

Planning Commission Caucus 7:10 P.M. - Wednesday, June 20, 2007

Present: Mayor Cathy J. Luks, Victor Bull, Vice Chairman, Tony Sandora, Chairman, Anne Reinkober, Don Willey, Council Representative to Planning Commission, Lisa Uffman Kirsch, Council Ward Six, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Resident, Applicants, Students and Brenda L. Fashempour, Secretary.

General Discussion on Conditional Use Permits, motion to grant them, conditions, Moon's at I.C. Properties. Discussion on at&t boxes, easements, landscaping.

Public Hearing

Conditional Use Permit - Steiger, Huynh - Shear Elegance Styling Salon Public Hearing Notice, Applicants, Residents, motion to refer to regular order of business, second, roll call.

Adjournment

Motion to adjourn Public Hearing, second, roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes: June 6, 2007. Motion to approve, second, roll call.

Old Business

Recreation Allocation - Abbeyville Townhouses - Tabled. No Action.

Abbeyville Townhouses - Preliminary Plan Approval for 38 Townhouses. Tabled. No Action.

Columbia Gas of Ohio - Tabled. No Action. 90 day time extension.

Columbia Gas of Ohio - Tabled. No Action. 90 day time extension.

Rivers Edge Subdivision - Sketch Plan Approval. Tabled. No Action.

C & C Management Group, LLC., Carlo Chiuchiarelli - Site Plan Approval. Tabled. No Action.

Stevens Painton Corp., Building Sign Approval. Tabled. Letter received, motion to remove from table, second, roll call. Motion to remove from agenda, second, roll call.

at&t - Tabled. No Action.

Gary Moyse - Site Plan Approval Tabled. No Action.

Tony D'Abramo, D-5 LLC - Temporary Real Estate Sign Approval. Tabled. No Action.

Tony D'Abramo, D-5 LLC Site Plan Approval. Tabled. No Action.

KFC, discussion, motion to remove from table, second, roll call.

Motion, second, roll call.

Nick and Rose Carosielli, Tabled. No Action.

New Business

Conditional Use Permit - Shear Elegance Styling Salon, discussion, motion, second, roll call.

Sign Approval

Sportstown, discussion, motion, second, roll call.

Kim's College of Marital Arts, discussion, motion, second, roll call.

Subdivision Approval

Timberlane Estates Phase V, discussion, residents, motion, second, roll call.

Utility Plan Approval

a&t 15110 Ridge, discussion, residents, motion, second, roll call.

at&t 13075 State Road, motion to add to agenda, second, roll call.

Discussion, motion, second, roll call.

Adjournment

Motion to adjourn. Second. Roll call.

Planning Commission Caucus ended at 7:16 P.M. Wednesday, June 20, 2007.

Chairman Sandora stated Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission Meeting for June 20th, 2007, this is the Public Hearing portion.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, June 20, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:30 P.M.

Chairman Sandora stated Ms. Fashempour please call to order.

Present: Chairman Tony Sandora, Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Victor Bull, Vice Chairman, Anne Reinkober, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer, Thomas P. O'Donnell, Law Director and Brenda L. Fashempour, Secretary.

Opening Ceremony - Pledge of Allegiance. Chairman Sandora stated please stand for the Opening Ceremony - Pledge of Allegiance. Pledge of Allegiance recited.

Public Hearing - Conditional Use Permit - The Public Hearing will be on the question of granting a Conditional Use Permit for Lisa Steiger and Mya Huynh, Shear Elegance Styling Salon, proposing to open an upscale hair salon at 12235 York Road, Unit F, Research Office Zoning. Property Owner Greg Caniglia. Ms. Steiger and Ms. Huynh are optimistic about the location because there are no current competitive establishment in close proximity. They feel that they can provide a convenient and professional service to the residents nearby as well as to their current clientele. They feel that they can help the area by adding diversification to the current type of businesses present locally. The business promises to add no detriment to the surrounding area, from dust, noise, glare or other such nuisances. The anticipated scope of operations will cause no foreseeable negative traffic, or other related problems. Ms. Steiger and Ms. Huynh look forward to a long and prosperous relationship with the surrounding community and with the City of North Royalton.

Ms. Fashempour stated there was a Conditional Use Permit Public Hearing Notice that was posted at the City's public posting places and mailed to property owners within 500'.

Chairman Sandora stated is the Applicant here, please step forward, come to the microphone, state your name, your address and what you would like to do there.

Lisa Steiger, 5930 Valley Parkway, North Royalton.

Mya Huynh, 21720 Fairview Place, inaudible.

Ms. Steiger stated and we would like to open a beauty salon at the location that was read on York Road.

Chairman Sandora stated okay Thank You.

Chairman Sandora stated anybody in the audience have any comments on this, anybody anything.

Chairman Sandora stated make a motion to move this to the Regular Order of Business.

Don Willey stated so moved.

Second Victor Bull.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour, please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been moved.

Adjournment

Chairman Sandora stated can he have a motion to adjourn the Public Hearing.

Mayor Luks stated so moved.

Second Don Willey.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated we are adjourned from the Public Hearing portion.

Planning Commission Public Hearing adjourned at 7:35 P.M.

Chairman Sandora stated he would like to call the Regular Meeting of the North Royalton Planning Commission Meeting for June 20th to order.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, June 20, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:36 P.M.

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Chairman Tony Sandora, Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Victor Bull, Vice Chairman, Anne Reinkober, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer, Thomas P. O'Donnell, Law Director and Brenda L. Fashempour, Secretary.

Approval of minutes: June 6, 2007. Ms. Fashempour stated approval of the minutes, June 6th, 2007 if you so choose. So moved Don Willey. Second Victor Bull. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Old Business:

Recreation Allocation - **Abbeyville Townhouses**, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b) although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses- Approval. **Tabled.**

Ms. Fashempour stated Abbeyville Townhouses Number 1, tabled, no action.

Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning. Preliminary Plan Approval for 38 Townhouses. **Tabled.**

Ms. Fashempour stated Abbeyville Townhouses Number 2, tabled, no action.

Columbia Gas of Ohio plans to install 1080' of 3" and 1800' of 2" new plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way - Approval. **Tabled.**

Ms. Fashempour stated Columbia Gas of Ohio tabled no action.

Columbia Gas of Ohio plans to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive S., Berkshire Way and Bentley Drive - Approval. **Tabled.**

Ms. Fashempour stated Columbia Gas of Ohio Number 4, tabled, no action.

