

Planning Commission Caucus - 7:12 P.M. - Wednesday, September 19, 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, Thomas P. O'Donnell, Law Director and Brenda L. Fashempour, Secretary.

Public Hearing

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Public Hearings - Huntington Park Recreation Allocation, Public Hearing Notice mailed to property owners, Applicant, Residents, motion to refer to regular order of business, second, roll call.

Adjournment

Regular Meeting

Call to order.

Roll call.

Approval of minutes -September 5, 2007 - No action.

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 Moyses, - 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, no action.

Dr. Nagel Brayer, Chiropractic Clinic - tabled, no action.

York/Royalton LLC, Villas of Worthington, tabled, no action.

Ohio Catholic Federal Credit Union, tabled, no action. -BZA

Salon Pink, signs approval, tabled, no action. - BZA

Zillich Homes, Inc., Huntington Park 4, Preliminary Plan Approval,

Discuss #18 with 5B1, motion to remove from table, discussion,

Applicant, Residents, Board, motion.

Michael and Alice Walsh, tabled, no action.

Columbia Gas of Ohio, tabled, no action.

Columbia Gas of Ohio, tabled, no action.

New Business

Sign Approval

Mount Royal Villa, sign approval, Applicant, Residents, Board Members, motion.

Edward Jones Investments, signs approval, Applicant, Residents, Board Members, motion.

Subdivision/Group Development

Huntington Park Subdivision Phase 4, Recreation Allocation, move #12, Applicant present. Applicant, Residents, Board Members, two motions, one for recreation allocation, second preliminary plan.

Woodcroft Glen - Extension of Woodcroft Trace, Final Plat 2 - Applicant, Residents, Board Members, motion.

Utility Plan Approval

at&t - 5550 Akins Road, Applicant, Residents, Board Members, motion.

Miscellaneous

Adjournment

Planning Commission Caucus end 7:26 P.M.

Chairman Sandora stated Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission, Wednesday, September 19th, 2007, this is the Public Hearing portion.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, September 19, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:30 P.M.

Chairman Sandora stated Ms. Fashempour please call to order.

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

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

Public Hearing

The Public Hearing will address the approval of the proposed Huntington Park Subdivision Phase 4, Zillich Interiors, Inc., extension of Huntington Park Phase 1 and 2 - Angelina Drive, located off Royalwood Road, R1A 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 part of recreational uses.

Ms. Fashempour stated the Public Hearing Notice, Public Hearing Notice posted at the City's Public Posting Places and appears in the Sun Star.

Chairman Sandora stated Thank You Ms. Fashempour, is the Applicant here, step forward please, your name, home address and tell, tell us what you would please.

My name is Greg Zillich, 7619 Pleasant Run, Seven Hills, Ohio. Mr. Zillich stated he is here for what it states here, approval of allocation of recreation and extension of Phase 4 Huntington Park.

Chairman Sandora stated okay, Thank You, anybody here in the audience have anything on this.

Chairman Sandora stated anybody on the Board have any question at this time.

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

Mayor Luks 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 referred to the Regular Order.

Mr. Zillich stated Thank You.

Chairman Sandora stated at this time he would like to call the Regular Order.

Ms. Fashempour stated Mr. Chairman can she have an adjournment first.

Adjournment

Don Willey stated motion to adjourn.

Chairman Sandora stated oh, motion to adjourn.

Mayor Luks stated second.

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

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

Chairman Sandora stated yes, we are adjourned.

Planning Commission Public Hearing for Wednesday, September 19th, 2007 adjourned at 7:33 P.M.

Chairman Sandora stated at this time he will call the Regular Order of the Planning Commission Meeting for September 19th.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, September 19, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:33 P.M.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Approval of Minutes - September 5, 2007. Ms. Fashempour stated no action on the Minutes of September 5, 2007.

Old Business:

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

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

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

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

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

Ms. Fashempour stated #3 Columbia Gas, tabled, no action.

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

Ms. Fashempour stated #4 Columbia Gas, tabled, no action.

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

Ms. Fashempour stated #5 River's Edge Subdivision, tabled, no action.

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

Ms. Fashempour stated #6, C & C Management, tabled, no action.

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

Ms. Fashempour stated #7, tabled, no action.

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

Ms. Fashempour stated #8, tabled, no action.

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

Ms. Fashempour stated #9 Tony D'Abramo, tabled, no action.

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

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

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

Ms. Fashempour stated #11, tabled, no action.

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

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

Ordinance No. 07-73 - An Ordinance accepting the Dedication of 1,621 feet of Mahican 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 Ordinance No. 07-73, tabled, no action.

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

Ms. Fashempour stated #14, Chiropractic Clinic, tabled, no action.

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

Ms. Fashempour stated #15, Villas of Worthington, tabled, no action.

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

Ms. Fashempour stated #16, Ohio Catholic Federal Credit Union, tabled, no action.

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

Ms. Fashempour stated #17, Salon Pink, tabled, no action.

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

Ms. Fashempour stated #18, we are going to take under 5 B 1 and we are going to combine the two of those, so there will be no action at this particular time but we will be back to it.

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

Ms. Fashempour stated #19, Michael and Alice Walsh, tabled, no action.

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

Ms. Fashempour stated Columbia Gas of Ohio #20, tabled, no action.

Columbia Gas of Ohio request to install 50' of 2" plastic pipe at 4695 Royalwood Road, Approval. Tabled.

Ms. Fashempour stated and #21, Columbia Gas of Ohio, tabled, no action.

New Business:

Sign Approval

Mount Royal Villa, 13900 Bennett Road, TCD-1 Zoning. Sign Approval.

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

Chairman Sandora stated step forward please, state your name, home address and tell us what you would like to do.

My name is Mike Williams, his home address is 5298 Paul Revere Road in Orient, Ohio 43146, the reason were before you is were, we would like your blessing to reface an existing sign as it sits that he believes was correctly permitted a few years back.

Chairman Sandora stated Thank You, Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman, he was just looking at your site plan a, and like he said, like your new sign location 3 x 6 moving it up to general main entrance is that, your stating that you are not doing that.

