

STRONGSVILLE PLANNING COMMISSION

MINUTES OF MEETING

June 11, 2009

The Planning Commission of the City of Strongsville met at the Strongsville Communication Center located at 13213 Pearl Road, on **Thursday, June 11, 2009 at 7:30 p.m.**

Present: Planning Commission Members: Jeffery Ice, Chairman, Gregory McDonald, Mary Jane Walker, Thomas Stehman. Mayor Thomas P. Perciak. Council Representative: Patrick Coyne. Administration: Assistant Law Director, Daniel Kolick, Design Engineer, Lori Daley, Assistant Building Commissioner, Keith Foulkes, Fire Department Representative, Randy French.

The following was discussed:

STEPS BEHAVIORAL CONSULTING SERVICES: Mrs. Daley stated that this is the STEPS Behavioral Consulting Services. Since they were here at the last Planning Commission meeting they did switch spaces to the eastern most tenant space of the same building as we recommended. They now have an indoor play area and are not going to put in the outdoor play area. From the City Planner, no report on the Conditional Use Permits or the Multiple Use and for the parking they are still deficit. They are providing 50 parking spaces, required is 70 spaces so there will be a 20 space deficit. There is no report from Engineering. Mr. Foulkes stated that from the Building Department they met with the Fire Department as well as the Building Owner and the Tenant. We discussed several items on the interior of the building with regard to Building Code. A couple of critical issues that we addressed was the amount of 2 ½ year old and younger children. The Owner of the business has indicated that she will have less than 5, 2 ½ olds which will keep them at an Educational Use. We also would like the application for the Certification that you are applying to the State for License to be submitted prior to an Occupancy Permit being issued by this department. When your application is submitted, we know that it takes several months until you get your license. You have to fill out an application, we just want to verify that is done under an Education Use. Mr. Krist stated that Ms. Might would need a Certificate of Occupancy before she can even apply for the license. Mr. Kolick stated that could be worked out. He stated that the Certificate of Occupancy would be issued conditional upon receipt of the Certification later. Mr. Foulkes stated that the Building Owner had agreed to make any changes necessary and this application will still require a building plan review which would stipulate any Code requirements. Our CPTED Officer indicated that there was some discussion with the Owner of the business on site regarding drop-off/pick-up and I think that the Tenant has a written procedure to that effect. Ms. Might stated that basically it is the time of the drop offs. Mr. Foulkes stated that he knew that in a previous discussion, the other daycare that came in off Pearl Road there were other

businesses using the parking lot and the owner provided us with a written procedure as to how they were going to accommodate buses or any other vehicles, parent drop off etc. The other thing that he indicated was that potentially the only vehicles that would be able to bring the kids in, buses, full size buses probably would not be able to pull in there because of the space. Mayor Perciak stated that they would not have that. Mr. Foulkes stated that only van type vehicles could pull in. Ms. Might stated that there would not be any buses. Mayor Perciak asked Ms. Might to write a procedure on the pick-up/drop-off. Ms. Might agreed. Mr. French stated that since the last meeting the Fire Marshall, Building Department and Police Department had an on-site meeting and toured the new unit that Ms. Might was going to take which is on the east end of the building. It is great because she can now have indoor play area and she is not pursuing an outdoor play area. Mayor Perciak asked how big the indoor play area was. Mr. Krist stated it had to be at least 1,400 SF and there is one room that is 1,500 SF. Mr. French stated that he toured the site and the existing unit has a fire alarm system which is out of service presently but the Building Owner agreed to bring it back into service and to whatever was necessary to modify it to fit the code. The Fire Department was in possession of a letter stating the proposed number of occupants. The Fire Marshall did the numbers on this and he agreed that up to a maximum number of 85 occupancy was okay. The existing exits in the building are suitable for this kind of occupancy. There are two exits in the back, one in the front, which meets code. There are two overhead doors in the back and one goes to a depressed dock area. That door we would like padlocked so that it can not be accidentally opened. The other door opens at ground level. The tenant agrees that there will be no food preparation on site. All food will be brought in. Since the last meeting he stated that he visited the Berea site and that there was no record of any problems and they have passed all inspections and are properly licensed since 2007. They did have a 1:1 child/teacher ratio and at that time they had approximately 14 children. Mr. Kolick asked if there was anything on the warehouse space. Mr. French stated that there was a warehouse space in the back of this unit and it will be part of the space that they are renting but this warehouse space we have an agreement that it would not be used for storage, and additionally there will be no motorized vehicles in there. There is also a small overhead mezzanine that is not to be used for third party storage nor for any other storage or use. Mr. Kolick stated that the Commission could act on this matter but that there would be some conditions that would revolve around all the issues that were discussed. One was that parking; they will not be required to put in the additional parking at this time. There will be a condition that if the Building Commissioner deems it necessary to this usage that you will have to install those additional parking spaces that you show on the plans and that will become a condition of the approval. Another condition is that the CPTED and Safety Forces request that you keep 6 spaces reserved right in front of this space for pick-up/drop-off. The third item would be the one that the Fire Department talked about that you would not be using these warehouse spaces for storage or anything. Those become fire code

