

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
December 2, 2020
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, David Houlé, John Rusnov, Richard Baldin
Administration: Assistant Law Director Daniel J. Kolick
Assistant Building Commissioner: Brian Roenigk
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) BODGAN, VILORA AND TARAS SHARANEVYCH, OWNERS

Requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 68 SF Deck Extension; property located at 18362 North Salem Row, PPN 397-20-114, zoned R1-75.

Ken Evans stated that he would be abstaining from voting on this variance because he is on the High Point HOA Board and this property is in High Point subdivision. Mr. Houlé stated that the property abuts common property. Mr. Baldin stated that he doesn't see a reason to vote against the variance request.

2) ARBY'S RESTAURANT/Nick R. Catanzarite, Esq. with Walter Haverfield LLP, Representative

Extension of the determination of December 18, 2019 of the Board of Zoning and Building Code Appeals:

- a) Requesting a variance for a second Ground Sign from Zoning Code Section 1272.12 (e), which permits one Ground Sign and two Ground Signs are proposed;
- b) Requesting a 1' Wall Sign Height variance from Zoning Code Section 1272.12 (c), which permits a 5' Wall Sign Height and where a 6' Wall Sign Height (West) is proposed;
- c) Requesting a 1' Wall Sign Height variance from Zoning Code Section 1272.12 (c), which permits a 5' Wall Sign Height and where a 6' Wall Sign Height (North) is proposed;
- d) Requesting a variance from Zoning Code Section 1272.12 (c), which permits two Wall Signs and where three Wall Signs (North 24.5 SF, South 26 SF and West 24.5 SF) are proposed;

- e) Requesting a variance from Zoning Code Section 1272.12, which does not permit a Drive-Thru Menu Board Ground Sign and where one 40 SF Drive-Thru Menu Board Ground Sign is proposed; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

The Board discussed this extension renewal that they already approved on December 18, 2019. They stated that the plan was not revised and that the building construction has been on hold during the pandemic.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative

- a) Requesting a 120' Front Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Yard Building Setback from the Royalton Road centerline and where an 80' Front Yard Building Setback from the Royalton Road centerline is proposed in order to construct a 2,325 SF New Restaurant Building;
- b) Requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback from the right-of-way and where a 25' Front Parking Setback from the right-of-way is proposed in order to construct a 2,325 SF New Restaurant Building;
- c) Requesting a 10' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Parking Setback (West) and where a 0' Parking Setback (West) is proposed in order to construct a 2,325 SF New Restaurant Building;
- d) Requesting a 10' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback and where a 0' Rear Parking Setback is proposed in order to construct a 2,325 SF New Restaurant Building; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC).

The Board discussed that this request was originally brought to the BZA on August 26, 2020 and that the applicant withdrew his request during the meeting on August 26, 2020. The Board stated that they had issues with the layout, size of the building and requested variances at the meeting on August 26, 2020. The Board discussed that the same plans from August 26, 2020 were delivered to them on November 25, 2020 for the meeting tonight but a new plan is being presented tonight without time for them to review it. The Board also discussed that they would like to know if the two other Chipotle restaurants in Strongsville will close if this one opens.

The Board members had reviewed the minutes to be approved and found no changes or additions were required.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
December 2, 2020**

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

Present: Mr. Evans
Mr. Houlé
Mr. Rusnov
Mr. Baldin

Absent: Mr. Hayden

Also Present: Mr. Kolick, Assistant Law Director
Mr. Roenigk, Assistant Building Commissioner
Ms. Zamrzla, Recording Secretary

Mr. Evans called the meeting to order and asked for a roll call.

ROLL CALL:	MR. EVANS	PRESENT
	MR. HOULÉ	PRESENT
	MR. RUSNOV	PRESENT
	MR. BALDIN	PRESENT
	MR. HAYDEN	ABSENT

Mr. Houlé made a motion to excuse Mr. Hayden for just cause.

Mr. Rusnov seconded the motion.

Mr. Evans thanked Mr. Houlé for the motion and Mr. Rusnov for the second and asked for a roll call.

ROLL CALL:	ALL AYES	MOTION GRANTED
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Mr. Evans certified that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. He stated that he appreciated the participants wearing a mask since we are in the middle of a pandemic. Mr. Evans stated that there are minutes to approve from the meetings of September 23, 2020; October 7, 2020; October 21, 2020 and October 23, 2020 that were discussed in caucus and unless there are corrections or additions they are approved as submitted. Mr. Evans thanked the secretary for getting those caught up. Mr. Evans

asked the audience, Mr. Roenigk and Ms. Zamrzla to stand for the Assistant Law Director to swear everyone in.

Mr. Kolick stated the oath to those standing.

1) **BODGAN, VILORA AND TARAS SHARANEVYCH, OWNERS**

Requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 68 SF Deck Extension; property located at 18362 North Salem Row, PPN 397-20-114, zoned R1-75.

Mr. Evans – The first applicant on the agenda is Mr. Sharanevych. If you would come forward and state your name and address.

Mr. Sharanevych – My name is Bodgan Sharanevych and the address is 18362 North Salem Road.

Mr. Evans – Mr. Sharanevych, you're asking for a rear yard setback. We discussed it in caucus a little bit and I'm sure you heard that. You do back up to common property and the homeowner's association has furnished a letter of approval. I should also say that we've all been out to the property and all of the other properties on the agenda. Gentlemen, comments or questions?

Mr. Rusnov – My thoughts are I have no problem with this. You have the homeowner's association approval and you have common ground at the back. Enough said.

Mr. Houlé – Mr. Chairman, is the deck going to be added onto?

Mr. Sharanevych – Yes, just 4'.

Mr. Houlé – Okay, I just wanted to be sure. Thank you.

