



**Approval of Minutes**

Mr. Ice – You have had a chance to review the minutes of February 23, 2006 and September 23, 1999. If there are no additions or corrections they will stand as submitted.

**NEW APPLICATIONS:**

**GCRTA/ Craig Kleve, Agent**

Site Plan approval of a 109,000 SF Parking Lot Expansion, including 305 additional parking spaces for property located at the Southeast quadrant of the intersection of Pearl Road and the Ohio Turnpike.

Mr. Ice – Item Number One, GCRTA. Please state your name and address for the record.

Craig Kleve, Director of Engineering with the RTA and I am here to present our application for our expansion of the Strongsville Park-N-Ride. Our business address is 1240 West 6<sup>th</sup> Street, Cleveland, Ohio 44113. We did get the application submitted and basically this is a second phase of a planned two phase Park-N-Ride. The original Park-N-Ride was built in 1990; it engulfs about 259 thousand square feet and provided parking for over 300 cars. At the request of ODOT we are now interested in pursuing a second phase expansion because they are looking at the planned, freeway work downtown Cleveland. So they are looking at trying to relieve this and also we are looking at right now, with the current fuel prices we are looking at the per use of the parking lot its running about 85 to 95%, so we are anticipating the need anyway for the local residents. Right now our intent is to expand that lot pretty much according to original plans; we have found a way to get more spaces out of the original site than was shown on the original plans. That is our intent. This is the plan (showing site map) the light colored area is the existing area, the dark is the new. We aren't changing any drive access, we aren't adding any new signs, our intent is to basically develop on the clear open area that is planned for on top in the same area. It does occur on Ohio Turnpike Right-of-Way. It is within our current lease arrangements with the Ohio Turnpike. Some additional explanation, I passed it out, I don't know if anybody got a chance to look at it. This is the area and I was out there today actually taking some pictures, the top picture is the view from the intersection of Pearl Road and the access to the Ohio Turnpike and it does show the trees there. Right now we will not be touching any trees.

Our plan is to leave all existing trees, remaining. The other view too is from the existing parking area showing the cleared area. This is basically where we are expanding out on too.

Mr. Ice – Thank you. Mrs. Daley

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, the proposed 331 parking expansion will take place within the Ohio Turnpike Right-of-Way. Parking is setback 125' from the Pearl Road center line. From Engineering, the pavement design must conform to the City's standards. The final plans must conform to the City's Tree Preservation Ordinance. Final engineering plans are required, including the grading plans, utility plans, storm water management plans and I do have an attached check list here for the applicant. Thank you.

Mr. Ice – Thank you. Mr. Biondillo.

Mr. Biondillo – Thank you, Mr. Chairman. From Building, the proposed parking is in compliance with the ADA guidelines for the number of accessible parking spots. We will need a electrical lighting plan as well as a photo matrix plan. I do have a CPTED report from the Police Department. Under Natural Surveillance, the additional parking will be further from the Turnpike access road and depending on the elevation and vegetation have limited visibility from Pearl Road. At least 2 FC of lighting is required for this area. A level higher than 2 FC would be recommended. Light spillage is not a concern in this location. There have been no complaints of unauthorized parking or trespassing at this location and none are anticipated with this addition. No impact will be noticed with this addition. Traffic flow will be safe with this design.

Mr. Ice – Thank you. Lt. French.

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

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. We will need to send them over to the Architectural Review Board, then they can bring in their final plans. Here is a question for the applicant. Do you have any responsibility as the RTA for the Drive leading back there or is that all the Ohio Turnpike Commission?

Mr. Kleve – That is totally the Ohio Turnpike Commission, we do not have any rights to the drive going to the toll booths.

Mr. Kolick – Ok, even as they leave from Pearl Road to your entrance to the parking lot that is Turnpike Commission too?

Mr. Kleve – Correct.

Mr. Kolick – Ok, that's who we will look to then.

Mr. Kleve – The dark line that goes around here is what is leased to us. The outer limit is out of our jurisdiction.

Mr. Thank you.

Mr. Ice - Thank you. Any other questions or comments? You may proceed to ARB.

**IMPERIAL INDUSTRIAL PARKWAY SUBDIVISION/ Ken Lapossy, Principal**

Preliminary Subdivision Plan for the expansion of Imperial Parkway, PPN 393-08-002 zoned General Industrial.