issues. You would have to come back to us to look at that issue. I will condition this upon the written drop-off policy to the satisfaction of the Building Commissioner, the limit on the number of 2 ½ year olds. You can see that they have increased the number of students as well to between 30 and 40 because of the additional space. The only other comment he had was for the Landlord. This may limit some of the future tenants that you can rent to, particularly high hazards uses, or high parking uses, those would not work. Mr. Kolick stated that he just wanted to alert Mr. Krist to that now. He stated that Mr. Krist would have to come back before the Planning Commission for any new tenants that he would lease to in the future. Mr. Krist stated that he understood. Mr. Kolick stated that with those conditions the Planning Commission could act on this matter. Mayor Perciak stated this is much better for safety with them taking the other unit.

CONSTANCE SEDLECKY: Mrs. Daley stated that this application is a lot consolidation for Constance Sedlecky on Morris Drive. It is just a consolidation of two 50' parcels into one. There is an existing house that they are planning to demo and build a new house. Mr. Sokol stated that the house was already demolished. Mrs. Daley stated that the new house plans had already been submitted to the Building Department. From the City Planner, it meets the zoning requirements. From Engineering it is in approvable form. Mr. Foulkes stated that there is no report from Building. Mr. French stated that there was no report from Fire. Mr. Kolick stated that the Commission could act on this matter.

ROBEKS: Mrs. Daley stated that this applicant is proposing to go in at the building that Jason Jardine put up about 1 ½ years ago on the corner of Ordner and Royalton. It is going into the eastern most retail space. They are going to utilize this front area for outdoor eating with two tables and some chairs. From the City Planner, there is a parking deficit. Required is 43 parking spaces, which is for the 2,100 SF food service and the rest of the retail area that is left. They are providing 23 parking spaces so they are deficit 20 spaces. From Engineering, no report on the Conditional Use Permits and the Site Plan is in approvable form. Mr. Foulkes stated that from Building there is no report on the Conditional Use Permit. The only issues are on the site plan, the outdoor eating, we would like that fence to be extended along the east side and bollards installed to protect the occupants from vehicular impact. The CPTED Report also concurs with that. Mr. Kolick stated that they didn't want somebody to walk off the curb and into a car coming around the corner. Mayor Perciak stated that was required of any outdoor eating spaces for safety. Mr. French stated that this is a new building and it is required to have a Knox box on it. He stated that the contractor is aware of that. Mr. Kolick stated that the Conditional Uses need to be set for a Public Hearing. He stated that the Commission would need to be careful with future uses in this building because of the parking deficit. He stated that the site plan could be sent to ARB. He

recommended that the applicant meet with the Building Department regarding the bollards and safety around the patio area. Mr. Sturm stated that when they went into this business they were exposed to the Robeks vision and it is not a sit down restaurant. It is not a place where people could come and sit for 30, 40 or 60 minutes. They would never have moved into this space because they knew that there was not a lot of parking. In an average day they expect to have 350 to 400 customers, on a good day. Customers come in, they grab it and go. On an average Cleveland Market there is less than 1% of the customers that sit down and stay. We offer an inviting seating but not necessarily a use seating. You come in, get your smoothie, you get a wrap and we turn you over in 3 minutes. I know that there is an issue about the parking but it is not that traditional restaurant. Mayor Perciak stated that from the City's side it was necessary to bring the parking to their attention. Whoever is going to rent the space next to you will have to understand that will be an issue going forward. Mr. Sturm stated that the two tables were not important outside. He stated that was the least of their concern. Mayor Perciak stated that the Commission wanted to help and that the building was sitting empty. He stated that the Commission was working with them. Mr. Kolick stated that it would be more important who the next tenant would be. He asked how many employees they would have. Mr. Sturm stated that they planned on 15 to 20 but only 2 to 4 at any one time. Mr. Kolick stated that this would need to be set for a Public Hearing and that the site plan would need to be sent to the ARB. He encouraged the applicant to meet with the Building Department to discuss his plans for the outside eating area.

