Planning Commission Caucus – 7:15 P.M. – Wednesday, September 5, 2007
Present: Chairman Tony Sandora, Mayor Cathy Luks, Don Willey, Council Representative to Planning Commission, Victor Bull, Anne Reinkober, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Donna Vozar, 2nd Assistant Prosecutor, Lisa Uffman Kirsch, Bob Witsaman, Residents, John Sindyla, Jim Presot, Mike Nuechterlein, Joe Schmidtke, Applicants, and Brenda L. Fashempour, Secretary.
Public Hearing
Call to order.
Roll call.
Opening Ceremony – Pledge of Allegiance.
Public Hearings – Property Owner York Royalton, LLC – Villas of Worthington – Public Hearing Notice sent and posted. Applicant, Residents, Property Owners, motion to refer to regular order of business, second, roll call.
North Royalton Board of Education, North Royalton City Schools – Public Hearing Notice sent and posted. Applicant, Residents and or Property Owners, motion to refer to regular order of business, second, roll call.
Adjournment
Regular Meeting
Call to order.
Roll call.
Approval of minutes – July 11, 2007 and July 18, 2007. Motion to approve, second, roll call.
Old Business
Abbeyville Townhouses – tabled no action.
Abbeyville Townhouses – tabled no action.
Columbia Gas of Ohio – tabled no action.
Columbia Gas of Ohio – tabled no action.
Rivers Edge Subdivision – tabled no action.
C & C Management Group – Carlo Chiuchiarelli, tabled, received new plans, if application present, remove table, letter from resident to be read into minutes, motion, second, roll call or no action.
at&t – tabled no action.
Gary Moyse, - tabled, no action.
Tony D’Abramo – tabled, no action.
Tony D’Abramo – tabled, no action.
Nick and Rosa Carosielli, no action.
Timberlane Estates Phase V – tabled, no action.
Ordinance No. 07-73 – tabled, City Engineer revised Report, if Applicant present, remove from table, discussion, motion, second, roll call or no action.
Dr. Nagel Brayer, Chiropractic Clinic – tabled, no action.
Tonight, Tonight – tabled, if applicant is present, remove, discussion, motion, second, roll call or no action.
York/Royalton LLC, Villas of Worthington, tabled, no action.
Ninety Day time extension on 8, 12, 13, 14 and 15.
New Business
Sign Approval
Cleats Plaza, sign approval, discussion, motion, second, vote.
Timber Ridge Plaza, signs approval, discussion, motion, second, vote.
Ohio Catholic Federal Credit Union, signs approval, discussion, motion, second, vote.
Salon Pink, signs approval, discussion, motion, second, vote.
Royalton Skin Care, signs approval, discussion, motion, second, vote.
Subdivision Approval
Zillich Homes, Inc., Huntington Park 4, Preliminary Plan Approval, discussion, Recreation Allocation missed for 9-5-07, Recreation Allocation scheduled for 9-19-07, motion to table, second, roll call.
Property Split/Consolidations
Michael and Alice Walsh, discussion, motion, second, roll call.
Conditional Use Permit
York Royalton, LLC – Villas of Worthington – Conditional Use Permit,

discussion, motion second, roll call.
Site Plan Approval
T-Mobile, Property Owner MCI – discussion, residents, motion, second, roll call.
Robert Witsaman, discussion, residents, motion, second, roll call.
Enterprise Rent-A-Car, discussion, residents, motion, second, roll call.
Park Tavern, discussion, residents, motion, second, roll call.
North Royalton Board of Education, North Royalton City Schools, discussion, residents, motion, second, roll call.
Utility Plan Approval
at&t – discussion, residents, motion second, roll call.
at&t – discussion, residents, motion, second, roll call.
Columbia Gas of Ohio, discussion, motion, second, roll call.
Columbia Gas of Ohio, discussion, motion, second, roll call.
Miscellaneous
Adjournment
Ms. Fashempour asked the Board for their opinion, Scorcher's, at&t would like to place an above ground cabinet in the right of way. Discussion, Task Force Study of intersection, line of sight, not good idea, look for another location.
Planning Commission Caucus end 7:25 P.M.

Chairman Sandora stated Good Evening Ladies and Gentlemen, welcome to the North Royalton Planning Commission Meeting for September 5, 2007, this is a Public Hearing portion.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, September 5, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:35 P.M.**

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Cathy Luks, Don Willey, Council Representative to Planning Commission, Ward Three, Victor Bull, Anne Reinkober, Chairman Sandora, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Donna Vozar, 2nd Assistant Prosecutor 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 Hearings –

Property Owner York Royalton, LLC – Villas of Worthington. Applicant Ryan Homes would like to request a Conditional Use Permit for a parking area on the lot adjacent to their model home in the Villas of Worthington community. The proposed parking area would be on lot 2. **The address is 9781 Bentley Drive.** The entire parking area will be concrete. It will sit entirely behind the right-of-way with the exception of the apron and drive. The proposed drive has been located so the curb cut can also be used for any of their house types that may eventually be built on this lot. In the event that any of the utility connections are located in the parking area, brass caps will be installed to protect them. Landscaping and a white vinyl fence will be installed on the back side of the parking area. The main purpose for putting this parking area on a future home site is for the safety of

their potential customers and future residents of community. From the parking area customers and residents can use the installed city sidewalks to access the model home or the entrance or the entrance of the community. This parking area would help to prevent numerous cars parking on the street, as well as, customers having to cross the street to access the model home. Per the community improvement plans, there will be signs directing customers to park on the opposite side of the street due to the placement of fire hydrants. Ryan Homes is requesting that the Conditional Use Permit be granted until they close the model home. This would be approximately 2 years.

Ms. Fashempour read the Public Hearing Notice, Public Hearing Notice was posted at the City's Public Posting places and mailed to property owners.

Chairman Sandora stated Thank You Ms. Fashempour, is the owner or the, his Representative here, step forward and make your presentation please.

Chairman Sandora stated state your name, your address and tell us what you would for the record.

My name is Joe Schmidtke representing Ryan Homes, reside at 159 Hunt Drive, Copley, Ohio 44321. Mr. Schmidtke we are requesting a permit to a, create a parking lot for our model home which is currently located at 9751 Bentley Drive as stated by Brenda, the purpose of this would be to get traffic off the street and allow our customers to park in an easily accessible area to get to the model house without having to cross the street, etc.

Chairman Sandora stated is that it.

Mr. Schmidtke stated yes.

Chairman Sandora stated is there anybody in the audience that has anything they would like to say on this subject, anybody, anybody at the Board at this time.

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

So moved Don Willey.

Second Mayor Luks.

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 referred to the Regular Order.

North Royalton Board of Education, North Royalton City Schools, 6579 Royalton Road, Public Facility Zoning. Site Plan Approval for a modular unit installed next to the Board of Education Building.

Ms. Fashempour read the Public Hearing Notice, Public Hearing Notice posted at the City's Public Posting Places and mailed to Property Owners.

Chairman Sandora stated Thank You Ms. Fashempour, the Applicant or his representative here please, step forward.

Good Evening, I am Jim Presot and he represents the North Royalton Board of Education, he is the Assistant Superintendent, his address is 6520 Tulip Trail, Independence, Ohio. Mr. Presot stated and this is Mike Nuechterlein, Mike is the representative from Williams Scottsman the, from the modular unit company where we are looking to purchase the unit from. Mr. Presot stated our purpose is to expand our Administrative Office at the Board of Education Building, the modular unit would be housed or located next to the existing facility and it would basically encompass the housing of three additional staff personnel, Administrator and two Secretarial staff members which will allow our School District to now have a centralized registration process as well as bringing an Administrator closer to our central, central office. Mr. Presot stated as you know our Board of Education and our School District is continuing to grow, over the last several years we have leased additional facilities outside of the City, in the City of Broadview Heights to house our kindergarten and preschool population and due to the increasing enrollments and needs for additional classroom space we had to move these people out of additional buildings and we are looking to bring them back into the central area.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated anybody in the audience have anything they would like to say on this subject, anyone, anyone on the Board at this time.

Don Willey stated a.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated she just, she had a question, is the modular unit going to be attached in any way to the existing building.

Mr. Presot stated no it’s not.

Mayor Luks stated so they are completely two separate facilities.

Mr. Presot stated they would be two separate facilities.

Mayor Luks stated okay, Thank You.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated one of the, the Engineer he believed asked this question that is whether or not the utilities would be, would be attached or run to the modular unit, water, heat, gas, electric.

Mr. Presot stated right, there will be a separate service to the electric and so forth, there will be no water, there will be no restroom facilities, no sink units and so forth, he thinks that the original drawings that you had seen was for a proposed unit that we were going to

buy, it was going to be a used unit, however after re-evaluating and so forth, this will be a complete brand new structure, there will be no water, no sewer hook ups necessary for it, just, just electrical.

Chairman Sandora stated what's the cost of this temporary unit.

Mr. Presot stated the cost, the finalize cost of it.

Chairman Sandora stated uh um.

Mr. Presot stated ballpark about $45,000.00.

Chairman Sandora stated and how long is planned on being there.

Mr. Presot stated well our intent is to have it there for, until we are able to bond issue, before we are able to pass a bond issue for expansion of our present facilities that would necessitate to look to move our stadium, our bus garage complex and some other things, so, potentially were looking at, based upon the votes, 3 to 5 years.

Chairman Sandora stated anybody else have anything at this point in time, do you want to discuss this at the next, anybody.

Mayor Luks stated Mr. Chairman, she moves to refer to the Regular Order of Business.

Don Willey 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 it's been moved to the Regular Order, Thank You.

Adjournment

Ms. Fashempour stated she needs a motion to adjourn the Public Hearing.

So moved Don Willey.

Second Victor Bull.

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

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

Planning Commission Public Hearing adjourned at 7:41 P.M.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on *Wednesday, September 5, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:42 P.M.*

Chairman Sandora stated Ms. Fashempour will you call the Regular Order.

Present: Mayor Cathy Luks, Don Willey, Council Representative to Planning Commission Ward Three, Victor Bull, Anne Reinkober, Chairman Tony Sandora, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer, Donna Vozar, 2nd Assistant Prosecutor and Brenda L. Fashempour, Secretary.

Approval of minutes: July 11, 2007. Ms. Fashempour stated approval of minutes, July 11, 2007 if you so choose.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and second for the approval of minutes, Ms. Fashempour please call the roll. Roll call: Yeas: Five – Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

July 18, 2007. Ms. Fashempour stated July 18, 2007 if you so choose.

So moved Victor Bull.

Second Don Willey.

Chairman Sandora stated it's been moved and second to approve the minutes, for July 11.

Don Willey stated 18th.

Ms. Fashempour stated 18th.

Chairman Sandora stated oh, he is sorry, July 18th, Ms. Fashempour please call the roll.

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

Chairman Sandora stated July 18th minutes are approved.

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 there will be no action on number 1, Abbeyville Townhouses.

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 number 2, Abbeyville Townhouses, 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 number 3, Columbia Gas of Ohio, 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 number 4, Columbia Gas of Ohio, 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 number 5, River’s Edge Subdivision, 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 asked if the Applicant was here is evening. Ms. Fashempour stated Applicant is not here this evening, so there will be no action on number 6. Ms. Fashempour stated she has a letter from Mr. and Mrs. Merhar that she will read at the next meeting then.

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 proposed 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 7, at&t, no action.

Gary Moyse, Royalton Road, PPN 483-13-008, 483-31-009, General Industrial Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated number 8, Gary Moyse, 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 9, Tony D’Abramo, 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 10, Tony D’Abramo, D-5, LLC, no action.

Nick and Rosa Carosiella, 13862-13872 Bennett Road, TCD-1, Site Plan Approval for an Addition. Tabled.

Ms. Fashempour stated number 11, Nick and Rosa Carosiella, no action.

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

Ms. Fashempour stated number 12, Timberlane Estates Phase V, no action.

Ordinance No. 07-73 – An Ordinance accepting the Dedication of 1,621 feet of Machican Way, 649 feet of Shawnee Circle, and 822 feet of Chippewa Path in the proposed Indian Trails Subdivision, Phase 1 from Woodhill Properties, Inc., and Declaring an Emergency. Tabled.

Ms. Fashempour stated number 13, is anyone for Woodhill Properties, Robert Nottrodt, no one here.

Ms. Fashempour stated Ordinance No. 07-73, tabled, no action.

Dr. Nagel Brayer, Chiropractic Clinic, 11443 State Rod, PPN 488-08-016, Local Business Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated Number 14, Chiropractic Clinic, no action.

Tonight, Tonight, 7375 Royalton Road, TCD-1, Zoning. Sign Approval. Tabled.

Ms. Fashempour stated Number 15, Tonight, Tonight, tabled, no action.

York/Royalton LLC, **Villas of Worthington,** PUD Zoning. Revision to the Final Plan, A Plan Amendment Request. Tabled.

Ms. Fashempour stated number 16, tabled, no action.

Ms. Fashempour stated she is going to request that Planning Commission ask Council for a ninety day time extension on number 8, 12, 13, 14, 15, and 16, please.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it’s been moved and second for ninety days on 8, 12, 13, 14, 15 and 16.

Applicant stated he is here for Tonight, Tonight.

Ms. Fashempour stated okay hold on just a second.

Ms. Fashempour stated you want a roll call on that.

Chairman Sandora stated yes, please.

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

Ms. Fashempour stated okay you are here for Tonight, Tonight.

Applicant stated yes.

Tonight, Tonight, 7375 Royalton Road, TCD-1 Zoning. Sign Approval. Tabled.

Ms. Fashempour stated Commission do you want to make a motion to remove it from the table.

So moved Don Willey.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded to take Tonight, Tonight off 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 the Applicant or his representative is here, please state your name and address for the record please, and say what you would.

Okay, my name is Barry Jacobson, his address is 5311 Lake Forest Reserve Lane, Brunswick, Ohio. Mr. Jacobson stated and he is the owner of Next Day Signs.

Chairman Sandora stated and tell us what you would please, what do you care to do.

Mr. Jacobson stated okay, originally we had proposed to replace the existing sign and it was determined that we were not in a position to do that because of the Ordinance, it had something to do with being in a City Business District, ground signs were prohibited. Mr. Jacobson stated so we have come up with a new proposal which we want to just go ahead and refurbish the existing sign, the owner of Tonight, Tonight, did not feel that by putting a sign on the building, he would get as much exposure as having a sign that is perpendicular to the street, so he, he is, the only thing we want to do is we are going to be painting and that, he wants to change the color scheme from burgundy and beige to hunter green and beige.

Chairman Sandora stated okay, Mr. Alvarez do you.

Mr. Alvarez stated Thank You Mr. Chairman, he doesn't have a copy of what he is really proposing but if he is just simply replacing the sign out there, he really don't, he can't comment on the, anything negative about it, he would question the color schemes.

Chairman Sandora stated so there is no sign change, there's so, there's nothing, as far as any dimensional change on anything, you are just going to replace the sign itself.

Mr. Jacobson stated right, the base of the sign is made out of wood and it's pretty rotten and weathered, we were going to put a aluminum skirt around the bottom and in the middle so no wood would be showing and then the cabinet would be repainted as, it's burgundy now, he would like to change it green, hunter green.

Chairman Sandora stated well when you leave here, you have to go to the Architectural Review Board, they review all the signs in the City and you will have to make that presentation to them as to the colors that you would like to use and you will have to get their input from that as that time. Chairman Sandora stated he doesn't know, is anybody comfortable with the way this is or would you like to see a, Mr. Alvarez would you like to see something on the, or can we go from the original submittal.

Mr. Alvarez stated he thinks we can go with the original submittal and again, if ARB is comfortable with the color scheme, he is going to have to submit plans to our office anyways.

Chairman Sandora stated so you are comfortable with that then.

Mr. Alvarez stated yes Sir.

Chairman Sandora stated everybody else on the Board comfortable with that.

Don Willey stated he has no problem.

Chairman Sandora stated anybody in the audience have anything they would like to say on this, anybody else on the Board.

Chairman Sandora stated he is going to make a motion to approve the sign for Tonight, Tonight on the condition that the applicant meets all the re, re, conditions and requirements of the Architectural Review Board, they will be meeting let's see, next Monday right.

Ms. Fashempour stated uh um.

Chairman Sandora stated they will be meeting next Monday at 7:00 here.

Ms. Fashempour stated 6.

Chairman Sandora stated or 6 o'clock, he is sorry.

Mr. Jacobson stated 6 o'clock.

Chairman Sandora stated that was his motion.

Don Willey 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 Good Luck.

Mr. Jacobson stated Thank You.

Ms. Fashempour stated Donna, because we acted on that, she can just eliminate that from her 90 day to Council right, she doesn't need a motion to do that.

Mrs. Vozar stated yeah, correct.

Ms. Fashempour stated okay.

New Business

Sign Approval

Cleats Plaza, 5253 Wallings Road, Local Business Zoning. **Sign Approval.**

Chairman Sandora stated the Applicant or his representative here, step forward please, your name, address and tell us what you would for the record please.

Good Evening my name is Tim Higdon, 18369 Heritage Trail, Strongsville, Ohio. Mr. Higdon stated he is here to talk about his sign, the sign, the physical dimensions of our sign have not changed, a we had Krusoe Sign change all the panels which, a number of which were broken, we illuminated the sign, the lights of which were broken out, and we changed the name of the Plaza from Wallings Plaza to Cleats Plaza, fundamentally speaking there hasn’t been any physical changes to the sign or any of, anything more than upgrade to the sign so that’s the extent of his presentation.

Chairman Sandora stated okay, Thank You, Mr. Alvarez.

Mr. Alvarez stated the only comment, he recommends approval, it’s simply changes, upgrade.

Chairman Sandora stated Mr. Merdes anything to add.

Mr. Merdes stated no comments.

Chairman Sandora stated anybody else on the Board have anything.

Don Willey stated a.

Chairman Sandora stated he will make a motion.

Don Willey stated a, is, is this sign within the conformity of our current sign in terms of size and so forth, someone brought that up he thinks in Caucus.

Chairman Sandora stated at Caucus.

Don Willey stated yeah, the height and the height, so that’s in conformity.

Mr. Alvarez stated well didn’t physically, is it greater, is it less than 7’ high.

Mr. Higdon stated yes.

Don Willey stated okay.

Mr. Higdon stated that sign itself has has not changed in, in twenty years, what we, what we have done is we spent the $5,000.00 on the new bulbs, the new ballistic, the new panels and so forth, the, physically the sign hasn't changed, it just hasn't worked until his wife and he bought the property a year ago and we put the money into the new panels and the new lighting and so.

Don Willey stated so beer went up a quarter.

Mr. Higdon stated he hopes so.

Laughs.