Mr. Baldin – I don't see a problem. You back up to that common ground. Go for it.

Mr. Sharanevych – Thank you, guys.

Mr. Evans – As I indicated in caucus I am a trustee in High Point so I will be abstaining. This property happens to be one of the Homearama properties that was built by Parkview during the second Homearama back in the eighties. Okay, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

1) **BODGAN, VILORA AND TARAS SHARANEVYCH, OWNERS, Cont'd**

Mr. Rusnov – Mr. Chairman, requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 68 SF Deck Extension; property located at 18362 North Salem Row, PPN 397-20-114, zoned R1-75 be approved.

Mr. Baldin - Second.

Mr. Evans – Thank you, Mr. Rusnov, for the motion and Mr. Baldin for the second. May we have a roll call please?

ROLL CALL:

MR. HOULÉ	AYE
MR. EVANS	ABSTAIN
MR. BALDIN	AYE
MR. RUSNOV	AYE

MOTION GRANTED

Mr. Evans – The variance has been approved by this Board. There is a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object. We have approved it and you are welcome to stay for the rest of the meeting or you may leave if you wish. We thank you for coming this evening.

Mr. Sharanevych – Thank you. Good night.

2) **ARBY'S RESTAURANT/Nick R. Catanzarite, Esq. with Walter Haverfield LLP, Representative**

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2) **ARBY'S RESTAURANT/Nick R. Catanzarite, Esq. with Walter Haverfield LLP,
Representative, Cont'd**

- c) Requesting a 1' Wall Sign Height variance from Zoning Code Section 1272.12 (c), which permits a 5' Wall Sign Height and where a 6' Wall Sign Height (North) is proposed;
- d) Requesting a variance from Zoning Code Section 1272.12 (c), which permits two Wall Signs and where three Wall Signs (North 24.5 SF, South 26 SF and West 24.5 SF) are proposed;
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Mr. Evans - The second item on our agenda is Arby's Restaurant. If the representative would come forward to the microphone and give us your name and address for the record please.

Mr. Selig – Christopher Selig, the address is 34200 Lakeview Drive, Solon, Ohio.

Mr. Evans – Mr. Selig, if you would be so kind in thirty seconds or less to describe the reason that the extension is necessary on these items.

Mr. Selig – The project was delayed due to the pandemic and the closing has happened and is going to commence in the spring as soon as the ground thaws. We just need a little bit more time for the variances on the sign.

Mr. Evans – Okay, and as I said in caucus we did extend the building variances a couple of meetings ago so this is following the course of action. We appreciate that the project is still moving forward, and please extend our wishes to Mr. Catanzarite and that we are missing him. Gentlemen, comments or questions?

Mr. Rusnov – This is all pre-approved and they're asking for an extension. Nothing has changed.

Mr. Selig – Correct.

Mr. Rusnov – That's it.

Mr. Baldin – That's pretty much it.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

- b) Requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback from the right-of-way and where a 25' Front Parking Setback from the right-of-way is proposed in order to construct a 2,325 SF New Restaurant Building;
- c) Requesting a 10' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Parking Setback (West) and where a 0' Parking Setback (West) is proposed in order to construct a 2,325 SF New Restaurant Building;
- d) Requesting a 10' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback and where a 0' Rear Parking Setback is proposed in order to construct a 2,325 SF New Restaurant Building; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC).

Mr. Evans – Next on our agenda is Chipotle Restaurant. If the representative would come forward and state your name and address for the record.

Mr. Artman – Kathy, do you have the easel for me?

Mr. Evans – You can stand your plan on the front two chairs. That will be fine.

Mr. Artman – Okay.

Mr. Evans – If you need access to show it to everybody, we'll take care of it. The easel doesn't really lend itself to this many people anyhow.

Mr. Artman – Yes, sir, I understand.

Mr. Evans – Let's go back to name and address please.

Mr. Artman – Good evening, my name is Brent Artman. My address is 13710 Cleveland Avenue NW, Uniontown, Ohio 44685.

Mr. Evans – Thank you, Mr. Artman. All right, you heard us in caucus. You're obviously here for a variance request. Tell us about the project. We have a lot of questions for you or a representative who did the surveys and things like that so why don't you take us through your proposal.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Artman – Sure, just to step back for a second, the plan that I had given to Kathy prior to the meeting is part of my presentation. It's not a resubmittal or anything, and there's a newspaper article that I had given to her. Due to current conditions I didn't want to walk around near everyone. It's just an exhibit. Again, like I said my name is Brent Artman and I'm an engineer. I represent the owner of the property of Ledgewood Plaza. We also have with us here tonight Ken Westbrook from GPD and he will be speaking in a little while concerning the traffic analysis that they completed. We also have Julie Korotich from Chipotle and she will speak if you have any questions based on the operations of Chipotle and obviously the owner of the property Randy Goodman from Goodman Real Estate Services. Ledgewood Plaza is located on State Route 82 across from the SouthPark Mall drive. It's zoned as Shopping Center District. There is an existing 35,000 square feet with various uses within the building with restaurant and retail uses. Traffic flow at the site - we went over this previously - there are two entrances at the site on both the east and the west side. The west side entrance lines up with the SouthPark Mall. It is a signalized intersection and the easterly entrance is a non-signalized secondary entrance. The parking on the site is required to have 199 parking spaces and we are providing 212. The plaza is a bit unique where it has frontage both on the west side of the building and on the south side of the building. So, the parking along the west side of the building and towards the rear services the businesses along this side and the parking lot along the front services the businesses along the frontage of the building. As I spoke previously at the last meeting we came to, Panera Bread had a portion of the parking in the lot. That lease has expired since the Panera Bread is closed. We had talked previously that the Chipotle in the mall will be closing regardless of whether this project goes forward, I believe. You had asked that question earlier. As far as the status of the one on Pearl Road, I am not familiar with that one so I'm not sure what the status of that one would be. They are proposing to construct a 2,325 square foot building. It will have 41 indoor seats and 22 outdoor seats. It will also have a mobile order pickup window along the south side of the building there. As we discussed briefly at the last meeting the mobile order pickup window is not necessarily a typical drive-through window where you order, wait for your order and pull up. You order everything on your phone and it's just a pickup window. As I provided to you here there's an article in the Cleveland Plain Dealer or Cleveland.com yesterday that discusses the Chipotle drive-throughs and what their functions are and as you can see there are several of them being built around northeast Ohio at the present time and there are several also already in service. One other item about the site that we particularly talked about was the trash enclosure. I know that in the Planning Commissioner meeting they had requested us to screen that trash enclosure. If we get past this and once we get to Planning Commission we will provide screening for that trash enclosure accordingly. However, we did not want to change the plan due to the fact that I would have to go back to Planning Commission to change it. Just to let you know that is our intent. We are asking for variances. The first variance would be for a 15' front parking setback variance. The requirement is forty feet from the right-of-way and twenty-five is being proposed so it would be a reduction of 15'. As you can see, the existing site – we are not building any additional parking closer to the right-of-way than what is there now. So, therefore the construction of this project is not creating the variance or worsening the conditions out there associated with that variance. The 10' parking setback variance required