River's Edge Properties, LLC, **Rivers Edge Subdivision**, PPN 485-12-006 and PPN 485-11-001, Bennett Road, Rural Residential Zoning. Sketch Plan Approval. **Tabled.**

Ms. Fashempour stated River's Edge Subdivision, tabled, no action.

C & C Management Group, LLC., Carlo Chiuchiarelli, 8959 Ridge Road, PPN 489-04-004/005, Local Business Zoning. Site Plan Approval. **Tabled.**

Ms. Fashempour stated C & C Management Group, LLC., Carlo Chiuchiarelli, tabled, no action.

Stevens Painton Corp., PPN 483-26-001 and 483-26-005, Royalton Road At York Road, SW corner, General Industrial Zoning. Building Sign Approval. **Tabled.**

Ms. Fashempour stated it is tabled, she received a letter from the Applicant requesting to be removed from the Agenda, so if you so choose, she needs a motion to remove it from the table and then a motion to remove it from the agenda.

Don Willey stated motion to, motion to remove from table.

Victor Bull stated second.

Chairman Sandora stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated can he have a motion to remove it from the Agenda.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's removed.

at&t request permission to place a six (6) inch drain pipe from at&t's manhole located at the north west corner of Royalton and Ridge Roads. at&t proposes to place the drain pipe on the north side of Royalton Road (SR 82) in the tree lawn and extend west to a road crossing (by boring under the pavement) east of the Fire Department's apron at 7000 Royalton Road to the front of 7005 Royalton Road to an existing catch basin. - Approval. **Tabled.**

Ms. Fashempour stated Number 9, at&t tabled, no action, excuse me, number 8, at&t, tabled, no action.

Gary Moyses, Royalton Road, PPN 483-31-008, 483-31-009, General Industrial Zoning. Site Plan Approval. **Tabled.**

Ms. Fashempour stated number 9, Gary Moyses, tabled, no action.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Temporary Real Estate Sign Approval. **Tabled.**

Ms. Fashempour stated number 10, Tony D'Abramo, tabled, no action.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Site Plan Approval. **Tabled.**

Ms. Fashempour stated number 11, Tony D'Abramo, tabled, no action.

KFC, 5525 Royalton Road, TCD-2, Sign and Exterior Façade RE-Model. **Tabled.**

Ms. Fashempour stated it is tabled, the Applicant here this evening, the Applicant is present, she needs a motion to remove it from the table.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and second to remove from the table, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's removed, the Applicant is here, step forward, your name, address and make a presentation please.

Good Evening Dave Post, Jamesway Construction, Louisville Kentucky. Mr. Post stated as you are probably aware we have made significant changes based on the recommendations of this Board as well as the ARB and we have presented a new revised image which he feels is in keeping with community standards and should match all your sign criteria and colors and a few other items that were discussed, he apologizes he doesn't have a presentation board but the sample and the colors are as discussed last, last week.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he, he has an issue and he thinks this is the right forum to bring this up, Mr. Post is from Louisville, Kentucky, came up here to a meeting last week after the meeting, one of our Council people approached him and said, and he has a copy of the memo she sent to ARB that, she had deep concerns over the color choices of red, white and blue and that the 5 x 7 mural of Colonel, she told him our planned D, DT, which he assumes meant Downtown Redevelopment, western reserve design theme that the Colonel needed to go away, facing westward, northward or any other which way, he reminds me of war time news coverage on CNN with posters of Saddam, of the Ayatollah, Ayatollah, overlooking our Kingdoms, he said that the colors are negotiable but Sanders is the important part of the their identity. Don Willey stated really, I invited him to share with him that as a client that only us old folks really know who Colonel Sanders is and she is sure that they have much better brand identity and recognition with a wider audience simply using KFC perhaps diagonal across the space, made suggests, she would be lobbying hard on the Colonel issue so she submits this to you meaning ARB as her two cents worth leaving it up to the experience of the Board. Don Willey stated and apparently the Board in, in with cooperation of a Jamestown Construction got the Colonel removed. Don Willey stated the problem he has with this is that he feels that any business coming before the Planning Commission has the right of due process from this Commission referred to either the ARB or the BZA or Council or whatever it is without interference of any lobbyist or any other people on Council or the City to a, a negotiate to try to negotiate something. Don Willey stated now, so the ARB, the ARB they negotiated getting the Colonel out so one of Councilwoman's Kirsch residents was so irate about it apparently on her email, they sent him a copy of her email in which she sends out he assumes pretty much the whole ward, and he is quoting it, sign and exterior façade remodel for Kentucky Fried Chicken, she is happy to report that her lobbying efforts to remove the 5 x 7 mural of the Colonel was successful, in additional to her request for a more subtle color scheme, yew, KFC Corporate was very understanding and accommodating of the request to have their remodeling efforts blend in better with the architectural design direction we are headed for a new downtown area well so that's the position. Don Willey stated now the insult, you folks want a history lesson on Colonel Sanders born in 1890 in Indiana, he became an orphan at age 5, he helped his mother raise, he was the oldest of his children,

he served in the first world war, he is a Veteran of this Country, he is a Kentucky Colonel, that's an honorary degree in, in the State of Kentucky because of his excellent business, he is still, sold many businesses, he started the chain, he has early in the franchise business set a pace of franchising in the United States. Don Willey stated so if someone doesn't recognize him he knows his kids did when they were six, then they must be in a different world and the market, as far as the marketing if you go on the internet they direct their marketing to young middle age and, and quote unquote old people so he just doesn't think that it is right for any Councilperson to interfere once the Planning Commission has a a made a decision, number one, number two, he, that can be a reason that many people walk away from businesses in North Royalton, Thank You very much.

Chairman Sandora stated Mr. Willey.

Chairman Sandora stated anybody else on the Board have anything.
Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated um she, she, she, she is a little dis, she finds it a little disconcerting that, that were making statements along the lines of someone not getting their due process, a, certainly this business has gotten it's due process, they have gone through the processes as any other business would and it is quite common for Council people to express their opinions to the, to all of the Boards as it relates to any issue that is of interest to them, it, it has always happen, she has seen almost everyone on Council get up here and express their opinions about things and talk to the Applicant on the a, a side and tell them what their concerns are, for that matter, residents do it and certainly Council people are residents too, a we may not all agree on the issues but she thinks everybody has a right and a duty to express their feelings and, and have the conversation so, but the bottom line is, that certainly KFC is, is getting their due process, we welcome the fact that they are doing this new façade and the whole purpose of the process is for everybody to weigh in and to come out with the best result that we all can, Thank You.