Don Willey stated okay, Thank You Mr. Chairman.

Chairman Sandora stated anybody else on the Board.

Chairman Sandora stated he will make a motion to approve the sign for Cleats on the condition also that you meet all the requirements and conditions of the Architectural Review Board because this will go there also, that will be next Monday at 6 o'clock here, every sign that comes before us has to go before the Architectural Review Board and it has to be approved and a with their recommendations and conditions that they put on the sign, they are the ones that pick the colors and so forth, that's a problem we have in the City when people put up a sign without going and getting their permits and doing everything they are suppose to do before hand, they buy the sign and then we, run into problems like this.

Mr. Higdon stated well Mr. Sandora respectfully the sign has been there since 1979, the sign itself hasn't changed we painted it, we replaced the lights and replaced the broken panels and other then changing the name of the Plaza there has been no physical dimensional change to the sign other then if there should have been any citations issued they should have been to the previous landowner for ignoring that sign for the last several decades.

Chairman Sandora stated well Mr. Higdon all he is saying now is, that your sign is up and it has to go before them.

Mr. Higdon stated okay.

Chairman Sandora sated so they will review the colors, they will review everything and whatever their decision is over there that's there Department now, it's out of our hands.

Mr. Higdon stated okay.

Chairman Sandora stated it's been moved, is there a second.

Don Willey stated second.

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

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

Mr. Higdon stated his only question, that means we come back on next Monday.

Ms. Fashempour stated Monday at 6 o’clock here.

Chairman Sandora stated Monday at 6 o’clock.

Mr. Higdon sated okay, all right, Thank You.

Timber Ridge Plaza, York and Sprague Roads, General Business Zoning. **Signs Approval.**

Chairman Sandora stated is the representative here.

Good Evening, Rob Milburn, 4389 Baintree Road, and that’s University Heights, 44118.

Chairman Sandora stated tell us what you would please.

Mr. Milburn stated we are proposing for Timber Ridge Plaza to reface their ground signs, they have two entrances with both ground signs that need replacing and he submitted the new drawings to you, nothing is changing, no size changes, all we are doing is refacing the ground sign.

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

Mr. Alvarez stated this is just a replacement, same size sign and everything, he has no comments, other than he would expect an approval.

Chairman Sandora stated Mr. Merdes do you have anything.

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

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

Chairman Sandora stated he will make a motion to approve the sign for Timber Ridge Plaza on the condition that it meets all the conditions and requirements of the Architectural Review Board.

Victor Bull 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.

Mr. Milburn stated Thank you.

Chairman Sandora stated Good Luck.

Ohio Catholic Federal Credit Union, 5251 Wallings Road, Local Business Zoning. **Signs Approval.**

Chairman Sandora stated the Gentlemen are here.

My name is Larry Wade, he is an employee of Archer Sign Corporation, Canton, Ohio, it’s, the address is 1917 Henry Avenue, Canton, Ohio 44706 and he also have the CEO of Ohio Catholic Credit Union with him, his name is Steve and what we are doing is we are proposing a new sign at 5251 Wallings Road, he submitted some drawings but when he received his packet in the mail, he saw that you had asked for the mounting method, so he has new drawing with the mounting methods, he could pass them out so everybody could take a look at what they are planning on, how we are planning on mounting it.

Chairman Sandora stated you can give it to the Building Commissioner, Mr. Alvarez.

Mr. Wade presented revision.

Mr. Wade stated also in our, in the thing, in the packet he got in the mail, there was some questions about the size of the sign, the reason we asked for a 3 x 10 in the Plaza and he took photos this evening before he came, there are two other signs in that Plaza with a spaces very similar to Ohio Catholic’s and they are 3 x10’s also and so we are basically just trying to conform to what’s already there and a that is the reason why we requested a 3 x 10 we did a survey and saw what signs were there and we were just trying to get our clients the same size sign that’s already existing on the building.

Chairman Sandora stated and this sign is up already also is he correct.

Mr. Wade stated no, no Sir.

Chairman Sandora stated no, okay, has the sign been ordered and pay for.

Mr. Wade stated no.

Chairman Sandora stated all rightly.

Mr. Wade stated we are still planning on how big to make it and what it’s, what it’s going to look like after Architectural Review Board.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman, he is glad you brought up the point about the other signs, he typically doesn't look at other signs that are already there, he looks at what is being proposed and a he approximated what the tenant space would be in you’re, your unit and he figured it would probably be a 18’ tenant width and that’s how he computed what the allowable signage you are allowed.

Mr. Wade stated correct.

Mr. Alvarez stated and he is only looking at your sign so, it’s, forget about everybody else so that being said, you are in excess of 12 square feet, your sign that you are proposing verses what’s allowed which is about 18 feet so that, that would require a variance and a, that means you will be going to the Board of Zoning Appeals if choose to go with this sign size. Mr. Alvarez stated the anchoring system again that came out of the Building Code.

Mr. Wade stated okay.

Mr. Alvarez stated you know we just can’t say, he likes the sign it’s going to be up on the roof.

Mr. Wade stated right, yeah that was his fault in, in, not having it on the drawing.

Mr. Alvarez stated well that’s fine, that’s no problem, he doesn’t do plan reviews for this Board he, he just simply makes comments in a sense that a, that’s what we look for when you eventually get a building permit for your sign so that’s one thing that we will be looking for but he thinks that big issue at this point is that the sign is oversized and again you can either change the size or go before the Board of Zoning Appeals, no further questions Mr. Chairman or comments.

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

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

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

Chairman Sandora stated well to the Applicant you are oversized on that according to the Code so it’s up to you know what you would like to do with it, you could downsize the sign to meet the Code or you can request to go to the Board of Zoning Appeals and ask for a variance that would, would they be able to make next months.

Ms. Fashempour stated October.

Chairman Sandora stated you, you will, you will not be able to meet their deadline, the deadline for their meeting which is next month so you would have to get all your, your application and everything in and you would be in on the October meeting, it’s up to you, you could make the sign a little smaller or you can request to go to BZA, we can’t, we can’t give variances here, we only go by the Code, whatever the Code says, we have no.

Applicant stated understand, well then Mr. Chairman what he would like to do is request that we take this to the Variance Committee just for the sake of having the sign that would be easily visible from the road and how do we go about then taking it to the variance.

Chairman Sandora stated you will have to go down and make application for it at the Building Department so that is what you are requesting to do then.

Applicant stated yes please.

Chairman Sandora stated okay.

Mayor Luks stated Mr., Mr. Chairman.

Don Willey stated Mr.

Mayor Luks stated she then, she is sorry, go ahead.

Don Willey stated go head Mayor.

Mayor Luks stated she was going to move to table, did you want to discuss this further.

Chairman Sandora stated did you want to discuss something.

Don Willey sated well the only thing he, he wondered because the aesthetics came up as a that, they may save a day or so by going to the Architectural Review Board and see if that's, that sign would be you know acceptable to them, the color and the scheme and so forth.

Chairman Sandora stated well that's up to you, you are more than welcome to go to the Architectural Review Board next Monday at their meeting at 6 o'clock to and present what you have to them and they will look at your sign, your colors and the other signs on that building over there and that might be a good point because if all those signs are, are, not in compliance over there as each sign comes before this Board when a new owner or occupant goes in there, they are going to have to do the same thing, they are going to have to come in within the Code or try and get a variance for it so he means your not talking, what is the difference in area Mr. Alvarez.

Mr. Alvarez stated we are in excess of 12 feet of the allowable.

Chairman Sandora stated 12 square feet; yes you wish to do that.

Applicant stated yes, that would be fine.

Chairman Sandora stated okay, we have a motion to table.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, to table, the sign for Ohio Catholic Federal Credit Union, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck Sir.

Applicants stated Thank You very much.

Salon Pink, 13568 Ridge Road, TCD-1 Zoning. Signs Approval.

Applicant stated Hello.

Chairman Sandora stated Good Evening.

Applicant stated Good Evening, my name is Renee Wesoloski, and she a just opened up Salon Pink, she wasn't aware of you know, what she needed to do, all that was done is the vinyl lettering that was on the sign was taken off and her vinyl lettering was put on and so the existing sign maintained, there was nothing ever physically done to it, the sign on the building is the exact same thing, just the vinyl lettering was taken down to put Salon Pink up.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman, the, the one sign on your, the ground sign, is that, that 22″ x 72 on the application.

Ms. Wesoloski stated the ground, the ground it's, it's been there, it's like got the little brick pillar on the bottom and it's.

Mr. Alvarez stated yeah.

Ms. Wesoloski stated got three of us on there, yeah.

Mr. Alvarez stated oh, okay.

Ms. Wesoloski stated yeah, it's got like El Charro and then us an then the North Royalton Travel.

Mr. Alvarez stated right, he was just concerned with the signs so, he takes it the sign then on the building is the 3' x 8'.

Ms. Wesoloski stated yeah, yes.

Mr. Alvarez stated okay.

Mr. Alvarez stated you heard that conversation we had with the previous applicant.

Ms. Wesoloski stated with the Cleats.

Mr. Alvarez stated yeah, no, the last fellow that just left here, the Credit Union sign, when you are doing a change in signs and anything like this, it should really come in to conform with our Code, you are a little bit over in terms of size, he approximated the tenant space that you have there about 18 feet too, a little bit less than 18 so, if you have 3 by.

Ms. Wesoloski stated even though it's, been existing, even though it's, like, it's been there for 25 years the landlord told her.

Mr. Alvarez stated what the sign has.

Ms. Wesoloski stated yeah, like she didn’t put anything up on the building, the, the sign was, both of them were existing for like, she thinks since he has owned the building.

Mr. Alvarez stated he is just saying that, your salon sign, salon Pink has been there for 25 years.

Ms. Wesoloski stated the sign was there, just the vinyl lettering was removed so the existing signage, everything was constructed when the building was constructed.

Chairman Sandora stated face change.

Ms. Wesoloski stated just the face change, yes, yes, that’s what she is trying to say.

Mr. Alvarez stated the face changed.

Mr. Alvarez stated well the, the only two, two comments he would have then would be the phone number that you have on the ground sign, that would have to be something that the Board here would have to approve and secondly would be the a color scheme on that on the building.

Ms. Wesoloski stated well everybody likes pink.

Mr. Alvarez stated he does too.

Laughs.

Ms. Wesoloski stated she means, and you know it’s for a cause it’s for breast cancer awareness so, there is a mission.

Mayor Luks stated uh um.

Mr. Alvarez stated he understands.

Laughs.

Mr. Alvarez stated were not the color police here.

Ms. Wesoloski stated oh okay, she just wanted to make sure and the phone number, North Royalton Travel has their phone number on there so she just followed in suit with them.

Mr. Alvarez stated well that’s fine but that’s something that the Board here can approve if they choose to do so.

Ms. Wesoloski stated understood.

Mr. Alvarez stated he thought that was a new sign going on there.

Ms. Wesoloski stated no, nope, it’s been on the building since Borchert owned it.

Mr. Alvarez stated it does stick out because.

Ms. Wesoloski stated well that’s what she wants, she needs to do business in this City.

Laughs.

Mr. Alvarez stated no further comments.

Ms. Wesoloski stated Thank You Mr. Alvarez.

Ms. Wesoloski stated should you need hair service we are there.

Mr. Alvarez stated he doesn’t have any hair so.

Ms. Wesoloski stated well you have some, you have some, never know what we could do.

Mrs. Vozar stated Mr. Chairman.

Chairman Sandora stated Mrs. Vozar.

Mrs. Vozar stated if she could, perhaps she could help clarify for the Applicant, she is sure that your understanding is that this sign is there and it’s been there a long time and all you are doing is making a minor change to it, the reality is when there is a change of ownership and, and you have just taken over the business, there has been a change in this sign so that’s why you are before the Board and the Board is going to look at as though you are starting a new.

Mayor Luks stated on the building sign.

Ms. Wesoloski stated okay.

Mrs. Vozar stated yes, on the building sign.

Ms. Wesoloski stated okay.

Mrs. Vozar stated okay does that help explain to you why you had to come here.

Ms. Wesoloski stated yes.

Mrs. Vozar stated and she knows you just think that okay good.

Ms. Wesoloski stated yes, she understands and you know you want to keep everything in protocol a certain direction.

Mrs. Vozar stated and even though years ago things weren’t in protocol, the Laws have changed and so while we might not have the opportunity and and the authority to go and make them change it then, when there is a change in ownership then we can.

Ms. Wesoloski stated okay, understood.

Chairman Sandora stated so they will have to get a variance on the wall sign.

Mrs. Vozar stated correct.

Chairman Sandora stated anybody in the audience have anything they would like to say.

Chairman Sandora stated well because this is up already, we have the same situation here again, the sign was put up and again, every building owner knows that they have to get permits, every building owner knows and every Sign Company knows that they have to go before a Board and get permits and yet they go and they sell these signs and people buy them and they put them up and we run into this problem over and over and over again, we are going to have to separate your two, we are going to separate your ground sign and your wall sign and if you don't want to change that you will have to take your sign to the Board of Zoning Appeals also to see if you can get a variance for that.

Ms. Wesoloski stated the one that's on the building is what you are referring to, okay.

Chairman Sandora stated if that's what you want to do or else you have to downsize that sign.

Ms. Wesoloski stated can she just take it off the building.

Chairman Sandora stated well.

Ms. Wesoloski stated she means, she right now, she is just starting up her business, she started July 1st, you know.

Chairman Sandora stated he understands and we all understand this, we know how rough it is for businesses but there is not a whole lot that we can do with these Codes and we are trying to bring everything into compliance, we are trying to.

Ms. Wesoloski stated she guessed what her concern is, or what her challenge is you know with respect due to, she understands what you are trying to do is that, you know, she is a small business owner, she has three employees including herself the sign was existing on the building for 20 years, it's been a family building forever, she didn't touch anything on it all it was doing was the vinyl letters were taking off so wouldn't it be grandfathered in if you will verses.

Mayor Luks stated Mr. Chairman, she is sorry, if she could interrupt, she has a suggestion.

Ms. Wesoloski stated sure.

Mayor Luks stated she thinks that the argument that you are making is one that you should make to the Board of Zoning Appeals, should you so choose, it sounds rationale, it sounds logical but we can't make that decision and vary on signs.

Ms. Wesoloski stated okay.

Mayor Luks stated you can leave the sign up pending the outcome of your appeal to the Board of Zoning Appeals.

Ms. Wesoloski stated okay.

Mayor Luks stated okay, so why don't we move forward on the ground sign this evening, table the the building sign, wall sign, you will take that to the Board of Zoning Appeals and see what they say.

Ms. Wesoloski stated okay.

Mayor Luks stated all right.

Ms. Wesoloski stated sounds good.

Mayor Luks stated okay.

Ms. Wesoloski stated and where to, how does she do that, go to the Building Department again for the Zoning Appeals.

Chairman Sandora stated right.

Ms. Wesoloski stated get a date for that too, so she comes back next week and then again in October for the other one.

Chairman Sandora stated and again if you would like to, you can go to the Architectural Review Board that's next Monday at 6 o'clock here, present this to them also and get their input from that.

Ms. Wesoloski stated well she would go anyways for the ground sign correct.

Chairman Sandora stated right.

Mayor Luks stated correct.

Ms. Wesoloski stated so she will be here anyways next week.

Chairman Sandora stated and you will talk, you can talk to them about the wall sign.

Ms. Wesoloski stated okay.

Ms. Wesoloski stated you just want to keep her hanging around here right.

Don Willey stated well you are in the neighborhood so.

Ms. Wesoloski stated okay, all right, she will take care of it Thank You.

Chairman Sandora stated okay, we are going to split this thing, can he have a motion to approve, a motion to approve the ground sign on the condition that it meets all the requirements and a regulations of the Architectural Review Board.

So moved Don Willey.

Anne Reinkober stated second.

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

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

Chairman Sandora stated have a motion to table the wall sign for Salon Pink.

So moved Don Willey.

Second Mayor Luks.

Chairman Sandora stated it's been moved and second to table the wall sign, 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.

Ms. Wesoloski stated Thank You.

Chairman Sandora stated Good Luck.

Royalton Skin Care, 6730 Royalton Road, TCD-1 Zoning. **Signs Approval.**

Hello, she is Karen Becker, Becker Signs, we are located at 4174 Wheatley Road, Richfield, Ohio 44286. Ms. Becker stated she is here representing Royalton Skin Care at 6730 Royalton Road, we are here to ask your approval of a sign for the fascia which would be a new sign and a change to the existing ground sign, nothing has been installed, nothing has been built, we are trying to do this in the right order, you have received all of our drawings, all of our documentation from the packet we received in the mail, no one had any comments or concerns about the project as proposed we would just like your approval to move on.

Chairman Sandora stated and Thank You and Thank You for doing what you should have done, Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated again the ground sign, it is just a name plate on there.

Ms. Becker stated name change correct.

Mr. Alvarez stated he recommends it, name change, he is sorry, he doesn't have a problem with that, it is 12 x 42 that's what you indicated on here.

Ms. Becker stated uh um.

Mr. Alvarez stated and in terms of the wall sign, that's 14 square feet and the tenant space is about 15' wide, it's not a very big place but none the less the allowable is 15 square feet which is more than adequate, so your sign is in conformance in terms of area only.

Ms. Becker stated right.

Mr. Alvarez stated so a, no further comments.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes you would like to say anything.

Mr. Merdes stated Thank You Mr. Chairman, the Applicant is correct, he has no comments on either of the two signs.

Chairman Sandora stated Thank You, anybody in the audience have anything on this, anybody else on the Board have anything, make a motion to approve the signs for Royalton Skin Care for the wall sign and their ground sign.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, and this applicant will also go to the Architectural Review Board on a next Monday.

Ms. Becker stated yes.

Chairman Sandora stated and present your sketch and plans to them.

Ms. Becker stated yes.

Chairman Sandora stated and this will be based on any conditions and regulations that they put forth on this also.

Ms. Becker stated correct Thank You.

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 Thank You and Good Luck.

Ms. Becker stated Thank You very much.

Subdivision Approval

Zillich Homes, Inc., **Huntington Park Subdivision 4,** R1-A Zoning. **Preliminary Plan Approval.**

Ms. Fashempour stated and the Applicant is here.

Greg Zillich 7619 Pleasant Run, Seven Hills, Ohio.

Mr. Zillich stated he is here for a Preliminary Subdivision Approval for Phase 4 of Huntington Park, 14 additional lots, extension name is Angelina Drive.

Chairman Sandora stated is there anything else you would like to tell us about it or is that it.

Mr. Zillich stated not really he thinks.

Chairman Sandora stated answer our questions.

Mr. Zillich stated he will take any questions you might have.

