

Minutes of a Meeting
of the
City of Bay Village Planning Commission
Held November 7, 2012

Present: Bruckman, Dzienny, Fleming, Maddux, Majewski, Miller, Persanyi

Also Present: Nolan Grade, Project Manager for Construction, Yum, Brands, Inc.,
Patricia Fox

Chairman Dzienny called the meeting to order at 7:30 p.m. in the Council Chambers of Bay Village City Hall. Following the roll call, Mr. Dzienny called for approval of the minutes of the meeting held October 1, 2012.

Motion by Lesny Fleming, second by Persanyi, to approve the minutes of the meeting held October 1, 2012, with the last paragraph of comments by Gerald Phillips after the meeting adjourned removed from the minutes. Motion passed 5-0. Mr. Bruckman and Mr. Miller arrived moments after the minutes were approved.

Pizza Hut
380 Dover Center Road
Commercial Establishment

A letter dated October 22, 2012, from Randall J. Goodman, Manager, BV, LLC, owner of the subject property located at 380 Dover Center Road, Bay Village, Ohio, authorizing Samantha Igou with Arcvision, Inc., to make application for municipal approvals and other regulatory approvals as necessary for the proposed Pizza Hut at 380 Dover Center Road, Bay Village, Ohio, is on file with the application.

A letter from Doug Milburn, Commercial Projects Coordinator for the City of Bay Village, was distributed to the members of the Planning Commission, stating that "Chapter 1173, Retail Business District, Section 1173.01 (c) (1) and (7) allows the proposed use in this zoning district."

Mr. Milburn's letter further states that "Proposed are extensive interior and exterior renovations that will change the appearance and aesthetics of the existing building, i.e., all windows being removed, storefront style windows installed east and south elevations, ADA ramp on east elevation and delivery ramp on west elevation, signage parapets extending three (3) feet above existing roof line on east and south elevations, exterior brick all elevations to be painted, etc. The signage shown on the submitted plans and documents does not comply with Chapter 1179 'Sign Control.' Sign sizes are not provided but it appears the maximum allowable square footage for wall signs is exceeded, one (1) wall sign is allowed per Section 1179.05 (B) (2) and three (3) are proposed. Section 1179.05 (B) (4) (c) does not allow wall signs to extend above the roof lines; two (2) of the three (3) wall signs do. A ground sign (monument sign) is also being proposed. The proposed signage must be reviewed and approved by the Architectural Board of Review (ABR) per Section 1129.01 (A) and 1129.02. I would recommend the Planning Commission

provide a written statement to the ABR addressing your views, concerns, and ideas regarding the proposed signage, or, at your discretion, the entire proposal.

Based on square footage of the building, Chapter 1191, 'Off Street Parking,' requires 18 parking spaces. This number could be reduced upon verification by the applicant as to the areas of the building devoted to storage and the dimensions of those areas. Proposal provides for nine (9) parking spaces. Five (5) are to be designated employee parking (west side of building), and the remaining four (4) on the south side for customers. Due to the operation, delivery/pick-up, nine (9) spaces would seem sufficient and could be approved per Section 1191.12.

Once the Planning Commission has determined that all information required by Section 1129.01 (B) (2) (1) thru (13) has been submitted with the plans and documents, then a Public Hearing held by the Planning Commission may be scheduled. Following the Public Hearing, the proposal shall be submitted to the ABR for review, comment, and approval. At this point, it does not appear that zoning variances are necessary. Following the ABR meeting(s), the proposal shall return to the Planning Commission for final review, consideration and approval.

The Building Department's main concern with the proposal is the 'sign pollution' being created with three (3) wall signs and one (1) ground sign. The signable area of this building per Section 1179.05 (B) (2) located on the east elevation wall is eighty-eight (88) square feet. The maximum permitted size of a wall sign is 40% of the signable area, which, in this case, is thirty-five (35) square feet. The proposed wall signs are sixty-four (64) square feet each. The Building Department recommends one (1) wall sign at thirty-five (35) square feet and the single, double-sided ground sign needs discussed since Section 1179.05 (A) (2) (a) limits ground signs to a maximum six (6) square feet on a frontage of less than one hundred (100) feet. A larger ground sign may be approved by the ABR per Section 1179.05 (B) (5)."