MID-EAST MARKET: Mrs. Daley stated that this applicant would be utilizing what was the Blonders in High Point Plaza on Pearl Road. From the City Planner, they are providing 92 parking spaces, required is 131 parking spaces. They are deficit of 39 parking spaces. This 92 that is provided includes the parking in the back that should be striped. We have a plan that shows it striped so they need to stripe it back there. From Engineering, no report. Mayor Perciak asked if we would be okay with the parking. Mrs. Daley stated yes, it was typically never full. Mr. Hill saw no problem. Mr. Foulkes stated that from Building, there was no report. He asked if the applicant intended to use grease in a cooking environment, where the grease would be recycled. The representative stated that the owner was supposed to attend and that he was just the contractor. He stated that he intended to put in a grease trap. Mr. Foulkes stated that he looked at it as a Deli and that if they were going to be recycling grease the container would need to be put underground outside. The representative stated that he did not think that they were going to recycle grease. Mr. Foulkes stated that the grease receptor inside by the sink would be okay for a Deli. He stated that it would also be subject to a plan review because the site was being renovated. Mr. French stated that there was no report from Fire. Mr. Kolick stated that when the owner came they could find out the scope of the operation. He stated that the striping must be done and that

the landlord needs to do that. He also stated that this matter would need to be set for a Public Hearing.

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

Roll Call:

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

Also Present: Mr. Foulkes, Asst Bldg. Com.
Mrs. Daley, Design Engineer
Mr. Kolick, Asst. Law Dir.
Randy French, Fire Dept

Carol Oprea, Recording Secy.

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 May 28, 2009. If there are no additions or corrections they will stand as submitted.

PUBLIC HEARING:

STEPS BEHAVIORAL CONSULTING SERVICES/Fred Krist, Agent

- a) Conditional Use Permit pursuant to Codified Ordinance Section 1262.04(a)(4)(B) to allow a day care and school for tutoring services for children with Autism at 21337 Drake Road; and
- b) Approval for Multiple Occupancy pursuant to Codified Ordinance Section 1262.14 to allow STEPS Center for Excellence in Autism to occupy 9,900 SF of space at 21337 Drake Road; and
- c) Modification of parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 20 less parking spaces for property located at 21337 Drake Road, where the Code requires 70 spaces and where only 50 spaces are indicated, PPN 394-12-010 zoned General Industrial.

Mr. Ice – Item Number One, STEPS Behavioral Consulting Services. Anyone wishing to speak in favor please step forward and state your name and address for the record.

Ms. Might – Jennifer Might, 1433 W. Bagley Road, Berea, Ohio 44017.

Mr. Krist – Fred Krist, Krist Enterprises, 21337 Drake Road, Unit A, Strongsville, Ohio 44149.

Mr. Ice – Is there anyone who would like to speak for or against? Seeing none I declare the Public Hearing closed and we will listen to the Administrative reports. Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use Permits or the Multiple Occupancy. On the Site Plan, there are 70 spaces required and they are indicating 50 spaces. They are deficit 20 spaces. The entire building is proposed as Office Use, if necessary, additional parking could be added south of the building. From Engineering, there is no report on the Conditional Use Permits or the Multiple Use Permit. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, the plans are in approvable form subject to the following; The Conditional Use approval stipulates the requirements of the applicant having a maximum of five children 2.5 years old or younger. The applicant submits a copy of the application for licensure from the State of Ohio to the Building Department prior to issuance of a Certificate of Occupancy. Completion of a plan review in accordance with the OBC. There is also a CPTED Report which states; Regarding Access Control; According to Jennifer Might, the front door will have an electronic strike which will cause users to be “buzzed in”. since the front door will have