Chairman Sandora stated okay, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated the a, the submission you have before you he has reviewed and had a few comments, actually the their Engineer had gotten him another drawing that addressed his comments which were that the easements needed to be 20′, that was changed, he was concerned about the garage floor of three of the sublots and they have been adjusted, there was something missing that was required by Code as to the amount of timber that was needed to be removed and that was provided as about seven acres, and the the Army Corp of Engineers and the Ohio EPA did, did verify the, the delineation of zero wetlands and no stream impacts was, was correct and acceptable to them a there were a few residents that had come in and looked at the, the plan when it was available at the Engineering Department and he knows one of them and they may, there may be some residents here tonight that would like to have some comments on, on the proposal, one had brought up a concern he thinks it was discussed before in that they would like to see an attempt made to, to mitigate some of the clearing that, that would be required along the western boundary, the properties that back up on Villa Grande and he knows that this plan shows that in the 20′ storm sewer easement, the storm sewer is not, is not on all the sublots back there, it’s only on some of the sublots and it’s moved 15′ away so it, it’s not centered in the easement, it’s moved further on to the interior of the subdivision, but the, the drawing does show grading that more or less goes proposed grading or change of grade that more or less still goes, pretty near the property line which would probably if that was needed to be accomplished would require clearing still to go pretty close to the property line, he doesn’t know if the Applicant was aware of that concern.

Mr. Zillich stated we looked at it and when he talked to the Engineer, we really don’t know how that is going, it is going to depend on how your opinion and what your going to let pass there.

Mr. Merdes stated well he really thinks that probably can, since the storm sewer is moved further away from the property line the grading probably can, where it matches it, it doesn’t, he doesn’t think that it needs to be required that it matches right at the property line, the, for drainage it probably can, can be a change of grade and probably can be about 10′ off that property line because the storm sewer is 15′ off the property line so if it is, the grade change is, is held 10′ off the property line you still have 10′ to, to make the drainage swales into those catch basins and usually that’s about the distance that those swales end up to be.

Mr. Zillich stated there is not that big of an area that, you know, his, his concern is to not take the trees down, he needs to, he would like to see the trees stay as a buffer, the more trees that he can save if he, your, your talking about he thinks six lots if there, if there is a way of working around that, he, he would rather do that even if it would be more work, put additional drains in there, yard drains whatever he would have to do to save the trees, the, the lots drop off about 5′.

Mr. Merdes stated well, he, he, he doesn’t think it’s really any more work it is, probably is just a different way of of depicting the grading.

Mr. Zillich stated the problem they had last time, they had to go straight through we weren't, there wasn't any, any flexibility in in the design there of, of moving the sewer in and out or around what was there, we basically went a straight line 800' down the back of the property line in the easement there and what was ever there was gone, and.

Mr. Merdes stated right.

Mr. Zillich stated and and you know, if he had the flexibility of moving around some of the stuff, in and out, there is not that much there where it would bother him to work around what's there, you know, like your saying you are talking about 5 lots, 5 maybe 6 lots back there, 600 feet, 5, 600 feet of sewer back there.

Mr. Merdes stated right.

Mr. Merdes stated he means he would think that you do have the flexibility to do it.

Mr. Zillich stated he would be more than happy, he means, whatever, he, he, he is all for saving what's there, he would rather see them stay.

Mr. Merdes stated uh um.

Mr. Zillich stated he didn't know if that was something that you could address in the final design phase or.

Chairman Sandora stated are you going to be comfortable with that in the final design phase.

Mr. Merdes stated a.

Mr. Merdes stated maybe give him a few minutes to think maybe you could open it up the audience.

Chairman Sandora stated okay is there, there is going to be additional buffering on this also Mr. Zillich are you planning on putting anything, anything additional back there also or just using the trees and what's ever there now as a buffer.

Mr. Zillich stated whatever is there now and he doesn't know, he is going to have to replace some trees there and he doesn't know, we are pretty much filled up in the first, in the third phase with the trees they have to plant as far as room there, he doesn't know how many trees, he don't, there is nothing that's going to go on the east side that's up against the gas easement so there's, he doesn't know what the requirement is, we are clearing seven acres, how many trees he will have to plant and if the storm sewers were moved in there would be room to plant whatever, he has to plant, he thinks, he thinks it's 4 trees per acre cleared or something like that and he is not sure what it was, we have to plant 440 trees in the first phase.

Chairman Sandora stated uh um.

Mr. Zillich stated so with this additional, we are clearing seven acres, whatever that would be, that be probably the only logical place to plant anything there because the rest of it is all, is all filled already,

there really is no room for anything else, there is two trees on the front of each lot but like he said that, that’s more sparse on that back side over there, there could be some trees planted there.

Chairman Sandora stated okay, is there anybody in the audience that wishes to come forward on this, Sir, in the white shirt.

My name is Ed Valentine he lives at 11361 Villa Grande Drive.

My name is Tom Chelmins, he lives at 11351 Villa Grande Drive.

Mr. Valentine stated he had the opportunity to, to view the plans at the Engineer’s Office and when he reviewed the plan the Civil Engineer has graded all the way up to the property line so that would lead you to believe to change the grades and to meet the contours that the Civil Engineer has graded, that there would be no trees left, you couldn’t grade and leave trees at the same time so what he has come to ask is exactly what the City Engineer has mentioned and, and Mr. Zillich has mentioned, is could there be some consideration for the trees that are near the property line, he had the opportunity to walk along the property line of the eight houses that are affected by Huntington Park 4 and there’s over 70 trees right within a twenty five foot margin of the property line, some, 50% of those trees being a 12 to 16 in diameter, a couple of them 48” in diameter would be 100 year old trees or so. Mr. Valentine stated so, when he looked at the engineering plan, there is way to design the engineering plan similar to what Mr. Zillich has just mentioned that, it’s designed in right angles and the contours are design by a, Civil Engineering that’s, that’s moving his, his computer mouse in segments and he is not really, it, it, not taking into consideration what’s there he is trying to meet a grading plan. Mr. Valentine stated he has some photos of what the back yards look like but you, he can show you and pass these around this is some of the large, larger trees that are just right on the property line so he has a concern, right on the property line, if you look at the trees in the, in the neighborhood here they are well over 100’, 80’ high trees right near the property line and clearing limits, and he understands the property, yes but a this is a view of what his backyard looks like and most of the, many of the trees are within that 25’ lawn so if there is a way and there is way to grant, to grade and create storm drainage that accommodates the runoff that heads to, head to the new street in the Huntington Park Division and also has consideration for the trees there, we don’t have to end up with a a storm drain running right down the Huntington Park 3 that runs right on the property line that wipes out 20’ before they need a storm drain and everything is gone, that is what Mr. Zillich has spoke of 800’ of storm drain line right down the property line and just lost, we just lost everything along the property line.

Mr. Valentine stated there may be a disconnect with what the Engineer has drawn and what the intent of, the intent that he hears, so he, he would like to have the Planning Commission consider encouraging the flexibility of the design and development to take advantage of the natural landscape, this is going to help both sides, this is going to help the, the new homes that are at the new development that’s going to be there, those $400,000 dollar homes, want their privacies just as much as we would like are privacy and create, the possibility to create the buffer and meet the storm water guidelines is very, very present and he

had the conversation with the a, Clark that you don’t have to draw storm sewers at right angles and you don’t have to, you don’t have to change the grades from behind our property actually naturally falls to the street so you really don’t have to change the grades that much six inches or eight inches, you don’t have to do that because, because it’s hasn’t in the years, the seventeen years that he has lived there the water does not flow back to his property the water flows naturally in the other direction and that’s easily determined by reviewing the existing contours on the plan so with that Tom is.

Mr. Chelmins stated yeah and he would echo that, he is an Architect in, in the City here and he has been doing this for over 40 years and we deal with Civil Engineers all the time and a lot of times Engineers with all due respect deal in black and white in the number of pattern and they fail to take into consideration maybe trees and wetland, not necessarily wetlands but forest lands and this is the thing, like Ed Valentine here said, we haven’t had any runoff, he has been there for 23 years, we don’t get any runoff from the woods, we would have been complaining the the School Board, that just doesn’t happen so to create this what they want to create back there with the catch basins and all that, probably isn’t really necessary and again he doesn’t want to speak for t the Engineer but we don’t see it as a necessity, the other thing that concerns them is that these trees indeed are 100’ high and they are 3’ like Ed said, he went out and measured them, you go by this with a swale, cutting a swale in what happens to the roots, they are going to go somewhere, well the tree isn’t going to die this year, it’s not going to die next year, but probably within 5 years it will be dead and then we are stuck with a problem now of having to take it down at our own expense and so we agree with Mr. Zillich that if he can save these trees by all means do that, it’s going to save everybody a lot of money and it will do just what Ed said, it will create a better property in the new development that Mr. Zillich is building and it will make us happy too and so he thinks he would just ask the Planning Commission to have them take another look at this, keep that in mind like the City Engineer said, keep that in mind and a maybe we will come up with a better answer, Civil Engineers have a lot of tools they know how to do it, so that’s all.

Mr. Valentine stated Terry Kaminsky is also one of our neighbors on the property, she has some large trees that are right on the property line, her side of the property line if, if we start cutting swales right there, that’s exactly what Tom is saying that a you will be with under the canopy of the trees and trees die and then they are left with the financial.

Mrs. Kaminsky stated she guessed her only concern is, is, for.

Chairman Sandora stated Ma’am, for the record please, give your name and your address please.

Mrs. Kaminsky stated sure, it’s, Terry Kaminsky, 11331 Villa Grande, and so we would back up to the new property going in, her only concern is that when Planning Commission’s all around the Country are forcing builders to make green space and to put plants in and to build green space we have got the green space why tear it down, leave a buffer zone of the 20’ whatever it is and put the drainage and the, and the tiles on the other side of it so that you know we don’t have to plant new trees, it’s already there, don’t take down what’s there.

Mr. Valentine stated it’s less clearing, it’s less new trees, it’s more established 100 year old trees and you can see from the photographs they are within 20’ of the property line and, and as we had mentioned before, the City went to great expense to try to actually buy that property and turn it into a green space unfortunately the money, the funds didn’t come through, this is another alternative to still maintain a green space without ending up a tearing, tearing seven acres of trees down, that doesn’t benefit, he would think that Mr. Zillich could sell wooded lots even at a higher price then, then a cleared lot.

Mr. Chelmins stated this is like a win win situation.

Mr. Valentine stated it does seem like a win win but we need to get the Civil Engineer on, the Civil Engineer who drew the plan on board not to grade to the property, Thank You very much appreciate the time.

Chairman Sandora stated Thank You.

Mr. Merdes stated a Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You. Mr. Merdes stated a and he, he thinks that the, as they said, probably this grading without much adjustment matching can lead, can match at least 10’ away from, from that property line and therefore, you know therefore there would be no change of grade along those 10’, any, that would mean that there would be no clearing needed, possibly the, the catch basin between sublot 53 and 54 could even move a little more interior to the subdivision then, a and help out the situation also.

Mr. Zillich stated not to interrupt, how far in will you let me move them while you consider it still serving the function that it’s suppose to.

Mr. Merdes stated well this is where he has to get to the second part of the, of the concern is that once the, the City was not able to, to a hold this off as green space as it moves towards the development there is something now in the environmental rules that more of less necessitates the need to collect the water in the rear of sublots, and, and to this, you know, to this persons credit, this developers credit that the, the storm drain running the whole length of the rear is not there, it is in segments and there is some catch basins spaced out to collect the water but what, what happens is that the EPA will, will want to see the water after the development is, is developed, more or less treated for water quality before it’s released to the environment so just as on Villa Grande probably from your homes, your back yards slope away from your homes and the water runs, that’s why you don’t have a drainage problem, there is more or less, there is enough fall and your backyards run away from you and into the woods and that’s fine because those were the rules that were in place when that development was done, today there’s, there’s rules that the EPA does not want to see peoples back yard lawns which may be treated with fertilizers, with pesticides just run off, run down and run into a woods and into a creek they would like that water collected and in most cases it’s collected into a storm sewer system taken to a basin and and this development has such a basin

and this basin has some water quality aspects that are able to do some type of of treatment, ultimately the water is released to the stream but it stays longer, there are plants that start to grow and essentially it, it, it seeks to hold some of those pesticides, some of those fertilizers and the potential for harm out of the environment and those are the more or less the rules today so he doesn't think we will see very many developments any more that won't have some type of collection system, not only at the street but probably in the rear of the yards. Mr. Merdes stated so that's and that may be, that may sound contradictory but a he doesn't know of, of a way around that but at the same time he sort of agrees with them that the swale, the drainage, everything that is necessary he thinks because the land keeps sort of falling in a bit and that even the EPA would be satisfied that, that, that, that water collects into the, the basins out to the storm sewer into the the large detention basin.

Mr. Zillich stated he, he also.

Mr. Merdes stated so, so you could he means, it, it appears that, he means you can, he means, you, it just seems as though we all talked about the same concerns and get to about the same place.

Mr. Zillich stated he, he doesn't know if it's feasible.

Chairman Sandora stated so you can work this out between the both of yous.

Mr. Merdes stated pardon.

Mr. Zillich stated he doesn't know if it's feasible but he offered already and he would pay for it, he doesn't know how many trees are on the other side of the property line.

Mr. Valentine stated quite a few.

Mr. Zillich stated he doesn't know, he doesn't know how much is there but if there is room on the other side, because in the other, there was, there were lawns over there and he doesn't know if there is a way to go through the trees or, or half and half part, he doesn't know how straight, you are talking about 4 or 500'.

Mr. Merdes stated well, the concern.

Mr. Zillich stated the problem is the swale.

Mr. Merdes stated he knows but.

Mr. Zillich stated not the drains, the swale, to cut the swale through is a problem.

Mr. Merdes stated what you can probably do is, is where, because there is three places where there are storm sewers that, that come between the properties.

Mr. Zillich stated right.

Mr. Merdes stated those storm sewers can probably be, be moved even more, even further away from, from, from trees that you might like to leave, maybe 20’ this way.

Mr. Zillich stated you understand, the problem he is going to have is.

Mr. Merdes stated but, but he knows that you will have an issue if you don’t have.

Mr. Zillich stated outside of us, that’s where the problem is.

Mr. Merdes stated if you don’t have a few of those catch basins that are relatively close to the line and, and because the issue will come when, when you go to the Soil and Water Conservation District and they look at this and they, they see that, that you don’t have something that, that’s close to collect the water so.

Mr. Zillich stated he is.

Mr. Merdes stated you’ll probably, you’ll probably will have to leave like the catch basin always at the end of the line, sorta near where, where it’s shown but the grading can pull away from that and then maybe the other catch basin can, can move forward a bit.

Mr. Zillich stated he, he appreciates everything, everybody’s concern here and he knows that a lot of people are probably not happy that he is here and he is offering to do, he is offering to be flexible and whatever he can do he will do it to accommodate everybody, he is not here to say that, that is how it has to go and if there is option he is not, you are not talking about a, a, a big effort on his part, it might cost a little more but it, it would be beneficial to him and them and a somewhere in the middle and he doesn’t know where that is.

Mr. Merdes stated uh um.

Mr. Zillich stated he has to give you, he has to present to you papers that conform to Codes.

Mr. Merdes stated right, and that’s where he, he does not want.

Mr. Zillich stated you in turn tell him what he can do or can’t do.

Mr. Merdes stated people to get the wrong idea, right, right, and he doesn’t want, he doesn’t want, he means, he would say move it, we could ask you to move it, the whole system 50’ away but he doesn’t think that would get through and ultimately he thinks it would get hung up in an environmental review that they will look and say well you have got the potential that water is getting away into the woods and into the environment.

Mr. Zillich stated he guessed he is saying that he is open to your opinion, whatever.

Mr. Merdes stated well, he, he thinks.

Mr. Zillich stated he would take the chance of submitting it as far in as he can and if it’s you know if he can’t, he can’t but he would take the chance of submitting it and if he has the cost of redrawing that

particular thing it’s minimal and he will see what they say, if you don’t have a problem with it, he, he sure don’t, we are all looking for the same thing here, if he clears 10’ or 50’ it’s, it’s really not an issue.

Chairman Sandora stated well.

Chairman Sandora stated let the Engineer’s work it out.

Mr. Merdes stated uh um.

Mr. Zillich stated it is kind of past him, he, he doesn’t have the ability to, to move them in without permission.

Mr. Merdes stated uh um.

Chairman Sandora stated well, he have to table it anyway.

Mr. Merdes stated well, you have to, for the rec allocation, so maybe.

Chairman Sandora stated well Mayor, we have to table this because of the fact of the recreation aspect of it.

Mayor Luks stated right.

Mr. Zillich stated yeah.

Chairman Sandora stated so, how about if, our Engineer Mr. Zillich and your Engineer get together and see if yous can come up with a way that everybody would be.

Mr. Zillich stated it’s kind of one or, one agency pass that, like he said, it has to go to, they are the one that are going to make the determination and whatever.

Chairman Sandora stated exactly, but again.

Mr. Zillich stated and you have much more pull with them then he does, if you suggest it.

Chairman Sandora stated exactly but with the three of you sitting down and see the best way it’s going to work for the three and for the residents, you know and the residents, and you know we don’t want any more, we don’t want any problems with stormwater then we have.

Mr. Zillich stated he doesn’t think it’s going to be an issue there anymore, he, he should never say that, but what we did over there, but it’s, it’s, it’s, a it doesn’t matter to him like, if it’s 10’ or 50’.

Chairman Sandora stated right.

Mr. Zillich stated if it’s at the edge of the trees or it’s behind the trees, he didn’t want to take the trees down behind there.

Chairman Sandora stated he remembers you talking about that yes, you tried to go on the other part.

Mr. Zillich stated it didn’t do him any good.

Mr. Zillich stated so whatever you are talking about he thinks 3 catch basins it’s not a a big deal to him, it’s not a big issue.

Chairman Sandora stated well again we have to table this anyway because we don’t have the recreation portion of it, so between that, between now and the next meeting maybe we can, you know you guys can just come up with something.

Mr. Zillich stated other than what he, he submitted really, he, he thinks your suggestion carries, what your suggestion to that agency, would carry a lot more weight than his and he is willing to do whatever they come up with if he goes there, they are just going to tell him no, there pretty.

Mr. Merdes stated they will tell him no too.

Mr. Zillich stated he doesn’t know that, he doesn’t know that.

Chairman Sandora stated he has another question while were, while he’s doing what he is doing over here, on sublots 51 and 52 you are going to use a grinder pump, there is no way out that correct.

Mr. Zillich stated no, the, the, were at, he thinks a, the minimal grade for the sanitary.

Chairman Sandora stated uh um.