Mr. Ice - Item Number Two, Imperial Industrial Parkway Subdivision, Please state your name and address for the record.

Ken Lapossy with Imperial Die Manufacturing, 22930 Royalton Road, Strongsville, Ohio 44149. We are proposing phase 2 of the Imperial Parkway, it will constitute a 300 foot extension of the existing road ending in a cul de sac. This will complete the project.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. From the City Planner, the 300' + extension of Imperial Parkway is in accordance with the Industrial Street Planning for this area. From Engineering, all permits from outside agencies are needed prior to the Planning Commission approval. This includes the Cleveland Water Department and OEPA. The existing temporary turnaround is to be removed and seeded. Final engineering plans are required.

Mr. Ice - Thank you. Mr. Biondillo.

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

Mr. Ice - Thank you. Lt. French.

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

Mr. Ice - Thank you. Mr. Kolick

Mr. Kolick – Thank you Mr. Chairman. On the preliminary, since they conform with our street plan and lot sizes, they are ok to go. I would make it subject to receipt of an Affidavit the same as for the first phase and in speaking in caucus, Mr. Lapossy felt that the initial Affidavit covered the whole roadway, if it does than fine, we will check out the legal description on it. The only other question I have is for the applicant, do you have a user for this parcel at this point?

Mr. Lapossy – We are currently negotiating with All Foils to move their business into Strongsville on 14.5 acres of that property. They plan on building 140,000 SF of building space.

Mayor Perciak – And I am glad they chose Strongsville other than the city they were talking too. I am pleased. They were talking to a city that was near and dear to you.

Mr. Kolick – I think with that contingency you can act on it on a preliminary.

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

Mr. Buckholz - Mr. Chairman.

Mr. Ice - Mr. Buckholz.

Mr. Buckholz - I move to give favorable consideration of the Preliminary Subdivision Plan for the expansion of Imperial Parkway, PPN 393-08-002 zoned General Industrial. Subject to the request of the Law Department for the Affidavit.

Mrs. Walker - Second.

Mr. Ice- Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – Ok, you are all set. Thanks.

**AT & T/ Wendy Bujnovsky, Agent**

Approval of the Site and Landscaping Plan for an above-ground Equipment Cabinet and Cement Pad for property located in the Public Right-of-Way at 14357 Pearl Road, PPN 396-17-114 zoned General Business.

Mr. Ice - Ok, Item Three AT & T, please state your name and address for the record.

Wendy Bujnovsky, representing AT & T, 13630 Lorain Avenue, Cleveland, Ohio 44111. I am here this evening like before requesting the ability to build onto a right-of-way in front of an existing easement on Pearl Road at 14357. The same cabinet.

Mayor Perciak – Is this Catans? Is this in front of Catans? Does anybody know?

Mrs. Bujnovsky – Yes it is.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. No report from the City Planner. From Engineering, the plans are in approvable form. The cabinet will not obstruct drainage or interfere with sight lines. Thank you.

Mr. Ice - Thank you. Mr. Biondillo.

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

Mr. Ice - Thank you. Lt. French

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

Mr. Ice - Thank you. Mr. Kolick

Mr. Kolick - Thank you Mr. Chairman. Normally we would send this over to Architectural Review Board on these cabinets; however, being where it is located on Pearl Road, it would be more of a hazard than a help to try to screen this particular box. We certainly don't want to cause any view obstructions there so I don't think there is a necessity to do so. It probably makes more sense to leave it the way it is unscreened. The only other comment I would have is, if approved here this evening, City Council would need to approve it since it is in the right-of-way. Thank you.

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

Mr. Buckholz - Mr. Chairman.

Mr. Ice - Mr. Buckholz.

Mr. Buckholz - I move to give favorable consideration of the Site and Landscaping Plan for an above-ground Equipment Cabinet and Cement Pad for property located in the Public Right-of-Way at 14357 Pearl Road, PPN 396-17-114 zoned General Business.

Mrs. Walker - Second.

Mr. Ice - Secretary please call the roll

Roll Call: All Ayes APPROVED

Mr. Ice- Wendy you are all set on that one.

**AT & T/ Wendy Bujnovsky, Agent**

Approval of the Site and Landscaping Plan for an above-ground Equipment Cabinet and Cement Pad for property located in a private easement at 16490 North Red Rock, PPN 397-23-009 zoned R1-75.

Mr. Ice - Item Number Four, AT & T, Mrs. Bujnovsky remains at the podium.