Mr. Nolan Grade, Construction Manager for Pizza Hut addressed the commission, reviewing their proposal to establish a delivery/pick up food service operation, without on-site dining, at 380 Dover Center Road. Mr. Grade distributed a rendering and photograph depicting the look of the proposed building. He noted that the building will be brought up to all ADA standards. The objective is to tie the building into the neighborhood as much as possible. A representative from the sign company, Patricia Fox, and the architect for the project, Randy Lindsay, were present with Mr. Grade.

Mr. Dzienny noted that the rendering indicates that the signage exceeds the square footage limit, and number of signs permitted. The amount of parking that is required is also in need of discussion.

Mr. Persanyi asked if there is experience in this area with this type of restaurant that is for pick-up and delivery only. Mr. Grade stated that there is an establishment opened this year in the City of Rocky River. A total of twenty-five have been opened in this geographical area this year and the latter part of last year. From a business standpoint they are doing very well. It has been found that people prefer to have pizzas delivered or pick them up on the way home in this type of community.

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Mr. Persanyi asked how many delivery employees will be working at the site. Mr. Grade stated that during the night time hours there are generally three drivers. The total number of employees that work all the time is 15. The total at any given point in time is 4 to 5, plus the drivers which could bring it up to 8 employees.

Hours of operation are 11 a.m. to 11 p.m., and 11 a.m. to 12 Midnight on the weekends.

Patricia Fox presented the signage proposals. Ms. Fox displayed photographs of signage at the Bay Square Shopping Center, noting that they have married the look of the Pizza Hut proposed signage with the look of the signage at Bay Square. They were informed by the Building Department that a variance would be required for the monument sign, up to 30 square feet. The running man mural is typical of what is being done on free standing buildings. However, if the running man is not appealing, they will offer a painted abstract of two different versions of red in a striped pattern.

Mr. Dzienny related the experience with Walgreen's Drug Store, who proposed poster size photographs for their windows which eventually was dropped after being informed that the community is not receptive to billboard type displays. Mr. Dzienny noted further that there is architecture in the building that could be tied back to the look of the stores nearby.

Mr. Dzienny further noted that internal illumination of a monument sign on Dover Center Road at another location was discouraged. Illumination from the outside gives the appearance of more of a sign as opposed to something plastic with a neon look.

Mr. Majewski commented that a monument sign cannot be placed in the public right-of-way. The rendering submitted shows the monument sign on the tree lawn. Mr. Majewski stated that the right-of-way limitation is a distance of one foot behind the sidewalk.

Mr. Maddux discussed the signage band above the place of the existing parapet. Mr. Lindsay stated that they would like to use metal studs creating the parapet across the front and side of the header. It is a focal element to bring people into the area, and will stay flush with the brick.

Mr. Persanyi asked how far the building is from the south face of the existing building to the property line. He noted that parking is shown in the area, and asked if there is right of access, or if the people parking are accessing the parking through the adjacent parking lot.

Mr. Miller asked the depth of the overall parking spacing where the parking is angled. Mr. Lindsay stated that the parking depth will meet a stall requirement. There has been no survey done to determine the meets and bounds of the property. They are assuming that the parking spots that are along the back side of the building, and on the side of the building are for the building. They are basically matching what the parking spots are right now. They will use a different dimension for the parking spots if required.

Mr. Persanyi stated that he would like to know where the property line is because it cannot be assumed that whoever owns the parking lot adjacent will let Pizza Hut customers drive through their parking lot to get into the parking spots for Pizza Hut. Mr. Grade stated that it is his

understanding that the landlord of the building in question owns the property to the side of the building. Mr. Milburn confirmed that Mr. Goodman owns all of that property. The parking on the south side is not on Sublot 3. The parking on the side and behind the building that will be occupied by Pizza Hut has always been designated for that building. There should not be any issues in getting access to the parking spots through the adjacent parking lot because it is all owned by the same property owner.

