

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

DECEMBER 21, 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. DeHoff, Asst. Bldg. Com. Mrs. Daley, Design Engineer Mr. Kolick, Asst. Law Dir. Mr. Boron, ARB Chairman Carol Oprea, Recording Secy.

EXCUSE MR. STEHMAN.

Mr. McDonald - Mr. Chairman

I move to excuse Mr. Stehman 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 Revised Agenda for this evening.

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 November 30, 2006, October 22, 1998, July 11, 1996 and June 27, 1996. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARINGS:

HOULIHAN'S RESTAURANT/ Larry Beck, Agent

a) A Conditional Use Permit pursuant to C. O. Sections 1258.04(a), 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 845 SF as an outdoor patio for Houlihan's Restaurant, located at 164 South Park Center, Part of PPN 396-20-001 zoned Shopping Center.

b) Site Plan approval of a new 7,000 SF tenant space to be used for a Restaurant located at 164 South Park Center, Part of PPN 396-20-001 zoned Shopping Center.
*ARB Favorable Recommendation 12/19/06.

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

Mr. Moscati - Matthew Moscati, TR Architects, 448 Delaware Avenue, Buffalo, NY. I'm here to answer any questions and make any presentations that the Board would care to have made.

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

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report and from Engineering the plans are in approvable form. Thank you.

Mr. Ice – Thank you. Mr. DeHoff.

Mr. DeHoff – Thank you, Mr. Chairman. From Building, approvable form.

Mr. Ice – Thank you. Mr. Boron.

Mr. Boron – Thank you Mr. Chairman. The ARB did give favorable recommendation on December 19, 2006. The brick that will be used is going to be matching the mall brick. We did suggest a stone, maybe a curved stone to the water table line 8 feet up from the finished grade. The landscaping is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick – Thank you Mr. Chairman. They did indicate the last time that their hours of operation they have indicated are 11:00 a.m. to 11:00 p.m. We would like some commitment from them that if we have any problems with outside noise, speakers, that they will work with us to get that under control.

Mr. Moore - Dennis Moore, franchisee for Houlihan's here in Cleveland. Yes we will comply with your request for noise.

Mr. Kolick – Thank you.

Mr. Ice – Questions from the members?

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for the approval of a Conditional Use Permit pursuant to C. O. Sections 1258.04(a), 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 845 SF as an outdoor patio for Houlihan's Restaurant, located at 164 South Park Center, Part of PPN 396-20-001 zoned Shopping Center.

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 of a new 7,000 SF tenant space to be used for a Restaurant located at 164 South Park Center,

Part of PPN 396-20-001 zoned Shopping Center. *ARB Favorable Recommendation 12/19/06.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – Gentlemen, you are all set.

Board Members – Merry Christmas.

FINAL APPROVALS:

BAKER’S CREEK SFD & CD SUBDIVISION/ Robert Jablonski, Agent

Approval of the Homeowner’s Association and the Recreation Fee to be paid to the City for the proposed Baker’s Creek Subdivision, PPN 393-34-003 located west of Pearl Road, zoned R1-75.

Mr. Ice - Item Number Two, Baker’s Creek Subdivision. Please state your name and address for the record.

Mr. Dean – Tim Dean, 22100 Horseshoe Lane, Strongsville, Ohio, here to represent Trumbau LLC Receivership. Myself and Jim Snyder of Snyder Excavating were appointed by the Court to take over this project as Project Managers and develop this property. Here before you tonight to try to get this thing moving. There has been a lot of people who have been delayed as far as getting their final money over here just getting the project started. One of the items today is the issue with Baker’s Creek is the Homeowners Association and its our intent to join Echo Lake Homeowners Association. I investigated what the status of that was recently found out Carlyle Management who is the management association for Echo Lake did not sent out a ballot that needed to go out to all the homeowners that has since been sent out. There will be a time factor as far as sending out this ballot over Christmas and the holidays. It was our intent to file the approved Baker’s Creek Declaration and create a Homeowners Association and when the vote comes in, and hopefully that will be a favorable vote, we are providing Echo Lake with \$30,000.00 to spend, \$800.00 recreation fee to spend on improvements for Echo Lake so we feel fairly confident that they are going to give us approval but we would really like to get the project started after the holidays, after January 1st, start getting the project moving.

Mayor Perciak – Did we get all the necessary approvals that we need?

Mr. Dean – No, Mr. Madsey is working with Mr. Kraus. I have talked to Dan and as far as getting those documents, we signed bonds and things like that, that were recently done.

Mr. Kolick – Mr. Chairman, we don't have any documents yet, the Attorney for the Receivership knows about it and hopes to have them in January.

Mayor Perciak – So its not going to meet the time table they had hoped for.

Mr. Dean – No, obviously they want to get started as soon as possible. Until the necessary documents are in place, this was one of the items that was presented.