Mr. Zillich stated and the way the land drops off that’s it, the sanitary, the grinder pumps are just for the floor drains in the basements everything else on the first and second floors if they are two story homes will be gravity feed, it just picks up the floor drain in the basement.

Chairman Sandora stated just the floor drains.

Mr. Zillich stated or if there is a bathroom in the basement.

Chairman Sandora stated okay.

Mr. Willey stated he has, he has Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated one of, one of the things that’s happen with, with a rear yard drains is that a they block up from, from debris especially in the fall when it, you know, it rains and the wind blows and, and all the leaves.

Mr. Zillich stated the leaves.

Mr. Willey stated well, what’s happened in a number of, of part of the City is, has been that the, the rear drains are blocked, consequently a resident can’t go out an unblock it because the some of them are sunk and there has been basements flooded and he guessed that the thing that he would a, a, want you to consider also and by the way he is in favor

of not cutting down those trees, but if, if you modify the water flow, the, the water flow does these folks as these folks already said the water always flows away from the houses up, so it’s got to go somewhere and he is not sure that a, the, the adequacy of, of having the rear drains how it will affect the new residents, the, the homes that you built.

Mr. Zillich stated it’s, it’s more of Code now, like he said, it’s, it’s a clean water act, were, were running a back there 18”, and 18” pipe there with 2’ catch basin, most of what you see, rear yard drains where they block up are usually, they used to be tied into the downspouts.

Mr. Willey stated yeah.

Mr. Zillich stated this is something that came about 2 years ago, the Clean Water Act, it’s, it’s something different now.

Mr. Willey stated well the, the reality is that water goes down hill correct.

Mr. Zillich stated yeah, yeah.

Mr. Willey stated yeah.

Mr. Zillich stated he, he, he has to pick, it’s not that, he has a water problem, he has to pick up the water problem from the, the street behind him.

Mr. Willey stated sure, he understands, sure.

Mr. Zillich stated and you are saying as far as the drainage, clogging up, it’s a different type of system that it’s much more than what was in the past, you say to block up, it’s, it’s an 18 inch pipe verses a 4” pipe that used to be.

Mr. Willey stated a 24”, a 24” rear drain and he can take you to five places and every, every time because of the drainage and the trees you know we want trees but excuse him, part, part of the problem with that is is getting in, blocking the water from going into the sewer system.

Mr. Zillich stated but anything, everything has to be maintained, it’s a, that’s a maintenance issue.

Mr. Willey stated well the question, that brings the other issue, the resident thinks the City should maintain them and the City says the residents should maintain them so that’s the, that’s the flip of the coin and it’s still in the air so, okay, Thank You Mr. Zillich.

Chairman Sandora stated Mr. Willey.

Chairman Sandora stated anybody else on the Board have anything.

Mayor Luks stated Mr. Chairman she moves to table.

Second Don Willey.

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

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

Mr. Zillich stated okay, Thanks.

Chairman Sandora stated Good Luck Mr. Zillich.

Property Split/Consolidations

Michael and Alice Walsh, York Road Rear Property, PPN 482-03-005, R1-A Zoning. **Lot Split and Consolidations Approval.**

Chairman Sandora stated the Applicants are here please step forward.

Michael Walsh, 9066 York Road, this is his wife Alice Walsh.

Alice Walsh, 9066 York Road.

Mr. Walsh stated he is here to get a lot split on parcel number 482-03-005 lot split and consolidation approval, he doesn't know if he is suppose to present this now, he has a letter from Councilwoman Bobulsky.

Mr. Walsh presented the letter to the Board, she couldn't be present tonight.

Ms. Fashempour asked Chairman Sandora if he wanted it read into the record.

Chairman Sandora stated yes.

Ms. Fashempour stated Mr. Walsh presented her a letter from Denise Bobulsky Council Representative Ward One.

September 5, 2007

Dear Members of the Planning Commission, before you this evening is a request for a lot split consolidation of Permanent Parcel Number 482-03-005 this is somewhat of a unique situation and she does request your consideration in granting approval as she is in favor of the Walsh's request as well as the Homeowners on Potomac Drive. The six residents on Potomac Drive wish to purchase additional property to be attached to their frontage from Mr. Walsh. Not only will this purchase from Mr. Walsh enlarge and enhance their property but will also control not in their backyard development which needs to be taken into consideration in the Chesapeake Potomac area where drainage flooding issues exist. She is asking the Commission to please consider this circumstances as you work towards working with Mr. Walsh and the aforementioned residents of Potomac to grant approval in the most expeditious manner as possible.

Sincerely

Denise Bobulsky
Council Representative Ward One.

Chairman Sandora stated Thank You Ms. Fashempour.

Chairman Sandora stated Mr. Merdes, do you have anything on this one.

Mr. Merdes stated probably.

Mr. Merdes stated a.

Don Willey stated Mr. Chairman, oh.

Mr. Merdes stated the proposal leaves the remnant of the lot split and consolidation as a nonconforming lot because it doesn’t meet the frontage requirement.

Chairman Sandora stated yeah, and unfortunately that’s a problem here and even though you know he keeps saying this and he applauds you for what yous are trying to do he means because many, many times people come before us when a developer comes in here and the rooms are packed with people that say, you know we have lived here for thirty years and the woods have been behind our house, we’ve used it, we’ve enjoyed it, we love the animals and now we have a developer coming in here that wants to develop it and we don’t want it there and again you know when somebody buys a piece of property and they have the right to come forward and as long as they are going to meet the Codes and everything within the City and do it the way that it should be done like this Gentleman who was here before you tonight, he means we can’t stop them, so he applauds what you guys are trying to do over there by buying up some of this, your backland so that it does not happen to you, unfortunately we still have the, the issue of a nonconforming area that’s going to be in here and he will let Ms. Vozar.

Mrs. Vozar stated Thank You Mr. Chairman.

Mrs. Vozar stated yes, after reviewing this um, um, while obviously there is significant value as, as Mr. Chairman indicated, in doing this, this Board doesn’t have the authority to grant a variance and she believes based on that, that you do need to make an application to the Board of Zoning Appeals and just for the record she thinks that it should be pointed out that under 1260.14 one of the reasons that you would increase the lot size of an area would be obviously in a lot located along an open ditch or land subject to flooding, um, obviously avoiding building and adding anything else to these, this property obviously will help reduce that chance so obviously there is a reason why you would want to go forward with this plan but unfortunately the Board of Zoning Appeals will have to hear the evidence on that so her recommendation is that you go forward with the Board of Zoning Appeals and submit your evidence to them and then come back before this Board.

Don Willey stated Mr.

Chairman Sandora stated could he, he would like to ask you a question also if he may, according to this plot that you gave us and you are showing us here, you are buying this property from the individual that faces.

Mr. Walsh stated he is the owner.

Don Willey stated he is the owner.

Someone stated he owns the land.

Mr. Walsh stated this lady here wants to buy it and also this man, they want to buy it, four of them want to buy it.

Chairman Sandora stated okay, this is just a question that’s all he is asking.

Mr. Walsh stated okay.

Chairman Sandora stated so you own all this property here.

Mr. Walsh stated right.

Chairman Sandora stated you don’t, now you do not own the property to the north of you.

Mr. Walsh stated no, he just owns this.

Chairman Sandora stated you just own this one particular section there.

Mr. Walsh stated right.

Chairman Sandora stated okay, that’s all he wanted to know because this the other sections to the north which are just as long in length as yours it seems, they are still, they are there, they are not yours.

Mr. Walsh stated right, correct.

Chairman Sandora stated okay, that’s all he wanted to know because sometime or another probably that will be developed and at that particular time when you make your case before the Board of Zoning Appeals even if this section doesn’t sell there is probably a way that, that could be tied, tied into it, that’s all he is saying.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Resident stated could he, he just has a question.

Chairman Sandora stated wait, Mr. Willey.

Don Willey stated he has a question for the Law Director and, and the Engineer which lot of these six would be nonconforming.

Chairman Sandora stated the part that’s left.

Mr. Merdes stated the large part that’s left.

Don Willey stated even, even though there is a frontage on that.

Mr. Merdes stated right.

Don Willey stated they, why would it be nonconforming.

Mr. Merdes stated the minimum, the minimum required frontage would be 100’.

Chairman Sandora stated and they only have the width of the road.

Don Willey stated okay.

Mr. Merdes stated and it.

Chairman Sandora stated he is sorry.

Mr. Merdes stated no, you are correct.

Don Willey stated so, a, a, that would be nonconforming so this, this thing would be a created that way, had every resident on Potomac decided to extend it to, that would not be a problem correct.

Mrs. Vozar stated right.

Someone stated correct.

Don Willey stated or if the lady with the large lot next door would would decide to attach it over on that side, that would be, a conforming also correct.

Chairman Sandora stated correct.

Mr. Merdes stated right, actually.

Don Willey stated to, to consolidation.

Mr. Merdes stated actually if anybody between 71 and 78 attached that whole thing to their property that actually takes of the remnant and it becomes just one person who owns land behind everyone else.

Don Willey stated right.

Mrs. Vozar stated right.

Mr. Willey stated right, or the property owner at the, what would it be the east side of Shenandoah.

Mr. Walsh stated now they attached their lot, it goes over a 150’ east of Shenandoah that wouldn’t be enough for the 60’ with a road give him a variance, he owns a 150’ pass Shenandoah, 185. something wide.

Don Willey stated and that’s, that’s Mr. Gallagher.

Mr. Walsh stated right.

Don Willey stated yeah.

Mr. Walsh stated we would have to buy that piece also.

Don Willey stated now, now that, that could be split correct without going to a, a Zoning because that doesn’t create, does that create a problem.

Mr. Walsh stated a.

Mrs. Vozar stated you want to do a partial split, their application is to do this entire split and to leave a resulting nonconforming lot, the Code doesn’t allow you to do a lot split to create a nonconforming lot and you still would be doing that.

Don Willey stated it would still be.

Mrs. Vozar stated sure.

Don Willey stated well, would it.

Mr. Merdes stated yeah, the remnant would still be left as nonconforming.

Don Willey stated well wait a minute, if, if he, if he sold that lot on Shenandoah to, to this property owner without asking for these other folks at that time he hasn't he hasn't, created a nonconforming lot because it is still attached to his York Road property.

Mr. Merdes stated no it's not attached.

Ms. Fashempour stated no, it's not.

Mr. Walsh stated he owns York Road.

Don Willey stated pardon, you own York.

Resident stated if he, if he could just say something, his name is Rick Plant, he lives at 9163, he is the original century home on York Road.

Don Willey stated okay.

Mr. Plant stated that, this ten acres used to be all one parcel.

Don Willey stated okay.

Mr. Plant stated and God knows why that Mr. Avalon, life long resident of North Royalton split the property sometime in the 60's into a two acre lot with his house and eight acres directly behind it, when he bought the property from Mr. Walsh, who inherited it, he bought the house and the two acres because he couldn't afford the eight, so it's a nonconforming lot since probably 1960 or whenever it started, what we are asking is, his barn right now is.

Don Willey stated to conform.

Mr. Plant stated there is 15' behind his barn, is where his property ends, he, he doubts, he, he would hope that a developer would not want to put a brand new house up against a 109 year old barn.

Don Willey stated well why not.

Mr. Plant stated but anyway, he would like to expand his lot, a lot of the residents on Potomac want more lots, he knows you guys all understand that but his point being.

Don Willey stated sure.

Mr. Merdes stated right.

Mr. Plant stated is, it's already a nonconforming lot, if you take a little bit off of it, it is still not conforming, we are not changing the status of it, there is still access through Chesapeake which a builder can get to.

Chairman Sandora stated well we have, we have no control over that.

Don Willey stated no, right.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated it is still a nonconforming, Mayor.

Mayor Luks stated if, if she may, we are required to do things according to Code so even though it’s logical it it and we understand what you are trying to do we need to find the correct mechanics to accomplish it.

Mr. Plant stated okay.

Mayor Luks stated and, and our, what our Law Department is saying is that, that they think the correct procedure to accomplish this would be for you to go to the Board of Zoning Appeals whose has the authority to deviate and vary from meeting the Codes, this Board doesn’t have that authority.

Mr. Plant stated well we will do that, Thank You.

Mayor Luks stated okay.

Chairman Sandora stated explain your facts to them the way you are explaining it now.

Mr. Walsh stated okay.

Chairman Sandora stated there’s, yes Ma'am.

I am Patty Drum, she lives at 9492 Potomac Drive and she is one of the potential buyers, can we ask for a conditional approval if we get the street variance so we don’t have to come back through.

Chairman Sandora stated no, we have to table it here, we can’t, we can’t give conditional if you have to go.

Mayor Luks stated Mr. Chairman and as you can see we like seeing people and keeping them around, we just keep everybody coming back.

Mrs. Drum stated well you will see her tomorrow morning.

Someone stated breakfast.

Laughs.

Mr. Walsh stated well that’s what we have to do, we can start that tomorrow.

Chairman Sandora stated make your application, make your application to the Board of Zoning Appeals for this, and we will refer it to them.

Mrs. Drum stated can we ask you to recommend this so that we can get on the September Agenda.

Someone stated yeah.

Someone stated your pushing it Patty.

Mayor Luks stated still trying.

Laughs.

Chairman Sandora stated can he have a motion, is there anybody else in the audience that has anything on this, else on this, anybody else on the Board, nobody.

Mayor Luks stated Mr. Chairman, she moves to table.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, to table this and refer to the Board of Zoning Appeals, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck to you.

Mr. Walsh asked for his letter back.

Ms. Fashempour stated sure, you know what, hey Lisa, Lisa, Lisa.

Chairman Sandora stated Lisa.

Ms. Fashempour stated Lisa, can you make me a copy of this and then give him back the original please, Thanks.

Mr. Walsh stated Thank you.

Conditional Use Permit

Property Owner York Royalton, LLC – Villas of Worthington. Applicant Ryan Homes would like to request a Conditional Use Permit for a parking area on the lot adjacent to their model home in the Villas of Worthington community. **The proposed parking area would be on lot 2**. **The address is 9781 Bentley Drive**. The entire parking area will be concrete. It will sit entirely behind the right-of-way with the exception of the apron and drive. The proposed drive has been located so that curb cut can also be used for any of their house types that may eventually be built on this lot. In the event that any of the utility connections are located in the parking area, brass caps will be installed to protect them. Landscaping and a white vinyl fence will be installed on the back size of the parking area. The main purpose for putting this parking area on a future home site is for the safety of our potential customers and future residents of the community. From the parking area, customers and residents can use the installed city sidewalks to access the model home for the entrance of the community. This parking area would help prevent numerous cars parking on the street, as well as, customers having to cross the street to access the model home. Per the community improvement plans, there will be signs directing customers to park on the opposite side of the street due to the placement of fire hydrants. Ryan Homes is requesting that the Conditional Use Permit be granted until they close the model home. This would be approximately 2 years, Approval.

Ms. Fashempour stated and she believes that the Applicant is here.

Chairman Sandora stated the Applicant is here, please step forward state your name again for the record please.

Good Evening again my name is Joe Schmidtke, representing Ryan Homes, 150 Hunt Club Drive, Copley, Ohio.

Chairman Sandora stated okay, Mr. Merdes do you have anything else on this application.

Mr. Merdes stated he does have one comment, is, parking lot is going to need to drain to the storm sewer system that’s in the street just as a future home, it would be connected to the streets drainage system so what you see before you would need the Applicant would have to agree and revise it so the whole parking lot is able to drain toward the street.

Mr. Merdes stated would that be acceptable.

Mr. Schmidtke stated um, he guessed this is a question because that requires a whole new plan, but would that, would a revision of this plan delay the process further.

Mr. Merdes stated he can just ensure that the revision is made before the permit is issued if you are agreeable to that, because in general everything else is acceptable, you have a grade here it just, it wouldn’t necessarily drain it to the street.

Mr. Schmidtke stated right, and it makes, it makes perfect sense to him to do that.

Chairman Sandora stated so you are in agreement with the Engineer that it, whatever is necessary to do the grading you would do the grading.

Mr. Schmidtke stated whatever is necessary to receive this permit absolutely.

Chairman Sandora stated anything else Clark.

Mr. Merdes stated Rito had something.

Mr. Schmidtke stated Mr. Alvarez.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated just for the record again, this is State Building Code that he is referring that at least one parking space has to be handicap accessible and if you only have one handicap parking it has to be van, van accessible as well.

Mr. Schmidtke stated correct, our, our intention for this and a he is not, he is not sure that this has to be located on the revision as well put a, essentially the eastern most parking spot would be lined off and then the one to the west of that would be your van accessible handicap spot with a stamp on the ground and the handicap signs.

Mr. Alvarez stated typically the, give me that one again.

Mr. Schmidtke stated it would be the eastern most.

Mr. Alvarez stated okay that is closest to the model home.

Mr. Schmidtke stated closest to the model home.

Mr. Alvarez stated okay.

Mr. Schmidtke stated would have the diagonal lines designated for handicap.

Mr. Alvarez stated yeah, that’s the one that has to be accessible.

Mr. Schmidtke stated people and that would be per ADA regulations.

Mr. Alvarez stated yeah, that would be van accessible.

Mr. Schmidtke stated correct, yeah and should he notate that on the revised.

Mr. Alvarez stated well you have to show the details.

Mr. Schmidtke stated okay.

Mr. Alvarez stated and the signage as well.

Mr. Schmidtke stated yes.

Chairman Sandora stated anything else Mr. Alvarez.

Mr. Alvarez stated pardon.

Chairman Sandora stated anything else.

Mr. Alvarez stated no Mr. Chairman.

Chairman Sandora stated he has a, what’s the length of time you are asking for this.

Mr. Schmidtke stated he believes it’s.

Chairman Sandora stated you are asking for two years, but do you need two years.

Mr. Schmidtke stated oh, it’s going to be an approximate time, 2 years.

Chairman Sandora stated approximate 2 years.

Mr. Schmidtke stated yeah.

Chairman Sandora stated okay, is there anybody else on the Board that has anything.

Victor Bull stated Mr. Chairman.

Chairman Sandora stated Mr. Bull.

Victor Bull stated at the end of the two years you are going to remove the parking lot then.

Mr. Schmidtke stated correct, correct, it's very similar to a situation we have in our current development off of Abbey Road in which when we get near to the end of the developing the community, building all our homes out, that's typically the last home site to be sold in which case we remove the concrete and build a home.

Victor Bull stated Thank You.

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

Chairman Sandora stated he will make a motion to approve a Conditional Use Permit for the Applicant Ryan Homes for a parking lot to be used.

Don Willey stated second.

Chairman Sandora stated on their property. The Conditional Use Permit will, will run concurrent as long as the home is used as a model but for a period not to exceed two years ending September 1st, 2009 at which time the parking lot that would, the lot that would be used as a parking lot will, the asphalt or concrete will be removed.