Mr. Majewski asked if the building in question is on a separate parcel. Mr. Milburn stated that it is on a separate parcel and has never been incorporated into the shopping center parcel. The four parking spots on the south side of the building are not part of the parcel. The rear spots are on the parcel. The spots on the south have always been designated for the building.

Mr. Majewski asked if the curb cut on the drawing is for ingress and egress and is in existence at this time. He was informed that the curb cut is there at this time and will be used for both ingress and egress. The curb cut to the south will also be used. Mr. Majewski noted that dimensions of that access will be needed by the commission.

Mr. Persanyi asked if the lease agreement will include a parking agreement. Mr. Grade stated that a co-agreement will be part of the lease agreement to use whatever parking is available.

Mr. Miller asked if the scheme being promoted now is a national scheme. Is it part of the Pizza Hut national branding to continue with the red brick building? Mr. Grande stated that the continuity of brick around the whole building is very poor. In this particular situation, they are painting the building with the standard color used by Pizza Hut when it is necessary to paint a building.

Mr. Miller asked about the use of EIFS with the parapet. He asked why they would not put back brick at the parapet. Mr. Lindsay stated that it is part of the design and consideration of cost to use different materials. The brick would add more weight high on the header, which may end up pulling a beam in.

Mr. Dzienny stated that painting the brick would be a big negative. Painting the back of the building is understandable because it already has paint on it. There is natural brick on all of the other buildings around that building. One of the big enemies of brick is to be sealed up, because it then eventually comes off in chunks; brick likes to breathe. Painting it will create a maintenance nightmare, and something that doesn't fit in that area. There must be other ways of maintaining the existing brick with repair work. Painting the back is fine because it is a service area, but the rest of the area should remain a natural brick. It is very doable and would look similar in age, and wear and tear as the buildings around it and not something standing out that doesn't fit that area.

Mr. Miller stated that if they were to eliminate the doorway and punched openings, the infill to that, if you were to use natural brick, is going to be very difficult to match. Mr. Miller noted that as much as he understands and agrees with Mr. Dzienny's point about not painting the brick, the infill is the challenge to leave it natural. Mr. Dzienny stated that this is an architectural solution. If you are actually removing more brick and putting storefront you are creating a mural face over

where the old windows would be and would be an opportunity with an architectural design to maintain the old brick. Trim work and wood in there would be very easy to get a similar look to the building without destroying the natural brick of the building. There will be a fair amount of brick, if the building is taken apart correctly, that could be used to patch and repair.

Mr. Maddux asked for clarification on the renderings, specifically referring to the masonry brick corner on the storefront. Mr. Grade stated that the brick column will be used for structural support of the roof and the building.

Mr. Maddux discussed the parapet being used for signage, asking Mr. Milburn if the signage will extend above the building. The signage will be above the roof of the building. Mr. Milburn stated that some of the signage at the Bay Square Shopping Center is above the roof line. Mr. Maddux stated that the intent of the code is that the signage doesn't extend above the line of the building. If the corner of the building pops up as part of the building, and the parapet is enough of part of the building, having more detail that ties it into the building, and not just a sign band, Mr. Maddux would have no objection to the signage in that place. Mr. Milburn stated that the codified ordinance for signs talks about wall signs that can't be placed below windows. They are required to go above windows and above any architectural features on the building. If the sign is moved down to where the graphics are, that would be in conflict with that section of the ordinance. Mr. Milburn stated that there is a cap that is on the brick now. If that cap would be wrapped up and around the parapet that would make it look like it is part of the original building.