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Artman continues - along the west side has a 0' setback along the west side. This is again existing parking and we're not creating that parking, we're not creating the variance. It's an existing condition that is out there and the other variance is a 10' rear parking setback variance. It's where the site exists with a zero rear setback variance. We are constructing some parking in the back of the site but it will conform with the zoning. So, again with that rear parking setback variance we are not creating that variance nor are we worsening that or changing that present condition. The last variance is the 120' front setback variance. The requirement is a 200' front setback from the Royalton Road centerline and we are proposing an 80' front yard building setback from the Royalton Road centerline. The Chipotle building setback is used to result in the least impact to the plaza and to retain the maximum parking for the existing plaza tenants. The Chipotle building location is in conformance with the property in term of the outbuildings and restaurants and retail buildings located in the front of retail uses along the corridor and with this submittal I have provided a plan where we took the aerial and over-laid the site on the aerial and as you can see all along that Royalton Road corridor there are several buildings there that have out parcels in front and are similar to this use. So, therefore, we don't feel that it's out of line with the existing uses and existing properties along Royalton Road. At the last hearing there were several concerns relating to traffic and parking for the site. The concerns were related to the proximity and entrance to Starbucks. The property owners worked with GPD to complete a traffic flow and analysis for this site and I would like to turn it over to Mr. Westbrook right now so that he can complete his study and if you have any questions for him directly.

Mr. Rusnov – I have a couple. Which drawing is correct? This one that you just gave us this dated 12/1 and it's entirely different from the drawing that was in the package that conforms to your variances (a), (b), (c), and (d). Which is correct?

Mr. Artman – Correct. Like I said the one that you were handed today is an alternate plan and it will be part of my presentation once Kevin is done. That plan was created to demonstrate what the site would look like if the zoning setback was met.

Mr. Rusnov – You're going to present an alternative plan dated 12/1? I got this these five minutes before the meeting started. I have had no chance to review it.

Mr. Artman – My intent is that this is a handout just like the article or exhibit that I did not want to physically hand out during the presentation so I gave it to Kathy to hand out prior to the meeting. It is not a proposed plan. It is nothing that we are asking for approval for. Once Kevin has completed his presentation I will go into that as to what that plan is and to why we created it.

Mr. Rusnov – Okay, because it is rather confusing.

Mr. Artman – I apologize for that. I would have handed that out during the presentation but due to the COVID19 I didn't really want to walk around to hand out a piece of paper.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Evans – We understand. You can turn it over to Mr. Westbrooks.

Mr. Westbrooks – Hello, my name is Kevin Westbrooks with GPD Group, 5595 Transportation Boulevard, Garfield Heights. I can go through the thing or if you want to start asking questions, I'm sure you've read it. I don't know if you want me to go through every detail or if you would rather ask questions.

Mr. Rusnov – Simplify it for us. You have to use units of comparison for traffic studies. You use similar areas. What areas did you select to compare to this Royalton Road location? If you would just give us the cities that would pretty much sum it up.

Mr. Westbrooks – The data regarding the pickup window was from Obetz and Pickerington in the Columbus area. The overall traffic...they call it traffic generation, the total number, that comes from the Institute of Transportation Engineers manual called trip generator. I don't know if you guys see a lot of traffic studies on this Board.

Mr. Rusnov – It's like the Marshal and Swift cost approach. It's a general and national survey.

Mr. Westbrooks – Yes, it's from site's all over the country whether you're doing a Walmart or a mall or a hospital or a fast food restaurant, you use this manual.

Mr. Rusnov – You're using a national data source, which is quite common in appraisals and things of that nature like cap rates and internal rate of return, things of that nature. Just to summarize what you're saying, you use a national service.

Mr. Westbrooks – Correct.

Mr. Rusnov – And the impact would be minimal?

Mr. Westbrooks – We feel that it's a minimal impact; it's not a giant generator. It's not a Walmart or a mall.

Mr. Rusnov – It's about how many times a day that they have their peak periods such as breakfast, lunch and dinner.

Mr. Westbrooks – Correct.

Mr. Rusnov – And the off hours would be between 9:00 a.m. and 11:00 a.m., and 1:00 p.m. and 4:00 p.m.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Westbrook – Yes, and at a Chipotle nothing really happens until 10:45 a.m. so nothing goes on in the morning except employees showing up a little earlier or deliveries.

Mr. Rusnov – You answered all my questions for now, thank you.