a crash bar to meet fire code, a receptionist/secretary would still be needed at the front desk as another layer of security for unauthorized egress. Regarding Traffic Concerns; It is planned for a STEPS employee to go to the vehicle dropping off the student. Large windows in the lobby give an excellent view of the parking area and will aid in an expeditious drop-off process. Most students will be dropped off by their parents, and a few may be dropped off by a van or mini-bus. There are two handicapped parking spaces by STEPS front door. There is a ramp/curb in front of the door with a hash marked area in the parking area in front on the ramp. The parking spot to the east of this hashed out area should be labeled as a van/bus drop-off area. At least three other parking spots need to be designated and signed as drop-off/pick-up only. If this is not sufficient, STEPS could consult with the property owner to designate more spots for drop-off/pick-up only. Of course, parking lot minimums need to be met. The organization that will be providing any bus or van transportation will need to be advised that only van sized vehicles can be used to drop off the students at this facility at the designated parking spot. Parents that wish to park and talk with the staff need to be instructed to park further to the west in the parking lot. Also, the staff needs to park further to the west, or better yet, on the west side of the building. Additional staff parking could be explored at the rear of the building. Since the hours of operation would be during daylight hours, additional lighting at this optional area may not be required. Thank you.

Mayor Perciak – Does that meet the requirements for obtaining your license?

Ms. Might – As long as we have the Occupancy Permit in addition to the Application when we send it in.

Mayor Perciak – Mr. Kolick, how do we do this?

Mr. Kolick – What we will do is, as long as everything is okay and up to code, we can issue the Occupancy Permit and we will put a paragraph on it, subject to the granting of the License. It will be a Conditional Occupancy.

Mayor Perciak – Okay because they can't get their license without it,

Mr. Kolick – We will work out the mechanics of it.

Mr. Krist – Who would we talk to about it?

Mr. Kolick – The Building Department.

Mr. Ice – Thank you. Mr. French.

Planning Commission Minutes

June 11, 2009

Page 8

Mr. French – Thank you, Mr. Chairman. From Fire, the Strongsville Fire Prevention is agreeable to allow Steps Behavioral Consulting Services to occupy 21337 Drake Road, Suite A under the following conditions; The maximum number of students and staff that will occupy this unit will not exceed 85. The building owner shall bring the fire alarm system up to code. The existing exits at the front and rear of the building shall have the proper emergency hardware added. The emergency egress lights and exit signs shall be repaired and tested. Additional units shall be added where needed. Fire extinguishers shall be added as directed by the Fire Marshal. The warehouse area and mezzanine shall not be used for storage, nor leased to another party for any other use. No vehicles or motorized equipment will be allowed into the building. The rear depressed dock overhead door will be padlocked. Tenant agrees that no food preparation or cooking will be performed on this site. The building owner agrees to bring this occupancy into code compliance as required by the Strongsville Building Department. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. from the Law Department, we would request the following conditions be placed on any approval if forthcoming. We have spoken with the applicant and landlord about them. He did give a plan on the future installation of parking. We will not require that it go in now. If deemed necessary by the Building Commissioner, that would then have to go in. We will see how your usage goes since they are now increasing to 30 to 40 students. There would be a minimum of 6 spaces saved in front of the building on the north side of the building immediately adjacent there for drop-off/pick-up of the students. We need to get a written drop-off/pick-up procedure which would incorporate that item as well and you can contact our Building Department and we can show you what we have done in the past and I am sure that can be developed without a problem. There will be no storage or usage of the warehouse and mezzanine areas as indicated in the Fire Department report. We will need a limit on the 2 ½ year olds, not more than 5 in order to be approved under an "E" Usage which is what we have. With those conditions you will incorporate into the minutes all of the reports of the Administrative Departments so it should be made subject to the Fire, Building and Law Department reports. The only item as I noted in Caucus, for the Landlord is, there will be limits on the type of tenants that you get on this project. Feel free to talk to the City but obviously we are not going to be looking for high hazard usage or heavy parking usage in the building. Those are the type of things that we will be looking at. We want you to rent out the building and get good uses but they have to be uses compatible with the school that you are putting in there. With those conditions and adding the Fire, Building and Law Department reports, you can act on it this evening. Thank you.