Ms. Bujnovsky - This particular location is in an SBC Easement and as you can see in the pictures that were submitted, there is a lot of screening. It does not appear that it would be a problem based on your past decisions.

Mr. Ice - Thank you. Mrs. Daley.

Mrs. Daley - Thank you Mr. Chairman. No report from the City Planner. From Engineering, the proposed cabinet needs to be at least 5' off the property line, so as to not obstruct drainage. There is an existing swale easement located 5' on each side of the property line and also any kind of landscaping that you do will have to be outside of that easement. 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 - Thank you, Mr. Kolick

Mr. Kolick - Thank you Mr. Chairman. This one does need to be sent over to the ARB. We will see what happens when you move the cabinet over, whether anymore, I agree looking at your picture, it might be fine, you may not need any other screening but the ARB will need to look at it after you move the cabinet over and see where it comes.

Mr. Ice - Ok so we will send you over to ARB Wendy.

**TBN PROPERTIES, LLC./ Greg Seifert, Agent**

Site Plan approval of a new 41,600 SF Building of which 32,000 SF is to be used as a warehouse and 9,600 SF for Office Space to be located on Ascoa Court, PPN 393-07-012 and 393-07-013 zoned General Industrial.

Mr. Ice - Ok, Item Number Five, TBN Properties. Please state your name and address for the record.

Greg Seifert, with the Geis Companies, 10020 Aurora-Hudson, Streetsboro, Ohio. Hope to be working with Mr. Lapossy on the All Foils project. I thought I might want to get a couple of details from him. Here this evening for the TBN Properties which is a 4 acres site located on Ascoa Court. This is a site for proposed building for Gill Podiatry. I brought along a site plan and some preliminary renderings of the building. This is a 41,600 SF building, like I mentioned a 4 acre site. Vacant site on Ascoa Court. It will be a 32,000 SF warehouse, 9,600 SF office building, brick offices with a precast warehouse building behind that. Thank you.

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

Mrs. Daley - Thank you, Mr. Chairman. From the City Planner, the proposal meets the lot area, lot width, land coverage, side yard setbacks and rear yard setback requirements. However, it does meet the required front building and parking setback, the required parking set back is 50' and they are indicating 31.6'. the building setback is 100' and they are indicating 80'. Mr. Hill also mentioned that screening will be required where the loading docks are located. From Engineering, their pavement design must conform to the City's standards. The proposed building is located on two parcels, both owned by TBN Properties. A Consolidation Plat should be prepared. The final plans must conform to the City's Tree Preservation Ordinance. Final engineering plans are

required, including grading plan, utilities, storm water management and I have a attached check list for the applicant. Thank you.

Mr. Ice - Mr. Biondillo.

Mr. Biondillo - Thank you Mr. Chairman. From Building we will require minimum of two handicapped accessible parking spaces, indicated on the site plan. We will need a photo metrics plan so we can do a lighting report. The site plan also requires they show a dumpster with 8' masonry enclosing walls. On the dock area that's going to be a recessed dock area and you have vertical walls, retaining walls, those will either require a guardrail or some sort of wall which you may be able to incorporate the landscaping into. I do have a CPTID Report as well from the Police Department. Under natural surveillance, the parking area will have good surveillance from the roadway. A restroom in the warehouse area should be incorporated in the design. This eliminates the possibility of delivery drivers needing to enter the office area to use the restroom facilities, and thereby eliminates the possibility of non-employees having access to property of the business and the employees. Thank you.

Mr. Ice. - Thank you, Lt. French

Lt. French - Thank you, Mr. Chairman. For the record, can the applicant state if this building will be fully sprinkler protected?

Mr. Seifert – Yes.

Lt. French – Can you provide a private yard hydrant for the Fire Department's use?

Mr. Seifert – Yes we can.

Lt. French – We would need a knox box on the building, key lock box for emergency access.

Mr. Seifert – Very good, we will provide one.

Mr. Ice. - Thank you. Mr. Kolick

Mr. Kolick - Thank you, Mr. Chairman. As noted in the Engineering report, we will need a lot consolidation for the two lots. You will need to deny it here tonight so he can proceed to the BZA for the variances. In speaking with the Planning Director, he thought they may be in order given the set back of the abutting buildings, particularly the one on the corner there with Foltz. If they are approved at BZA, they can go directly to

ARB, that will save them some time before they come back here. They only other question I may have for the applicant, what does Gill Podiatry do? What kind of business is that?