Mr. Williams stated no, the sign is not moving.

Mr. Alvarez stated okay.

Mr. Williams stated the structure is where it is and we are just pulling the old faces off and putting new faces on per the, per the provided design.

Mr. Alvarez stated okay, a, the only thing he would really have to say then is that one, it's a pole sign and pole signs are prohibited in the City and you are making it an significant improvement to this sign, but typically if you are making an alteration which he believes this is, you know, he will defer to our Law Director whether this sign, the pole sign is permitted with all these changes because a, pole signs are not permitted in our Code and that's what you have here. Mr. Alvarez stated and secondly in TCD 1 signs are not permitted at all and again you are making a significant change here, so those are the two issues that he has.

Chairman Sandora stated Thank You Mr. Alvarez.

Mr. Alvarez stated okay, then.

Chairman Sandora stated you did make mention that a, signs are not allowed in TCD 1-5 now, ground signs.

Mr. Alvarez stated well he was just quoting the section of the Code that deals with that.

Chairman Sandora stated Mr. O'Donnell would you.

Mr. O'Donnell stated how much of the sign is actually being changed according to the plan here it says the existing posts are going to remain.

Mr. Williams stated yes, that is correct, the, the wooden posts are actually fairly weathered so what we were going to do is repaint them so that they would look much nicer than they currently do and then the actual sign faces, currently the same exact size are going to come down with the color scheme of Consulate Management who is now the new owner of Mount Royal Villa.

Mr. O'Donnell stated so the whole, the whole sign face is going to be removed and then replaced.

Mr. Williams stated that is correct.

Mr. O'Donnell stated yeah he, he doesn't have a clear answer, he means he would have to take a look at the Code which talks in some section about the difference between a, you know just a maintenance and you know almost a total replacement and in thinking about Mount Royal Villa, the actual structure is set pretty far back off the road.

Mr. Williams stated that is correct.

Mr. O'Donnell stated so, it may be a situation where, you know we eliminated ground signs, what we did in the Downtown District was we told, this goes back a few years but and before he, he became Law Director we told the property owners to take down their poles signs and put up ground signs and over time you know we eventually got all of them pretty much to do that well now we have eliminated ground signs so we don't have that option for you so if you put a sign on the building because of it's location it's not really going to be beneficial to them at all so a you know, they probably be entitled to some kind of variance because of the unique hardship where they are located and there aren't many businesses in the Downtown District, there is probably a few you know Cottman is indeed in the back and they have access to an existing ground sign that we had allowed to be maintained prior to the Code change so.

Chairman Sandora stated your saying they should probably try to receive a variance on this sign.

Mr. O'Donnell stated well he is not, he doesn't know, he is talking out loud basically, he is sort of enumerating a number of the problems with this particular business.

Chairman Sandora stated yeah.

Mr. O'Donnell stated and a he would say at a minimum they probably be entitled to a variance if that's, that's the way it's got to go simply because you know a sign on their building is not going to be visible for them any, anywhere on a major road.

Mr. O'Donnell stated so, you know, he, he can't give you a direct answer right now, he would like to have the opportunity to study it a little bit and as you know this, this body can't really grant a variance.

Mr. Williams stated understand.

Mr. O'Donnell stated it can in, in subdivision issues but that's not what we are dealing with.

Mr. Williams stated and he knows that Consulate Management was open to bringing it down as far as, as you know, the pole obviously would still be for structural sound, soundness but they would, they were open to bringing it down and then having it landscaped but of course he knows ground signs obviously is still an issue which again he thinks would lead back to the variance situation.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You.

Mr. Merdes stated and he thinks the, the lower of it, class, brings it into a different classification that at the height it is with the single support it is viewed as a pole sign which has not been allowed for quite a while, a, in, in, make it a ground sign that's where you could have it for the, the, the dimensions that you had proposed you could have it sit on a, on a, a solid foundation or on two poles and then they could be a height of a 1'3" and then you, you, you avoid the, the having to deal with that it in this configuration it still viewed as a pole sign a so it's yeah, if, it certainly helps that it could be placed lower and then.

Mr. Williams stated now when you say 1', 1'3" are you saying overall height of the entire sign.

Mr. Merdes stated no, the poles.

Mr. Williams stated okay.

Mr. Merdes stated the poles would be a, a, a 1'3" or the support.

Mr. Williams stated okay.

Mr. Merdes stated the base of it would be 1'3" then, then the sign on top of that and then around it the, the landscape.

Mr. Williams stated okay, yeah and he doesn't know that the pole would necessarily have to even be visible, the one of course concern that we were addressing was a you know maybe maintenance issue with you know lawnmowers and so on and so forth but with the landscape plan as you know as part of it we we kind of minimize that, that issue so.

Chairman Sandora stated well then that would fall back into a ground sign then.

Mr. O'Donnell stated yeah.

Mayor Luks stated uh um.

Mr. O'Donnell stated but that's preferable at least it will eliminate the pole signs which are.

Mr. Merdes stated otherwise you might be seeking two variances.

Mr. O'Donnell stated yeah.

Chairman Sandora stated so we send him over to.

Mayor Luks stated Tom's checking the Code but believe so yes.

Mr. O'Donnell stated yeah, he thinks, he would, yeah.

Mr. Williams stated and with the variance would that have anything to do with the BZA meeting then on Monday.

Mr. Williams stated okay.

Chairman Sandora stated no, you will.

Ms. Fashempour stated into October.

Mr. Williams stated okay.

Ms. Fashempour stated you would have to come back in October.

Mr. Williams stated okay so we would table it for or is a variance a completely different panel.

Ms. Fashempour stated right, you can still, you can still come to the ARB meeting on Monday.

Mr. Williams stated okay.

Ms. Fashempour stated and go through your landscaping and so on and so forth and let them make any suggestions that they have and then you would have to apply to BZA for their October Meeting.

Mr. Williams stated okay, for the, for the variance.

Ms. Fashempour stated right.

Mr. Williams stated understood.

Ms. Fashempour stated Tom they also received a variance quite a few years ago for the location so that's still stays right.

Mr. O'Donnell stated yeah, but what did that variance say.