Chairman Sandora stated Thank You Mayor.

Chairman Sandora stated a, anybody else on the Board have anything, Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated just quickly looking at the, what you are proposing the three letter signs on the side of the building and Kentucky Fried Chicken in the front, as far as the maximum limitations for sign area that still holds from his previous review and he his just doing some quick numbers right now and it looks like your under area for the frontage and you are under area for the side KFC so in both the side sign and the front they, they meet our Code in terms of areas. Mr. Alvarez stated and he really hasn't look at it to much other then just right now, the other comments still hold as far as submitting plans because you do have some electrical here.

Mr. Post stated yes.

Mr. Alvarez stated and we will have to see that of course.

Mr. Post stated of course.

Mr. Alvarez stated then he is obligated by State Law to inform you that a, you won't be arrested tonight.

Laughs.

Mr. Alvarez stated we will, if you do submit plans to our office after July 1st, were look, were under a Code Edition of the Building Cods so.

Mr. Post stated all right, okay, very good.

Mr. Alvarez stated let your Architects know we are under the 2007 Ohio Building Codes and not a previous Code so, after July 1st, so, date stamping is very important in the plan submittals in the next week or two.

Mr. Post stated okay, all right, he will keep that in mind.

Mr. Alvarez stated and he has no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, he has no comments.

Chairman Sandora stated Thank You, anybody, anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything, comments, concerns.

Mr. Chairman, Councilwoman Lisa Uffman Kirsch, she would like to respond first of all to the comments of my colleague Mr. Willey, very briefly just by saying that while she agrees that every applicant here has the opportunity to have due process as this one does, she also has the right to represent the views of her residents and the things that are in the best interest of the future of this Community and she reserves that right and will hold that right and will continue to do that by lobbying or whatever term she may choose to do as a matter of fact she not only considers it a right but she considers it her duty Sir. Ms. Uffman Kirsch stated she would also like to Thank Mr. Post and if you could please take that back to Corporate her appreciation for working with the City and the with ARB and taking into consideration our views, appreciate that, Thank You, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated he would like to Thank You also Mr. Post for working with the City and.

Mr. Post stated right.

Chairman Sandora stated he would like to Thank You also Mr. Post for working with the City and a coming up with this plan.

Mr. Post stated right.

Chairman Sandora stated there is one thing that he would like to ask you though, now the colors have changes on this, you have, you know downsized the colors and that but on the original plans you, you have a color scheme here and it shows the numbers and everything for these colors now, we would be approving this tonight with these colors on there but we have to, you know, we have to make sure that the colors on the building are what this is what it's going to be.

Mr. Post stated okay.

Chairman Sandora stated but not that other.

Mr. Post stated right, the more vibrant red.

Chairman Sandora stated the more vibrant red.

Mr. Post stated you would like it toned down.

Chairman Sandora stated yeah, toned down if you would.

Mr. Post stated he believes if you use the term heritage red that will will.

Chairman Sandora stated okay, well, heritage red is.

Mr. Post stated yes.

Chairman Sandora stated on there, ESSWE25.

Chairman Sandora stated okay, but that these new colors are lighter than the, the original plan that you submitted is he correct.

Mr. Post stated well actually there, there darker in, in terms of being toned down.

Chairman Sandora stated okay.

Mr. Post stated there, there not as bright.

Chairman Sandora stated okay.

Mr. Post stated yeah, yeah.

Chairman Sandora stated all right just so we understand it.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated anybody in the, in audience have anything.

Chairman Sandora stated nobody on the Board, can he have a motion please.

Don Willey stated motion to approve.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded Ms. Fashempour, please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated you are approved, now you will have to go before ARB and any conditions or requirements that they require you will have to abide by.

Mr. Post stated okay, and that's on, Monday, evening.

Chairman Sandora stated Thank.

Ms. Fashempour stated Monday, yes.

Chairman Sandora stated yes.

Mr. Post stated Monday, okay.

Ms. Fashempour stated 6 o'clock, here.

Mr. Post stated all right.

Mr. Post stated Thank You very much.

Chairman Sandora stated Thank You.

Nick and Rose Carosielli, 13862-13872 Bennett Road, TCD-1, Site Plan Approval for an Addition. **Tabled.**

Ms. Fashempour stated Number 13, Nick and Rose Carosielli, no action.

New Business

Conditional Use Permit

Conditional Use Permit for Lisa Steiger and Mya Huynh, Shear Elegance Styling Salon, proposing to open an upscale hair salon at 12235 York Road, Unit F, Research Office Zoning. Property Owner Greg Cangilia.

Ms. Steiger and Ms. Huynh are optimistic about the location because there are no current competitive establishments in close proximity. They feel that they can provide a convenient and professional service to the residents nearby as well as to their current clientele. They feel that they can help the area by adding diversification to the current type of businesses present locally. The business promises to add to no detriment to the surrounding area, from dust, noise, glare, or other such nuisances. The anticipated scope of operations will cause no foreseeable negative traffic, or other related problems. Ms. Steiger and Ms. Huynh look forward to a long and prosperous relationship with the surrounding community and with the City of North Royalton - Approval.

Chairman Sandora stated Thank You Mr. Fashempour, the Applicant is here, step forward again please and again state what you, your name, home address, or your name, your address and what you wish to do.

Hi, I am Lisa Steiger, 5930 Valley Parkway, North Royalton.

Mya Huynh, 21720 Fairview, inaudible.

Ms. Steiger stated and we would like to open a salon at the address that was read above on York Road.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated a Thank You Mr. Chairman.

Mr. Alvarez stated again upon approval by this Commission commercial plans have to be submitted to the Building Department for plan review and as he mentioned before, July 1st is the date of the new codes and there are some significant changes so, if you have an Architect that's sharp, he shouldn't have to many problems with the new code additions but we definitely need to see a plan submittal or review and permitting issuing. Mr. Alvarez stated no further questions or comments.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes anything.

Mr. Merdes stated Thank You Mr. Chairman, no comments.

Chairman Sandora stated Thank You Mr. Merdes, anybody on the Board have anything.