Mr. Miller stated that Mr. Milburn has recommended that the Planning Commission provide a written statement to the Architectural Board of Review addressing the Planning Commission's views, concerns, and ideas regarding the proposed signage, or at their discretion, the entire proposal. Mr. Milburn stated that in this particular case the Planning Commission needs to give the Architectural Board of Review some direction. This building is not on a corner and is only allowed one wall sign. Buildings on corners where there is a secondary street are permitted two wall signs, one facing the main street and one facing a secondary street. This building is allowed one wall sign and one monument sign.

Mr. Dzienny commented that he would be more comfortable with two walls signs and no monument sign because there is a nice view of the building coming down Wolf Road. Mr. Miller clarified that this information should be passed on to the Architectural Board of Review in a formal memorandum.

Mr. Majewski noted that a similar situation occurred with Couture Home Design. They eventually just opted for the front wall sign.

Mr. Maddux commented that although the proposed Pizza Hut building is not a corner building, technically it is a corner building. Coming from the south you see the end of the building just as much as you see the front of the building. Mr. Majewski stated that another way to handle this would be the monument sign out front, rather than having the two signs on the parapet.

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Mr. Bruckman stated that having two signs on the top of the building provides a certain amount of symmetry. Three signs seem redundant if you are seeking symmetry and having them both on the building, it seems to satisfy a lot of the requirements, even though it is more than one sign.

Mr. Persanyi stated that there are no signs on Dover Center Road near the sidewalk, until you reach Dr. Kelly's office.

Mr. Milburn noted that the Planning Commission has some time to think about this proposal before it goes to the Architectural Board of Review. The next meeting of the Planning Commission will entertain the public hearing for this proposal, prior to its advancement to the Architectural Board of Review.

Mr. Persanyi stated that he would like further information about the parking provisions for the building. An agreement with the owners should reflect that overflow parking will be accommodated in the parking lot on the adjacent parcel.

Mr. Bruckman asked the representatives of Pizza Hut their preference for signage. Ms. Fox stated that their initial consideration was that the building would be treated as a corner building and they would be allowed two signs. The monument sign is critical because it will draw in customers through the traffic flow and will indicate the Pizza Hut color and logo.

Mr. Maddux noted that the monument sign will be small when moved back from the sidewalk and placed near the double width ramp coming out of the front of the building.

Mr. Maddux asked that a rendering be furnished that matches the building plan with the column at the corner, and where windows and doors will be removed, providing a better representation of what is being removed.

Mr. Dzienny asked if the electrical service is being redone. Mr. Lindsay stated that the electrical service will be redone. Mr. Dzienny asked if there is an opportunity for the service to go underground. Pizza Hut will have to work the issue through with the Illuminating Company.

Mr. Persanyi stated that he would like to see a rendering of where the building is in relation to the public right-of-way; a drawing that clearly establishes where the building is and where the public right-of-way is. The right-of-way might not be a foot behind the sidewalk; it varies in other locations in the city. The Dover Center right-of-way is approximately 100 feet wide.

Ms. Lesny Fleming stated that discussion has been to maintain the traditional, historic look of the building. The signage that is being proposed is a very bright and a different look than the rest of the shopping center.

Mr. Persanyi noted that the business will be patronized by people who live in the City of Bay Village, limiting the need for bright advertising.

Ms. Fox noted that anyone who is a branded company is permitted to have their branded colors as part of the signage of the Bay Square Shopping Center.

Mr. Miller suggested the possibility of using black colors with a background of off-white with the red cap of Pizza Hut remaining. Ms. Fox stated that the letters can be done in something called a “Day-Night” with black or reverse effect at night, with white letters at night and black letters during the day. The vinyl letters are almost like a solar light so that during the day when the sun is out it stays one color and then at night when it cools down it changes color. Mr. Miller stated that it may be easier to craft the Pizza Hut script in a simple relief letter and apply it to a background, keeping the red cap. Mr. Miller noted that one of the anchors in the shopping center is the Minnoti’s Wine Shop and across the way next to Java Bay is the Bay Barber Shop. While it is not really an anchor, the architecture is similar. Mr. Miller asked if there is some way to take those dimensions and apply them to the Pizza Hut façade to compliment the larger panel. Mr. Maddux noted that the building being rented by Pizza Hut is a very small building and we would not want that corner to get much taller. Although the two signs being proposed for the building are similar, the proportions of the corner aren’t going to be the same. It is going to be longer in front than it is on the side.