Planning Commission Minutes

June 11, 2009

Page 9

Mr. Foulkes – If I could bring to your attention, the CPTED Report, he indicated that the maximum size of the vehicle would be a van for public drop-off of any of the children. The occupant understands and agrees to that because of the parking configuration as well. Thank you.

Mr. Kolick – There is probably one other thing that I ought to indicate to you. The original plan showed a recreation area on the east side of the building. Due to the fact that they now have the space inside there, they are eliminating that. I have spoken with the applicant, though it would be the desire of the City if the children from the school area are going to be using even the outside City recreation area that we prefer to see one attached to your building, we think that it makes a safer configuration for the children and the school as well so that they don't have to walk through the parking lot, or the industrial park to get to the park area in the rear. We do encourage you, I know that you said in the future that you are looking at it anyway, we would encourage you to do that. We can certainly work with you and the BZA to get the necessary variances to put that in. Although it is not being required now, we are asking you to look at that issue for the safety of the children.

Mayor Perciak – Mr. Chairman, I have a few questions. In your business plan, how many children do you think you will have there and what ages? I keep hearing this under 2 1/2. Are you actually going to have children there under the age of 3? It doesn't make much business sense for you, does it?

Ms. Might – No, occasionally we do get a child that is 2 ½ but we've never had more than one 2 ½ year old child at one time.

Mayor Perciak – There is no State reimbursement for a child under 3 is there?

Ms. Might – No.

Mayor Perciak – That is what I thought.

Ms. Might – In that case the parent's private pay.

Mayor Perciak – That is why I brought that out because I don't believe that we are going to have a lot of parents coming up that have an autistic child who are going to foot the bill for this, there might be a few. I just wanted to go on record so that we are aware of that and it is clear, the State will reimburse you for children 3 years and older. What will be your next bump off with the kids? You are going to go from 3 years to what? Where do you really plan on focusing your education with the children?

Ms. Might – Three to thirteen.

Mayor Perciak – Is it going to be 3 to 5 that will be your biggest group?

Ms. Might – Yes, 3 to 7 is the largest group.

Mayor Perciak – Because by the time they get past 7, in most case they should be able to be mainstreamed. Or should at least be in the process of being mainstreamed.

Ms. Might – Yes.

Mr. Kolick – Mr. Chairman, going along with that, one other follow up question for the applicant. What would you anticipate with this larger space, 30 to 40 students, the total number of employees that would be there at any one time?

Ms. Might – Well the additional students would be, we had a transition room that was set up at a different location. What we had done with the larger space is move that transition room to the Strongsville location. The ratio there is 1:2 or 1:3, so if we take on 10 more kids it would only be a couple more staff members at that point.

Mr. Kolick – So what would you anticipate having, I know you may have a Speech Pathologist, you may have other professions in there working with the children, about how many? We are trying to get an idea for parking purposes. How many adults would you have working there at any one time so that we can get some idea about the parking load?

Ms. Might – I would say about 25 maximum.

Mr. Kolick – Okay, thank you.

Mr. Krist – I did have a question regarding the 6 parking spaces for the drop-off point. What about handicapped parking? Would that be in addition to?

Mr. Kolick – If you work with our Building Department they will work with you.

Mr. Foulkes – We would oversee that as far as requirements of the Building Code.

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

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for Conditional Use Permit pursuant to Codified Ordinance Section 1262.04(a)(4)(B) to allow a day care and school for tutoring services for children with Autism at 21337 Drake Road, subject to the Building Department, CPTED Report, Fire Department Report and Law Department reports.

Mrs. Walker - Second.

Mr. Ice - Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald - I move to give favorable consideration for Approval for Multiple Occupancy pursuant to Codified Ordinance Section 1262.14 to allow STEPS Center for Excellence in Autism to occupy 9,900 SF of space at 21337 Drake Road, subject to the Building Department, CPTED Report, Fire Department Report and Law Department reports.

Mrs. Walker - Second.

Mr. Ice - Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. McDonald - I move to give favorable consideration for a Modification of parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 20 less parking spaces for property located at 21337 Drake Road, where the Code requires 70 spaces and where only 50 spaces are indicated, PPN 394-12-010 zoned General Industrial, Building Department, CPTED Report, Fire Department Report and Law Department reports and subject to those parking spaces being installed in the future if required by the Building Commissioner.