Mr. O'Donnell stated Mr. Sandora.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated since this is a Conditional Use Permit he thinks that the record should reflect the issues that this Board has to look at with regard to these applications and let him just review them, and in reviewing these he hasn't seen anything with this particular application that would lead him to question that this application would have a problem with these issues. Mr. O'Donnell stated one is that it the proposed use is not closer then applicable regulations in, in particular to school, churches or other places of assembly, he doesn't think we have any limitations on that in this Code for this type of business. Mr. O'Donnell stated that the location extent and intensity of the proposed use shall be such that it's operation will not be more objectionable to nearby dwellings and he, if he remembers the location, this is generally kind of a industrial, research office area there is, the residential areas are nearby but not that close. Mr. O'Donnell stated and, and that section also talks about noise, smoke, dust, odor, fumes and this type of business if there are any kind of odors they are kept indoors and he thinks that the State Department of that controls them requires certain type of air conditioning systems to control that. Mr. O'Donnell stated that the proposed use will form a harmoniums part of the business research district taking into account among other things, convenient access and relationships of one use to another that that shouldn't be an issue here. Mr. O'Donnell stated that the proposed use will be permitted in a district that is more restrictive then one in which is permitted by right only because of it's limited extent, modern equipment and processes. Mr. O'Donnell stated again he doesn't think that is an issue, there are other districts that do permit this type of

use but we have other sort of similar type uses in this particular district already and that the hours of operation and concentration of vehicles won't, will not be more hazardous and because of all the other businesses in the area certainly that's not going to be problem so, he just wanted to read those for the record, in his view this type of business will not be an impediment based on any of those requirements. Mr. O'Donnell stated now the Board does have the authority to put, impose conditions if it so chooses, if there is any, anything that you feel there is a need, some type of a condition for this type of use, so he will just leave that open to the Board for it's consideration.

Victor Bull stated Mr. Chairman.

Chairman Sandora stated Thank You Mr. O'Donnell, Mr. Bull.

Victor Bull stated to the Applicant do you plan on extending your services or going into other lines of businesses at some point in the future.

Ms. Steiger stated well, we will.

Chairman Sandora stated step up to the microphone please and just state your name again for the record.

Ms. Steiger stated she is sorry, Lisa Steiger, are you asking if we will be doing other services other than hair service.

Victor Bull stated yes.

Ms. Steiger stated we will have hair services, we will do manicures, we will not do any acrylic nails, which that's, that is what you would need the different ventilation for, what we do you don't need any extra ventilation, we will offer pedicures, facials, possibility of a massage, but that's not, we are not even sure if we will be doing that, but that is all regulated with the State Board of Cosmetology.

Victor Bull stated the massages as well.

Ms. Steiger stated right, right.

Victor Bull stated to the Law Director, does this fall within your understanding of the use then.

Mr. O'Donnell stated yes, he doesn't, anything that she has just described doesn't impress him as being a problem based on the requirements that this Board has to look at, all of those requirements that he read.

Ms. Steiger stated if necessary we can, we could get requirements from the State Board and they do inspect us, it's approximately 6, every 6 months they come in and make sure that we are doing it by the Standards for the State.

Victor Bull stated Thank You, Thank You very much.

Ms. Steiger stated okay, Thank You.

Chairman Sandora stated okay you might as well stay up here for a while yet.

Ms. Steiger stated sorry, we never did this before.

Chairman Sandora stated okay.

Chairman Sandora stated anybody else on the Board have anything.

Don Willey stated Mr. Chairman, how long is your lease.

Ms. Steiger stated five years.

Don Willey stated five years, okay. Don Willy stated he, he has another question, Mr. O'Donnell you inferred that, that a there isn't residential near there, the next property to the north of that is residential, would they have been required to be notified of the Public Hearing, Brenda.

Ms. Fashempour stated they were.

Don Willey stated they were.

Ms. Fashempour stated she sent notices out to everyone within 500'.

Don Willey stated okay, all right, okay, Thanks, Good Luck.

Ms. Steiger stated Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated okay he is going to make a motion on this but before he makes the motion, now this is going to be for the Conditional Use Permit a, you are probably going to get a sign for that, you will have to come back before us if you go to put a sign on the building and you are also going to have to go before the Architectural Review Board so don't purchase your sign before you come back before us and before you go to the ARB because they will, he means you, you would have a Sign Company, talk to the landlord and come up with your sign whatever you are going to do but you will have to come back before us, okay.

Ms. Steiger stated okay.

Chairman Sandora stated all right, anybody else have anything, anybody in the audience have anything on this.

Chairman Sandora stated he will make a motion to grant a Conditional Use Permit for a Shear Elegance Styling Salon of 12235 York Road, Unit F, the Conditional Use Permit will be for to run concurrent with the length of there, their lease okay and this also must be confirmed by Council.

Victor Bull stated he will second that.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated you are approved.

Ms. Steiger stated Thank You.

Ms. Fashempour stated you will need to go before Council, she believes that their meeting is July 3rd, okay, but check with the Council Office just to make sure.

Sign Approval

Sportstown, 11683 Royalton Road, General Industrial Zoning. Sign Approval.

Ms. Fashempour stated is the Applicant present.

Chairman Sandora stated is the Applicant here, step forward, state your name and what you would like to do.

My name is Gregory Courtney from 1733 Bazil Avenue, Youngstown, Ohio, we would like to erect a permanent sign at that corner of 11683 Royalton Road, Sportstown.

Chairman Sandora stated okay, Mr. Alvarez, do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated the ground sign is 32 square feet which is less than the maximum allowable of 80 so you are fine there, the actual height of the sign is 7' and you meet the maximum, the requirement as far the height is concerned. Mr. Alvarez stated since the sign is 4' x 8, there's is a section in the Code that says that a, and you are at 7' that the maximum clearance underneath the sign should be 25% of the height of that sign which means that can only be 1'9" and since you have got a 4' sign, you have 3' clearance underneath there so you can remedy that by lowering the sign.

Mr. Courtney stated okay.

Mr. Alvarez stated or something of that manner to meet that 25% requirement, the only other thing he has is a, your site plan, show it is 16' from the, he believes it would be from the street edge.

Mr. Courtney stated we, it's in the, we took over Simply Oak Furniture, it's in the same place they erected their sign.