Mayor Perciak – For the record, there is a bank involved Ohio Legacy and the bank has assured me, their Vice President was in working meetings and I did talk with the President they are behind this, they will put up whatever dollars are necessary to make sure this subdivision is built. I guess there were a lot of promises with the previous developer, that for whatever reason were not kept. There were advances made by the bank and that put the bank in the position that they have to do whatever they need to do to make this deal come together. The bank recognizes that. They are probably going to lose money on this but they have to salvage it. They need proper assurances and I feel comfortable with the group that they will come through and deliver for us, and \$300,000.00 will be there to guarantee that they will finish this project.

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. DeHoff.

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

Mr. Ice - Thank you. Mr. Kolick

Mr. Kolick – Thank you Mr. Chairman, we would be acting on this tonight to modify our 2/23/06 approval to allow them now to create a Homeowners Association and pay the recreation fee to the City. It would then be paid by the applicant if they are accepted by Echo Lake if they merge, the two Homeowners Associations then they would have to bring us in a plan

for capital improvements and how they are going to use the \$30,400.00. Tonight you will simply be approving them as a separate Homeowners Association and the recreation fee has to be approved. The only other thing I would note, whatever you decide, it still should be made subject to all the other contingencies we have had back on February 23, 2006, which you are aware of, which are in your file.

Mayor Perciak – One last question, In no way will the receivership invalidate what we have done here because it is going through the Court?

Mr. Kolick – No, because of the Court gave the authority to the receiver, to sign off on anything that the owner or developer do.

Mayor Perciak – I want to see that Court document so I can review it.

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 the Approval of the Homeowner's Association and the Recreation Fee to be paid to the City for the proposed Baker's Creek Subdivision, PPN 393-34-003 located west of Pearl Road, zoned R1-75, subject to prior contingencies made on February 23, 2006.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Dean – Thank you very much and happy holidays.

NEW APPLICATIONS:

TALERIS FEDERAL CREDIT UNION/ Joe Bullister, Agent

a) Consolidation of PPN's 395-07-001, 002, 003 for property located on the corner of Broxton Road and Pearl Road, zoned General Business.

b) Site Plan approval of a new 2,362 SF Building to be used for a Credit Union to be located on the corner of Broxton Road and Pearl Road, PPN 395-07-001, 002, 003 zoned General Business.

Mr. Ice – Item Number Three, Taleris Federal Credit Union. Please state your name and address for the record.

Mr. Fagan - Biff Fagan with PW Campbell, 109 Beta Drive, Pittsburgh, PA. We are the design builder for Taleris Federal Credit Union. We are here to get site plan approval. I understand we will have some difficulty with that based on the setbacks. I guess we need to hear a formal denial on that site plan submittal.

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

Mrs. Daley – Thank you Mr. Chairman. From the City Planner regarding the split, the request involves the consolidation of PPN 395-07-001, 002 & 003 to create a new 37,331 SF parcel. Regarding the site plan, There are several areas of zoning noncompliance. The Lot Width required is 150' and they indicate 148.5'. The parking from Pearl Road, the required set back is 75' and they indicate 57.5'. Parking from side street they are required 20' and they indicate 5'. The rest is in compliance with General Business Zoning. From Engineering, there is no report on the consolidation because a plat has not been submitted yet. Regarding the site plan, the final engineering plans are required, including but not limited to, grading plans, utility plan, stormwater management plans and all other items listed on the checklist for commercial/industrial developments. They will need detention on this site. We would also like an exit only onto Pearl Road with right turn only to help with the traffic flow entering on Broxton Drive. Thank you.

Mr. Ice – Thank you. Mr. DeHoff.

Mr. DeHoff – Thank you, Mr. Chairman. From Building, there is no report but I have received a CPTED Report from the Police Department which states, regarding Natural Surveillance, it will be important to have a clear view of the drive thru and ATM areas. As designated, this will be the case. It will be important that these areas are illuminated as required in Strongsville Ordinance 814.01. The lighting near the ATM should be metal halide for true color rendering. Regarding Territorial Reinforcement, the low masonry wall will provide territorial reinforcement. The landscaping planted along the 6' high masonry wall on the west side should be low enough and thin enough so as to not provide a hiding place. The south end of this wall is of particular concern, as someone could hide behind it, and then approach vehicles at the drive-thru and ATM areas. "Hostile" foliage such as thorny shrubs is recommended for this location. This general

area along Pearl Road has substantial pedestrian traffic due to apartments and motels. Deference should be given to lighting above minimum standards over "light spillage" issues. The use of shielding at the luminaries could resolve this conflict. Regarding Traffic Concerns, it would be most beneficial to Pearl Road traffic to not have a Pearl Road access at this location. If a Pearl Road driveway access is determined to be necessary, it should be a right turn in and right turn out only. There is a traffic signal at the intersection of Broxton Drive and Pearl Road that will permit safe left turn movements. A raised delta traffic island should be constructed in the apron of the Pearl Road driveway access to inhibited restricted left turns. Signage within this property should inform users to access northbound Pearl Road via Broxton Drive. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. We will need to deny the site plan tonight so that it can go to the Board of Zoning Appeals. If they are approved there, they will need to come in administratively and talk to us about that driveway on Pearl. You could send them over to the ARB and to our Lighting Consultant. Be aware that we have lighting requirements around those ATM machines and around those drive-thru areas. You will need to deny it so they can go to BZA.