Mayor Luks stated uh um.

Ms. Fashempour stated what do you mean, what did it say, it was for the location of the sign.

Mr. O'Donnell stated just location.

Ms. Fashempour stated yes, setback.

Mr. O'Donnell stated yeah, he knows.

Ms. Fashempour stated because it was public facilities.

Mr. O'Donnell stated what other kind of sign can you put in that location.

Ms. Fashempour stated because it was Public Facility at that time so you know.

Mr. O'Donnell stated yeah, they still actually need a variance from the prohibition for ground signs but they already have that location so.

Ms. Fashempour stated right.

Mr. O'Donnell stated a.

Ms. Fashempour stated so they would only need one variance right.

Mr. O'Donnell stated yeah.

Mr. Willey stated and a Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated what would, Mr. O'Donnell what would the variance be for.

Mr. O'Donnell stated to allow a ground sign in TCD 1 where it is currently prohibited.

Mr. Willey stated okay, so and number one, number two they would have to come up with a new design correct, they are not going to go to BZA with this correct, they would want to come up with a ground sign design is he right or wrong.

Mr. O'Donnell stated yeah, they would.

Mayor Luks stated Mr., Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated go ahead.

Mr. O'Donnell stated he thinks it, that a, it was recommended that you go to ARB Monday he wouldn't because if you got to redesign this you know they are going to tell you well come back when you have got your design approved so that would be a waste of time, a.

Mr. Merdes stated well, excuse me, but, if, if they go with the 1'3" on the supports and no taller that makes it a ground sign and ARB is probably looking at the color, the fonts, the and that.

Chairman Sandora stated and the landscaping.

Mr. O'Donnell stated and the landscaping.

Mr. Merdes stated and the landscaping.

Mr. O'Donnell stated they would have to have all of that.

Mr. Merdes stated the only change that he may need is, is what.

Ms. Fashempour stated the base.

Mr. Merdes stated the base.

Mr. Williams stated the overall height correct of the sign.

Mr. Merdes stated right.

Mr. Merdes stated well.

Mr. Williams stated we would have to.

Chairman Sandora stated your overall, your base.

Mr. Merdes stated the, the, the base of the sign.

Mr. O'Donnell stated he would have to show the base and the landscaping he means he has been there.

Mr. Merdes stated that's shown.

Mr. O'Donnell stated and they basically say you have to have a plan, they want to see the plan, they don't want to discuss something.

Ms. Fashempour stated they have a plan, they have submitted a landscaping plan.

Mr. O'Donnell stated all right.

Mr. O'Donnell stated won't the burning bushes obscure the sign.

Ms. Fashempour stated and she is sure you would probably turn around what the sign will look like with the base to bring with you.

Mr. Williams stated oh absolutely he means.

Ms. Fashempour stated computer generated.

Mr. Williams stated and that was going to be his next question is if we could turn around an additional 19 color copies to you guys by you know Friday, with the appropriate overall height with the pole not being more than 1, 1'3" we could certainly do that by, by end of business Friday for the meeting on Monday.

Mayor Luks stated okay.

Chairman Sandora stated okay, then he will make a motion then that we table the sign for Mount Royal Villa, the applicant will go to ARB on Monday.

Ms. Fashempour stated and then call her tomorrow and, and we will get you the application and everything else that you need for BZA.

Mr. Williams stated perfect.

Mr. Williams stated Thank You.

Chairman Sandora stated can he have a second.

Mayor Luks stated second.

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.

Edward Jones Investments, 10200 Royalton Road, General Industrial Zoning. **Signs Approval.**

Ms. Fashempour stated and the Applicant is here.

Chairman Sandora stated step forward please, tell us what you would like to do.

I am Jim Briola with Northcoast Sign and Lighting and his address is 330 310 North Broadway Street in Medina, Ohio.

I am Joe Millie, he will be the Financial Advisor occupying the space, his address is 3786 Chelsea Drive in Brunswick, Ohio.

Mr. Briola stated yes, we are proposing to fabricate and install a illuminated sign box 20" tall by 120" wide on the front of the building above the a, the tenant space.

Chairman Sandora stated okay, Mr. Alvarez.

Mr. Briola stated and also we want to change one of the directory signs to Edward Jones Investments also, that's an existing panel on the directory sign.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated just looking this over, the area is 16, 17 square feet for the side, you are allowed, the allowable for a wall sign is 36 square feet so you are within the requirements as far as the allowable area so he doesn't have a problem with that. Mr. Alvarez stated typically what he and this is a Building Code issue so just to let you know this has nothing to do with what we are talking about here make sure that your designer or manufacturer checks that section of the National Electric Code that deals with listings on the sign.

Mr. Briola stated the ul.

Mr. Alvarez stated yes Sir.

Mr. Briola stated yeah, but you know he wants to stop right here, so we are not, were just, pardon me but so we are below the allowable sign face.

Mr. Alvarez stated yeah you are allowed, be, what we do is we check to see the the width of the tenant space and we base the allowable square footage of the sign on a simple formula of the linear foot of the width times 1 and that gives you the maximum allowable square footage which is 36 feet, square feet.

Mr. Briola stated Mr. Millie really would like a larger sign.

Mr. Alvarez stated okay.

Mr. Briola stated so.

Mr. Alvarez stated well that's fine with him but a.

Mr. Briola stated well we would have to resubmit correct.

Mr. Alvarez stated you have to come back again he would think.

Mr. Briola stated we would have to resubmit it.

Mr. Alvarez stated yeah.

Mr. Briola stated okay.

Don Willey stated not unless you know what the size is now he would assume.

Mr. Briola stated pardon me.

Don Willey stated unless you know what the size was now.

Mr. Alvarez stated do you know what size you want to put up right this moment.

Mr. Briola stated a.

Mr. Millie stated if, if he may, he just got the opportunity to take a look at the sign for the building tonight and after, after reviewing it he thought it was rather small for the area you know Route 82 is a great, great area over there, they are going to be developing a new business park right across the street and he thinks this would be a great opportunity to start promoting business to come over which is why he would like to have a large sign on the building and Fast Signs wasn't entirely sure what the maximum size could be and he just found this out about a hour ago so for, excuse us for not being 100% prepared tonight but we we obviously need to re-work and see you know what the largest possible sign he could put there within City limits with the Code.