Mr. Alvarez stated well, he his going to defer to the Law Director but when you put in a, new sign in, you still have to meet our standards, we have a 25' minimum setback on the frontage and if your, building is 85 in width, you only have to be because he thinks there is businesses on both sides, only 25' from the side yard but typically even though you will meet say the side setback, those numbers should be indicated in the dimensions, and your site plan didn't indicate that but he is really more concerned with that frontage, that your 16' being a new sign he, he would say it would have to be 25' back from the edge of the curb or the street edge he is sorry.

Don Willey stated Mr., Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated Mr. Alvarez wouldn't that put the sign, if he went 25' back in the middle of the parking lot.

Mr. Alvarez stated poss.

Don Willey stated there is front, front parking over there.

Mr. Alvarez stated possibly, he doesn't know how much of an area you have there to put the sign, if that's a problem we raise the question then, there is always the, the means of a variance, Applicant can go to the Board of Zoning Appeals if that's going to be a problem but typically we like to think when we put a new sign in we like to meet everything.

Mr. Courtney stated to him it will be touching the rap around driveway with two entrances.

Mr. Alvarez stated yeah, yeah the one you have shown here, you have a rap around.

Mr. Courtney stated yeah, he thinks 25' is to the concrete, or to the blacktop.

Mr. Alvarez stated well whatever you can get then if a, if you can physically show us then, you would have to go to the Board of Zoning Appeals because physically you can't go any further back so that would be the reason.

Don Willey stated all right, I, that were a variance, if they gave them a variance earlier on, would that variance apply to that monument sign.

Mr. Alvarez stated he would believe so but he is not aware of any.

Ms. Fashempour stated she didn't check, she would like the opportunity to go back and check because Simply Oak had their sign up for quite a while and she can't believe that the City approved without a variance, so a, it would be up to the Board.

Don Willey stated okay.

Ms. Fashempour stated you know she means, we could table it or we could approve it pending checking or approve it and if there is not a variance let them apply to BZA if they can't move it back, your choice.

Chairman Sandora stated well let me ask the Applicant, what would you, if we would, well does anybody else on the Board have, Mr. O'Donnell.

Mr. O'Donnell stated you know normally he would concur in granting conditional approval on some, some Department Head to make some decision but in this case, when you are dealing with a variance, possible variance, he would prefer to table it, let Brenda do her research, see if there was a variance that will solve the issue for sure in her mind because he agrees with Brenda that if the sign was there before, Simply Oak sign was there for a long time, it, it probably, there is a good chance there is a variance he can't say 100% sure and if there was a

variance it runs with the land and then that issue is solved, he would hate to grant a conditional permission and then find out there was no variance and then he has got to come back anyway so, you'd might as well table it for two weeks, let us find that out and then a, you know we can move forward.

Chairman Sandora stated is that okay.

Mr. Alvarez stated that's fine with him.

Chairman Sandora stated the Board, Mr. Alvarez.

Mr. Alvarez stated yeah, he is fine with that, sure.

Chairman Sandora stated do we have a motion to table.

Don Willey stated so moved.

So moved Mayor Luks.

Chairman Sandora stated it's been moved.

Second by Mayor Luks.

Chairman Sandora stated and seconded, Ms. Fashempour please call the roll to table.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated you are tabled, you will be back in two weeks, Ms. Fashempour will research that to see if there is a variance on there, it will go from there.

Mr. Courtney stated do we need to submit new plans for that 25% clearance for under the sign.

Ms. Fashempour stated you can, that would be helpful.

Chairman Sandora stated you can.

Mr. Courtney stated okay.

Ms. Fashempour stated and then a, it will be you choice, you are scheduled to go before Architectural Review Board Monday night, you can go there if you would like, as a matter of fact she would and get their comments, if there is anything they want to see, she will do the research and then we meet again on July 11th.

Mr. Courtney stated okay.

Chairman Sandora stated okay, we will see you on July 11th and you go to the ARB on Monday night 6 o'clock here.

Mr. Courtney stated Thank You.

Chairman Sandora stated Thank You.

Kim's College of Marital Arts, 12235 York Road, Research Office Zoning. Sign approval.

Ms. Fashempour stated is the Applicant here.

Chairman Sandora stated Applicant here, please step forward state your name, your address and what you wish to do.

I am Shannon inaudible, representing Kim's College of Martial Arts, 12235 York Road, asking for sign approval Sir, should have a copy of the sign, yes.

Chairman Sandora stated yes.

Chairman Sandora stated Thank You Mr. Alvarez, do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman, a, square footage is 24 square feet which is less than the maximum allowable 32 so you are okay with the sign in terms of area, one comment he does have, plans have to be submitted to our Department, construction plans in terms of a, it says that you have lamps in here so you have some electric.

Shannon stated yes, yes Sir.

Mr. Alvarez stated so you know, we are going to need electric and structural plans how that's being mounted on the face of the building.

Shannon stated okay.

Mr. Alvarez stated and as he said to the other Applicants, after July 1st, we are under a new Code, things change so, let your Architects be aware.

Shannon stated okay.

Mr. Alvarez stated okay.

Shannon stated okay.

Mr. Alvarez stated no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, he has no comment.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated has this sign been ordered already.

Shannon stated yes Sir.

Chairman Sandora stated it has been ordered.

Shannon stated yes.

Chairman Sandora stated you have to go before the ARB on Monday, you have to present that to them and you have to get their approval also and our approval, you have to get our approval and their approval and before you, before you order this sign or this sign is made you should go before them because they may require changes on this sign.

Shannon stated okay.

Chairman Sandora stated because he doesn't believe this sign matches the rest of the building and that could be a problem for you.

Shannon stated okay.

Chairman Sandora stated so um, he would not have that sign made before you talk to the Architectural Review Board.

Shannon stated okay, Monday night.

Chairman Sandora stated that's Monday night here at 6 o'clock.

Shannon stated yes Sir.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated make a motion to approve a sign for Kim's College of Martial Arts on the condition that the Applicant meets all the conditions and requirements of the Architectural Review Board.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You, you are approved.

Shannon stated Thank You, Sir.

Subdivision Approval

Harry Hayes, Timberlane Farms, **Timberlane Estates Phase V. Revised Sketch Plan Approval.**

Ms. Fashempour stated Mr. Hayes is here.

Chairman Sandora stated state your name, address Mr. Hayes and what you would like to do please.