Mr. Majewski stated that the sign ordinance calls for areas of special control, singling out shopping centers. Mr. Majewski asked if this shopping center is considered by Council an area of special control for signage. Mr. Milburn stated that he has never seen that in writing or heard that reference. Mr. Majewski asked that this reference be investigated further. There may be some special regulations that govern the signage in the shopping center which may be helpful in determining what is allowed to be placed, if the building is being considered part of the shopping center.

Mr. Dzienny noted the need for a landscape plan to show what will be planted on the site.

Ms. Lesny Fleming asked if the awning will be solid black as shown on the rendering. Ms. Lesny Fleming noted that the awnings in the shopping center are striped. Ms. Fox stated that this building is on its own, but they are trying to tie it into the shopping center behind. They are limited in trying to do this because of the Pizza Hut colors. A striped awning and changing the molding in the front of the building to white, and possibly changing the background color and lettering on the side, completely distracts from the identity of Pizza Hut.

Mr. Maddux stated that he is fine with the dark awning, but would suggest that the awning be over both windows. Mr. Dzienny suggested using the shopping center’s scale of awning as a way of tying the building into the shopping center look.

Ms. Lesny Fleming stated that a new sign concept with a different background as opposed to the black background might offer some change. She stated there is a real tackiness to this project that the City of Bay Village does not have, understanding it is a brand and a stark image. The signage that the city has is more subdued, but possibly signage with a paler background as opposed to the black might allay Ms. Lesny Fleming’s concern.

Mr. Grade stated that Pizza Hut is currently developing a property at 14129 Puritas Avenue in Cleveland that is going to be a free standing building.

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Mr. Bruckman asked to see a sample of the material upon which the graphic will be painted.

Mr. Milburn noted that on lots that are less than 100 square feet in frontage, no more than 6 square feet of a monument sign may be maintained. The lot in question has only 50 feet of frontage. The overall height cannot exceed six feet.

Motion by Majewski, second by Miller that the plans for Pizza Hut at 380 Dover Center Road be submitted to Public Hearing to be held December 5, 2012.

Motion passed 7-0.

The items to be submitted to the Planning Commission prior to the Public Hearing include the following:

- Accurate elevations that match signage drawings
- Curb cut location and dimensions
- Elevations that are accurately depicting signs
- Awning placement shown on both windows
- Architectural treatment of new parapet wall to tie into existing
- Show where doors and windows are changing on existing building
- Brick pier at corner or stl. column?
- Cornice remaining or leaving? If staying, consider wrapping the corner
- Lose running man – probably
- Monument sign behind right of way
- Ramp verification to see if double ramp is required
- Ground illuminated monument sign if at all – not internally illuminated
- Make all renderings match – make sign drawings match architectural

Mr. Majewski asked that material be included in Planning Commission members' packets prior to the public hearing. Mr. Milburn informed Mr. Grade that all items requested by the Planning Commission must be sent to the Building Department by November 23, 2012. From there they will be distributed to the commission members.

Council Update

Mr. Miller talked of the recent effects of Hurricane Sandy as it went through the area this week. He stated that the current discussion is how the city can better communicate during these catastrophic events.

The Planning, Zoning, Public Buildings and Grounds Committee has finalized the solar energy ordinance. The committee worked closely with the Green Team who furnished a great deal of technical feedback in the formation of the legislation. The committee will now move on to wind energy generation.

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The committee will also move forward with discussions about Section 1158, Attached Resident District, and how it might be applied to the Dover Center corridor, whether it is properties on one side and the other of Dover Center Road, or just in specific locations. There are some parcels that would be considered for Attached Residence District.