Mr. Westbrook – Thank you.

Mr. Kolick – Mr. Chairman, for Mr. Westbrook, those traffic studies show volumes of traffic. This is on Route 82 and I hope that you looked at traffic studies with a lot of volume. The one in Pickerington and Obetz how do they compare with the road that they are on compared to the traffic that is generated on Route 82?

Mr. Westbrook - Route 82 has a generous amount of traffic; I've done other studies in the area. That is why it's eight lanes wide. It's a big generator. The site in Pickerington is in the heavily retail corridor. I don't know the Obetz as well. Is that a pretty major retail area?

Ms. Julie – It's a reasonable retail area.

Mr. Westbrook – A reasonable retail area. That's more in the Columbus area; Pickerington is more outside of that.

Mr. Kolick – Are they on eight lane roads like we have here?

Mr. Westbrook – I don't believe so; I don't believe they're quite that big. We look at a lot of averages because you don't know until you open up these to see how busy it's going to be, how much are they taking away from another restaurant, how much are they pulling away from that. There's a finite amount of people who want to eat lunch. When Chipotle opens you're probably stealing from McDonald's or you're stealing it from Taco Bell and pushing it around. We deal with averages, like the gentleman here was asking the main number of how many cars are going to come up to the site total as we draw that from a national manual. The split that we came up with for how many would be using the Chipotle was from those two sites using those averages. I know that Obetz is about a quarter of the size of Pickerington although it's closer to the greater Columbus area. It's a fourth the size by population but looking at the numbers it's not a quarter of the numbers of traffic. It's not that much different considering the difference in the populations.

Mr. Kolick – If I could just break in, that is why I'm asking about the comparisons because we've already had a problem. Chick-fil-A gave us traffic studies and now their traffic is backing all the way up to Route 82. We've had a traffic problem at Starbucks. They gave us traffic studies that said there wouldn't be a problem there and yet there is, and that's why I'm questioning the validity of the procedure. Not that you're not doing something correctly in your numbers but you have to compare apples and apples. We're talking about an eight-lane highway, the busiest road that we

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Kolick continues - have in the City of Strongsville and we have people coming off of I71. Maybe the other individual here could answer is the other Chipotle going to close because that obviously, I would think, would generate even more traffic.

Ms. Julie – We do not intend to close the Pearl Road location. We will close the mall location.

Mr. Kolick – Okay.

Mr. Rusnov – Mr. Kolick, when you're doing a tax appeal and you have a 100,000 square foot industrial building you compare it to another 100,000 square foot industrial building, alluding to what you said. In this situation here, you have a regional mall, you have local retail and office spaces along Pearl Road and it generates pretty heavy traffic. Finding an exact duplicate might be almost impossible even if you're using national data and maybe some of the local studies if they are available to see the comparison might be helpful through Cuyahoga County or ODOT.

Mr. Kolick – That is why I was asking Mr. Westbrook if they were showing the number of cars on Route 82 and comparing that number to the number of cars at the Pickerington location or the Obetz location. Did you look at that at all?

Mr. Westbrook – We did not. That is typically not something that we would look at. I know that Route 82 is a very busy road. There's also many, many, many choices of places to go for lunch. Say the daily traffic on that road is 30,000 vehicles but you have fifteen places to pick from. How does that compare to places on a 10,000 vehicle daily road that only has four places to pick from? It would be very difficult to pinpoint some locations.

Mr. Kolick – It wouldn't be directly only related to traffic; I understand that. You have to look at the other eating places and clearly if you have a business that has 1,000 cars going past compared to 100 cars going past there's got to be some relation between total number of cars and total number of market share that Chipotle would pick up. Are there any with this concept with a road the size of Strongsville's Route 82 with the number vehicles? This article says there's one here in Rocky River. I don't know where that is at but I know there's no major mall in Rocky River and I know there's not an eight lane major road in Rocky River. Even Center Ridge is only five lanes.

Mr. Westbrook – I don't know of any sites like that to be honest with you especially because this pickup lane is something new. Not every Chipotle has it. I live in Macedonia and on our same Route 82 east of here it's five or six lanes wide. There is a Chipotle there but it doesn't have the pickup window. It would be tough to find something that is very comparable. I know Obetz is probably very close to what we've got. Is yours going to be better or more popular? We don't know. There's a reason they want to be there. It's Route 82 and all the traffic that is going down there. Obviously, they didn't pick this road because it would be quiet. They picked it because it's going to be a popular site.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Kolick – We want any business in the City to be successful; we just don't want to create a traffic problem that will cause a problem there and for the other merchants within the shopping center. Thank you.

Mr. Westbrook – And I understand. You've brought up some of the other problems you're had, for instance with Starbucks. And this is a completely different thing. It's tough to understand. For instance, with Starbucks, I've been out to the site probably four times and I saw exactly what you guys are seeing as a problem there. They are backed up to the window, hanging out in the lane with a blinker on and you can't sit there. That is crazy. You can't be blocking traffic. That is not what you're going to see here. Even at its most popular times. We talked about the study that the average is maybe four cars that we've see at other sites maybe backed up at peak times. This spot could accommodate up to eleven before you would hit the aisle. That's a lot more than I think the Starbucks has and it's the amount of time that you spend there. With Starbucks you pull up, you wait minutes and minutes and minutes and you get to the window and order a triple latte and then the person starts making it. Then you finally work your way up to the window and you've listened to two songs on the radio and you finally get to the window and then you're exchanging money. With the Chipotle window you pull up and give your order number, no money is exchanged and you can't add items. You can't do anything at the window. You can get your food and you can pull away. If someone pulls up and it's 5:05 p.m. and their order is for 5:15 p.m. they will be told that their order won't be ready until 5:15 p.m. so they'll need to pull over in the parking lot and come back through. Is that right, Julie?