Mr. Seifert – With me tonight is Rick Boggs, he is one of the owners of Gill Podiatry, I will let him address that.

Mr. Boggs – We are a distributor of medical supplies and equipment to Podiatrists. Anything from bandages to x-ray machines.

Mr. Kolick – Ok, do you manufacture anything? Is it more of a warehouse?

Mr. Boggs – More of a warehousing and distribution.

Mayor Perciak – And sales.

Mr. Boggs – And sales.

Mr. Kolick - How many employees?

Mr. Boggs – 25.

Mr. Kolick – Thank you.

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

Mr. Seifert – We have the lot consolidation plat, has just been received, matter of fact it has just been signed and are ready to submit at any time. Between now and, is this the appropriate time to submit it for Planning to come back to the Planning process, while we are off to BZA?

Mr. Kolick – You have to get off to BZA, you can bring it on to the same meeting when you come back with your site plan. They can act on both at the same night.

Mr. Seifert – It just has to come through one meeting then?

Mr. Kolick – Yes.

Mr. Seifert – Very good. Thank you.

Mr. Buckholz - Mr. Chairman

Mr. Ice - Mr. Buckholz

Mr. Buckholz - I move to give favorable consideration of the Site Plan approval of a new 41,600 SF Building of which 32,000 SF is to be used as a warehouse and 9,600 SF for Office Space to be located on Ascoa Court, PPN 393-07-012 and 393-07-013 zoned General Industrial.

Mrs. Walker - Second

Mr. Ice. - Secretary please call the roll

Roll called

All Nays

DENIED

**INTERNATIONAL KARATE CENTER / Jeff Ellis, Principal**

Site Plan approval of a new 5,293 SF Retail Building to be located on Pearl Road, PPN 393-37-052 zoned General Business.

Mr. Ice - Ok, Item Number Six, International Karate Center. Please state your name and address for the record.

Jeff Ellis, 18460 West River Road. Proposing new single use building on Pearl Road.

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

Mrs. Daley - Thank you, Mr. Chairman. From the City Planner, the proposal meets the General Business Zoning requirements. From Engineering, a Subdivision Plat will be necessary for the dedication of additional 17' of Right-of-Way on Pearl Road. This has been requested of them. The final plans must conform to the City's Tree Preservation Ordinance. Pavement design must conform to the City's standards. Final engineering plans are required. I do have an attached check list for the applicant. Thank you.

Mr. Ice - Mr. Biondillo.

Mr. Biondillo - Thank you Mr. Chairman. From Building, the proposed parking is in compliance with the ADA Guidelines. We need a photo metrics plan submitted for review. There is no indication on the plan for a wall between the residentially used properties to the south of this proposed facility. I do have a CPTED Report from the Police Department. Under natural surveillance, the front parking lot will have good natural surveillance. The rear parking lot will have little or no natural surveillance from

the roadway. Lighting levels in both the rear and front lots should meet the 2 FC standard. Due to the existing residential properties to the south, measures need to be taken to prevent light spillage. Territorial Reinforcement, trespassers and unauthorized parking is not anticipated at this site. Traffic Concerns, the driveway on the plan lines up across from the driveway on the east side of Pearl Road. No problems are anticipated.

Mr. Ice. - Thank you, Lt. French

Lt. French - Thank you, Mr. Chairman. The Fire Department requires a Knox box on the outside of this building for emergency access keys.

Mr. Ice. - Mr. Kolick

Mr. Kolick - Thank you, Mr. Chairman. As a single user or single tenant on this property, they do meet our lot width requirements. Question for the applicant, is there still anything in the wind as to any acquisition of that property to the south?

Mr. Ellis – We are working on it.

Mr. Kolick – Ok, well the reason I'm bringing it up is we need to send you to the ARB. If that is not going to be a residence, this whole project will be looked at differently. The building to the south, if that is no longer a residential structure, because you acquire it or something, may make a big difference in what ARB does with your screening, whether or not you are going to be required to have a masonry wall. May make a big difference on the lighting plan, so if that is something you can put together before you get to ARB, it would probably be to your benefit to do so. If not, they will have to act on it as if that is going to remain a residential use, which may mean some different landscaping requirements.

Mr. Ellis – The fact that it is commercially zoned now, does that have any impact?