Discussions are underway for the Year 2013 budget. Individual departments are submitting their departmental budgets. This process can continue through March, 2013, and is hoped to be addressed soon. The city is still fiscally challenged and everything is being looked at closely.

The Animal Control Officer was terminated in the recent past and the result was that the animal kennel facility at the Service Department has some deficiencies. It has poor heating and poor cooling and the electrical and lighting systems are deficient. It has generally become a rather run-down facility. When the salt building roof collapsed it was thought that this area would turn into a larger truck wash or some other component that would be helpful to the Service Department. No one really knows what would become of the kennel. At this point it is used very occasionally. All of the dogs are taken to the Cleveland (County) shelter that the city has contracted with. The Friends of the Bay Village Kennel have continued to press City Council for some type of action. They have proposed a plan that they would donate time, service and money to support the kennel but the city needs to do something about it. It has not been a popular topic with City Council nor the Mayor. Issues at the Service Department have been reconciled. Rehabilitation of the existing structure or a very modest, three run kennel could be constructed that could also be capable of servicing cats. Funding at this time would come solely from the Friends of the Bay Village Kennel. Participation from the Council or the city is not 100% sure. Councilman Dwight Clark who chairs the Environment, Safety and Community Services Committee will address the issue first. The Planning, Zoning, Public Buildings and Grounds Committee will support that to work toward developing a feasibility plan for the kennel or a site selection. The site, even though it is located in the Service Department at this time, is also under consideration thinking that there might be a more appropriate location. Some think it should be near the police station, possibly annexed to the police station service garage. There may be an issue with uncovering hazardous materials in that area if it is necessary to touch an area that has not been abated. The Friends of the Bay Village Kennel would actually volunteer their time to manage the kennel and the Police and Service Department would only be tasked to bringing those pets or strays to the facility until they are reclaimed or moved on to the city (county) kennel.

Mr. Persanyi asked what happened to the idea of the Kent State University Group about making the Dover Center area a mixed use. He asked if there is consideration of establishing a mixed use chapter in the zoning code. Mr. Miller stated that he believes that study is still very valid, which has prompted him to look at Attached Residence. There may be a complementary ordinance that could be developed as well that does talk about mixed use. Chapter 1173 was on the ballot a few years ago that permitted Attached Residence within a Retail Business District. It may be time to have a complementary mixed use to give flexibility to future development.

Mr. Miller advised that he sat on the Charter Review Commission. The commission developed four amendments to the Charter that were proposed to the residents on the November 6, 2012

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ballot. All four were defeated. Mr. Miller stated that this was unfortunate, but thinks they were good future goals and maybe they will come up again at the next Charter Review in ten years.

Mr. Majewski stated that the minutes of the last meeting of the Planning Commission reflect Mr. Bruckman's comments about having a peaceful dialog about the nature of what has transpired relative to the Bradley Bay Nursing Home project. Mr. Majewski stated that he believes it would be constructive of the Planning Commission to have a peaceful dialogue about what took place and go over that process again at some point in the future.

Mr. Miller suggested that this discussion be included on the December 5, 2012 agenda.

Mr. Majewski asked if any of the members have a problem with the January 2 date of the January Planning Commission meeting. There were no objections expressed to holding a meeting that date.

Mr. Majewski suggested that it is a detriment to the applicants to hold only one Planning Commission meeting per month. Mr. Majewski would prefer having two meetings per month, noting that the whole process works more smoothly with two meetings per month. Mr. Dzienny noted that the Planning Commission accommodates requests for special meetings when required. Mr. Bruckman suggested formalizing the fact that the option is open for a special meeting to be scheduled when necessary. Applicants will know that the commission is receptive to that option and the commission can proceed on a case-by-case basis. Ms. Lesny Fleming urged that it be made clear that the option for a special meeting can only be used where schedules permit to avoid giving the impression that the commission is biased for certain groups.

Meeting adjourned at 9:30 p.m.

Andy Dzienny, Chairman

Joan Kemper, Secretary