Ms. Julie – Yes.

Mr. Westbrook – So, they aren't going to let them sit there for five or ten minutes; they are going to make them get out of the line. You can either come in or you can drive around and come back in ten minutes but it's a much different thing and we're seeing a total time in line a minute and a half. I you go to McDonald's you have never waited a minute and a half; it's always much longer than that because they have to get the burger ready and all that. It's a much different operation than what we've seen for the Starbucks next door and the way that it's configured; the plan is probably maximizing the amount of storage before you would ever get close to having a car hanging out of the drive aisle.

Mr. Evans – All right, Mr. Westbrook, I'd like to see if there are any other questions but I know that my first questions is that you said the additional parking for the employees created away from the building in the rear is not an unreasonable distance? My problem is that people want to park close to something and the employees will be told to park there and you have other retail in the area but in your opinion is that reasonable?

Mr. Westbrook – I was talking about customer traffic if you had to park over in the side aisle on the side of the plaza or in the Great Escape parking lot, that is not an unreasonable distance to walk

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Westbrooks continues - for a customer, or if you're going to a store along there, if that lot is full or close to full and you don't want to park there, Great Escape is not a far walk. The employee parking lot is a haul back there. It's a pretty good distance. Is it unreasonable? If my boss told me to park back there and I'm a kid, I'll do it. I don't know if other employees from other stores are going to park back there. But our calculations assume that if employees are parking in the lot back there I didn't pull out any certain number and send them back there. So, when I say that for a certain occupancy I don't know how many of those are employees and how many are customers so we left them in there. The hope is that some of them will go back there. We know the Chipotle employees will have to go back there but I don't know if any of the other stores, if their employees will really go back there. So, we left them in numbers so when I say we have capacity it's including those people and there might just be a bonus if some of those park in the back.

Mr. Evans – Obviously when you came in tonight you would have noticed there was an event that happened yesterday that generated some significant snow.

Mr. Westbrooks – I did notice.

Mr. Evans – Did you by any chance notice how big the mounds are around this City and in all the retail areas?

Mr. Westbrooks – Yes.

Mr. Evans – That doesn't necessarily happen once every ten years, that happen on a regular basis and so my concern is that in your traffic study you're adding sixty cars every hour into that area, given snow fall, rain, night and sixty cars is a lot of traffic coming into that area. And that's an area where people have to go from a store to parking crossing those drive lanes. My concern is that you've just added a whole different dimension. That's not the same in Pickerington or Obetz or where ever the other one is. That's not even remotely close. In my estimation this traffic survey is not worth the paper it's written on. I don't know whether this was done for the Ledgewood properties or if this was done for something else and you just slapped a different cover page on it.

Mr. Westbrooks – Wow, this is really insulting.

Mr. Evans – The situations aren't even close in many respect and part of my concern is looking at the drive in that plaza there is no room for maneuvering. There are two lanes right in front of the store and parking up close and there are four merchants that are already in there, and when you add sixty cars an hour the traffic situation the lanes are still narrow and one direction each way, you're asking for problems. And your traffic study says everything is going to be fine but, I'm sorry, your traffic study doesn't look at reality. It just doesn't. That area is not designed for adding a lot of traffic into it. The community size has already been expressed and I don't think the examples that you've rendered...there may not be one like Royalton Road but I think what Mr.

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Mr. Westbrooks continues - Kolick said is absolutely correct, there is a lot of traffic on Royalton Road and if they see Chipotle and pull in it's going to add more than sixty cars an hour and that traffic situation is already a dismal situation and its already unsafe situation. The number of accidents in that area is already very high. The density of the population doesn't accommodate that. Again, your traffic study on paper might look like a plausible situation but unfortunately, we have to deal with reality. As Mr. Kolick pointed out, we have had traffic studies for Chick-fil-A and Starbucks and everybody else and everything is always pie in the sky. We want businesses to be successful and we want property owners to be able to use their land but there's a safety concern. Every gas station says we've got gave us traffic studies that says one thing and it's been proven wrong many times because businesses are more successful than they anticipated or the design doesn't work well because we've got no where to push snow when it snows. So, those are concerns that we have that were presented outside of your report.

Mr. Westbrooks – I think a lot of what you suggested are things that are not quantifiable. You're asking for things that are opinions on your part. We were showing hard facts here regarding numbers of cars in parking lot, occupancy available, parking and it's not like we're even close to a limit. There are three parking lots that are on the same parcel. So, it's the Chipotle lot, it's the lot along the side of the shopping center, which is a reasonable distance for anybody to walk and it's the Great Escape parking lot, which has a cross access parking agreement and people would park there anyway even if there wasn't an easement. And those at Chipotle's busiest times as we're proposing is at fifty percent or less. So, Chipotle could be twice as busy as it is now and you still have parking capacity. There's room to push snow, there's room to go around. We're not asking for any variance on aisle width so it must be meeting the City standards for aisle width.

Mr. Evans – But when you add more traffic to it...

Mr. Westbrooks – More traffic doesn't require that lanes get wider. The lanes on Route 82 are the same width as they are on a much smaller road out there. They're twelve-foot lanes; that's what the standard is whether it's 30,000 cars or 2,000 cars. Lane width is not affected by the volume.

Mr. Kolick – Are there any other questions for Mr. Westbrooks?

Mr. Rusnov – No.

Mr. Houlé – No.

Mr. Hayden – No.

Mr. Baldin – Look at this article, do you have one in Brooklyn or Old Brooklyn?

Mrs. Westbrooks – If you have specific questions about locations we might then bring up Julie.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Baldin – Is that the closest one to us?

Mr. Evan – Let's start with your name and address please.

Ms. Koratich - Sure. My name is Julie Koratich. 4640 West 190 Street, Cleveland 44135.