Mr. Alvarez stated well if you read his little report it's right there 36 square feet, did, did you get a copy of that.

Mr. Alvarez stated well if you didn't that is what it is.

Mr. Briola stated oh right.

Mr. Alvarez stated and you can comment, contact him at his office and we will go over the details if you need to.

Mr. Briola stated okay, good, so we will just resubmit that.

Mr. Alvarez stated yeah, he is not ever in favor of just saying, giving an approval.

Chairman Sandora stated right.

Mr. Alvarez stated here without even looking at a sign that you really want to put up so.

Ms. Fashempour stated maybe we can table it.

Chairman Sandora stated so, you want to table.

Ms. Fashempour stated table it.

Chairman Sandora stated you want to table this tonight, the Applicant asked him to table this tonight and come back with a new, with a new sketch and a new design and present what you want to the Building Department, then we will go from there.

Mr. Millie yes, Thank You.

Mr. Briola stated that would be great.

Ms. Fashempour stated next meeting will be Thursday, October 11th.

Mr. Briola stated okay.

Mr. Briola stated and the deadline for submittal.

Ms. Fashempour stated as soon as you can get it to her.

Mr. Briola stated okay, great.

Chairman Sandora stated you are tabled.

Mr. Briola stated okay.

Ms. Fashempour stated she needs a motion to tabled.

Chairman Sandora stated can he have a motion, he will make a motion to table.

Don Willey stated second.

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

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

Chairman Sandora stated you are tabled, see you in two weeks.

Mr. Briola stated Thank You very much.

Someone stated sure.

Chairman Sandora stated Thank You.

Subdivision/Group Development Request

Huntington Park Subdivision Phase 4, Zillich Interiors, Inc., Extension of Huntington Park Phase 1 and 2 - Angelina Drive, located off Royalwood Road, R1-A 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.

Ms. Fashempour stated an also.

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

Ms. Fashempour stated it is tabled, she needs a motion to remove it from the table.

Chairman Sandora stated can he have a motion to remove Huntington Park Subdivision 4.

Don Willey stated so moved.

Victor Bull stated second.

Chairman Sandora stated 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 Mr. Zillich present to us what you will.

Mr. Zillich stated he is looking for the approval of the recreation for Phase 4 and the extension of the additional 14 lots of Huntington Park Phase 4.

Chairman Sandora stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You. Mr. Merdes stated on the Recreational Allocation he reviewed what's being proposed, he did note that the shown storm sewer easement probably by his reading of the Code would be excluded from the area therefore the, the amount of land provided would be 2.66 acres which is above and beyond what is required by the Recreational Allocation Section of our Code for that's the total for Phases 1, 2 and Phase 4.

Chairman Sandora stated Thank You Mr. Merdes.

Mr. Merdes stated you are welcome.

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

Mr. Alvarez stated he has no comment Mr. Chairman.

Chairman Sandora stated anybody on the Board have any situations, concerns on this.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated he just, a question he was talking with Mr. Merdes about what is actually being granted and it appears that there is a triangular piece on the other side of the gas transmission line, what's going to happen with that.

Mr. Zillich stated are you talking to me.

Mr. O'Donnell stated yes.

Mr. Zillich stated we wanted to give it to you but you didn't want it.

Mayor Luks stated when did that happen.

Mr. Zillich stated it's across the transmission line, it's a block, it's a block, it ends up being a block of land and we showed you that and you said you didn't have access to it so you didn't want it that's why we had to go farther on the School Boards property and take this corner you know, it's a block of land.

Mr. O'Donnell stated right well, what's, what's going to happen to it, it's, nothing.

Mr. Zillich stated you didn't want it.

Mr. O'Donnell stated whose then, who would end up owning it.

Mr. Zillich stated well the Homeowners Association.

Mr. O'Donnell stated oh.

Mr. Zillich stated and it goes a, quite a while, but this was there because of, he thinks it's, that's, he thinks that Block A and.

Mr. O'Donnell stated they are going to own this too right, oh he sees.

Mr. Zillich stated Block J, it is on our plans there.

Mr. O'Donnell stated all right, it's just.

Mr. Zillich stated really it's, it's going to be recreation, it's going to stay there a.

Mr. O'Donnell stated it's all going to be part of this, this whole big block and you are just designating.

Mr. Zillich stated well, well.

Mr. O'Donnell stated the red area is the recreation area.

Mr. Zillich stated there was a big problem with being able to do what, when we wanted to give it to you it was a whole thing of being allowed to cross what you could do with the Gas Company, easements.

Mr. O'Donnell stated right.

Mr. Zillich stated they have a, a an exclusive easement with the Gas Company and you weren't able to cross it so we had to go further down but it will stay, we could have made these lots longer but we chose to leave this a block, instead of extending the lots to the gas main, it won't be touched.

Mr. O'Donnell stated okay, he, he understands now, so just so he can try to explain it for the record.

Mr. Zillich stated it basically is a block, he, he wants to say it's.

Mr. O'Donnell stated is that, the piece that he is talking about is still part of the same parcel that's part of recreation.

Mr. Zillich stated no.

Mr. O'Donnell stated no, it will be a separate parcel.

Mr. Zillich stated the outline part, the outline part is, meets are requirements here and the Gas Easement cuts us in half but as he said, do to a problem being allowed to cross it legally when we asked how would you get access to it, by the time we would go the Gas Company and get the paper work.

Mr. O'Donnell stated permission.

Mr. Zillich stated in order to cross it, it still will stay there.

Mr. Merdes stated created it, if approved when that's created it could all be one lot.

Mr. O'Donnell stated one lot, that's what, that's what he is asking, he doesn't want separate parcels.

Mr. Merdes stated at this point.

Mr. O'Donnell stated that are landlocked, in, in essence it will still, in the end it's all going to be part of one piece of land that the Homeowners Association is going to own right.

Mr. Merdes stated or two, one or two.

