have identity and still serve what we are looking to do.

Mr. Haseley - I have no objections to that.

Ms. Sherman - Of course we can't answer now but it seems very possible that would be approvable.

Mr. Ice - Sure that seem reasonable doesn't it?

Mr. Kolick - I'll tell you what we can do though, so that you would not have to come back here. We could approve it in that manner, and if you sell it to corporate, its done, then you don't even need to come back here and we can save you time and effort. If not, then you just don't have to do it in that manner.

Ms. Sherman - You would just get the final check then when we submit to the Building Department.

Mr. Kolick - Right. But we could act on it tonight so that you don't have to come back in another meeting to try to save you some time and effort, plus you could sell it to corporate and say this is a done deal, if we have this approved.

Mr. McDonald - So is it going to be subject to ARB final approval?

Mr. Kolick - Well, Subject to the report from Bill Boron tonight. He'll get a report in.

Mr. McDonald - But without it being on paper,

Group Discussion

Mayor Perciak - Wait a minute guys,

Mr. Boron - You still can see the travertine

Mr. Kolick - Write on there what its going to be so we can act on it. Hopefully you can go back to corporate and have it approved.

Ms. Sherman - I believe that they will go with that design as shown on the plan of Mr. Boron.

Mr. Kolick - OK

Mr. Haseley - See how its done.

Mr. Kolick - They don't have to come back, just mark on there, on the drawing. This way we will act on it.

Mr. Climaco- Mr. Chairman, may it please the committee, I just do want to thank you all very very much for your cooperative spirit . We will in fact be presenting this alternative to corporate in Dallas. Again, the final decision obviously remains with them, but we appreciate your cooperative spirit and one way or the other hopefully we are going to be here for the balance of the 25 years anyhow. I don't know if I will be here but, I certainly hope so. Thank you all.

Mr. Ice - Thank you.

Mr. Haseley - Thank you for taking the time to come.

Mr. Ice - Hopefully its a win win. You know, it keeps the integrity of the center and accomplishes the branding that you want.

Mr. Climaco - I do know that you realize we have really made an effort to move corporate in this direction with the towers.

Mr. Ice - We do understand that.

Mr. McDonald - Its tremendously better than when we started.

Ms. Sherman - Do we need to wait for an official vote?

Mr. Ice - Yes.

Mr. Kolick - Sure.

Mr. McDonald - What are we going to officially make this subject this too?

Mr. Kolick - Well you would vote to approve based on the revisions made here this evening and as noted on the drawing that we will give to the secretary here with the changes.

Mr. Ice - Is there a way that Mr. Boron can to the best of his knowledge recite and we will have him on record, what we are changing here. If that makes sense.

Mr. Kolick - In your own word what we are doing here so that the records clear.

Mr. Boron - Ok, thank you Mr. Chairman. We, I guess came to a conclusion here that the brick, and TGI Friday's will have to go back to Corporate to get this approved, but the brick run up, the columns of the tower, the columns of the tower of the new tower will be brick, the travertine to be in the middle as an accent and behind the signage. On the north and west elevation the brick will continue up for a brick column façade approximately 2 foot wide and have the travertine in the middle of those two brick columns. Thank you.

Mr. Ice - Is that good? I think that captured what we are trying to do.

Mr. Kolick - That along with your drawing will take care of it.

Mr. Ice - Lets have a motion.

Mr. McDonald - Mr. Chairman

Mr. Ice - Mr. McDonald

Mr. McDonald - I move to give favorable consideration for the Site Plan approval of exterior building renovations to the existing Friday's Restaurant located at 18400 Roylton Road, part of PPN 396-11-002 zoned General Business, subject to the revisions made here this evening as noted on the drawing and the most immediate preceding report by Mr. Boron. TGI Friday's, Linda Sherman, Agent.

Mrs. Walker - Second.

Mr. Ice - Secretary please call the roll.

Roll Call: All Ayes APPROVED

Ms. Sherman - Thank you, can I just come up to Mr. Boron? I do still have to come back to you though for signage approval?

Mr. Kolick - For signage yes, but not for this. Just come in and apply for your permit.

Ms. Sherman - Ok, great, thank you.

Mr. Climaco - Thank you all very much. Please continue to frequent.

Mr. Haseley - Now I can continue eating there I guess.

SBC Corp. / Wendy Bujnovsky, Agent

Approval of the Site and Landscaping Plan for an above-ground Equipment Cabinet and Cement Pad to be located at 21281 Royalton Road, PPN 393-5-006 zoned Public Facility.

Mr. Ice - Ok, Item Number Six, SBC Corp.

Wendy Bujnovsky - I'm Wendy Bujnovsky, representing AT & T, I work at 13630 Lorain Avenue, Cleveland, Ohio.

Mr. Ice - Put the microphone up a little closer.

Ms. Bujnovsky - Ok. You don't want me to break out in song though?

Mayor Perciak - No we have somebody up here that usually does that so we'll ask you to pass on that.

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

Mrs. Daley - Thank you, Mr. Chairman. There is no report from the City Planner. From Engineering, the site plan is in approvable for. We have received a copy of the existing easement today, we just need to verify the accuracy of that. Thank you.