Mr. Kolick – The code reads if it is either zoned for residential or if it has a residential use. Since it has a residential use, ARB has to protect that residence that is there. Again, if you can put to rest, if you wind up acquiring it, then they will be looking at it differently from a landscaping and from a screening standpoint.

Mr. Ellis – Ok, thank you.

Mr. Kolick – We will need to send them over to ARB and before they come back they would need to bring a subdivision plat in for the additional right-of-way. Thank you.

Mr. Ice – Jeff, you are not anywhere near close to concluding anything with them? Ok, we send you to ARB.

**ZEPPIE'S PIZZERIA / Joe Ciresi, Principal**

A Conditional Use Permit to utilize 1,625 SF of space as a carry-out restaurant located at 16524 Pearl Road, part of 393-34-005 zoned General Business.

Mr. Ice - Ok, Item Number Seven, Zeppies Pizzeria. Please state your name and address for the record.

Rob Taggart, Construction Manager  
Larry Mench, Director of Operations for Zeppies, 25780 Miles Road, Bedford Heights, Ohio. We are here for the opening of Zeppies Pizzeria at 16524 Pearl Road.

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

Mrs. Daley - Thank you, Mr. Chairman. From the City Planner, the required parking is 72 spaces and they are providing 74 spaces. From Engineering, no report. 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 a question for the applicant, do you do deep frying?

Mr. Mench – Yes.

Lt. French – You will have a special suppression system? Other than that no report from Fire.

Mr. Mench – Yes.

Mr. Ice. - Mr. Kolick

Mr. Kolick - Thank you, Mr. Chairman. I think our Building Department will need some type of interior site plan. They may require some type of grease container. If you do any type of deep frying, so contact our Building Department, please. All we can do

tonight is set them for Public Hearing. I would note, and this is more for the landlord, as a matter of record, they will now be at their parking limit. So, they will probably not be permitted any other food service uses within this shopping center, because they don't have the parking do it. If you would convey that please to the owner or the landlord here, so that they are aware of it for future acquisition of tenants. Thank you.

Mr. Biondillo – Mr. Chairman.

Mr. Ice – Mr. Biondillo.

Mr. Biondillo – As the Law Director indicated, if you do have deep fryers, we require an underground storage containment vessel for the waste oil that will need to be indicated on your building plans.

Mr. Mench – Ok.

Mr. Ice - Thank you. Questions from the members? Ok we will set this matter for Public Hearing on the 23<sup>rd</sup>.

**X-CELL BUSINESS PARK/ Victoria Stallard, Agent**

Multiple Occupancy Permit pursuant to C. O. 1262.14 for an office and warehouse used for storage of voice & data cable, phone equipment and delivery vans at property located at 11953 Prospect Road, Unit A-4, part of PPN 392-22-316 zoned General Industrial.

Mr. Ice - Ok, Item Number Eight, X-Cell Business Park. Please state your name and address for the record.

Jerry & Victoria Stallard for GTS Communications, 23146 Lorain Road, North Olmsted, Ohio 44070.

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

Mrs. Daley - Thank you, Mr. Chairman. From the City Planner, the required parking is 79 and the parking provided is 104. From Engineering, no report. 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, I have a couple of questions for the applicant. How many service vans would you be storing in this building?

Mr. Stallard – Actually storing the building? I don't know if we will store the vehicles inside the building but right now we have seven. Basically the building will be used to load and unload.

Lt. French – Ok. So it's just a transitional, they probably would not be parked in there over night?

Mr. Stallard – Maybe on occasion. But not regularly.

Lt. French – Maximum of seven vans you have.

Mr. Stallard – That is what we have now, yes.

Lt. French – Any other special hazards or materials that you handle, solvents?

Mr. Stallard - No.

Lt. French – Can you explain what kind of equipment you would be storing in there?

Mr. Stallard – Telephone equipment, wiring, voice and data cabling.

Lt. French – Other than that no report from Fire.

Mr. Ice. - Mr. Kolick

Mr. Kolick - Thank you, Mr. Chairman. Also for the applicant, how many vans would you keep on this property, even if they are stored outside? Would it be a maximum of seven or are there more?

Mr. Stallard – That is what we have right now. Hopefully business continues to grow and we expand but its taken ten years to get seven so, to predict what we do in the future is hard to say.

Mayor Perciak – Is that Cappy's parcel there?

Mr. Kolick – Yes,

Mayor Perciak - There is plenty of room and parking.