Mr. Zillich stated yeah, yeah, the Homeowners Association will, will have it but we have to submit additional easements, we have to submit storm sewer easements, gas easements all the rest of that, each, each part of that has to have an easement but it will stay a block.

Mr. O'Donnell stated right, when you say block it will be one parcel, one permanent parcel number.

Mr. Zillich stated the entire yes.

Mr. O'Donnell stated that's what he is talking about.

Mr. Zillich stated well the, yes, yes it will.

Mr. O'Donnell stated you will have all your easements and stuff but in the end.

Mr. Zillich stated yes it will, yes it will, it's just by, by the legalities.

Mr. O'Donnell stated all right, that's fine with him.

Mr. Zillich stated the boundaries, we weren't able to give you access to that.

Mr. O'Donnell stated no he understands that but he is just thinking about pieces of land, permanent parcel numbers.

Mr. Zillich stated yes, it will stay a parcel that, a parcel number that will outline the back of these lots, will come across the, the front

with the detention, starts down the size this will all be one parcel but it will be labeled as recreation and he believes it is Block J and the gas easement.

Mr. O'Donnell stated understood.

Mr. Zillich stated and the gas easement is on Block J.

Mr. O'Donnell stated okay, he is good with that, that's okay, he understands it now, so, no issues.

Chairman Sandora stated are you all right.

Mr. Merdes stated fine.

Chairman Sandora stated anybody else on the Board have anything to say.

Don Willey stated in other words, it is not going to be landlocked its going to be part of the.

Mr. Zillich stated you have access to it from the, from the, the.

Don Willey stated he guessed it's the same question.

Mr. Zillich stated the drive for the, we have a drive going down to our detention basin and that borders this entire, you see that the, outline here.

Don Willey stated yeah.

Mr. Zillich stated that's the driveway going down to the detention which.

Mr. Willey stated okay.

Mr. Zillich stated borders that entire.

Mr. Willey stated so there won't be any, any easement necessary for the homeowners to get over to that piece.

Mr. Zillich stated no, no, basically detention is over here.

Mr. Willey stated okay.

Mr. Zillich stated the drive loops around here and there is access all the way down and into the block here that will all stay undeveloped other than this easement here for the storm sewer that picks up these fourteen lots.

Mr. Willey stated all right, gotcha, Thank You.

Chairman Sandora stated anybody else on the Board having anything.

Chairman Sandora stated anybody in the audience have anything they would like to add or say on this, anyone, can he have a motion to approve the Recreation Allocation for Huntington Park Subdivision Phase 4.

So moved Don Willey.

Ms. Fashempour stated land, land verses the money.

Chairman Sandora stated land verses the money.

Don Willey stated so moved.

Anne Reinkober stated second.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded, for the land or the money.

Ms. Fashempour stated the land in lieu of the money.

Chairman Sandora stated land in lieu of the money.

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.

Ms. Fashempour stated and now you have the **Huntington Park Subdivision 4 for the Preliminary Plan.**

Chairman Sandora stated Mr. Zillich again please, for your preliminary plan.

Mr. Zillich stated yes, he is looking for Preliminary Plan Approval of Phase 4 for Huntington Park.

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

Mr. Merdes stated yes Mr. Chairman. Mr. Merdes stated a, the last time this was discussed there was some concerns from residents one of them followed up the meeting with a, some, essentially a grading plan and submitted that to the City, he would, he would say that, that is more or less a, a recommendation of something that, that came from the Planning Commission discussion and, and the residents and he forwarded on to your Design Engineer, is there, you, maybe talk to where that.

Mr. Zillich stated yeah, he had a meeting with our Engineer and at this time when we looked at it, they had a one catch basin, one catch basin at the end, at the north end of the property which outlet into what he thought was a the, was detention which was the riparian setback and about 200' in on the southern end, the south west side of Angelina Drive the property breaks opposite and that water could have been picked up by the catch basin that's already installed there, the problem being with a, a the Ohio EPA it says you have to contain all the water so we would still have to install three additional catch basins and that plan showed them being 30' in from the western property line, it, it, it doesn't work the way it's drawn there, we are being able to contain the water with the proposal that he had and he asked he they could have the, the main line coming 30' in and the catch basin branching back to the, the western, the branching off, the main line coming in and then the, the catch basins branching off at a 90 degree angle, he said it would be a maintenance problem so the design that he gave doesn't work.

Mr. Zillich stated by bringing the, the catch basins in 30' off the, the, the property line we have a 50' setback with a 30, 32' wide house your, you are 40' into the back yard with the catch basin. Mr. Zillich stated the whole thing is, it's, it's, not what he wants to do he doesn't think that the EPA will approve that drawing, he would love to put in two catch basins, one at the end and one in the front and we would probably be able to bring the water around the back but at the end of the street there you are picking up 7, 8 lots with all the water that breaks probably 800' north and it's creating a potential, potential problem for him with those 4 homeowners on both side of Villa Grande the new proposed lots that those backyards would catch all the water, he is not catching the water from the front.

Mr. Merdes stated what about a combination of the, of the, of the drainage originally proposed by your Design Engineer and some of the, the grading or the, that was suggested by the, by the recommended by the resident.

Mr. Merdes stated he knows what you mean about, the, the need.

Mr. Zillich stated we, we talked about.

Mr. Merdes stated to more, the need to more or less collect the water because potentially it would be dirty water and it needs to be cleaned before it was released to the environment.

Mr. Zillich stated we looked at different options, one, we talked about bringing yard drains from the back property and going in at, at parallel or perpendicular to the property instead of across which is the problem because you have to clear 20' going back in and down the property lines with 6" but it would probably require an additional 6" storm sewer tap, we can't tie into the the house, the downspouts there to pick up that water and there was also an issue of being able to collect the water, there wasn't enough capacity in the pipes to collect the water, a, the only thing that we could come up with was somewhere in-between, 30' is too much for, for, you know to be honest with you, for his benefit and what he is doing 30' is too much, it creates a hardship for him, two catch basins create a potential, huge potential problem for him down the road for collecting the water at the end especially on those last four, on, on both sides, the last four lots because that entire property drains north so he, he, he really doesn't have the answer right now is it, 15', 20' it can't be 30 and nobody wants it to be 5 so it's in-between the two unless he can come in like he said perpendicular and, and clear less trees with with smaller, he doesn't know if that would be approved.