Mr. Kolick – What is your relationship with Chipotle?

Ms. Koratich – I am the design manager for this region.

Mr. Kolick – Great, that is what we wanted to find out.

Mr. Baldin – My question is very simple. The one in Old Brooklyn, is that the closest restaurant to the one that you are trying to build here in Strongsville?

Ms. Koratich – Right now it's the closest one with a Chipotle That one has been there since 2018. It's right off I480 on Tiedeman.

Mr. Evans – That is not a drive-through.

Mr. Baldin – That has the same concept?

Ms. Koratich – Yes.

Mr. Baldin – The percentages are unbelievable. Sales are up 200 percent since last quarter.

Ms. Koratich – That is strongly driven by the current conditions that we have with limited indoor dining.

Mr. Baldin – You have about 140 seats, indoor dining?

Ms. Koratich – Forty, an average of forty.

Mr. Baldin – I've got to go see one of these things in operation to get a better feel and understanding.

Mr. Evans – This one doesn't have a drive-through, I don't believe.

Ms. Koratich – No, it does. I picked up from there a couple of weeks ago. It's on the back of the building.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Evans – Okay.

Mr. Kolick – The sixty cars per hour used in the report, is that during pandemic times or is that normal traffic for outside of the pandemic?

Ms. Koratich – I believe that the studies that we're referencing were done prior to the pandemic so that is probably closer to what it's going to average out at. We don't know how long this is going to last.

Mr. Kolick – I hope it doesn't last much longer.

Ms. Koratich – I agree.

Mr. Kolick – Do you have any idea what the increase has been for instance ten percent or twenty percent?

Ms. Koratich – Right now I believe that our digital sales are at sixty to eighty percent.

Mr. Kolick – Higher than normal?

Ms. Koratich – No, that is total sales. So, about thirty percent higher.

Mr. Kolick – Thirty percent higher.

Ms. Koratich – We have an app where you choose to pull up to the window or you can walk in in case you have to use the restroom or pick up anything. That's all digital sales so vehicular traffic and anyone who has previously ordered.

Mr. Baldin – The Chipotle on Pearl Road here, is that one of your higher volume restaurants?

Ms. Koratich – I don't know off hand. I know that it is much higher volume than other locations in Strongsville currently.

Mr. Baldin – What other locations?

Ms. Koratich – The mall location.

Ms. Baldin – When the pandemic first hit I was going to the donut shop next door to Chipotle on Pearl Road and there was no place to park. People were standing around waiting for their order, maybe twenty or thirty people. I wondered what was going on. I guess because of the pandemic you can only allow so many people in the building.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Ms. Koratich – Yes, we did establish some limits depending on the layout of the store that really dictates how many people can be let in.

Mr. Baldin – Did you close one in Medina recently?

Ms. Koratich – Nothing comes to mind.

Mr. Baldin – So, the closest one is at Tiedeman?

Ms. Koratich – I think that the closest locations that we opened up here is Aurora opened today on Aurora Road in Bainbridge Township and we have a Mentor re-location on the east side in Mentor on 306.

Mr. Baldin – All right. I'm having a hard time digesting the traffic pattern here and the parking and so forth. Thank you.

Mr. Houlé – I like the concept of the pick-up window. I don't think that we have anything like that in Strongsville where it's strictly pick up where you prepay. I'm still skeptical about the efficiency of the operation at your end and the customer cooperating and that Kevin talked about having to get out of line if their order isn't ready. I still think that is going to have a significant increase on the queue of cars waiting to get through and backing it up. I hope this COVID19 thing isn't going to be forever and you talked about having sit-down facilities inside also and hopefully when we get immunizations people are going to go back to sit down dining inside which will also take up additional parking which is already going to be reduced by thirty-five or forty percent based on the numbers prior to that. Those are some of my concerns too.

Ms. Koratich – Sure. Yes, and to reiterate what Keven had said before about the process, it's so different from Starbucks about the ordering the process and everything and our goal really is to try to get the average amount of time down to thirty-five or forty seconds at the window. You literally pull up, say your name, they have it ready, throw it out the window. There's no money.

Mr. Houlé – Mr. Altman said that too but it's not 100 percent that way. You can prepay and go through the drive-through to pick it up. Or you also can go inside to pick up your order and I don't know if you were planning on doing that or not either.

Ms. Koratich – Yes, you have that option too. And as far as customers that show up too early we do have on most of our sites a few dedicated parking spots specifically for that where if someone pulls up and they're ten or fifteen minutes early we can say so to spot one or two and we'll run it out to you. We have employees that do that.

Mr. Evans – Are there any questions for Ms. Koratich?

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Kolick – Mr. Chairman, for the applicant, where is the one in Rocky River? The newspaper ad says recently opened in Rocky River.

Mr. Rusnov – I think that's Detroit Road unless my memory is failing me.

Ms. Koratich – The one in Rocky River is pretty old, like a colonial building.

Mr. Rusnov – Close to the center. It's kind of a moot point; it's no comparison to this.

Mr. Kolick – It says it has the same concept on what we were handed tonight. Recently opened the first drive-through in Rocky River, it says. Oh, maybe that's referring to Piada.

Ms. Koratich – Oh, yes, that's Piada.

Mr. Kolick – That's on Center Ridge. I know where that is.

Mr. Rusnov – So, it's a similar concept, different demographics and location, different tax base. There's no comparison.

Mr. Evans – Anything else?

Mr. Rusnov – No.

Mr. Evans – Thank you.

Ms. Koratich – Thank you.

Mr. Evans – Okay, Mr. Altman if you would come back up to the podium.