Don Willey stated he seconds the motion.

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 Good Luck.

Mr. Schmidtke stated Thanks.

Site Plan Approval

T-Mobile, Property Owner MCI, 12300 Ridge Road, PPN 482-26-021. **Site Plan Approval, co-location of three antennas on the existing monopole and three equipment cabinets at the base of the monopole.**

Ms. Fashempour stated the Applicant is present.

Chairman Sandora stated the Applicant's Representative is here, please state your name and address for the record please.

Good Evening, John Sindyla, 7425 Royalton Road, North Royalton. Mr. Sindyla stated the proposal before you tonight is to locate three antennas and three equipment cabinets on the existing 175' monopole located at 12300 Ridge Road which is the MCI Operations Center, the a, antennas will be located at 100' on the 175' tower, the three equipment cabinets will be located at the base of the tower in a fenced compound, due to the setbacks from the existing, the location of the cabinets to all the property lines in addition to the 8' Board on Board Wood Fence that surrounded the entire property and the way that these cabinets are situated amongst the existing building the ground equipment can not be seen from any of the surrounding residential properties surrounding this entire property, if there are any questions, he can, he can answer them at this time.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated a Thank You, a, any disturbed areas are going to be required to be restored after the work is done and erosion and sediment is going to be needed to be controlled in accordance with our Codified Ordinances Chapter 1488.

Mr. Sindyla stated he will have those section added to the drawings so that the Contractor is aware of it.

Mr. Merdes stated yeah, at least the details.

Mr. Sindyla stated yeah, so they are aware of the requirements of 1488.

Mr. Merdes stated yeah.

Mr. Merdes stated and those are his comments Mr. Chairman.

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

Mr. Alvarez stated Thank You Mr. Chairman, a, a, you have to submit at least four sets of plans to the Building Department.

Mr. Sindyla stated sure.

Mr. Alvarez stated and make sure that they have the designers seal on the plans.

Mr. Sindyla stated uh um, do you require 11 x 17 or 24 x 36.

Mr. Alvarez stated these are fine, just what you just submitted.

Mr. Sindyla stated okay, great.

Mr. Alvarez stated no more comments.

Chairman Sandora stated are there any residents here on this tonight that wish to speak, yes Ma’am, come forward state your name, your address please and.

Claudia Virosteck stated it’s 7396 James Drive, she is the immediate neighbor to the west of MCI, her concern is will there be additional run off if they are doing any sort of construction.

Chairman Sandora stated Mr. Sindyla.

Mr. Sindyla stated yeah, a, the, the a the property, the location of the ground equipment is 753’ away from your parcel which is right there, because he knows exactly.

Mrs. Virosteck stated that’s her.

Mr. Sindyla stated because he grew up in that neighborhood.

Mrs. Virosteck stated okay.

Mr. Sindyla stated so exactly, he knows exactly where you live Mrs. Virosteck, and then in addition, because of the situation where the large operations center is in-between.

Mrs. Virosteck stated uh um.

Mr. Sindyla stated your, your property and then this large expanse of ground, he, he, he can’t see any possible drainage considering we are only digging up 20’ x 9’.

Mrs. Virosteck stated okay.

Mr. Sindyla stated so with all that, those, those issues, he don’t, he can’t see how there would be any drainage issues with your property.

Mr. Virosteck stated okay because we have runoff that comes right from MCI down the street that is kind of muddy and even in her yard it runs across and then goes into the creek and there is times it’s kind of mushy.

Mr. Sindyla stated okay, yeah, yeah, he and Mr. Merdes can view the survey that he has there but he just can’t see it, foresee any drainage issues.

Mr. Merdes stated Mr. Sindyla.

Chairman Sandora stated yeah Mr. Merdes.

Mr. Merdes stated the condition, Thank You, the condition of the, well the pole is there.

Mr. Sindyla stated right.

Mr. Merdes stated the area around the pole where the cabinets are going to be placed, what’s the ground cover that.

Mr. Sindyla stated it’s gravel right now and then there is a sidewalk that walks into the building and there is currently a parking lot on the other side so there isn’t really, there isn’t any ground, natural ground that’s going to be disturbed it’s all like, we are cutting out, we are cutting concrete basically.

Mr. Merdes sated yeah, gravel, yeah, when we look at stormwater we are looking at what might change and the area where they are doing the work is already stone or sidewalk, it’s already a pavement so when they put a cabinet on that, the runoff is going to be the same as it is now.

Mrs. Virosteck stated so you think she will be okay.

Mr. Merdes stated well, he thinks you will be the same as you are now.

Laughs.

Mrs. Virosteck stated okay.

Chairman Sandora stated Thank You Ma’am.

Someone stated he is flattering.

Mrs. Virosteck stated all right Thank You.

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

Chairman Sandora stated he will make a motion to approve T-Mobile for the co-location of three antennas on an existing monopole.

Mayor Luks 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.

Mr. Sindyla stated all right Thank You.

Chairman Sandora stated Good Luck.

Robert Witsaman, 10911 State Road, Local Business Zoning. **Site Plan Approval for Site Improvements.**

Ms. Fashempour stated the Applicant is here.

Good Evening Robert Witsaman, residence is 3135 Wallings Road, North Royalton and Property Owner at 10911 State Road, North Royalton.

Mr. Witsaman stated before you he, he a, basically a sketch plan or your feedback, there was a lot split and consolidation that a we were able to buy some adjacent property to the south of us, a, in the proposal you will see an expanded parking area, a, some fence work to be done around the east and south side of the property, typically what we are proposing is a board on board fence, there is some grade change from the neighbor into this lot that there will be a proposed retaining wall a, in it you will see, were going to, basically leave one driveway, one main access in, there will be a gentle slope up into a parking area, he does have a rough sketch landscape plan involved with this that will show a, a little bit of landscape island between the two parking areas and driveway and a, to address some of the concerns as far as the Engineer, a, the proposal detention area as shown on the plan what were, were, proposing in the nursery business they have what they call a pot and pot system, we create square raised beds filled with natural gravel, washed gravel that we put a pot in the ground and put the plant that we purchase in a pot, in that pot so what's it's going to do for us is, it's going to give us a large gravel area of washed gravel not limestone, this will be a natural gravel that this plant material will be and basically what we are trying to do is use this entire area as a retention area, it will also filter the rain water since we really don't spray chemicals and, and do things in the nursery business, we are not going to have anything filtering in there, it is going to kind of run to a, a to the north and as you see were going to actually have an area there where the water will come into a swale, into some catch basins and then go out to the road.

Mr. Witsaman stated again this is kind of a, a, sketch plan to show you what our proposal is and he appreciates any feedback and comments that you might have.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You. Mr. Merdes stated on that detention question, there is going to have to be some restriction in the proposed storm sewer, the nursery stock area is, is made of, of a stone material probably able to retain water but the, the parking lot certainly is not going to be able to as a, as a hard paved surface.

Mr. Witsaman stated uh um.

Mr. Merdes stated it is shown that the, the drainage off the parking lot is collected and, and so is the drainage off the rest of the proposed site but some place in this collection system is going to have to be a, a restriction so that at the outlet back out the, the right of way the ditch in the right of way there’s a, there’s a part of the Code that talks about not seeing any, any large peak discharge at the outlet.

Mr. Witsaman stated uh um.

Mr. Merdes stated so a, you would have to be acceptable to that.

Mr. Witsaman stated is that from my reduction from, like from a, to down to like a 4” or something.

Mr. Merdes stated something, something that will be like an orifice with a smaller opening.

Mr. Witsaman stated okay.

Mr. Merdes stated that will more or less impound the water behind it but yet drain out slowing.

Mr. Witsaman stated okay.

Mr. Merdes stated a so, so you are acceptable to, to that requirement.

Mr. Witsaman stated right.

Mr. Merdes stated a.

Mr. Witsaman stated so we would be able to possibly where the, where the parking lot is draining back towards these catch basins, the discharge pipe from those, this area may be being a larger area and then smaller pipe going out to the front.

Mr. Merdes stated right, the, the.

Mr. Witsaman stated okay.

Mr. Merdes stated the large diagonal proposed storm sewer cutting across the existing site probably can, probably is going to be a smaller pipe and the, the orifice controlling it is probably going to be in that, that basin, that’s right there.

Mr. Witsaman stated okay.

Mr. Witsaman stated one of the things that he thinks he doesn’t show here quite the way he was asking him to is that this, actually this gravel area, he has the opportunity in there to really kind of dish it out and bowl it a little bit more and he doesn’t know that the, the grade plan kind of shows it, it kind of shows it all coming currently towards one side.

Mr. Merdes stated shows it all sloped.

Mr. Witsaman stated yeah and he really wants to bowl that more in because actually it helps him as you know even for him maintaining the nursery stock that we are going to have up in there you know so he really do wants to hold, he wants him to propose and show that as kind of more of an entire bowl area with no water really kind of getting out of there.

Mr. Merdes stated uh um, that, that would be fine, he means the thing he shows here that controls it is on the, the northern area that those contours and that berm area.

Mr. Witsaman stated uh um.

Mr. Merdes stated but that sort holding the water maybe on the ground rather than in the stone.

Mr. Witsaman stated right.

Mr. Merdes stated maybe isn’t what you want to achieve.

Mr. Witsaman stated okay.

Mr. Merdes stated a, the, the discharge actually at the ditch is going to need a head wall and some erosion control so that, that concentrated discharge is, is hitting some rocks, some fabric and not and always eroding and, and causing problems down the, down he ditch line.

Mr. Witsaman stated okay, preferably a concrete headwall.

Mr. Merdes stated oh yeah, a concrete headwall and then erosion control.

Mr. Witsaman stated um, you know, the only concern he has because you know that’s an entire open ditch area in there, he means, would you like to see rip rap through the entire ditch area then at that point.

Mr. Merdes stated right at the outlet.

Mr. Witsaman stated right at the outlet.

Mr. Merdes stated right at the outlet.

Mr. Witsaman stated okay.

Mr. Merdes stated he means if you preferred it in the whole ditch that would be your choice, you could, you can put it there but he, he is concerned at the outlet.

Mr. Witsaman stated okay.

Mr. Merdes stated the sidewalk requirements 5’ instead of 4’.

Mr. Witsaman stated right, that upped one, okay.

Mr. Merdes stated and he could not tell if your proposing any new lighting or illumination of this of this area.

Mr. Witsaman stated no, no, because a, being that this is basically a, a seasonal business and their prime business is in May, June, April, May, June, he don’t, and the lighting you know the Lord give us enough light to operate at those times of the year so he really don’t need to have any illumination there, the current illumination of, from the buildings around us is actually quite, if you drive by there at night you can basically, the entire lot is pretty well lit as it is even for security reasons for the Police and Fire you can, there are several large lights on poles there already so and again usually by night fall were closed up and so he wasn’t going, there will be no illumination up in that area at all.

Mr. Merdes stated okay, Thank You, Mr. Chairman those, those are his comments.

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

Mr. Alvarez stated Thank You Mr. Chairman, the only comment he has is again it’s State Code requirement for handicap parking spaces.

Mr. Witsaman stated right.

Mr. Alvarez stated and since you are going to be providing 29 he believes on your plans.

Mr. Witsaman stated uh um.

Mr. Alvarez stated that makes a requirement for two spaces that have to be.

Mr. Witsaman stated okay would you prefer those to be shown closer to the building or can we show one in that upper lot.

Mr. Alvarez stated yes.

Mr. Witsaman stated or do you want them both together in one area.

Mr. Alvarez stated typically, typically the way the Code reads, the closest to the main building.

Mr. Witsaman stated okay.

Mr. Alvarez stated or your access is.

Mr. Witsaman stated so we already have one, so we just need to increase to two.

Mr. Alvarez stated if you, yeah, you should show at least two.

Mr. Witsaman stated okay.

Mr. Alvarez stated one that is existing and the other one that you are going to need and then again we will need the signage as well indicating it is a handicap parking.

Mr. Witsaman stated right, well currently we have like that little blue handicap sign and that, and then the painting on the parking lot and so forth.

Mr. Alvarez stated right.

Mr. Witsaman stated okay.

Mr. Alvarez stated that’s generally.

Mr. Witsaman stated that we can just use, now we will have to increase, there is a requirement for that size to right.

Mr. Alvarez stated yes.

Mr. Witsaman stated it’s in the Code.

Mr. Alvarez stated you will need that, an access space there as well.

Mr. Witsaman stated okay, he doesn’t think that’s a problem, right.

Mr. Witsaman stated okay.

Mr. Alvarez stated no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez.

Chairman Sandora stated anybody else on the Board have anything.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated Mr. Witsaman a, kind of coinciding with what you are proposing here she, she just would like to ask you the disposition of a few things right now.

Mr. Witsaman stated uh um.

Mayor Luks stated a, there was a drainage ditch that she believes you dug sometime last year is that filled in.

Mr. Witsaman stated yes that was done after, well that was actually done towards the end of last year after the storm season was over.

Mayor Luks stated okay, but it is filled in now.

Mr. Witsaman stated yeah, well we currently found the existing problem to our drainage for 20 years.

Mayor Luks stated uh um.

Mr. Witsaman stated that the pipe up above us in a manhole has been blocked with a steel cap.

Mayor Luks stated uh um.

Mr. Witsaman stated so he believes that once that is removed all that excessive drainage that we have been getting all those years will.

Mayor Luks stated is that in some back land.

Mr. Witsaman stated no, it’s in the parking lot up on top.

Mayor Luks stated she sees, okay.

Mr. Witsaman stated it’s what, he asked, you know that he means it’s a 12” concrete pipe that’s been blocked for 20 years.

Mayor Luks stated okay.

Mayor Luks stated also a, the dump truck and the partial truck that were sitting in.

Mr. Witsaman stated well there sold, they are being towed out, that’s why.

Mayor Luks stated good.

Mr. Witsaman stated there, that will all be gone, that’s again one of the things that he has done is he has down sized everything down to the vehicles for the operation, newer vehicles, he means that’s stuff and he apologizes but it’s, we have been trying to get all that out and he means, as you can see what we are proposing these gravel beds will be boxed in.

Mayor Luks stated okay, uh um.

Mr. Witsaman stated with treated stacks bolted together he doesn’t know if you ever have seen a pot and pot system but unlike any of the other garden centers he means it’s a very clean, neat system because once you set your spacing everything stays, you, now will have, kind of a continuation of trees and shrubs that are mixed with the gravel, with the water system, were going to go to a drip irrigation verses any overhead so it’s much more efficient for what he does and a you know were looking forward to be able to just bring our customers something you know that we built on and you know just continue to expand it.

Mayor Luks stated uh um, great, Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated step forward state your name and you address and what you would please.

My name is Jim Dimitrijevs he is here on behalf of his parents, Walter and Mary Dimitrijevs who live at 10801 State Road directly north of the existing Witsaman property. Mr. Dimitrijevs stated we are here because we have six specific concerns based upon our brief review of the plan. Mr. Dimitrijevs stated first the plan does not identify a parcel that’s roughly 35 by 105 on the southeast portion of what’s shown on the plan that’s, that’s included in the Witsaman business now, it’s where he is storing mulch and other, other, other, other, other things that he is selling. Mr. Dimitrijevs stated and we be, we be interested to see how that is being drained in relation to the rest of the the property. Mr. Dimitrijevs stated a, the second concern is the plan does not show a fence that was required by a joint stipulation that the City, Mr. Witsaman and his parents entered into in 1997 and, and was a and then became the form of a court order that required a fence on what was then the existing southern boarder of the Witsaman property at that, at that

time even though he agreed to put in that fence on the southern boarder of the property at that time, did not installed it and when we went to discuss it before the Judge, Mr. Witsaman explained that he couldn't install it because that fence would buckle because of drainage problems from the property to the south of him which is the property that he just acquired and is the subject of this hearing and, and so now that, that is a, a that drainage is no longer an issue, his excuse before the Court for not installing that fence, that fence should be installed. Mr. Dimitrijevs stated our third concern is the, the, a, is the paving on the new parcel a, the plan shows a lot of gravel, we are concerned that there is going to be driving on that gravel it's going to cause dust and a noise concern for his parents who live right next do to this business. Mr. Dimitrijevs stated another concern is parking, he understands that the parking is shown on the, on the, parcel is in relation to the size of the building on the existing property and that seems inadequate in this circumstance since most of the sales are done outside of the building it seems that the parking, the amount of the parking should be in relation to the size of the sales area instead of the size of the building and and so we are concerned that there is going to be inadequate parking to accommodate all the customers that are going to be there for the, for all the products that he has for sale. Mr. Witsaman stated and then our fifth concern is drainage, the drainage has been inadequate of the existing parcel for several years and he has some pictures to show what he has done to address that inadequate drainage and what he has done is to dig ditches to release the water from his property directly onto his parents property, those ditches are not shown on any plan that he has submitted to the City, if he may approach he would like to hand you these pictures.

Chairman Sandora stated sure.

Chairman Sandora stated start at the end and they will passed up.

Mr. Dimitrijevs stated the pictures are dated, those are accurate dates and they show the ditches existing as late as he believes just this last month and then our our sixth concern is the setback shown on the plan, the setback from State Road, the plan shows a 20' setback from State Road and it shows some trees in that setback, that's the same type of area that was required for the existing parcel and a in that parcel and, and in fact the joint stipulation and court order required that, that setback be a planning area as Mr. Witsaman is proposing for his new parcel and the court order required that that setback to have just deciduous trees and unfortunately Mr. Witsaman constantly has huge balloons of Brutes Buckeye and Snowman and everything else in that area and a, a it's, it's really a selling area rather than a selling area and so we would request that there be a stipulation that the setback on both the new parcel and the old parcel be just deciduous trees as he is proposing. Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated Donna, do you have anything you want to add to this.

Mrs. Vozar stated Mr. Chairman.

Chairman Sandora stated Mrs. Vozar.

Mrs. Vozar stated if she could for the record if anything has changed such as if the the neighbor, Mr. Dimitrijevs' believes that the fence is required at this point, if conditions have changed obviously the parties can go and seek and modify the Court's order to, to order that but that's between the parties and and any issues that the parties have obviously are, are between them and since there are no violation um, based on this plan obviously it has nothing to do really with what the court has ordered, there is nothing here that she can see that's in violation of the, of the court order so based on that it really isn't relevant to the proceedings before the Board.

Chairman Sandora stated Thank You.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated part of the application is, there is a landscaping plan for that 20' area which he believes this will still have to go to the Architectural Review Board probably for that very reason to, review of the landscaping plan, a, it is here with the application.

Chairman Sandora stated right, Mr. Witsaman would you like to briefly run us through that.