Mr. Merdes stated uh, well, he, right.

Mr. Zillich stated like he said he is open to any suggestion, any options.

Mr. Merdes stated what he thinks could, what he thinks could be done is a, is something in, in-between a, you, you, in one instance you have a perpendicular catch basin that's right, right next to Phase 2 that that's more or less a perpendicular catch basin and then you more or less have.

Mr. Zillich stated he thinks that one, that's one in already.

Mr. Merdes stated the split of.

Mr. Zillich stated that we have one at the end of the last lot on Angelina, there is one there ready, we had to go further, on the original plans they stop short but we were required to go further so were, almost at the end and if it would be coming in perpendicular over there it, it, definitely could clear less trees, we had to go an additional 150' from what the original drawing showed with the storm sewers further down that backyard line there, we, we went another, there is another catch basin further down and were probably short 300' of where the street stops, one, two, probably two lots, 200' of where the street stops and another 200' before it breaks the opposite way so there probably be in need of a catch basin in-between where the street stops and where, the, the ground breaks and that's where we did the, the one over there wouldn't be as bad to pick up it's, it's further down you have to run the storm sewer, you have to run, for the maintenance, you have to run them straight and when you run them straight you take the trees out, if we can bring the, the, if we can bring the storm sewer in where the back yards are cleared and, and the whole thing there, what his Engineer said, it's a maintenance problem who will, whom, if something blocks up how do you, it's either a, a manhole or a catch basin, it has to have something there, access to the intersection and regardless of what he does 30' in, if there is a deck or a pool or anything in the back yard, it's, it's so far in your, they are 200' deep lots, 50', 30 is 80 you know you are talking you know another 30' or whatever to a backyard and that catch basin will be on the property line in the middle of someone's backyard plus the swale.

Mr. Merdes stated a, and that's where you look at the, the 30' and that's, that's just.

Mr. Zillich stated the 30' plus the swale.

Mr. Merdes stated right, you have 30' and then a swale and they you are saying there is no backyard.

Mr. Zillich stated the swale is right at the back of someone's.

Mr. Merdes stated potentially for the, the newly developed property.

Mr. Zillich stated right, you have all the trees behind but.

Mr. Merdes stated and, and when, uh um.

Mr. Zillich stated then there, there's no room to do anything in the backyard.

Mr. Merdes stated uh um, and when you look at some of the he guessed the, the elevations of the home that brought into issues about a the homes being able to drain back into the storm sewer system.

Mr. Zillich stated yeah the last, the last 3.

Mr. Merdes stated the last 3 would, would no longer be able to drain.

Mr. Zillich stated are, are.

Mr. Merdes stated positively into the existing system which essentially is, is, a it can't go lower because it, it, it's going to the basin which already exists.

Mr. Zillich stated he hasn't.

Mr. Merdes stated which was anticipated to, to have room for this.

Mr. Zillich stated right, he has enough depth, he has enough depth to pick them up, to pick that up, it is just how you collect the water and it's, the damage comes at the installation of, of the sewers if we would be able to go back and, and in the past and put in yard drains, tie them into downspouts where there is a low spot by trees or you know, we, we, we had the ability to do that now but now they don't let you do, you know, he means were, were not able to do that.

Mr. Merdes stated right you can't, no you can't, you don't, well, you don't want to take yard water and bring it towards the house, tie it into downspouts or tie it into anything that's near the house, anything in the yard need to be separated and it really goes, he means, you wouldn't, people do it but.

Mr. Zillich stated that, that's, right.

Mr. Merdes stated he means, you, you, essentially your not, your not wanting to bring water towards the home.

Mr. Zillich stated he doesn't have the answer right now to that problem, honestly, he don't have the, the answer that would satisfy everybody, the proposal might work for them but it, it doesn't work for him and the elimination of the, the catch basins, he would love to do that he would remove three but you have one catch basin, one catch basin picking up six, six of the homes at the very end and he doesn't have the water problem, the, the grade comes from Villa Grande towards him, his property doesn't drain towards Villa Grande.

Mr. Merdes stated uh um.

Mr. Zillich stated but by, by putting the catch basin in and, and creating the swale where they have it proposed he is changing the direction of water and he is funneling all the water into one person's backyard basically, from Villa Grande and from those six lots which creates a real potential for him, a real, it, it creates probably, it's going to make a headache for him down he road, it's not going to work.

Mr. Merdes stated uh.

Mr. Zillich stated he is going to get the first phone call.

Mr. Merdes stated um.

Mr. Zillich stated so at this point in time, like he said, he, he has time and, and he doesn't have the answer, he doesn't have the answer to that problem and he doesn't know how far, how much further he can go here to satisfy everybody, he is looking for suggestions and he is open to anything.

Mr. Merdes stated okay, would you be willing to sit down with himself and, and your Engineer and, and go through the, the two drawings and.

Mr. Zillich stated absolutely.

Mr. Merdes stated see what.

Mr. Zillich stated absolutely he has.

Mr. Merdes stated whose the best of all the worlds.

Mr. Zillich stated he has no problem doing that, the, the proposal that he, he gave is the best for him.

Mr. Merdes stated uh um.

Mr. Zillich stated the proposal that they gave is the best for them.

Mr. Merdes stated understood.

Mr. Zillich stated no one is going to be happy with either one of them, somewhere in the middle is the answer and it comes down to what he is going to be permitted to do.

Mr. Merdes stated and that's where he would be there so that.

Mr. Zillich stated you are talking total 60' difference in the length of, the length of the installation of the sewers, three times, 20' maximum either and that, that one way or another is not going to change anything that he is doing, the clearing is the same, the amount of labor, it doesn't matter to him, he doesn't want to take the trees down and.

Mr. Merdes stated okay, yes, right, the only thing is that, that they like, they like in some instances more trees to be there and you had indicated in the past.

Mr. Zillich stated in, in reserve.