Mr. Ice - Mr. Biondillo.

Mr. Biondillo - Thank you Mr. Chairman. From Building, no report.

Mr. Ice. - Thank you, Lt. French

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

Mr. Ice. - Mr. Kolick

Mr. Kolick - Thank you, Mr. Chairman. We received these documents this evening, any approval should be made subject to the approval of the Law Department and the Engineering Department on the easement agreement and an agreement with SBC or I guess AT & T now that it will maintain the landscaping, unless they give us something in writing that someone else will be taking over that. With that contingency, you can act on it.

Mr. Ice - Thank you. Questions from the members?

Mr. Haseley - She may have a questions.

Mrs. Bujnovsky - I do, just that typically when we are in a utility easement which is a general easement for any utility, and they can come and go pretty much if they get a permit from yourselves, it is not typical to have one company, I think to be in charge of, the maintaining of the screening. I just ask that based on the location of this particular cabinet, and we really just don't see it as being something your traveling public is going to see, we just ask that you would consider the fact that, I don't want to quote corporate, but we I have been unsuccessful in getting my company to give me anymore than a years worth of screening. So I just ask that you please consider the actual location of the site, how visible you feel that it is going to be. We do not ourselves think that this is going to be standing out. Also there is going to be additional screening provided by Verizon in this area and I would ask what are they having to do with their screening?

Mr Haseley - Mr. Chairman

Mr. Ice - Mr. Haseley

Mr. Haseley - In as much as the original agreement was between the Chamber and Verizon, I think whatever that indicates, in terms of the easement, is the way it should be and then it probably won't effect this particular one at all.

Mr. Kolick - Mr. Chairman. And again, in caucus, we made a mountain out of a mole hill here, it is two arborvitae that happen to be on this particular site, its not a big deal, however, they just brought us in tonight indicated to us its not within the Chamber easement, its within a utility easement that's on the plat so there may not be an agreement between them. My only concern is that we take the time to look at shielding for all these boxes, they go through Architectural Review Board, the idea is that that landscaping, whatever it be, two arborvitae trees or a whole string is going to be maintained by the applicant or it doesn't do us any good to take it through our process, if things die off in a year and they are not replaced. So, that's the only thing, its not that this site is not that important since it has only two trees. Its just the concept that SBC or AT & T has to understand that if they come in, present an Architectural plan to us showing screening, we are going to expect them to maintain it or if they have an agreement with a property owner to maintain it, so be it. But someone needs to maintain that screening and that's so I note for this site too, it just needs to be maintained after its approved. I think you will know from past experience the City has not been very heavy-handed in requiring SBC to do something out of the ordinary to maintain that and I am sure they wouldn't with this either, but that needs to be made clear for the record. Thank you.

Ms. Bujnovsky - Thank you, you are absolutely right, you have been very generous in allowing SBC to go ahead, AT & T now and just a note, Verizon themselves asked us to come in with copper, which could go in, on an aerial feed, which I believe CEI's going to be placing poles. So the bottom line is they could get service. But AT & T is looking at copper as being antiquated. Its yesterday, we're putting fiber everywhere. This is why this particular pedestal has to exist. We just don't want to put anything new these days without giving you fiber, because that's going to give you the absolute most in the technology available.

Mayor Perciak - I agree.

Mr. McDonald - Mr. Chairman

Mr. Ice - Mr. McDonald

Mr. McDonald - I also want to thank the applicant for the brutal honesty of what your corporation will and will not do, rather than just telling us what we want to hear. So Mr. Kolick how do we want to phrase the approval.

Mayor Perciak - If the trees die you will replace them. I think that's all he's worried about.

Mr. Kolick - I think all you need to do is approve it subject to report of the Engineering and Law Departments tonight is fine. It will take care of it from there.

Mr. McDonald - Mr. Chairman

Mr. Ice - Mr. McDonald

Mr. McDonald - I move to give favorable consideration of the approval of the Site and Landscaping Plan for an above-ground Equipment Cabinet and Cement Pad to be located at 21281 Royalton Road, PPN 393-05-006 zoned Public Facility subject to the reports of the Engineering and Law Departments tonight and the maintenance of the landscaping. SBC Corporation, Wendy Bujnovsky, Agent.

Mrs. Walker - Second

Mr. Ice. - Secretary please call the roll

Roll called

All Ayes

Approved

Mr. Ice - You are all set.

Mrs. Bujnovsky - Thank you very much, I really appreciate it. I will be seeing you again soon.

REFERRALS FROM COUNCIL

Ordinance No. 2006-1: by Mayor Perciak and Mr. Haseley. AN ORDINANCE AMENDING SECTION 1250.03 OF TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY TO ESTABLISH A NEW ZONING MAP. 1ST RDG: 1-3-06

Mr. Ice - Ok under Referrals from Council

Mr. Haseley - Yes, thank you Mr. Chairman. I respectfully request that Ordinance No. 2006-1, Item Seven, be tabled this evening.

Mr. Ice - And it shall be tabled.

Mr. Haseley - Thank you.

OTHER BUSINESS:

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 9:00 p.m.

Jeffrey A. Ice, Chairman