Mr. Witsaman stated um yes, on the landscape plan and you know he apologizes because he thinks what happen in the past is what was, what happen is we weren't able to concentrate on the plans in hand in front of the Planning Commission and, and he thinks so many things are conflicted back then, that he was able to at least now, he has a very comprehensive landscape plan, what we want to do is we really want to show off our garden center, a, a, a you can see between the drive and the parking lot there is a rock island there so it inhibits any traffic and, and by kind of jumping in the garden center, we are going to have, actually have contact with a gentleman that wants to showcase his concrete curbing so we are going to have some nice concrete curbing around all of these beds, in the past we were limited, we, he couldn't even plant grass on the other parcel now we have some nice lawn, we are going to have some raised beds again with that concrete curbing, um, some different perennials, shrubbery, some ornamental trees, you know, a which is required by the City he thinks that the City wants to see more landscaping without inhibiting you known traffic, it's a, let's see, Mr. Dimitrijevs's property is approximate 120, his driveway is probably about 150' away from the closest landscaping so it will not infringe on his sight to get out of his driveway, a, will, will make sure that really any of the trees are the ones that are setback closest to the parking lot at this point, a it's, going to be a nice buffer off of the parking lot so you are not going to see this big parking lot there, the fence that he referred to a, really becomes obsolete because we will still have the gate across the driveway but the entire fence is going to move to the southern property line now, 6' board on board a so he thinks that should suffice as far as the entire area is going to be fenced in again a, yeah, well the other thing that we are going to be able to do to is that along the southern parking lot along that hill because there is going to be a slope in there again we have a mixture of ornamental grasses, some trees a he thinks he kind of did some forsythia, spiras, a little bit larger stuff so there will be a nice landscape buffer between the two parking areas also and again this being a seasonal parking lot,

we are not going to have to snow plow it and do different things to it so a you know he thinks it will be nice where we have actually extended this landscaping not just in the front but it’s going to come down along the entire southern end of the parking area on that hill, we are going to use a combination of natural gravel, color mulches and make a nice display out of our product, he means he thinks that is something that a he will finally be able to do you know where again we were limited by restrictions before. Mr. Witsaman stated so again he is looking forward to this being a really nice landscaping addition to the entire corner over there. Mr. Witsaman stated he apologizes about a some of the drainage issues in the past but again it’s been something beyond his control, he means we have had major flooding problems from areas that didn’t involve, that actually did involve this property that he purchased so he is looking forward to actually, what he has done so far is an immediate attempt to correct some of that drainage problem which is eliminated an eminence amount of flooding, he was able to close in some overflowed ditched that they had, you know he means he just, when he had 3’ of water against the back of his building going down his windows, he means it was a little drastic but he was just trying to protect his current property at the time, and again he is looking forward to aesthetically getting this done, paved, retention, you know, fences up and and make it look nice and correct everything according to Code.

Chairman Sandora stated so there has been less flooding would you say now since that, whatever you have done then to that property, that lot.

Mr. Witsaman stated since this spring, he has had no flooding, he means he had about 6, 8 inches of water in an area designed at the garden center for a flood, in an holding area but it did not come into the building, it didn’t come down the windows, didn’t, you know it was just Normal, what the original site plan was designed for and corrected, everything and that’s you know before he even found out that a, you know because he had to divert that excessive runoff that was coming through the back area, he was able to divert that in the middle of a rain storm, he kind of looked like a foul out there every time it would rain, he is out there trying to figure out how to stop this stuff but again, with a little bit of drainage issues that, you know the, the piping, the retention areas, the paving, he means this is going to go a long way and his property is taking the brunt of all of, of this or the years, a you know, the a, the one, but again like he said he is just looking forward to get that all done, a so you know again, it’s, there are some repairs and some things on some fences and that, that have to be done but you know just like anything we’ve continue to maintain the property and you know try to take care of everything.

Chairman Sandora stated okay, Thank You Mr. Witsaman.

Chairman Sandora stated Mr. Dimitrijevs you have something else.

Mr. Dimitrijevs stated well, he is happy for Mr. Witsaman that he, his, his flooding problem has decreased, but as the pictures show, his parents have still had constant water on their property even over the last few months and it’s been their experience that this water comes from the water that Mr. Witsaman emits onto his property to, to water his stock and not so much from from rainwater and it’s, and as he had said, it’s been a constant problem even in times where where we have,

you know drought like conditions where it’s dry for weeks, his parents property is constantly, constantly soaked and a, and that, and that causes problems for them, it’s difficult you know for them, for his father to drive through and cut his grass without making tracks in his grass, you know, it’s, it’s a nuisance for his parents and they are concerned that, the existing drainage on his property isn’t adequate to, to handle the water that he emits onto his property for several hours a day to water his stock and, and so this additional parcel with more nursery stock and more water is going to cause more problems, he is not, he is not, he is not an Engineer but that’s a, a concern that we have and, and he would like to hear how that’s going to be addressed.

Chairman Sandora stated Mr. Witsaman do you have anything for that.

Mr. Witsaman stated well what he will say Mr. Dimitrijevs is that since the road improvements, oh, excuse me, he has several french drains that run behind his building that catch all the water from his water system there currently and since the addition, or the road addition, his sump pump on the building now runs every 15 minutes, okay, in a drought year that water that the water, doesn’t even come close to his building, where that underground water is coming from he can’t tell you but, he will say that he has increased activity on on the sump pump on his building and he is hoping that the drainage that he does will greatly change that, there is a current french drain at the bottom of the hill that they are going to improve, he can improve some other french drain systems and make sure but you know that, when he has got to increase the flow, if you come over to his property at any time and you see the water leaching out from the bottom of that hill, to this day and when did we have rain, two and half, three weeks ago, he doesn’t know where that water is coming from, but it’s on his property and he is controlling it, okay, unfortunately it’s cause him a lot of damage over the years and he hopes to rectify with what he does, it will rectify your situation, can’t guarantee it, but he doesn’t know where that water is coming from.

Mr. Dimitrijevs stated if he, if he may, he would just like to say that you know his parents have been at on their property since 1962 he believes, they didn’t have water problems like this you know for thirty until, until this business was there again, again, the problem that they see is from the water emitted to water his stock and it’s not from, rainwater or any other issue and so it’s an issue of having an adequate drainage system to handle that type of watering system for his stock and and, and again the a, the plan does not show roughly 37 by 105 parcel on the southeast where he is, he does operate his business off of and that’s the area of the property where the ditches in those pictures are shown that’s about the same, the same distance east from State Road, that parcel that he is saying is missing from the plan and the ditches that are shown in the pictures and that’s why we are concerned about those being shown on the plan, if, if it be helpful he could point to you on the plan what he is talking about.

Chairman Sandora stated well he thinks we know.

Mayor Luks stated yeah, she thinks.

Mr. Dimitrijevs stated do you, okay.

Mayor Luks stated she thinks what we are approving is what’s before us tonight, what’s existing is existing.

Chairman Sandora stated yeah.

Mayor Luks stated were, what we are dealing with is, is what’s changing.

Mr. Dimitrijevs stated he understands that he is just saying we know from what’s existing what problems to anticipate and so he is saying let’s, let’s, he wants to be sure that we anticipate those problems and if there is some way to correct those problems with what’s, what’s being added rather than adding more problems with us, with what’s being added he would like that to be addressed.

Chairman Sandora stated Mr. Dimitrijevs, let me ask you a question, have you, have you seen a, have you seen an increase in the last six months or a year.

Mr. Dimitrijevs stated an increase in the water.

Chairman Sandora stated yeah.

Mr. Dimitrijevs stated his father can answer that better.

Mr. W. Dimitrijevs inaudible.

Mr. Dimitrijevs stated he.

Chairman Sandora stated so this water that your showing us on these pictures was never there before but now now it’s increased more.

Mr. Dimitrijevs stated no, no, it’s, it’s, it’s been there for you know we’ve, we’ve brought this to the attention of the City before, it’s been there.

Chairman Sandora stated okay, so it was there in the past all right, and has it increased or has it decreased since he purchased that property.

My name is Walter Dimitrijevs, he lives at 10801 State Road, next door to Witsaman business, question is, if that has been increased, we still having the same problem right along, a, we are, our porch is 20’ away from the property line, when we is sprinkling, there are times that we are getting the water that he is sprinkling onto our porch on a windy day, there, it blows, we sitting on the porch and a we get the water there.

Mr. Dimitrijevs stated but ever, but even, even without the water coming through the air, it, it appears that the water is coming from the ground right.

Mr. W. Dimitrijevs stated that’s right it hasn’t been changed.

Chairman Sandora stated all right Thank You.

Mr. W. Dimitrijevs stated these pictures were taken, some of those were recently and it shows where the seepage, 60’ from his corner of the house and it’s continues seepage and he drive a tractor, he could get stuck in there and also 60’ from the back of his property there is wash out and never been correct since 2004.

Chairman Sandora stated okay, Thank You.

Mayor Luks stated Mr. Chairman if she may.

Chairman Sandora stated Mayor.

Mayor Luks stated we recognize that there has been a ongoing dispute between these two neighbors.

Chairman Sandora stated yes.

Mayor Luks stated for many, many years, what we are looking at tonight is what's on this plan in front of us and we've gotten the comments of our City Engineer and we have gotten the comments of our Building Commissioner and we have gotten the comments of the Law Department, she did through a e-mail in terms of what she needed to pay attention to and what she needed to ask from Tom O'Donnell and also Donna Vozar has looked at it, we need to move forward this evening on what is in front of us and what we are looking at, we are not the enforcer of any court settlements from the past between two private property owners, we can not be and, and so she thinks other than the landscape plan which should be forwarded on to the ARB where we are looking at a plan that actually shows new drainage, improved drainage, improved property improvements basically, landscaping and nice things and so a, she realize that we can't solve the disputes that has been ongoing forever but it's, it's not our position to and it's part of a court case and quite frankly were not going to get in the middle of that, a, this is Code compliant, we are looking at what's meets our Codes, we have Codes on drainage, we have Codes on impervious area that is allowed, paving that is allowed, parking area that is allowed and our job is to look at the plan in front of us and make certain that it meets those Codes, this plan meets those Codes so in terms of whatever your other issues are, she is sorry but that's not something that this Board can take on or is willing too.

Mr. Dimitrijevs stated he, if he may, he thinks you might misunderstand, he is not asking, first of all the a, the City is a party to the joint stipulation and Court Order so the City is in the middle of it and but the only issue of the 6 that he raised that had anything to do with the agreement was the, the fence issue and Ms. Vozar addressed that issue, he respect what she said, he disagrees with it but he respects that, the other issues don't relate to the agreement, the, the drainage issue only re, relates to the agreement in, in the sense that the, the Court said in the agreement among all three parties, the City, his parents and Mr. Witsaman said that he will have adequate drainage for his property consistent with what the City requires and so a it, what he is saying is, what the City has required for his existing property wasn't adequate and so he doesn't want to go down that path again, of having inadequate drainage so he just wants to be sure that that's and again he is saying he is not an Engineer, he is not coming up and he is not saying he has a proposal.

Mayor Luks stated okay.

Mr. Dimitrijevs stated but he is saying he wants to know that the City has taken into consideration that what was there isn't adequate and what's going to exist on, on the new property is going to be different and better and is going to take care of the issues and, and so he is not asking, he is not asking the City, first of all he would, he would like

the City to disregard any dispute between these parties in the past and deal with the issues that, that have to be dealt with, it’s a little frustrating for him when he goes to the City and say, listen we have these problems with a, a overgrown weeds in a buffer zone, we have problems with balloons in the setback area that aren’t suppose to be there and the City says, well this is part of a Court Case that’s irrelevant, you still have to enforce overgrown weeds and balloons that shouldn’t be in a buffer zone so you know, he is not asking you to do that.

Mayor Luks stated Mr. Chairman, she understands your frustration, what she is saying to you is, we are, we are reviewing this plan based on our Codes which, which our current Codes are, are very good Codes, they are not the Codes of 20 years ago, they are not the Codes of 10 years, they are very good Codes and, and we are reviewing these plans based on our City Ordinance and Codes as we should so in, you mentioned, you asked us to do that, that’s what we are doing a, that’s what we always do.

Mr. Dimitrijevs stated well then one, one specific question if he may, does the Code allow balloons and other things in a setback area, that 20’ setback from from the road.

Mayor Luks stated balloons.

Mr. Dimitrijevs stated yeah, huge, like huge balloons.

Mayor Luks stated Sir, we are looking at a site plan that it involves gravel and concrete and landscaping and other things, were not, balloons would be a Zoning issue, that isn’t something that is our business right here this evening based on the site plan that is in front of us and what were, what we are deciding upon, this has nothing to do with balloons.

Mr. Dimitrijevs stated well he.

Chairman Sandora stated he agrees.

Mayor Luks stated there, there’s no place shown on here as being for balloons.

Mr. Dimitrijevs stated right and if.

Mayor Luks stated if you have an issues with balloons being in an area where they, they shouldn’t be then she could certainly ask our Building Department to ask our Zoning Officer to take a lot at it and see if there is a violation and we could start that ball all over again, but, but this evening, this is about the site plan that’s in front of us.

Mr. Dimitrijevs stated so you are saying that it’s been looked at and it’s been decided that there won’t an issue with that, because he doesn’t know, he doesn’t know.

Mayor Luks stated no, she is not saying that, she said that she can ask about that.

Chairman Sandora stated well Mayor.

Mayor Luks stated she is saying that’s not part of what we are looking at this evening.

Chairman Sandora stated Mayor, if he could say, this is not the time or place for this anyway.

Mayor Luks stated that’s exactly what she is trying to point out.

Chairman Sandora stated were, we have this plan in front of us so let’s just move forward on this plan that’s here tonight.

Mayor Luks stated Thank You Mr. Chairman.

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

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated are there corrections to this, Mr. Merdes brought up a number of issues, are we expected to vote on this tonight based on any outstanding issues.

Mr. Merdes stated a, Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated a, the, the Applicant is going to need to get a permit to do this, he could reiterate that he is in agreement with the, the comments that he has made and will comply or if your pleasure is to see a revised drawing that would be the other options, that you would table it and see a revised drawing that shows addressing the comments or approve it conditional upon meeting the requirements, he thinks that the Building Commissioner had one comment or a couple comments also that too, either based the, the motion contingent upon or to ask for the revised drawing to show, he guesses it’s, it’s up to the Members and how you feel comfortable voting on.

Don Willey stated he feels.

Mayor Luks stated Mr.

Don Willey stated oh, he his sorry Mayor.

Mayor Luks stated go ahead, go ahead.

Don Willey stated he feels that we should see the revised plan before we approve it, Mr. Witsaman we, this, this a Planning Commission approved a lot split and consolidation when you bought the property to yourself.

Mr. Witsaman stated correct.

Don Willey stated the next morning you were already clearing the property before you a.

Mr. Witsaman stated no, well Sir, and again a misunderstanding on his part because in his purchase agreement he agreed to take over the drainage issues that were accompanied with that property and because of the flooding issues from the year before and some visits from the City on that property he thought they had already entered into a contract with a excavator, he thought that the plans were reviewed and done, what

he was attempting to do, that, really was to correct those situations, when it was brought to his attention from the City Engineer when they asked for the permit, he submitted the plan that, the site was suppose to adhere to from 1985, he immediately, he covered it with some gravel, he stopped working on it, a month later he got the letter from the City that his permit was denied and that he needs to cease all activity which he has already done for probably a month month and half and then he waited and then he called Clark and he told him, he said, you know he got the letter and you know he has got an Engineer hired and we are going to develop the plan and so forth and well here we are and you know he means he looks forward, he has the corrections, he has made notes to give to his Engineer, C. W. Courtney as far as how we need to retain that, show the, the discharge pipe, he means some basic concerns and he appreciates that input that's why he is here and he intends, he would be more than glad to get the revised plan, it would be several weeks he is sure you know, and get that to you, because he would, he would like to get to you know work on this property and get it completed as quickly as possible and he has no intention at any time to leave this a gravel parking lot and a dirt hill and again he just, we ran into what we did so you know however you want to progress from here if, he would be happy to get the Engineer to re-do the, the things that we had discussed, get a final plan together and go from there.

Chairman Sandora stated Mr. Witsaman can you get it in two weeks for our next meeting.

Mr. Witsaman stated he would have to talk to the Engineer, the, the problem that he has is that, next week he is going to be out of town, he has several trade shows coming up that he is going to be gone next week and the week after, he can see what he can do, he doesn't think it's the complicated but he knows he won't be here on the 19th.

Chairman Sandora stated all right well, you are going to have to go before the Architectural Review Board also with the landscaping plan, that's for Monday, he thinks at 6 o'clock.

Mr. Witsaman stated right he thinks, he doesn't know if this is adequate, he means he was going to take this sketch plan to them, kind of show them, he can go over a little more detail what we were doing as far as plant material, he would be happy to do that on Monday and then finish up any plans that they would require.

Chairman Sandora stated okay, then why don't we just table this then.

Mayor Luks stated Mr. Chairman, she would prefer not to table this, this has been a matter of a concern to the City, Mr. Witsaman has done what we have needed him to do and come forward with a plan, um, she would like to move this along and get the whole matter resolved and the items that the Engineer and the Building Commissioner have brought up are items that we have typically conditioned in our motion and moved along, there, there is a legal matter pending that the City initiated between us and this property owner and he is taking steps that we've, we need him to have taken to resolve this issue and she personally doesn't see the point in delaying it a as she said, if they were large, large items that we really need to see in print, that would be another matter but he needs to go to the next step of getting a permit from our City

Department's and if he, he has the opportunity to rectify those more minor things before he gets those permits so she would prefer to make a motion that we approve this conditioned upon Mr. Witsaman complying with all the suggestions that he has agreed to this evening with both the City Engineer and the Building Commissioner and conditioned upon the approval of the ARB of his landscaping plan.

Chairman Sandora stated do you have any other comments Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, no he does not.

Chairman Sandora stated would that be satisfactory with you also.

Mr. Merdes stated either option is fine with him so.

Chairman Sandora stated Mr. Witsaman.

Mr. Witsaman stated yes Sir.

Chairman Sandora stated do you agree to these conditions.

Mr. Witsaman stated yes he does, he means he fully appreciates all the input from the Board Members and what he needs to do to complete the a the specifications on the drawings he means and he will get this back to Clark or yourself as soon as possible so that again we can do it correctly, he means and get the work in progress and get it finish and and so forth.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated Mayor would you like to make the motion with those conditions or Clark do you want to run by those conditions again or do you pretty much.

Clark Merdes stated he thinks the Mayor is capable of making the motion.