Mr. Merdes stated that you don't want to take down any of the trees.

Mr. Zillich stated to when you drive down the street then you see the back of someone's house and it's an empty lot, you can drive through there now, you've been through there, you see.

Mr. Merdes stated then you have to, right, the City itself doesn't want to see anymore trees removed then have to be.

Mr. Zillich stated it's not, it's not what he wants at this point in time, it's what someone is going to say, okay you are allowed to do this and that's the answer, whatever someone says he is allowed to do.

Chairman Sandora stated okay, so Mr. Zillich, you are willing to sit down with Mr. Merdes and Mr. Merdes you are willing to sit down with Mr. Zillich and your, our Engineer is there, your Engineer, and one meeting or whatever it takes to try and hammer this out.

Mr. Merdes stated yeah, he thinks one meeting.

Mr. Zillich stated if it takes 10 meetings, he has time, he is not, it doesn't matter, he is not looking for a, he, he is trying to do what's best for anybody here and one, two, whatever time it takes.

Chairman Sandora stated okay.

Mr. Zillich stated he doesn't want to come back and re-design it 10 times and submit it.

Chairman Sandora stated exactly and he doesn't blame you and, and he doesn't think this Board wants you to do that either.

Mr. Zillich stated at his expense.

Chairman Sandora stated we want to come up with one.

Mr. Zillich stated that's, that's what he would like to avoid.

Chairman Sandora stated that's fine.

Mr. Merdes stated okay, Mr. Chairman, we will meet between now and the next meeting and have something come back to all the members as soon as, as soon as there is something drawn.

Chairman Sandora stated that will be agreeable to both of you.

Mr. Merdes stated well, that, that is.

Someone stated hopefully.

Mr. Merdes stated is somewhere in-between where we are at now.

Chairman Sandora stated okay.

Mr. Zillich stated that's fine.

Chairman Sandora stated okay, anybody else on the Board have anything at this time, is there anybody in the audience that has anything on this at this time.

Chairman Sandora stated he will make a motion to table.

So moved Don Willey.

Second Victor Bull.

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

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

Chairman Sandora stated Thank You Mr. Zillich.

Mr. Zillich stated Thanks.

Woodcroft Glen, Royalton Road, GB and RMD Zoning. Extend Woodcroft Trace to York Road and Woodcroft Glen Phase 2 Final Plat - Approvals.

Chairman Sandora stated Mr. Updegraff, name, home address please.

Kurt Updegraff with Gross Builders, 14555 Georgia Road, Middlefield, Ohio.

Chairman Sandora stated tell us what you will please.

Mr. Updegraff stated a, this is part of the Woodcroft Glen Subdivision, Phase 2 which is the Final Phase, two years ago Planning Commission asked us to come back with the location of this road extension that they required from Woodcroft Trace over to York Road, so that's what we have submitted, we have submitted the Phase 2 Plat and we have submitted the extension of the road to York so we are here to seek approval.

Chairman Sandora stated okay, he might as well get what he has off his chest first, first of all he would like to ask you a couple questions all right.

Mr. Updegraff stated yeah.

Chairman Sandora stated you know how he stood on this before when you came before us when you first initiated this project, he had thought then at that time a traffic light was going to go in at York Road and he had thought that the best proposal at that time would be for your road to meet that road at York Road and for your people and everybody else to use that traffic light, in time, he still stand by that, he doesn't know how anybody else feels, his questions or his concern before Clark gets into his, his questions and his concerns is this, what exactly is Gross Brothers or, or whoever that owns the property on that corner, what are they going to do with that property.

Mr. Updegraff stated well that, he inaudible.

Chairman Sandora stated well he has read in the Royalton Recorder where you are talking about having a strip center put in there at York and 82.

Mr. Updegraff stated the 32 acre site, the whole site there.

Chairman Sandora stated okay.

Mr. Updegraff stated well it's zoned commercial and that's what we are hoping to develop it as.

Chairman Sandora stated okay and he, and he hopes that does happen okay, but for, to him where this road is proposed now how does that shopping center, strip center or how, how does that go in there and work so that your people can get into Woodcroft Glen and the people around that shopping center be able to maneuver, what about that piece of property from your road north to the, to that little stream that goes in through there what happens to that area in through there, how does that fit in with this, with the shopping center plan.

Mr. Updegraff stated okay, a what we tried to do, to the north, right along the north property line is a fairly major stream that runs east and west.

Chairman Sandora stated right.

Mr. Updegraff stated there is also a significant wetland up there, it's a wooded wetland, right off of York Road and all that really precludes, you can't run that, this road straight through there, the other thing we laid out in there which is already completed, part of the Woodcroft Glen

plan there is a, a storm detention basin in there, so to the north of where this road is drawn is wetlands, a fairly major stream and the detention basin, so there is not going to be any construction up there ever.

Chairman Sandora stated so you are saying that nothing is ever going to go between your road that's going out, where your proposed road is going out to York Road and north of that, that little stream that, there is never ever going to be anything built on that place.

Mr. Updegraff stated that's right.

Chairman Sandora stated in that area.

Mr. Updegraff stated the only thing shown, shown here.

Chairman Sandora stated nothing can be built.

Mr. Updegraff stated is, there is a small, like a detention facility there which, which is on this plan so other than that there won't be anything else.

Chairman Sandora stated okay then when the strip center goes in there where does that road come in and out of.

Mr. Updegraff stated well there is a substantial amount of frontage on York and a Royalton and it's going to have to be laid out in conjunction with, with those streets.

Chairman Sandora stated well see that's the problem that he has there, we have so many roads now, they are going to be exiting out on York Road and how do we deal with the traffic that's going to be handle by that in through there, you know he, he, he, he, he, he credits you with trying to you know make it so it's only no left turn in and only right turns out of there but there are places in town that have that already and he still sees people when the opportunity is right, even though they are not suppose to make a left and even though the driveway is curved so that it, it's definitely that you would have to make a right hand turn out of that business there are still people that shoot across to make a left and a you know, he just has this concern, he has a major concern over there he thinks a traffic study is going to have to be done on that to, to a for that entire block over there to see what's going to be best and, and you know come from there, he means we just got this copy of the Police Department Report tonight also and they strongly object to it you know so, he means, he, those are his concerns and, and whatever he will pass it on to Mr. Merdes now.