Mrs. Walker - Second.

Mr. Ice - Secretary, please call the roll.

Roll Call: All Ayes APPROVED

Mr. Ice – Okay, you are all set.

NEW APPLICATION:

CONSTANCE SEDLECKY/ Matthew Sokol, Agent

Consolidation of property located at 21260 Morris Drive, PPN's 393-06-037 and 038 zoned R1-75.

Mr. Ice – Item Number Two, Constance Sedlecky. Please state your name and address for the record.

Mr. Sokol – Matt Sokol, Sokol Builders, 6605 Middlebrook Blvd., Middleburg Heights, Ohio. I am representing Bob and Connie Sedlecky. I am here to get their lot split and consolidation approved.

Mr. Ice – Thank you. Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, the request is to consolidate PPN 393-06-037 and 038 to create a new 100' wide lot having a lot area of 17,100 SF. The new lot will exceed the required lot width and lot area in an R1-75 zoning district. From Engineering, the Lot Consolidation is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

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

Mr. Ice – Thank you. Mr. French.

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

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. you are in a position to act on this item this evening.

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

Mr. McDonald - Mr. Chairman.

Mr. Ice - Mr. McDonald.

Mr. McDonald - I move to give favorable consideration for the Consolidation of property located at 21260 Morris Drive, PPN's 393-06-037 and 038 zoned R1-75.

Mrs. Walker - Second.

Mr. Ice - Secretary, please call the roll.

Roll Call: All Ayes APPROVED

ROBEKS/ John Sturm, Principal

a) Conditional Use Permit pursuant to Codified Ordinance Section 1242.07 and 1258.03(a)(3)(A)(6) to allow Robeks to occupy 2,000 SF of space as a Fruit Smoothie and Healthy Eats Restaurant, property located at 18025 Royalton Road, PPN 396-17-001 zoned General Business.

b) Conditional Use Permit pursuant to C.O. Sections 1258.03(a)(3)(A)(7) and 1242.07(b) to utilize approximately 296 SF as an outdoor patio limited to 4 seats for Robeks located at 18025 Royalton Road, PPN 397-17-001 zoned General Business.

c) Site Plan approval for a 296 SF outdoor patio for Robeks located at 18025 Royalton Road, PPN 397-17-001 zoned General Business.

d) Modification of parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 20 less parking spaces for property located at 18025 Royalton Road, where the Code requires 43 spaces and where only 23 spaces are indicated, PPN 394-17-001 zoned General Business.

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

Ms. Sturm – Karen Sturm, 19250 Westfield Lane, Strongsville, Ohio 44136.

Mr. Sturm – John Sturm, same residence.

Mr. Ice – Thank you. Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there are no reports on the Conditional Use Permits. They are providing 23 parking spaces and the required

parking is 43 spaces. They will be a deficit of 20 spaces. From Engineering, there is no report on item "a", "b" and "d" and the site plan is in approvable form. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, there are no reports for items "a", "b" and "d". Regarding the site plan it is in approvable form subject to the following: Extension of the proposed fencing along the east end of the patio; and bollards to be placed six feet on center for the protection of occupants from vehicular traffic. Also, this will be subject to a plan review in accordance with the Ohio Building Code. There is also a CPTED Report which states; Regarding Traffic Concerns; Bollards need to be installed on the patio area for safety. A low ornamental fence should be installed on the east end of the patio for safety purposes. The space between the end of the patio and the east side access driveway is quite small and if a person stepped off the patio at this location a driver may not have time to react. Thank you.

Mr. Ice – Thank you. Mr. French.

Mr. French – Thank you, Mr. Chairman. From Fire, this being a new building, it still needs a Knox box as required by the Fire Code. The contractor, I had just spoken to today, is aware of this and it will be tied to this occupant as far as being required on the building before they can take occupancy. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. Just for the applicant, there isn't any type of loud speakers or music or anything outside here is there?

Mr. Sturm – No, not outside, it is all internal.