My name is Harry Hayes, Timberlane Farms, 9650 Boston Road, North Royalton. Mr. Hayes stated we have submitted a revised sketch plan for Phase V, Phase V is presently been delineated and the Corps has agreed with a Lawhon for, is our delineator as to what, where the wetlands are, presently we haven't got a anything with the Corps, we are still negotiating with the Corps as, for wetlands permits but a this sketch plan is essentially the same as was submitted year and half ago with the exception of the eastern road has been re-worked and a in order to save

some of the more wetlands once we found the wetlands, it also crosses the dike of the existing phase two detention basin mainly to preserve it as much as possible for the stream, the existing stream that it crosses, it crosses on the dike so it don't disturb much of the existing stream. Mr. Hayes stated he thinks that's all he has to say, we have a shown in here the same as we have shown on all of them, green space, our green space, we try to, maintaining 30' of minimum, minimum of 30' of green space for a hiking trail and a horse path, this terrain here will probably be one of the most difficult ones to do that with and won't know until we get into the actual drawing of the plans whether it can be done but were trying to do that, our trails meanders from side to side on the green space mainly to preserve trees, as many trees as possible so that's what a, we have here tonight is a revised Phase V.

Chairman Sandora stated okay, Thank You Mr. Hayes, Mr. Merdes.

Mr. Merdes stated Thank You.

Mr. Merdes stated shown on the plan is a future right of way that is in conflict with an existing Storm Water Management Easement.

Mr. Hayes stated yes, that will be dedicated to the City.

Mr. Merdes stated and it would be encumbered.

Mr. Hayes stated and at the present time Timberlane Farms owns the a detention basin and it is, we manage it, it will be dedicated to the Homeowners Association once the sub, thing is approved and a of course the area under the roadway will be dedicated to the City for the roadway.

Mr. Merdes stated so the easement will be modified and the right of way won't be encumbered by, by, that easement.

Mr. Hayes stated phase, no, that is correct.

Mr. Merdes stated Thanks.

Mr. Merdes stated with all the lots, or will have to conform with this, the required area yard regulations, they probably do but a, they, they absolutely will have to, the lot size, they will have to be the proper lot size and frontage.

Mr. Hayes stated that is correct, yes.

Mr. Merdes stated dimensions.

Mr. Merdes stated the, the, the, there is still a feature in this plan that has a sanitary going, going across the ravine and he presumes again in the earth and dike that the sanitary crossing the ravine.

Mr. Hayes sated that is correct.

Mr. Merdes stated in an earth and dike, what similar to what was.

Mr. Hayes stated that will.

Mr. Merdes stated how it was treated in Phase 4.

Mr. Hayes stated that is correct.

Mr. Hayes stated we use both for the detention basin and to support the pipe going across the, the sanitary across there.

Mr. Merdes stated uh um.

Mr. Merdes stated and he just notes that, that appears topographically and environmentally challenging, that, it, it is shown that way, it's, going to be difficult to do it that way.

Mr. Hayes stated uh um.

Mr. Merdes stated but you may end up.

Mr. Hayes stated yeah.

Mr. Merdes stated inaudible on that one.

Mr. Hayes stated yeah, he really feels that it will be easier then phase 4 because it has area there to work with but a, whatever, we will have to see at the time.

Mr. Merdes stated a, you mentioned that you have a written agreement on the wetland delineation.

Mr. Hayes stated oh the, written agreement the Corps wants, they come in and delineate or once Lawhon delineated then the Corps comes out and goes and between the two of them they agree as to where the wetlands our and that's what we have and he believes at that time the Corps agrees or states as to who owns it, who's wetlands they are, he thinks all of theirs are Corps, he thinks none are EPA but he is not certain of that but we don't have a permit so we don't know how many wetlands were going to fill or what we allowed to fill or what ones we don't so far Timberlane has really created more wetlands then we filled in any phase we, the detention basin at phase 2 created better then ½ an acre of nice wetlands and but he doesn't think the Corps gives you any credit for that or realizes anything for it, but a, anyway we try to save what we can.

Mr. Merdes stated he thinks the only way they credit you is if you can document and more or less continue to document that one, when they were created and, and two that they are beneficial.

Mr. Hayes stated uh.

Mr. Merdes stated since we now know where the wetlands are, do we show those on this drawing.

Mr. Hayes stated no, he don't.

Mr. Merdes stated they are not shown now.

Mr. Hayes stated no.

Mr. Merdes stated he knows.

Mr. Hayes stated he don't really until we know what wetlands we are going to have he doesn't see to much of a purpose in fact he doesn't think we suppose to shown anything on the sketch plan are we, he thinks at the time of the sketch plan we don't know where the wetlands are but it's been so long working with the Corps now were in a place where we know partially where they are but it, he doesn't see to much benefit in showing wetlands that might not be there he means that we are going to fill and he a, until we get our permit why he doesn't, is there any purpose of.

Mr. Merdes stated the, well it is, it's required in the Wetland and Riparian Setback Chapter that if, that they, there shown at any, at any stage of approval, something like that.

Mr. Hayes stated uh um.

Mr. Merdes stated so.

Mr. Hayes stated oh.

Mr. Merdes stated both the wetlands and their setbacks and then the, the streams and their riparian setbacks should be shown.

Mr. Hayes stated well he was under the.

Mr. Merdes stated when you were here last time you didn't know where they were.

Mr. Hayes stated he was under the understanding that a, Riparian Setbacks and such was a did not, was didn't affect the existing subdivision, that we were exempt from Riparian Setback.

Mr. Merdes sated he didn't think that is his understanding.

Mr. O'Donnell stated Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated he doesn't think that is correct. Mr. O'Donnell stated that's not necessarily a, a zoning requirement it's a.

Mr. Hayes stated what, what Code is it, 1492.

Mr. O'Donnell stated it's, it's in the form of a Development or Building Code.

Mr. Hayes stated that's under, he thinks the second paragraph says, there says an exempt from that is any a existing subdivision that have had a platted thing to his knowledge, he doesn't know, we could check too.

Mr. O'Donnell stated he'll, he'll, he have, he will have to research it.

Mr. Merdes stated if that does, there is a exemption there but the exemptions certainly the intent of the exemption is for, for people who have existing homes on exiting sublots in existing subdivisions, the sublots haven't been platted in, in Phase 5 of Timberlane Farms.

Mr. Hayes stated pardon.