Mr. Ice – Are there any other questions?

Mr. McDonald – Just for the applicant, do you understand what he just said?

Mr. Fagan – I totally understand what you are saying. It is my understanding that you are going by what is in the Zoning Regulations and codes for the property itself and with the list of issues you have with the setbacks and the other requirements, you have some specific requirements for the exit drive onto Pearl Road.

Mr. McDonald – We have to say no tonight.

Mr. Fagan – Is there somehow I can get a formal list of the comments? How would I go about that?

Mrs. Oprea – I will send that to you with your action letter.

Mr. Fagan – Alright.

Mayor Perciak – Who is Taleris Federal Credit Union? I know you are just representing.

Mr. Fagan – I can't really tell you only because I really don't know.

Mr. Kolick – Maybe you can get us some information on exactly who they are.

Mr. Fagan – Absolutely.

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for the Site Plan approval of a new 2,362 SF Building to be used for a Credit Union to be located on the corner of Broxton Road and Pearl Road, PPN 395-07-001, 002, 003 zoned General Business.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Nays DENIED

Mr. Ice – All right, we will Table you on the split and you can proceed to the BZA on the site plan and we will send you over to ARB as well.

Mr. Fagan – Thank you for your consideration. Merry Christmas and Happy New Year.

CHIPOTLE MEXICAN GRILL/ Jennifer Saum, Agent

a) Conditional Use Permit pursuant to C. O. Sections 1258.04(a), 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize 162 SF as an outdoor patio for Chipotle Mexican Grill, located at 500 SouthPark Mall, Space HL90, Part of PPN 396-20-001 zoned Shopping Center.

b) Site Plan approval of a new 2,309 SF tenant space to be used for a Restaurant located at 500 South Park Center, Part of PPN 396-20-001 zoned Shopping Center.

Mr. Ice – Item Number Four, Chipotle Mexican Grill, Please state your name and address for the record.

Ms. Saum - Jennifer Saum, with Glavan, Feher Architects, 2 Miranova Place, Suite 700 Columbus, Ohio 43215. I am an Architect for Chipotle. If you have any questions, I am here to answer them. I know you are familiar with Chipotle, there is one here already but if there is anything specific to this site.

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 it is in approvable form but we do note that the outdoor patio must not obstruct the sidewalk around the mall with their outdoor patio. Thank you.

Mr. Ice – Thank you. Mr. DeHoff.

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

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. They will need to follow up with the building department to see if they need to do anything else with outdoor lighting. We will need to set this for a Public Hearing. Are you going to have any type of outside speakers, music or anything?

Ms. Saum – Yes, I included speaker specifications with the packet.

Mr. Kolick – What are your hours?

Ms. Saum – We are open from 11:00 a.m. to 10:00 p.m.

Mr. Kolick – As with the earlier applicant, will you be willing to work with the City on noise concerns?

Ms. Saum – Yes. We will comply with any ordinances you have with sound.

Mr. Kolick – Another question for the applicant, do you know what you are doing with signage yet? This will go for the next three items, I am letting you know in advance, you will need to start the City processes so get with the shopping center and have your signage package designed and come in as quickly as you can.

Ms. Saum - Ok, I have been working with my signage consultant they are well aware of the situation and are working on it right now.

Mr. Kolick – We will need to set it for a Public Hearing and also send it over to the ARB.

Mr. Ice – Ok, we will set you for Public Hearing on 1/11/07 and send you over to ARB on 1/9/07.

Ms. Saum – Thank you. Merry Christmas to all of you.

COLDWATER CREEK/ Steve Garand, Agent

Site Plan Approval of a 6,801 SF women's clothing store to be located at South Park Center, Part of PPN 396-22-001 zoned Shopping Center.

Mr. Ice – Item Number Five, Coldwater Creek. Please state your name and address for the record.

Mr. Garand – Steve Garand, Cowan & Garand Architects, Inc. 438 E. Wilson Bridge Road Suite #100 Worthington, Ohio. I am here to answer any questions you have about the Coldwater Creek going into the SouthPark Westfield Mall expansion.

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. Thank you.

Mr. Ice – Thank you. Mr. DeHoff.

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

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. We will need to send them over to the ARB. Same comments as the last one. You really need to get the signage going.

Mr. Garand – It is included and well developed and included in all of our current information.

Mr. Ice – Ok, we will send you to the ARB.

Mr. Garand – Thanks a lot. Merry Christmas to all of you.

CHICO'S/ Scott Widdows, Agent

Site Plan Approval of a 4,500 SF women's clothing store to be located at South Park Center, Part of PPN 396-22-001 zoned Shopping Center.

Mr. Ice – Item Number Six, Chico’s. We will send them to ARB
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Mr. Slaughter – John Slaughter, there was supposed to be a representative here. I will make sure that they are aware they will go to ARB and will be on the Agenda for the January 11th Planning Commission meeting.

Mayor Perciak – Merry Christmas.

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 8:20 p.m.

Jeffrey A. Ice, Chairman