Mr. Kolick - I don't have anything further other than, just understand, your vehicles outside are ok but there is no other outside storage of cabling equipment or anything like that that is permitted.

Mr. Stallard – No.

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

Mr. Buckholz - Mr. Chairman

Mr. Ice - Mr. Buckholz

Mr. Buckholz - I move to give favorable consideration of the Multiple Occupancy Permit pursuant to C. O. 1262.14 for an office and warehouse used for storage of voice & data cable, phone equipment and delivery vans at property located at 11953 Prospect Road, Unit A-4, part of PPN 392-22-316 zoned General Industrial.

Mrs. Walker - Second

Mr. Ice. - Secretary please call the roll

Roll called

All Ayes

Approved

Mrs. Stallard – A very quick question, if I might, on that parkway right now, it says X-Cell Parkway, is it at any point, are they going to break that out and put the businesses that are in that parkway?

Mayor Perciak – You have to ask the landlord or Mike Cappy, who owns the property.

Mrs. Stallard – Ok, thank you very much.

**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 - Ok, Item Number Nine, Cingular Wireless. Please state your name and address for the record.

Ed Block, GPD Associates, Agent for Cingular Wireless, 520 South Main Street, Suite 2531, Akron, Ohio. Cingular, we have been before you; I have been before you with this initial request to put antennas up on top of the water tank and put a prefab shelter brick faced to match the pump house building at the base of the tank. You had asked us to go before the ARB and the Town Center Committee, which we have done and received approval. At this point unless you have questions, we would like to be placed on the Agenda on the 23<sup>rd</sup> for Public Hearing.

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

Mrs. Daley - Thank you, Mr. Chairman. From the City Planner there is no report. From Engineering, no report on the conditional use permit and the site plan is in approvable form. Thank you.

Mr. Ice - Mr. Biondillo.

Mr. Biondillo - Thank you Mr. Chairman. From Building, we did receive a faxed copy of the requested Bond, which is currently under review with our Law Department. Thank you.

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 just this evening, the grid coverage which the Commission needs to take a look at. We have been working through the Law Department with the Applicant on the Lease Agreement. From the last fax I received, I think everything is in order but we need to receive the actual Agreement, signed before you can confirm this. We will be looking at the Bond, which will we received today as well. If that is ok, we will need to get the original Bond. You will need to set this for a Public Hearing. Ultimately they will need to proceed to the ARB since they are on Public Facility, in fact on City owned property, ultimately they will need to be approved

by City Council as well. We can just set the Conditional Use permit hearing this evening.

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Mr. Ice - Thank you. Questions from the members? Ok we will set this matter for Public Hearing on the 23<sup>rd</sup>.

### **REFERRALS FROM COUNCIL**

**Ordinance No. 2006-40.** An Ordinance amending the Zoning Map of the City of Strongsville adopted by Section 1250.03 of Title Six, Part Twelve of the Codified Ordinances of Strongsville to change the Zoning Classification of certain real estate located on Progress Drive in the City of Strongsville from GI (General Industrial) classification to CS (Commercial Service) classification (PPN 392-26-008 and part of 392-26-010) and from GB (General Business) classification to CS (Commercial Service) classification (Part of PPN 392-26-010). (Progress of Strongsville, LLC, Owner. Proposed use: Office Warehouse.) 1<sup>st</sup> rdg: 2-21-06.

Mr. Ice - Ok under Referrals from Council, Ordinance No. 2006-40.

Mr. Haseley - Yes, thank you Mr. Chairman. I respectfully request that Ordinance No. 2006-40, be given Favorable Consideration.

Mr. Kolick – Mr. Chairman, maybe, I know we have had some comments here in caucus, but the Applicant has requested that these areas be zoned over to Commercial Service. I just, because I noted in caucus, just in talking with the Applicant, to note that one, that would make the current use there a non-conforming use. We do have restrictions on that building I know that the Applicant is aware of it. I am letting it be known on record. The second thing is that we do have limited uses permitted in Commercial Service; it is not as broad as what we permit in General Industrial. The advantage in the General Industrial is that it permits everything in Commercial Service plus a myriad of other uses that aren't permitted in Commercial Service. If the Applicant can live with Commercial Service then I think we can act on this and you can vote the way you would normally on the rezoning ordinances but, the two things it does not permit are any type of manufacturing uses basically and it doesn't permit any type of retail sales. Out of the Commercial Service area. The Applicant is aware of that and wants us to act on it, we can act accordingly. The advantage obviously from going to General Industrial is the lot size, acreage, lot width setbacks are less in Commercial Service than they are in General Industrial. I think the Applicant, because of the size of the lot doesn't feel that they could meet the General Industrial requirements. I guess with those comments, if there are any other questions to the Applicant or, if they have any comments they probably should make them now.