Mr. Kolick – Fine. Mr. Chairman, we need to set items "a" and "b" for Public Hearings. The Site Plan, if they would come into the Building Department and work out the details of the bollards and the fencing so that will be ready to go. They need to get over to the Architectural Review Board. On the parking, the only comment I have is, make sure that you work with the landlord. He needs to look at the other uses and make sure that he doesn't get a heavy user in there that would take away from the parking spaces that you may need. We can move them on for Public Hearing.

Mayor Perciak – The landlord should be able to help you with the bollards and the fencing.

Mr. Sturm – Okay.

Mr. Ice - Thank you. Are there any questions or comments from the members? Okay then we will set this for a Public Hearing on June 25, 2009 and send the site plan over to the ARB and set up an Administrative meeting.

MID-EAST MARKET/Yousseh Nasrallah, Principal

a) Conditional Use Permit pursuant to Codified Ordinance Section 1242.07 and 1253.03(a)(3)(A)(6) to allow the Mid-East Market to occupy 2,100 SF of space as a Middle Eastern Market and Deli, property located at 16633 Pearl Road, PPN 397-09-006 zoned General Business.

b) Modification of parking requirements pursuant to Zoning Code Section 1270.04(b) to permit 39 less parking spaces for property located at 16633 Pearl Road, where the Code requires 131 spaces and where only 92 spaces are indicated, PPN 397-09-006 zoned General Business.

Mr. Ice – Item Number Four, Mid-East Market. Please state your name and address for the record.

Mr. Acosta – Edgar Acosta, 3543 Marvin Avenue, Cleveland, Ohio.

Mr. Ice – Mrs. Daley.

Mrs. Daley – Thank you Mr. Chairman. From the City Planner, there is no report on the Conditional Use Permit. The required parking is 131 spaces and they are indicating 92 spaces. This 92 spaces includes parking area behind the building that has not been striped. That should be striped. There will be a deficit of 39 spaces. From Engineering, there is no report. Thank you.

Mr. Ice – Thank you. Mr. Foulkes.

Mr. Foulkes – Thank you, Mr. Chairman. From Building, no report on the Conditional Use or the Modification of Parking. However, we would like to let the applicant be aware that if there is grease used in the operation of this business that is of a recycled nature, any of that grease, a container or receptacle for that outside must be contained below grade or they can contain that internally and have a maintenance program with that associated use. We also want to let the applicant know that it will be subject to a plan review in accordance with the Ohio Building Code. Thank you.

Mr. Ice – Thank you. Mr. French.

Mr. French – Thank you, Mr. Chairman. From Fire, a couple of questions for the applicant; does this business owner currently have an operation somewhere else in the area right now?

Mr. Acosta – He owns the store next door.

Mr. French – In this plaza?

Mr. Acosta – Yes, but it is not a food operation.

Mr. French – Does he have a food operation somewhere else in another city that does this?

Mr. Acosta – Not that I know of.

Mr. French – We are conscious of food preparation that you are saying is going to be done there. You have cooking appliances listed on your plan. You are aware that any grease laden vapors have to have a specialty suppression system built into the hood. Other than that, we would like to know more details on what kind of food he is planning on having there. The Fire Marshall also had some questions as to how it is going to be delivered to; how big are the trucks that are going to be dropping off the meat and such that he is going to be getting there. Thank you.

Mr. Ice – Thank you. Mr. Kolick.

Mr. Kolick - Thank you, Mr. Chairman. We will need to set number 1 for a Public Hearing. I am going to ask the applicant though, have the owner of the premises, contact our Fire and Building Departments so that we can get a good handle on some of these issues between now and then. We are going to be most concerned with what type of food preparation is there, type of waste and how this is all being handled. I would like to have all those issues ironed out before this Public Hearing. Please get the owner in touch with our City Administrative Departments. On Item 2, Mr. Chairman, this 92 spaces includes the spaces in the back. I think as a contingency to any approval, if forthcoming, they need to stripe those places in the back even if they are just used for employee parking so there truly are 92 parking spaces when we finish with this. That needs to be conveyed to the landlord or however it is going to be handled. If you make sure that is done. Thank you.

Mr. Ice - Thank you. Are there any questions or comments from the members? Okay then we will set this for a Public Hearing on June 25th.

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 8:21 p.m.



Jeffrey A. Ice, Chairman



Carol M. Oprea, Recording Secretary

Approved