Mr. Altman – At the request of the owner we put together an alternate site plan and the alternate site plan was put together to demonstrate how to do this site without the front setback variance requirement and we talked this over and looked at it and basically we feel the site can be completed without the front setback variance as shown on this plan; however; the building in this scenario would be very intrusive to the existing tenants and worsen any impacts on the parking provided to those existing tenants and it would also create less than desirable traffic circulation patterns around the site basically worsening all the conditions that you are concerned with. It's just an exhibit that we put in there to show what it would look like if we were to alleviate the front setback variance.

Mr. Rusnov – What you're saying is your original is better than this one.

Mr. Altman – Yes, sir.

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Rusnov – And you did that for educational purposes?

Mr. Altman – Yes, just for educational purposes that it can be done on the site without a front setback variance but this would be the result of doing that. It's a less than desirable site plan.

Mr. Rusnov – This second plan dated 12/1 is inferior to the original.

Mr. Altman – Yes, sir.

Mr. Rusnov – Okay.

Mr. Kolick – Mr. Chairman, the problem with the alternate plan is you're right over the 20' sanitary sewer easement. You can't possibly put that building there. It's impractical.

Mr. Altman – You can relocate a sanitary. I'm not saying it's a desirable situation but a sanitary can be relocated. Things like that can be moved. It's an expense. I'm just saying it can be done.

Mr. Kolick – All right.

Mr. Altman – As a matter of fact, the building next door, the Panera Bread, is on top of the sanitary easement. So, that obviously got done on the adjacent property. So, moving along, in conclusion the conditions for which a variance is required are particular for this individual piece of property. It's based upon the existing conditions of the property. The setback variance would allow for the least amount of impact on the existing plaza, the least amount of impact on the existing onsite utilities and will also allow for maximum retention of convenient parking spaces for the existing plaza tenants and provide for better traffic patterns circulation around the site as opposed to the alternate that I had given you. The parking conditions like I said before, they don't change with the proposed site plan so we are not worsening the setback variances for parking. We don't believe that this site plan changes any of the essential character of the neighborhood and it would not substantially alter the adjoining properties. They would not suffer any detriment as a result of granting this variance. As demonstrated the proposed building located is in general conformance with the adjacent properties in terms of the out buildings being located in the front of retail uses in the Royalton Road corridor. The variance is the minimum necessary to afford relief to the applicant to allow them to construct the building and maintain the existing plaza and the variance would not adversely affect the delivery of any government services like water, sewer or garbage or anything of that nature. That is the conclusion of my presentation. If you have any questions for me I'm more than willing to answer.

Mr. Evans – Mr. Altman, during your closure you stated the applicant is entitled to the variances. The hardship is not one that exists except that the owner wants to add another new building in that particular location. We've talked about the fact that on Royalton Road and on Pearl Road there are

3) CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd

Mr. Evans continues - situation where we have retail in front of retail and restaurants in front of retail. All of those were done in a planning setting from the start. They weren't added later on, as you now propose. Starbucks might be an exception and I think that we acknowledged at the last meeting that again tonight that Starbucks was one that we thought might work and there were conditions at the time that made it a reasonable stretch. We worked on it for several months to try to mitigate several of the concerns that we had but that one as we have all acknowledged has not turned out to be a good situation for the safety of others and brought a lot more traffic to that spot and even though Chipotle has a different drive-through situation you're still talking about bringing a lot of traffic into that location and you're still talking about putting the building right up on Route 82, Royalton Road, which is changing from what Verizon and PNC Bank and Starbucks because they were smaller variances that were granted. Our job as a Board is to take what is required of us in terms of conditions in which we can grant a variance and one of them is making sure that no practical difficulties will be created. In this situation traffic difficulties will be created by granting the variances for the building, not pre-existing conditions. So, when we look at granting variances it should not have an adverse impact on the area and that is part of what we talked about last time and GPD presented the traffic study but I think that Mr. Westbrook will agree that it's not really quite the same situation in Pickerington or Obetz or wherever the other one is to Strongsville on Route 82. I don't want to discount that because that does use national standards but it's not a good comparison in terms of putting it on this location. The topographical and geographical situations don't exist here and public welfare is one of those things that is very important to us. What we have found that does makes sense is that we should not create any unsafe conditions knowing that someone that we granted a variance for might possibly cause harm down the road to people because we have allowed a situation in terms of a variance. So, I understand that the applicant feels that it's a perfectly legitimate situation but again we have to look at it for what it means throughout the City and in this case, the retail that was there and added onto and changed a number of times, we have granted variances for signage and other things in that area but adding buildings is something we're hesitant to do because of negative past experiences. Every situation is different. We acknowledge the fact that you have given us information that the drive-through is a different situation but we're still bringing a lot of traffic into that retail development there. That traffic has to come from somewhere and go to somewhere and whether it's at the risk of the tenants who are in those buildings now because people get frustrated with the amount of traffic added to it and they just don't come to the plaza but we want Chipotle to be successful and bring people into the plaza and all those things are situations that we just don't have a good comparison to be able to say, yes, this makes sense because we've seen it done somewhere in Columbus or in Dayton or wherever there is a similar situation.

Mr. Altman – Sure, I understand that but you also have to acknowledge that he said even if there was twice as much business in the Chipotle they would still meet the requirements. He didn't say so conservatively that actually could be more popular and still function under those conditions.