Mr. Merdes stated the sublots have not been platted in phase 5.

Mr. Hayes stated all the sublots have been platted back in, no not platted.

Mr. O'Donnell stated it's totally different.

Mr. Merdes stated it couldn't have been.

Mr. Hayes stated the sublots in Phase 2, 3, and 4 have been platted.

Mr. Merdes stated right.

Mr. Hayes stated and he thinks it says, well he doesn't know, whatever it says, it says whatever the rules are but reading through it, it looked like it was not but he doesn't see right now any a reason to plat something that, why would, be plat a wetland if we are going to fill it and put a setback on it.

Mr. Merdes stated he thinks the reason is so that the board can see at any stage of approval the, the wetlands that exist.

Mr. O'Donnell stated here, here's the answer to your question inaudible.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated a subparagraph b of 1492.02 says the provisions of this Chapter shall not apply to any parcel of land that is included in the subdivision that has previously received record plat approval or has been dedicated by the City and Phase 5 has not received either.

Mr. Hayes stated Timberlane Subdivision is certainly an approved subdivision in the City of North Royalton, has been since 98 or back in there.

Mr. O'Donnell stated okay but Phase 5 doesn't have record plat approval or dedication.

Mr. Hayes stated inaudible.

Mr. Hayes stated the, lots in Phase 5 are on a parcel of land that has received platted approval in Phase 4.

Mr. O'Donnell stated and were those lots subdivided in that platted approval.

Mr. Hayes stated were the lots subdivided, the lots were in the parcel of Phase 4 that is also in Phase 5.

Mr. O'Donnell stated but the part of Phase 5, inaudible.

Mr. Hayes stated the lots naturally were not the same, the same lots as we are putting in Phase 5 is that what you are asking.

Mr. O'Donnell stated what he is asking is, was Phase 5 subdivided or was it just one lot at that time of that approval.

Mr. Hayes stated was Phase 5.

Mr. O'Donnell stated one lot or was it subdivided into how many sublots inaudible.

Mr. Hayes stated well it will be subdivided into many sublots, Phase 5 is well he doesn't know about Phase 5 the parcel is some 35 acres is Phase 5 which makes up many sublots he would assume as there, which have been approved previously but there has to be some changes because of the wetlands.

Mr. Hayes stated well whatever it is why, he guessed it will have to decide and whatever the rules are, the rules are he.

Mr. Hayes stated he thought that stated in the approved subdivision and certainly Timberlane Farms is an approved subdivision, it's made up of three parcels Timberlane Farms Subdivision is, Timberlane Estates Subdivision made up of three parcels.

Mr. O'Donnell stated because the main difference he thinks, he would have to look at the prior approval of Phase 4 or 5 but it depends on whether that approval of Phase 5 at that time included the Record Plat Approval of individual subdivided lots.

Mr. Hayes stated Phase 5.

Mr. O'Donnell stated of the Phase 5 and if it wasn't then he would stick to his previous statement that your, that Phase 5 is not exempt from this Chapter.

Mr. Hayes stated uh um.

Mr. Hayes stated he doesn't know, he would have to, have to think a little on that he guessed whatever.

Chairman Sandora stated Mr. Merdes do you have anything else.

Mr. Merdes stated a, no, that's, you know, that's just and, and looking forward a while you're your thinking and reviewing Chapter 1466 he thinks it is Flood Damage Prevention he doesn't know if you.

Mr. Hayes stated he doesn't know if this is the same as.

Mr. Merdes stated the 100 year flood zone is going to be disturbed or, or set aside.

Mr. Hayes stated no.

Mr. Merdes stated not to be disturbed, it, it's, it is present so you have to consider what you are going to do with that a.

Mr. Hayes stated that would really come in the preliminary plan he would think or when you start doing plans but a however.

Mr. Merdes stated well if you said, if you indicated that, if you were planning on.

Mr. Hayes stated if you planning to, he thinks you would have to show how you are not going to affect it yeah.

Mr. Merdes stated yeah, if, if at this stage you, you were showing something in, in that area or indicating that you were going to try to develop that area, he thinks even now it would be prudent to review those requirements but left undisturbed and, and not developed that, that's probably.

Mr. Hayes stated not even a horse trail through it now.

Mr. Merdes stated a.

Mr. Hayes stated no, we will get into that later he doesn't intend to but, he doesn't know.

Mr. Merdes stated well again, it's, it's, he means if there is a trail, if that doesn't, it really talks about a flood, it's how to, it's, it actually then, it's a Chapter on how to develop if you are going to without damaging the other people.

Mr. Hayes stated uh um, other.

Mr. Merdes stated a trail is, there is probably a trail there now, it's probably a deer trail.

Mr. Hayes stated uh um.

Mr. Merdes stated are you, is, he means does the trail involve, see if, if it's just a trail that's there on the ground it may be different then if you are going to have a board walk or a bridge or some kind of structure to cross, it's hard to tell what, what you plan to do but if you plan to you know, actually build some structures or, or do something like that, if there might be parts of that Code that would tell you how to do it.

Mr. Hayes stated uh um, okay.

Mr. Merdes stated so he doesn't know, he sees the trail there but he doesn't, it's, it's, shown as a trail, he, a trail could just be a path without any, without any structure and.

Mr. Hayes stated yeah, it may be, inaudible, you will have to certainly fill if you were going through a flood zone you would certainly have to put a little stone on the ground, he doesn't know whether that's permissible or not, that filling of a flood zone but we will get into that he, he.

Mr. Merdes stated well if you would, if you, and probably if you are removing equal amounts of say, earth, and, and in removing so much earth you are replacing so much.

Mr. Hayes stated so remove the same amounts that you put in yeah.

Mr. Merdes stated trail, whatever it probably is exactly what the Codes require.

Mr. Hayes stated uh um, okay.

Mr. Merdes stated a, and those, those are his comments.

Chairman Sandora stated Thank You, anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Resident stated she does, her lot is.

Chairman Sandora stated you have to, yes please.

Chairman Sandora stated state your name, your home address.

My name is Elizabeth Gaitanarous and she lives at 20803 Evergreen Trail. Ms. Gaitanarous stated her lot is lot 107 and the horse trail is suppose to start like 30' from the end of the sidewalk and it looks like it is good to go like the horse trail can go through because he has got the, she came to the City to look at the a, that map that you guys have, she hasn't gotten one of those yet because she guessed there are not approved yet but she doesn't know about if there is like a wetland right there with all the rocks like right there in that one little pile but she can tell that the horse trail is ready to go, it looks like that is good is what she is trying to say because it, it's, it's, still goes into the woods like it goes, her property goes like this, kind of like that at an angle so then the horse trail would go around that's why she is here.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated for clarification, are you good with that.