Mr. Dean – Mr. Kolick, I wanted to ask you one question. I noticed after reading the section 1262.03, the use regulations of Commercial Services District, it points out, I was reading this carefully, the main uses permitted, Offices, Research Laboratories and Production. The way I view that, the way that is written, an office warehouse would be a permitted use in here.

Mr. Kolick – An office and warehouse depending on what they are and what they are selling. Again they would not permit anything like retail sales out of there but there are some office warehouse uses that fit within Commercial Service, but again they are much more limited Mr. Dean than what's permitted otherwise. Like I said, I just don't want you to get in there with the project and then you are not able to fill it up because the City will not let in tenants that you have for these spots, but there are some. Contractors, businesses are permitted and they are typically of offices, material storage and that's ok but just need you to know that before you go in.

Mr. Dean – The other thing I wanted to point out that, just reading for the record is that it says "any other service, whole sale, storage or manufacturing use, not listed above or in any use classification of a subsequent district, if considered or found to be similar by the Planning Commission", would be a permitted use as well.

Mr. Kolick – Right, but similar uses are like our rezoning change. It would have to be approved by the Planning Commission and then it would have to be approved by City Council. You are talking a long procedure to get that in there. Just understand. It keys back to another provision in the Code that says that City Council has to confirm it.

Mr. Dean – Ok, it's your money, Mr. Terry.

Mr. Terry – How do you like him laying that one on me?

Mayor Perciak – That is how it goes.

Mr. Terry – Let's put it this way, we already bought the property. I just, us as developers, I just don't think it would be in anybody's best interest to try to go in and ask for variances against residential property, with residents living there and asking them to give us a 60' variance for a General Industrial. That General Industrial really opens it up to where a machine shop could go in. It's not our intent to put machine shops in here. We would not make any friends that way. I think we're caught between a hard spot and a rock in one way, I think this is the best use and I did spend some time, I spent with both Bill Davison and Patrick Casey who were both Architects on this project as well as Mr. Hill and they also felt that this would be the best use for this property as well. With your blessings we would like to go ahead and proceed with this, under that. I believe we can market this. I think the majority of our people are going to be offices anyway.



Mr. Kolick – Mr. Chairman, maybe I can summarize, as you recall when we approved Bakers Creek, we had asked them to go back to the Homeowners Association to see if they were willing to accept them in. We received a letter from the Attorney, Mr. Happ, stating that they did not wish to go back to the Homeowners Association because number one, they would need a vote of the members themselves as opposed to the Board of Directors and they needed a two thirds majority in order to do it. Number two is, as I read it, they were objecting to the fact that once they joined in they would be subject to the Echo Lake Architectural control committee as to what type of home would be constructed within the subdivision. They basically have written this Commission asking if you would relieve them of that requirement to approach the Association. I bring it to your attention; it's up to the Commission, whatever your pleasure is. You can either relieve them or tell them no, they need to go talk to them.

Mayor Perciak – They need to go talk to them.

Mr. Haseley – I am in agreement with that.

Mayor Perciak – I believe they need to go talk to them. It abuts those neighbors around there. It's different if the Association chooses not to allow them in. I could be wrong, I would think the Association would have to weigh that very carefully, just because of the value of the properties in Echo Lake. They would have grave concerns should they be building things there that wouldn't aesthetically blend in with their neighborhood. I would have grave concerns.

Mr. Buckholz – What if the Association says no?

Mayor Perciak – It give us the opportunity to say look, we referred them and you said no, now here's what is going to happen.

Mr. Kolick – If the Association says no they are ok.

Mr. Buckholz – The requirement was the referral and asking them to do that. Not that they do indeed join.

Mr. Kolick – Absolutely. If you recall, we approved them. We said you go to the Association, if they accept you in we expect you to go in. If they don't, then you are approved with your own association. Ok, I will so convey that to the Attorney.

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

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Hearing no other business to come before the Commission, the Chairman adjourned the meeting at 8:55 p.m.

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Jeffrey A. Ice, Chairman