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Mr. Kolick – For Mr. Altman, traffic is one thing and the number of parking spaces and all that is another thing but this Board has been criticized by City Council by granting variances at plazas for out buildings saying they're blocking their other tenants and City Council reviews what this Board grants and then the Board get complaints from tenants saying that their business is going down because they can't be seen from the road. Some of those merchants have really struggled in there and businesses come and go and complaints to the City have usually been because of their lack of exposure to the road. This would even block them more. I mean, from the Board's perspective, they have never granted, and I've been with this Board for over forty years, they've never granted a variance on Route 82 of this magnitude. To be only 80' feet off the right-of-way, they've never granted a variance this substantial. Starbucks was 150', the Verizon building was 128', the Panera is 140', the bank building is 130'. So, everything in that shopping center is much further back than what you're proposing here. This is pretty substantial. Everything on the other side of the street at the mall – I was here when the mall went in – we made sure, and City Council did and the Mayor did, that those buildings were all set back at least 200', if not more. Even the Cleveland Clinic building. Everything in that area is substantially setback more than 80'. Part of the concern is the proximity to the other tenants as well. Parking and traffic are a matter of safety but there are these other concerns too that the Board has to look at when they consider the conditions to grant a variance and when you're talking about detrimental effects to the public welfare, they have to look at all these things too, not just the traffic and safety.

Mr. Altman – I understand and your comments concerning the setback, those are valid. I understand that but we presented a professional opinion based upon the traffic and you're presenting subjective items that have an opinionated basis.

Mr. Evans – Well, Mr. Artman, our opinions are based on the fact that we have been on this Board granting variances for gas stations and restaurants and everything else and we have found that professional opinions that were rendered or information that was given to us turned out to be woefully inaccurate, incorrect or wrong and we have to look at those and then City Council comes back to us and says, what was in your mind? Why would you have granted those variances and we say that we had a professional opinion that said it was okay. Well, that wasn't reality, it wasn't a good comparison, it didn't have the right criteria, you interpreted it wrong. There are lots of reasons that that can be the case. So, again, we allowed 85' for Starbucks and you're now asking for 120' and the next one is going to ask for 130', and then the next one 200' and up and down Pearl Road we have had building in front of buildings. It doesn't make sense when we have found from past experience that this type of situation doesn't work. You go look at Rocky River, you go look at Westlake, you go look at Avon, you go look at Independence, none of those cities would allow anything even close to this. So, again, we understand that anybody has the right to ask for a variance that they want but we set a precedent every time that we grant a variance. Our experience has said that even with a traffic study that says that this is going to be okay, we have found in the past that professionals have missed the mark. And we look at this particular situation because many of the buildings that are along Route 82 or along Pearl Road, they were originally designed that

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Mr. Evans continues - way so the traffic flow had that from the get go. This is adding something in. It changes the situation and the original design. I do not see a practical difficulty nor an unnecessary hardship to grant these variances.

Mr. Altman – Again, your setback requirements and the setbacks, those are valid points, I agree with that but as far as attacking the traffic engineer for his study based upon national standards if your engineer did the study and came back with these items, that's different, but it seems like a lot of the items associated with the traffic are subjective.

Mr. Evans – I would disagree with you.

Mr. Altman – That's fine.

Mr. Evans – It's your privilege to say that.

Mr. Rusnov – Let's just say we accept the study, we consider it and we'll make our decision.

Mr. Altman – Absolutely. Yes, sir.

Mr. Evans – Any other questions or comments for Mr. Altman?

Mr. Rusnov – No.

Mr. Baldin – I would like to make a comment here. This new layout was for our education?

Mr. Altman – Yes, just an exhibit.

Mr. Baldin – So, the variances that you originally requested are going to stay the same, there are no changes?

Mr. Altman – Yes, sir.

Mr. Rusnov – Disregard this.

Mr. Altman – Yes, that plan was a demonstration only.

Mr. Baldin – As Mr. Evans alluded to this traffic study and traffic studies that we have had before, we have made decisions, as he said, and are then questioned by City Council. Arby's was just here earlier and City Council reviewed our decision and made some changes on us. Going back to Starbucks, it's something that I'm personally not proud of when I voted yes for it. I've seen accidents happen there and I can just see the traffic situation that we're going to have if we grant

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Mr. Baldin continues - these variances to permit this. It's going to get worse. What goes on with Chick-fil-A and Raisin' Canes, I've seen traffic backed up on Pearl Road and Route 82. I have a problem with this. Thank you.

Mr. Evans – Is there anybody else? Is there anybody else, Mr. Altman, that you need to call on?

Mr. Altman – No, sir.

Mr. Evans – Okay, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Baldin – I would like to request a 120' Front Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 200' Front Yard Building Setback from the Royalton Road centerline and where an 80' Front Yard Building Setback from the Royalton Road centerline is proposed in order to construct a 2,325 SF New Restaurant Building; and (b) requesting a 15' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 40' Front Parking Setback from the right-of-way and where a 25' Front Parking Setback from the right-of-way is proposed in order to construct a 2,325 SF New Restaurant Building; and (c) requesting a 10' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Parking Setback (West) and where a 0' Parking Setback (West) is proposed in order to construct a 2,325 SF New Restaurant Building; and (d) requesting a 10' Rear Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Parking Setback and where a 0' Rear Parking Setback is proposed in order to construct a 2,325 SF New Restaurant Building; property located at 17100 Royalton Road, PPN 396-14-007, zoned Shopping Center (SC) be granted.

Mr. Rusnov – Second.

Mr. Evans – Thank you, Mr. Baldin, for the motion and Mr. Rusnov for the second. May I have a roll call please?

ROLL CALL:	MR. BALDIN	NAY
	MR. RUSNOV	NAY
	MR. HOULÉ	NAY
	MR. EVANS	NAY

MOTION DENIED

Mr. Evans--So, Mr. Altman, the variances you requested have been denied by this Board. That is the conclusion of the process for you. I am going to ask Mr. Kolick to draw up Findings of Fact

3) **CHIPOTLE RESTAURANT/C. Brent Artman, Representative, Cont'd**

Mr. Evans continues - and Conclusions of Law for this Board to consider on any matter denied this evening. If there is no other business to come before this Board, the meeting is adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Sec'y

December 16, 2020
Approval date