Ms. Gaitanarous stated is she good with that.

Mayor Luks stated yes, she is not, she is not understanding, are you, do you have a concern about that or.

Ms. Gaitanarous stated oh, she, she, she wants the horse trail to go in.

Mayor Luks stated okay.

Ms. Gaitanarous stated yeah, that's what she is, she is hoping for that.

Mayor Luks stated okay, that wasn't coming through to her Thank You.

Ms. Gaitanarous stated oh it wasn't she is sorry, she wasn't making herself clear.

Mayor Luks stated it might have been just been her.

Someone stated no.

Ms. Gaitanarous stated okay, okay that's all she has to say.

Chairman Sandora stated okay, Thank You.

Ms. Gaitanarous stated okay Thank You.

Chairman Sandora stated anybody else have anything.

Thank You Mr. Chairman, Councilwoman Lisa Uffman Kirsch, she just has some comments and questions at this early stage some of these may be appropriate to address now.

At this time in the meeting we experienced trouble with the microphones. Tape machine turned on and off, floor microphone unplugged.

Ms. Uffman Kirsch stated can you hear me now.

Ms. Uffman Kirsch stated some of these comments and questions may be premature to really do anything about or address at this stage but she would like to have them on the record for as we move forward others if it is appropriate if we can get them answered. Ms. Uffman Kirsch stated first of all she would like to say a good thing to Mr. Hayes about his Timberlane Development, she thinks it's a, the existing homes there are very nice and the lots are well done so she wants to commend him for that. Ms. Uffman Kirsch stated a couple things, she would like to see the Wetlands and the Riparian Setbacks on the Sketch Plan Phase because as you know, as the Commission knows regardless of the Army Corps of Engineers decision all applications still need to comply with our Chapter 1492 so she thinks the benefit that it would be for the applicant is that it might save the expense and the time of having to re-do another site plan if it turns out that a the wetlands can't be filled and the Riparian Setbacks can't be impeded upon so she thinks that is a significant benefit for the Applicant. Ms. Uffman Kirsch stated also she is interested when the time comes to see where the outlet will be for the detention basins, she believes that, that Chapter also addresses those outlet locations, she has some questions on the walking trail, the stream crossings but she heard Mr., the Applicant say that it's not for sure at this point whether or not that's going to be done, able to be done, so it's probably premature to ask for an answer to that question but her, her her concern is or her question is where it is proposed to cross a stream, how will it be crossing the stream, will there actually be a structure there, what will be, will there be something going down into the waterway for the crossing and other two comments have been addressed already and the only other thing she has is, she has some concerns about subplot 120, about the buildability of that subplot based on the topography that she is seeing on this, there are no elevations on this topo but based on what seems to appear, to be a ravine there, it looks like there is no available space on that subplot to build a home without filling the ravine and her concern about that is whether or not that would cause a obstruction of the drainage flow there, so she thinks at this point, that's all she has, Thank You.

Chairman Sandora stated Thank You Mrs. Kirsch.

Chairman Sandora stated anybody else on the Board have anything, anybody else in the audience have anything.

Chairman Sandora stated can he have a motion to table.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and second, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You Mr. Hayes.

Utility Plan Approval

at&t request permission to place an above ground cabinet within an easement near **15110 Ridge Road - Approval.**

Mike Williams representing at&t, 136, or excuse me, 16515 Clare Avenue, Cleveland. Mr. Williams stated he is here requesting permission to place an above ground cabinet in the easement near 15110 Ridge Road.

Chairman Sandora stated Thank You Sir, Mr. Merdes anything.

Mr. Merdes stated yes, Thank You Mr. Chairman. Mr. Merdes stated permit is required if you get approval by the Planning Commission, plans by a Registered Professional Engineer required for the permit, perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours, 3 working days prior to commencing and a full time inspection is required for all work performed within the City right of way and that's billed to the Applicant, owner, all areas of disturbance are required to be restored, there is no open cutting of roadway pavements allowed, sidewalk replacements by full slabs only, videotape the work area that's required prior to doing the work, provide the City a copy of the video, all homeowners along the installation shall be given 48 hours written notice and submit a copy of that to the City. Mr. Merdes stated to the Applicant do you agree with those comments.

Mr. Williams stated we agree.

Mr. Merdes stated Thank You, no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez do you have any comments.

Mr. Alvarez sated no comments Mr. Chairman.

Chairman Sandora stated anybody else on the Board have any comments, anybody in the audience have any comments or concerns, questions.

Chairman Sandora stated can he have a motion to approve the Utility Plan for at&t.

Victor Bull stated motion to approve.

Second Don Willey.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been approved, Thank You.

Ms. Fashempour stated and did they talk to you about the one on State Road.

Mr. Williams stated yes.

Ms. Fashempour stated okay, let me see if the Board will add it;

at&t request permission to place 30' of 4" 1-PC conduit to place cable into an existing sai box near the front of **13075 State Road**, if the Board chooses to add it to the Agenda.

Chairman Sandora stated make a motion to add State and Royalwood to the Agenda.

Victor Bull stated second.

Chairman Sandora stated been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated what would you like to do there.

Mr. Williams stated he would like to place 30' of 4" conduit from the existing cross connect box at 13075 State Road over to a the nearest pole.

Chairman Sandora stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, his comments are exactly the same as previously stated for the previous agenda item, if the applicant remembers and agrees to all of those.

Mr. Williams stated he agrees.

Mr. Merdes stated Thank You.

Chairman Sandora stated the applicant agrees.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated make a motion to approve the installation of conduit at State and Royalwood for at&t.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Reinkober, Mayor Luks, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's approved.

Mr. Williams stated Thank You.

Miscellaneous

Ms. Fashempour stated she has nothing under Miscellaneous.

Adjournment

Chairman Sandora stated motion to adjourn.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated we are adjourned.

Planning Commission Meeting for Wednesday, June 20, 2007 adjourned at 8:38 P.M.

Approved: Tony Sandora,
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour,
Secretary - Planning Commission

Date : July 11, 2007