Mayor Luks stated that, that was her motion Mr. Sandora, would you like her to repeat it.

Chairman Sandora stated for the record please.

Mayor Luks stated okay.

Mayor Luks stated she would like to move that we approve this plan based on the condition that the applicant comply with all of the recommendations and changes that were raised by Mr. Merdes and Mr. Alvarez and that he has said he is in agreement with Mr. Witsaman has and on the condition that his landscaping plan meet the approval of the ARB.

Chairman Sandora stated Thank You he will second it.

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

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

Chairman Sandora stated Mr. Witsaman, you have to go before the ARB Monday, 6 o'clock.

Mr. Witsaman stated Thank You very much.

Enterprise Rent-A-Car, 12999 Royalton Road, Local Business Zoning. **Site Plan Approval – Addition.**

Chairman Sandora stated is the Applicant here.

Good Evening, my name is Tony Cerny, Architectural Design Studio, the Architects on the project, we are representing Enterprise Car Rental, Enterprise is proposing to put a small addition onto the building that's more commonly known as Taddie's Auto Body, down at the corner of 130th and Royalton Road, the purpose of the addition which is roughly 500 square feet is to serve as a wash bay, currently they are washing the cars that they get back from rental outside and they are trying to create an enclosed space so, to the, to the east side of the existing building for creating a small space.

Chairman Sandora stated does Enterprise own that now or is it still Taddie's.

Mr. Cerny stated it's still Taddie's and Enterprise just rents the, part of the office space on the west side and will have this wash bay on the east side.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, the only comment he could find would be that when replacing the asphalt, should be held 5' away from the property line, the edge of the asphalt.

Mr. Cerny stated now, that, that whole area between the two parcels is completely asphalt right now so it's like one continuous across, it's like a bar or something next store, he is not sure what that business is.

Mr. Merdes stated they are here tonight.

Don Willey stated Park Tavern.

Mr. Cerny stated um.

Mr. Merdes stated they are here tonight.

Mr. Cerny stated oh, okay.

Laughs.

Mr. Cerny stated well anyways it's all one continuous so we were just basically patching back in that paved area.

Mr. Merdes stated oh, he sees.

Mr. Cerny stated after we put the building in it's place.

Chairman Sandora stated okay.

Mr. Merdes stated he would guess then if you were storing something that’s already there then that comment would not be applicable so he have no other comments, Thank You.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman, a he believes that the Applicant already has some plans in the Building Department for review.

Mr. Cerny stated he believes we submitted already.

Mr. Alvarez stated so, so were currently reviewing the proposed addition but his only other comment would be is, does, when, is the owner, when he removes his boat lift structure where is it going to go, is he leaving it on the property or somewhere else.

Mr. Cerny stated well he’s not sure what they are going to do with it but it’s not going to be re-erected on the property.

Mr. Alvarez stated it’s not going to stay up.

Mr. Cerny stated he just inherited it when he purchased the property and.

Mr. Alvarez stated okay, so it won’t be left on the property at all.

Mr. Cerny stated he doesn’t know, maybe they will stack it in back, or something, he doesn’t know what they are doing with it.

Mr. Alvarez stated okay.

Mr. Cerny stated but it’s, it’s not intended to be re-erected someplace else.

Mr. Alvarez stated okay.

Mr. Alvarez stated he doesn’t have any other questions or comments.

Chairman Sandora stated Thank You Mr. Alvarez.

Chairman Sandora stated anybody else on the Board have anything on this.

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

Chairman Sandora stated make a motion to approve an addition for Enterprise Rent-A-Car.

Don Willey stated second.

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 Good Luck to you, you will also have to go to the ARB on Monday.

Mr. Cerny stated okay, Thank You very much.

Park Tavern, 12897 Royalton Road, Local Business Zoning. **Site Plan Approval – Outside Patio Expansion.**

Ms. Fashempour stated the Applicant is present.

Hi, I am Wayne Louis from Better Deal Remodeling, 12300 State Road, North Royalton, looking to put a patio on the rear of the Park Tavern.

I am Lisa Lancellotti, she owns the Park Tavern.

Mr. Louis stated there was some, there was some question to be added about parking, adequate parking.

Chairman Sandora stated well, give us a, for the record, just tell us what you want to do there Wayne.

Mr. Louis stated okay, okay, there is a grass and concrete area behind the building right now, we want to fence that in, we want to concrete that whole area, but we have pictures, all of the landscaping that's there is going to stay and there is pretty extensive landscaping right now around that and that would all be enclosed in the fence area so a, Monday we are going to Architectural Review but we do have a bunch of pictures that we can pass around.

Pictures presented.

Mr. Louis stated and the fences that we, it's going to be a 6' board on board fence on two sides and then we wanted to put a 4' picket fence on the other two sides just so they could look out, so it wouldn't feel like you were in a cave so a, they had some questions about lighting being, there is no additional lighting being added, the building has light, the parking lot has light, and there is a lamp post in the center of the area that we have now so there is no additional lighting being used at all, no outside TV, no outside speakers, it's just basically a, a there is only going to four, four top tables out there, it is just someplace for a smoking and just a place for you know people to sit and enjoy the outside so a he thinks we had, one of the issues was a handicap, the building is not handicap accessible now so it wouldn't change that because of the ground level thing that we are working on, it's the same as the parking lot so that's where that would, that issue as far as he knows and the parking is calculated by the Architect and we will end up, were not changing any parking but even with the additional 16 people we have four extra spaces so we have you know, we went through the questions that he thinks they asked, we wanted to make sure that we had four additional, extra parking spots, the only other question they had had was about the unloading and loading of trucks, as far as the beer trucks and stuff like that, currently they use the other side of the building, we also could use the front door, we weren't looking, there is no place the truck ever backs in perpendicular or parallel to the street at the forty feet so they are always a coming perpendicular off the road not parallel to with it so we are not changing even the unloading or anything of the way they have done business for 30 years or how many, lots.

Laughs.

Mr. Louis stated 62 so, we are not changing anything on the building itself at all so and he doesn’t know if anybody has any questions.

Chairman Sandora stated he has one question that he would like to ask you, now do you own the property the entire property.

Ms. Lancellotti stated no Sherry. Ms. Lancellotti stated she dropped off a note to Brenda from Sherry and she is aware of it.

Chairman Sandora stated and she is aware of it.

Ms. Lancellotti stated yes, she is.

Chairman Sandora stated well the question that he has is, do you know how far back that property goes, does it go all the way back to Edgerton.

Mr. Lancellotti stated no, now that she is aware.

Chairman Sandora stated so it just, it goes back, he didn’t see it on there.

Discussion on far back the lot line goes, where’s the nearest home, ravine.

Chairman Sandora stated it goes to that ravine by the, okay.

Mr. Louis stated nobody really knows who owns it.

Chairman Sandora stated okay, the question, because the question was brought up about noise and he was wondering if that went back and he knows there is, it’s a residential district back there on Edgerton but he doesn’t believe there is any homes that, that particular point there.

Mr. Louis stated right, plus he doesn’t think you could even see a home from your end inaudible.

Chairman Sandora stated and that’s why, his, his thought was that the property was probably all the way back to Edgerton because it seems like it, the body shop is on the corner so it goes on that angle there so it’s not really much room, would even be for a residential home back there.

Mr. Louis stated plus the big ravine to, he doesn’t think it’s buildable.

Chairman Sandora stated okay, that was just his, his question, Mr. Merdes, do you have anything.

Mr. Merdes stated Thank You.

Mr. Merdes stated a, he guessed a comment on the loading facility, it is not allowed by Code to be in the front, but actually if, if by Code that’s, that’s not where you would be allowed to have a loading facility.

Mr. Louis stated well the west, the west side is where they unload and load from and that still would stay in tack.

Mr. Merdes stated uh um.

Mr. Louis stated because the west side is where they have the long driveway between the two properties, Taddie’s and the building now and they store there loaded stuff in that back garage so that’s.

Mr. Merdes stated that’s, probably a better place for it.

Mr. Merdes stated you mentioned a little bit about accessibility, a and he, he, he believes that he mentioned this in a phone conversation, you are going to have to you’re, your design professional really look at, at accessibility and, and probably certified that, that it meets the ADA requirements just because everything is at grade and you are not changing grade a doesn’t necessarily mean that it, it’s, remains compliant a, especially if your going you know, if you are going to allow people to move in and out of, of the building through one of the rear doors.

Mr. Louis stated uh um.

Mr. Merdes stated a, but, but neither of them are accessible to to handicap.

Mr. Louis stated the building is not, the building is not ADA compliant because it is raised, but if you were to go have a drink on the patio he means, you know it’s, it’s not, it’s actually like he said the building from no way is ADA accessible right now and were not changing the perimeter, if it was enclosed or something that’s, he guessed where it changed, a they could drink out there but he guessed the only part that you would have is you wouldn’t be able to go into the building for a restroom is where but we, this is just a fenced in area, there is no structure or anything being put on it and he means, he doesn’t that, he is not sure the gate would probably be our only issue right.

Mr. Merdes stated well he means, that might be, well no, he means as, as you continue to discuss that the building is not ADA accessible yet you are proposing a change that in itself may necessitate that what you are proposing includes making the building ADA accessible again you have got somebody here whose working for you.

Mr. Louis stated he understands what you are saying, correct right, he understands.

Mr. Merdes stated and, and they are probably the ones that can best answer the question.

Mr. Louis stated well that question was brought up to him now he doesn’t know the Code that would be to support what he told us but the point when, when he brought this up because he knew that ADA would come into it because he had just done the Sip-N-Post one so he knew, you know, we come into the ADA aspect of it he felt since the building wasn’t and we weren’t changing the outside perimeter that, that wouldn’t be a problem now he can’t answer that either and he doesn’t know do we need, do we need him to go through the Code book to find that or, you are the Building Commissioner and he is just not sure, he guessed he is asking back this question would go back more to you as far as, what we would

want it, how we would address it because then we go into an ADA bathroom, we go, to put this, if, if we were take this a put a ramp to the building then we end up with a whole new can of worms inside the building, that’s the only reason why he doesn’t know where you would stop that and he guessed that, that’s his question back he guessed.

Mr. Alvarez stated okay, Mr. Chairman if he may.

Chairman Sandora stated Mr. Alvarez go ahead.

Mr. Alvarez stated well one of his questions was, the, you should have a seating arrangement which is number one.

Mr. Louis stated he understands that and right, and that’s not a problem.

Mr. Alvarez stated well that.

Mr. Louis stated we just found that out today he, and that’s how we got the seating, he understands that yes.

Mr. Alvarez stated have them submit a seating plan because he.

Mr. Louis stated okay, we will.

Mr. Alvarez stated what that is telling them is there are people going out into this area from the restaurant and when we are talking about accessibility we should be able to have people going from the building outside now once they are, say they are in, you have got to understand ADA if people are inside the building then obviously they can use the restrooms already but now they are outside, can they get back in and you know this is what we are trying to get at.

Mr. Louis stated he understands what you are saying.

Mr. Alvarez stated and then the question of the seating arrangement is for egress requirements.

Mr. Louis stated he understands.

Mr. Alvarez stated it’s another issue in terms of Building Code which he doesn’t address because we don’t have that before us.

Mr. Louis stated right and that’s fine because like he said, this will only be 16 people and four four toppers and we have a huge area but that’s not a problem to have it drawn on there, we just found out about the parking space and we addressed that today, he just got the fax from him today so a, he will easily.

Mr. Alvarez stated so you understand where we are coming from.

Mr. Louis stated yes, yes.

Mr. Alvarez stated it just doesn’t have enough information for us to look at.

Mr. Louis stated he understands.

Mr. Alvarez stated so we do definitely need that.

Mr. Louis stated as, that’s not a problem.

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

Don Willey stated Mr.

Mr. Merdes stated Thanks.

Mr. Merdes stated are you proposing any screening or landscaping a, a, outside of the patio area, a because he thinks what the Chairman had mentioned before there is, there is, a where this Business District a adjoins a Residential District.

Mr. Louis stated it’s a six foot fence on the west side board on board, a he knows the one question was that, the Chairman had as far as if somebody built back there on the, on the south side would they be able to see through, that could be a board on board 6’ and he thinks it’s actually shown isn’t it, Lisa on the back yeah, 4’ no, only the 6’ is on the west side if the rear, the south side if you wanted that to be a 6’ board on board we have no objections to doing that a, the east side it would be nice to be able to see through the parking lot it’s not, it’s not always, it’s not so nice to be so blocked off that you feel that you are encroached in you know, you have got this area and then all of the sudden your confined completely at least this way you could look out by having a nice picket fence now, you know that’s what we were looking at on the east side of it and there is a lot of landscaping he means, 60% of the perimeter is landscaping right now and big, pretty bid bushes and trees, he means it’s a pretty good amount of landscaping already.

Mr. Merdes stated okay, he guessed.

Mr. Louis stated and outside he would be infringing upon the parking so it, so outside the fence here his answer would have to be no, as far as that goes because it’s on the back side your, your going to be able to see the landscaping through the picket fence which makes it nice otherwise we end up with a big board on board fence and you see no landscaping, we would be covering what we already have.

Mr. Merdes stated okay, he would just reference the members to the report because he put the Code section right there and they, everyone can decide.

Mr. Louis stated right, he understands.

Mr. Merdes stated what, what the applicant telling us and if they, if they are comfortable with, with the, with the landscaping that’s, that’s there and the fencing that’s being proposed around the a, around the area.

Mr. Louis stated and we are going Monday to the meeting, we are scheduled to go Monday to the Architectural Meeting so, or the Review Board.

Mr. Merdes stated okay.

Mr. Merdes stated and then he had a question about the, the parking a and it again it sort of went back that there wasn’t a seating or, or anything shown a you have on the, on the drawing 23 spaces, usually there is actually some, some part of the Code that shows how, how many spaces are required and how many you have.

Mr. Louis stated right, one space per 4, one space per 4 seats is what the Architect went through today, we have 13 spaces, 2 employees which is 15 spaces actually he made a mistake, 14, it would be 13 seats, 2 employees which is 15 spaces needed and then they are adding 4 tables with 4 chairs he was up to 19 spaces of parking needed and we have 23 existing spaces and like he said that will be noted on here along with the tables but he didn’t realize that and he did get this paper from the Architect today.

Mr. Merdes stated okay.

Mr. Merdes stated Thank You, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes.

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

Mr. Alvarez stated his only other comment, you are going to have at least one of those parking spaces be handicap accessible.

Mr. Louis stated yes, no problem.

Mr. Alvarez stated okay, they don’t show it on here.

Mr. Louis stated right, we will take care that, after hearing that all day today, we got that one.

Mr. Alvarez stated okay.

Mr. Alvarez stated no further comment.

Chairman Sandora stated anybody else on the Board have anything.

Don Willey stated Mr. Chairman he has a question.

Chairman Sandora stated Mr. Willey.

Don Willey stated now, now from the, if you, he has been there by the way and he went to do a site, site examination so from, from the main bar on the first floor when you go out the back door which is on the east side of the building how many steps do you have to go down before you hit the ground assuming you use the steps.

Mr. Louis sated there is a landing and four isn’t it, that you have right now.

Ms. Lancellotti stated the back door.

Mr. Louis stated yeah, off the back door, off the yeah.

Ms. Lancellotti stated three and a landing.

Mr. Louis stated three and a landing.

Don Willey stated three and the landing and then you go down, okay, Thanks.

Chairman Sandora stated three and the landing.

Mr. Louis stated Thank You, we didn’t have to get that off the recollection, uh, it was right there in black and white.

Laughs.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated everybody satisfied without a new site plan on this or.

Mayor Luks stated Mr. Chairman as she understood Mr. Alvarez, you need to see more on the site plan to make sure that it is handicap accessible.

Mr. Alvarez stated yes, they have to have a handicap accessible parking spot.

Mayor Luks stated would you recommend that be done before we approve it or would is it okay to do that after we approve it.

Mr. Alvarez stated well he would recommend, they can, if they agree to do it, it is fine with him.

Mayor Luks stated we can move, on it.

Mr. Louis stated yes.

Chairman Sandora stated do you have an problem with that.

Mr. Louis stated no.

Chairman Sandora stated do you agree to meet all the conditions and requirements that the Building Department or Building Commissioner wants you to do.

Mr. Louis stated yes.

Chairman Sandora stated okay.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated alright, he will make a motion to approve the outside patio expansion for Park Tavern on the condition that the Applicant meets all the requirements of the, our Building Commissioner with the ADA proposal and the Architectural Review Board.

Don Willey stated second.

Chairman Sandora stated 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 Good Luck to you.

Mr. Louis stated Thank You.

North Royalton Board of Education, North Royalton City Schools, 6579 Royalton Road, Public Facility Zoning. **Site Plan Approval for a modular unit installed next to the Board of Education Building.**

Ms. Fashempour stated the Applicant is here.

Chairman Sandora stated the Applicant is here, state your name, home address for the record please and present to us what you will.

My name is Jim Presot, he is the Assistant Superintendent of the North Royalton City Schools, his address 6520 Tulip Trail, Independence, Ohio and we are here tonight in front of the Board to seek approval for a modular building that would be adjacent to our existing Board of Education Offices as we indicated earlier, he also brought along with him Mike Nuechterlein and Mike is a representative from Williams Scotsman they are the Company that we would be seeking to purchase the modular unit from to put onto our Board of Education property.

Chairman Sandora stated Thank You.

Mrs. Vozar stated Mr. Chairman, in the effort to save time.

Chairman Sandora stated Mrs. Vozar.

Mrs. Vozar stated at this late hour, if she could address an issue. Mrs. Vozar stated 1260.07f defines accessory buildings as a subordinate building detached from the main building, which is why the Mayor asked you the question whether or not there was going to be a roof connecting the two buildings, a, since there is not a, our Code under the Public Facility allows for a main building and the accessory, but the accessory building can only be used for specific things, public parking, storage garage, residence of custodian, maintenance and heating facilities, unfortunately it doesn’t allow for the expansion of personnel from the main building so because of that her recommendation is that you go to the Board of Zoning Appeals to get a variance to allow you to do that, unfortunately the Board doesn’t have the authority to, to vary the Code.

Mr. Presot stated can he ask a questions, in terms of, if we put a canopy that would connect the two buildings together so that would allow the residents or the people that are inside the existing facility or the Board Office currently and as they are going in to this axcilliary building which would be the modular unit that way it would connect the two buildings together.

Mrs. Vozar stated well under 1260.07f it says that it is a subordinate building if it’s detached so if it’s permanently attached to the main building the argument could be that it is not longer a, an accessory building it’s just a modification for an extension of your main building.

Mayor Luks stated so yes, it’s an Attorney.

Laughs.

Someone stated the answer is yes, too.

Mr. Presot stated yes and we would go, we would propose to putting a canopy or whatever we would need to do for for weathering and so forth and that was part of our discussion, it was, originally understanding that to have a building such that it had to be a minimum of 15’ from the existing building, we are not opposed to putting a canopy, actually that would accommodate the people in the winter time and rainy season as well as people that were entering it from that inaudible.

Mrs. Vozar stated it would actually need to be and again you would need to do the drawing so that it’s actually is an extension of the building merely putting you know boards across it wouldn’t make it part of the buildings he thinks that the Board is going to have to make the determination factually whether or not your drawings are going to actually a cause it to be a modification or an extension of the building rather than just a hap hazard way of taping it together somehow.

Mr. Presot stated that, that would not be our intention obviously.

Mrs. Vozar stated she understand.

Mr. Presot stated but yeah, this is, this is something that we are looking to put on our property obviously because of the needs of our facilities but yes we would make sure that it would meet whatever Codes or other recommendations that you need to be met.

Mayor Luks stated Mr. Chairman or your other answer is next you know, at the next BZA meeting go and ask for a variance since the Code doesn’t specify and doesn’t really cover it, you know just explain your use and go to the Board of Zoning Appeals, she means that’s your option as well, we don’t have the ability to approve something that doesn’t meet Code, this Planning Commission, Board of Zoning Appeals does so if you went to them and said, we are going to do it this way, without attaching it, you could ask for a variance and explain what your need is.

Mr. Presot stated he thinks at this point we would like to go forward with a looking to put a a canopy type structure on there so that way we could is that, is that basically what he is understanding.

Mayor Luks stated it’s your choice you can do either one, you can get a variance at the Board of Zoning Appeals and have it without the roof providing they grant that variance but clearly you would have to make your case.

Mr. Presot stated right.

Mayor Luks stated or you would have to connect it in some manner that it truly appears connected to us and then it meets Codes.

Mr. Presot stated correct, he thinks that, we, we would like to go forward with connecting the two facilities if, if possible.

Mayor Luks stated okay, and she would have to defer to our Building Commissioner in terms of what would really qualify as connecting it.

Mr. Alvarez stated what it really means in terms of the Building Code requirements is that and he always says that if you are attaching it to the main building you know, you are actually showing like a detail of the attachment and whether and this would be your design professional that would have to submit this, you would actually show a connection to the main building for the roofing so that at least the very simple term in the ADA people always tell him, if he doesn't see any air from the ground level and you just go on up, if he sees a building or some obstruction then that's a connection to the building, the main building so in other words show a connection to the main building of the roof okay whether it would be over you're a handicap ramp that you are showing here and then also you would be connecting to your main, your modular unit some way form or fashion.

Chairman Sandora stated so Mr. Alvarez they don't have to show any walls or a floor, all they have to do is, what you are saying is basically show the roof line attached to the building and attached to the modular unit.

Mr. Alvarez stated exactly.

Chairman Sandora stated and but, no posts or anything.

Mr. Alvarez stated well, the way you do that is with posts, because you have to support the the roof.

Chairman Sandora stated well, yes but also the length of it.

Mr. Alvarez stated right as long as there is an attachment there, technically that's an addition, that makes it an addition.

Chairman Sandora stated so right now is, modular unit is how far away from the building itself

Mr. Presot stated 15'.

Chairman Sandora stated 50'.

Mr. Presot stated no, 15.

Ms. Fashempour stated 15.

Chairman Sandora stated 15.

Mr. Presot stated correct.

Chairman Sandora stated so they would have to make it look 15' long.

Mr. Alvarez stated well again, depending on how the Code reads, if it's going to be an addition it doesn't have to be that, that building doesn't have to be that far away.

Mr. Presot stated that's true too, we could bring it closer is that what your indicating.

Mr. Alvarez stated yeah, that's what he is talking about.

Chairman Sandora stated well that’s what, that’s what he is saying if, if that’s the case they don’t have to be 15’ away.

Mr. Alvarez stated exactly.

Chairman Sandora stated they would move it in closer as long as they have.

Mr. Alvarez stated correct.

Chairman Sandora stated as long as they have enough room for the handicap ramp.

Mr. Alvarez stated exactly.

Mr. Presot stated that, that’s, that’s what we are indicating that may be a problem only because if you look at the handicap ramp drawing in terms of the where the platform is.

Chairman Sandora stated it turns and, and.

Mr. Presot stated it turns and so forth so we are going to need that to to make compliance.

Mr. Alvarez stated yeah but that, again what is, what dimension would you think that would be.

Mr. Presot stated the ramp.

Mr. Alvarez stated the total width.

Chairman Sandora stated probably 8’.

Mr. Alvarez stated 11’.

Mr. Presot stated yeah, we could move it in maybe a few feet potentially but not anything significant.

Chairman Sandora stated well that’s up to them.

Mr. Alvarez stated yeah and that, and that he doesn’t think that is a problem.

Don Willey stated well there’s, there’s another alternative too if you move closer to the building and you connect it through a quote unquote a breezeway then you would have access from the primary building and you wouldn’t need a ramp like that, you wouldn’t need a ramp going, depending on how, how many steps would be going up that’s, that’s the only, right.

Mr. Presot stated he, he believes to meet ADA compliance though to get into this structure here we would have to have the ramps because otherwise there would be, you, it is not at ground level.

Don Willey stated but you are proposing a different structure when you are going to attached it, that’s no longer a modular, modular or mobile unit you are going to attach it to the main building so it’s like an

annex so he doesn’t know that, that particular scenario would apply if you were parked out in the back of the high school and you had a counseling thing like a lot of schools do, he would assume then you need the, the ramp.

Mr. Presot stated correct.

Don Willey stated but if it was right next to the back door, 5’ and then there was a canopy or whatever you you call it he would assume that the access would be from the main building even though you have a door to, to the annex building so he doesn’t know that, that would apply there the Building Commissioner might.

Mr. Alvarez stated well when we say accessibility we, accessibility to everywhere so even if it was just for administrative you would still need this accessibility, this ramp.

Mr. Presot stated yeah, yeah we agree and we are going to have general public people coming in there, it’s just not our, our current employees were going to have residents and so forth and be coming in to sign up their students for the school so there is a necessity for having a ramp system there, not knowing who may be.

Don Willey stated rather then traipsing them through the main building.

Mr. Presot stated correct.

Don Willey stated okay, gotcha.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated let Rito finish.

Chairman Sandora stated go head.

Mr. Alvarez stated he is done.

Chairman Sandora stated you are done Mr. Alvarez.

Mr. Alvarez stated yes, hopefully.

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

Mr. Merdes stated Thank You, a just that when this is approved a the actual and he thinks Rito needs this to is, is the plans by a Registered Professional to be approved and before doing the work.

Mr. Presot stated correct and we have already been in contact with the Architect he is going to be putting together the drawings and prior to getting a building permit we understand those drawings have to be reviewed and approved.

Mr. Merdes stated wonderful, Thank You, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated again to the Applicant this is a temporary and you are saying it could be from 3 to 5 years.

Mr. Presot stated potentially yes, unfortunately he can't, Mr. Sandora give you a definitive date only from the standpoint that you know will, obviously put a ballot issue on at some point in the near future based upon the voter approval if we are successful and approve it the first time through you know by the time we build on to what we need to do, the building could be there 3, 4, 5 years if it's unsuccessful based upon the number of tries that we go back to the voters, the building would be there until we are able to either add on additional facilities or accommodate these people in an another location.

Chairman Sandora stated and again for the record, there will be no plumbing in there, no water.

Mr. Presot stated no Sir, no plumbing, no water, just just electrical hookup.

Chairman Sandora stated just electrical hook up, there will be no water, no sanitary line nothing like that.

Mr. Presot stated no.

Chairman Sandora stated and we can't talk you into just putting a building up a.

Mr. Presot stated he would love to put up a building unfortunately if, if you can find us the funds to do that, we, we, we would be glad to talk to you about it.

Chairman Sandora stated anybody else have anything.

Mrs. Vozar stated Mr. Chairman.

Chairman Sandora stated Mrs. Vozar.

Mrs. Vozar stated she thinks that based on the fact that a the plan that has been submitted indicates that it is a modular unit and a building, defined as in the Code actually says it has to be permanently affixed, based on that she, she, it's her recommendation that it be tabled until we get a clearer picture as to what they are proposing.

Once again my name is Mike Nuechterlein with William Scotsman, he resides at 7848 Pam Lane, in Bright, Michigan. Mr. Neterline stated just to kind of comment on that Donna, as far as what we are proposing to kind of, to add to what Jim has already explained here, the approved set of plans for this building are approved by the State of Ohio that means they meet every Ohio Code and the building is manufactured and it's inspected throughout that process at the factory, that is a commercial approved structure once that's done so we can say, just so he is sure there is no correlation between a modular home and modular building this is a fully approved commercial modular structure so if Jim or the Board chooses to attach that he thinks it's already approved modular, modular commercial construction at that point not relating back to any HUD you know Codes or anything of that nature which really doesn't relate to our business at all.

Mrs. Vozar stated right unfortunately though it doesn’t show that it’s, the plan as submitted doesn’t show it attached and more importantly we need to make sure that it is also attached to the ground which is what the Code does require, she just thinks that it would be clearer for the Board to, to have a document showing that.

Mr. Nuechterlein stated if you, through the plans that Jim has submitted there is, showing the foundation plan the foundation detail and the anchoring details in there a if there is any questions on that he would be happy to address those right now as far as how that process goes.

Chairman Sandora stated did you look at those Mr. Alvarez, the anchoring plan.

Mr. Alvarez stated briefly.

Mr. Nuechterlein stated he means if he can.

Mr. Alvarez stated these are standard plans, anchoring systems that these modular units use, it’s, nothing unusual in terms, in that respect, you are going with this auger system into a.

Mr. Nuechterlein stated we would, we would tie directly into the concrete footings that would be installed with the building.

Mr. Alvarez stated okay.

Mr. Nuechterlein stated so one of those details there show the concrete footings detail, that’s the method we would use if you for some reason wanted us Rito to use the auger that does meet the Code as well, we would be happy to do that but we, he prefer, he prefers when a foundation goes with a building, to go with a concrete system tied directly into the footer.

Mr. Alvarez stated so you only have a footer then in there.

Mr. Nuechterlein stated correct.

Mr. Alvarez stated okay.

Mr. Nuechterlein stated there will be, there will be a total of 12 to 14 augured concrete piers that go down to the frost line of 42” and then they will tie up and the building will be strapped directly to the frame from here.

Mr. Alvarez stated that’s a standard foundation for this type of building.

Mrs. Vozar stated based on that and, and what’s been said, she a withdraws her, her recommendation that it be tabled, obviously the condition that it be connected to the building based on the Building Department’s statements she, she thinks that ,that is probably, she has no objection to going forward.

Chairman Sandora stated anybody else on the Board have anything.

Don Willey stated well at this point we don’t have the a connector correct, we don’t have drawings of the connector.

Chairman Sandora stated no.

Don Willey stated okay.

Chairman Sandora stated anybody in the audience.

Don Willey stated anyone left.

Chairman Sandora stated anyone left yeah.

Laughs

Chairman Sandora stated well he will make a motion then for a the approval for the North Royalton Board of Education for a modular unit installed next to the Board of Education Building that, that modular unit be attached to the Board of Educational Building by a means that is satisfactorily with the Building Department.

Don Willey stated he seconds.

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 Good Luck.

Mr. Presot stated Thank You very much.

Mr. Nuechterlein stated Thank You very much.

Utility Plan Approval

at&t requests to place an above ground cabinet in the road right of way near **18567 State Rod, Approval.**

Mike Williams representing at&t, reside at 16515 Clare Avenue in Cleveland, here to request to place an above ground cabinet in the right of way near 18657 State Road.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, to the Applicant, you determined the location of this site how?

Mr. Williams stated well initially all sites are, we try and place these cabinets as close to the cross connect box as possible, and if you, and the reason being is, is the services that we offer, the enhanced services, there's distance constraints on it so you can go x amount of feet away from the electronic cabinet so the further we take that away from that cross connect box, we will loose customers on the out end if in fact we hit that max so, the answer is we always try and get it as close to those cross connect boxes as possible.

Mr. Merdes stated and how about at&t's policy when they are looking for a new site in relation to requesting a site inside the right of way verses looking to acquire a new easement.

Mr. Williams stated well the first choice is always right of way and the reason being is first off is cost and a, and also time, if we were to try and get a, a easement for these sites we would have to negotiate number one and who knows how much time that would take and the cost involved and as they are trying to roll this project out in 22 States right now they are really trying to push it to market so it’s kind of time in of the essence and of course cost wise.

Mr. Merdes stated okay, and back to this location, are there any other alternate spots, is this the best, is there a better spot.

Mr. Williams stated you know he was out there today and he looked and he can’t see one that would make it much different then this spot he means if you have, he doesn’t make these site selections, he comes here and tries and get it approved but he actually do not make the site selection he means he gets an idea of what they are looking, for sight line, safety issues but a he means, be more that willing to look at another location there but once again you know.

Mr. Merdes stated uh um, actually for this application they were more general questions, he means he wouldn’t have a recommendation for a different place in at this time, at this you know in this general vicinity but he was interested in, in knowing how, how at&t chooses the site when they need one if they if they look at alternatives and, and the other questions he was asking about.

Mr. Williams stated he was, we were kind of wondering where those questions were coming from as far as in relation to this site because it was such an open site and a thought that those would come up at a lot of other sites not this one.

Mr. Merdes stated as they may, they may come up in other sites.

Chairman Sandora stated that’s why we are asking.

Mr. Merdes stated a and they may come up when, when us or are driving through other City’s and, and see these in, in different locations and, and wonder, wonder that, you know we just like to get some things on the record to know that the policy is the same for, for our City as, as for other City’s.

Mr. Williams stated it is.

Mr. Merdes stated as good or better for our City.

Laughs.

Mr. Merdes stated that being said, he will go back to the standard for all these, if approved, a permit is required, plans by a Registered Engineer are required for the permit, perform all work in accordance with the City’s Codified Ordnances contact the City Engineering Department 72 hours prior to commencing, full time inspection required for all work performed within the city right of way and that’s billable to the applicant, all areas of disturbance are required to be restored, no open cutting of the roadway pavement is allowed, sidewalk

replacements in full slabs and videotaping of the work area is required prior to the work and provide the City a copy of the video, also give all homeowners along the installation 48 hours written notice submit a copy of that to the City.

Mr. Williams stated agreed to.

Mr. Merdes stated Thank You, Thank You Mr. Chairman.

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

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated anybody on the board have anything, anybody in the audience have anything, move to approve a ground cabinet for at&t 18567 State Road.

Don Willey stated second.

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

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

at&t requests to bore from pole **238962 at the front of 4463 Royalwood Road east approximately 80',** then north across Royalwood Road approximately 120' to their easement where they will place a small 4'x'4'x6" manhole and fiber distribution pedestal on a 6'x6'x6" concrete pad, Approval.

Chairman Sandora stated Thank You Ms. Fashempour.

Mike Williams representing at&t, 16515 Clare Avenue. Mr. Williams stated here request to bore from, do you want me to repeat that whole thing.

Mr. Merdes stated some of it.

Chairman Sandora stated some of it, go ahead.

Mr. Williams stated okay to request.

Chairman Sandora stated we have plenty of time.

Mr. Williams stated to bore from pole 238962 at the front of 4463 Royalwood Road east approximately 80' then north across Royalwood approximately 120' to their easement where we will place as small 4x4x6 manhole and fiber distribution pedestal on a 6x6x6 concrete pad.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, a permit is required for this after this is approved plans by a Registered Engineer are required for the permit, perform all work in accordance with the City's Codified Ordinances contact the City Engineering Department 72 hours prior to commencing, full time inspection is required for all work performed

within the City right of way that’s billable to the applicant, all areas of disturbance are required to be restored, no open cut of the pavement is allowed, sidewalk replacement by full slabs, videotape of the work area is required prior to the work and provide the City a copy of the video, give all homeowners along the installation 48 hours written notice submit a copy of that to the City is that agreeable.

Mr. Williams stated agreed to.

Mr. Merdes stated Thank You, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated no comment Mr. Chairman.

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

Chairman Sandora stated move to approve a request for at&t for 4463 Royalwood Road.

Second Don Willey.

Chairman Sandora stated 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 Thank You for staying with us.

Mr. Williams stated Thank You.

Ms. Fashempour stated Thanks.

Chairman Sandora stated it’s been a pleasure.

Columbia Gas of Ohio requests to **install 1280’ 2” new plastic distribution main off Royalton** Road in a private easement to serve **Platinum Plaza, Approval.**

Ms. Fashempour stated and there is no Applicant.

Chairman Sandora stated well you know he thought for sure we could move these to the next Agenda, were pretty close, do you want to just wait a little longer.

Mr. Merdes stated actually he is no longer going to actually speak on behalf of Columbia Gas, when their applications are before the Board, it’s, it’s, really not something that he feels that he should do.

Chairman Sandora stated so you want them come.

Mr. Merdes stated certainly or they have, or these would have to be reviewed on, on the merits of the information that’s provided a, they had been told this.

Chairman Sandora stated oh they have been.

Mr. Merdes stated uh um.

Chairman Sandora stated oh, your really going on us tonight Clark.

Mr. Merdes stated he is trying to shorten the meeting for you.

Chairman Sandora stated okay.

Mr. Merdes stated so.

Chairman Sandora stated make a motion that we table Columbia Gas of Ohio.

Don Willey stated second.

Chairman Sandora stated moved and seconded to table Columbia Gas of Ohio for Platinum Plaza, it’s been moved and seconded, Ms. Fashempour call the roll.

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

Chairman Sandora stated it’s been tabled.

Columbia Gas of Ohio requests to install 50’ of 2” plastic pipe at **4695 Royalwood Road, Approval.**

Chairman Sandora stated the same one on this.

Mr. Merdes stated yes Sir.

Chairman Sandora stated make a motion that we table Columbia Gas of Ohio 4695 Royalwood Road.

Don Willey stated second.

Chairman Sandora stated until an Applicant can show up.

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

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

Miscellaneous

Ms. Fashempour stated she has nothing under Miscellaneous.

Adjournment

Chairman Sandora stated motion to adjourn.

Don Willey stated second.

Chairman Sandora stated moved and seconded to adjourn, Ms. Fashempour.

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

Chairman Sandora stated we are adjourned.

Planning Commission meeting for Wednesday, September 5, 2007 adjourned at 10:40 P.M.

Approved: Tony Sandora
Chairman – Planning Commission

Attest : Brenda Lynn Fashempour
Secretary – Planning Commission

Date : October 11, 2007