Mr. Merdes stated Thank You. Mr. Merdes stated he guessed he liked to go back to one thing that the Chairman had mentioned and in talking about the road and it's, it's location to, to York and the York Alpha signal, a you responded that it, it can't go there because of the stream and the wetlands, he means, Woodcroft Glen itself had streams and wetlands and, and it got built as does Royalton Place on the corner has the same streams and, and the same wetlands and there is a building planned there, he guessed when you said can't he didn't, he didn't understand exactly.

Mr. Updegraff stated he can, he can explain if you would like him too, um, that stream through there picks up, is a, is a major drainage area, picks up a tremendous amount of water, there is no place to move it, it is where it is and it's going to stay there.

Chairman Sandora stated does that go under York Road at this end.

Mr. Updegraff stated yes.

Chairman Sandora stated there is a culvert under York Road to the west over there.

Mr. Updegraff stated yes, it's, it's actually drawn on the plan and this was all dealt with over two years ago when we laid, laid out the location for the extension to begin with a, also where the sediment station is there, the, the detention pond so he means, that, this is, like is old news and he is frankly surprised it is coming up again.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he, he'd been down there Mr. Updegraff after, after a rain and the water coming down a, down over the hill and drove back through the development at the time and a lot of the water winds up going on onto York Road and he thinks probably our Service Department will will attest to that, the a streams that are on your property are, are very much blocked and this may be a separate issue but a, a, that does load, load a lot of water right on, right at the intersection there, he too concurs with Mr. Sandora regarding a future traffic problem and if he remembers the first meeting it was a suggested of tying in closer to Akins to eliminate two different entrances and so forth.

Mr. Updegraff stated yes Sir.

Don Willey stated and a, then, then possibly tying in with the light at the Industrial Park if, if you in the future put a strip center there, he concurs also that's going to be fairly serious traffic problem down there, a, so, he, he don't, that you know things do change and he is not sure your property is next to, to a, Bil Mar isn't that right or Divot's on the north side.

Mr. Updegraff stated yes, it's, it's, Bil Mar, yeah.

Don Willey stated right, right and so the eastern, eastern part of that the northeastern part of the development he sees over there, there is a lot of water sitting around and so forth which you may conclude as being wetland on the, as you get closer to York Road, he doesn't see water laying around there which would lead him to believe that's, that's not as that's not necessarily wetland, by the way wetlands, when it rains and you can get wetlands, you know so, as we have, you know experienced in other areas of the City so that's a concern that he have in terms of the property coming down over the hill, going through, through the development moving on over to the other property which would be developed commercially eventually, he doesn't know if that, the retention basin, but he is not the Engineer, is adequate enough to handle all the water coming down over the hill and so forth so, it may be old news but a that's, it's, also new news event so.

Chairman Sandora stated Thank You Mr. Willey.

Mr. Updegraff stated may he, may he comment.

Chairman Sandora stated now, sure Mr. Updegraff.

Mr. Updegraff stated on that, what he have, this is the plan, well he is sorry he doesn't have this on a board but you could probably look at this yourselves here is York Alpha, here is York, north is this way, Bel Mar is here, or Bil Mar.

Don Willey stated right.

Mr. Updegraff stated the stream actually runs like this and then crosses over and continues over all of this is, is delineated wetlands and the Corps has verify that, so whether he thinks it is or not is just irrelevant, it's wetlands, it's delineated, it's, you know, the Corps says it is, it's not up to him to make those statements.

Don Willey stated yeah, that's another.

Mr. Updegraff stated so that, that whole area and here's, here's our driveway here so it's south of that.

Don Willey stated uh um.

Mr. Updegraff stated um.

Chairman Sandora stated Mr. Updegraff what about a road running parallel with York Road to that intersection instead of where you are coming out, put a road there parallel with York Road to where that traffic light is, they still come in from where the traffic light is go down the parallel road and then continue on your road over back into those buildings back there and then eventually you could maybe stub that there and when something happens on the corner you can also use that as a way into that, to that strip enter, shopping center it would be build there along with the an exit out onto 82 someplace is there enough room to possibly do it that way.

Mr. Updegraff stated well there is a lot frontage along York but, he thinks you are trying to ask him and this is, this is his objection two years ago, you are trying to ask him to figure out exactly what's going to go on that site and determine the traffic and determine where a driveway has to be and it's, it's premature to do that.

Chairman Sandora stated well and he understands your problem Mr. Updegraff he really, really does okay and he knew this was a problem when we talked about this before, eventually something major is going to go on that corner and we all know it and he doesn't see how putting more, more traffic lights between the one at York-Alpha and something between Route 82 and that is not going to be the answer to that he means there is no way of, of signaling those properly, there, it's going to be a traffic nightmare there, a traffic nightmare there that's why way back when he said that this should come out so that it meet York Road when they put that traffic light there.

Chairman Sandora stated he, he is only one person but you know that's, he is just, saying the same thing over and over again he guessed but maybe you are going to have that traffic study, he doesn't know, he doesn't know what the answer is going to be but Mr. Merdes do you have.

Mr. Merdes stated Thank You.

Mr. Updegraff stated he, he could throw out a suggestion which you may not be receptive to, one thing he has noticed when he comes out of Woodcroft Glen on Royalton Road, with the completion of all this traffic intersection work, traffic patterns are completely different there and it's very easy to get out there, he doesn't know if there, there's gaps created now or whatever but it's completely different. Mr. Updegraff stated you know, two, three years ago when we were talking about this, those improvements weren't made and a it was hard to get out of there he means he had to agree, but that's changed now and if, if you would consider, maybe putting this off based on you know if you want to get a traffic study, he would like to do it on Royalton Road and see if that's changed there. Mr. Updegraff stated because it's definitely a problem for him to run through those wetlands, and he doesn't know what to do with that stream, he is being asked to he thinks detain water from somebody's else site on his property now, completely upstream it's.

Chairman Sandora stated well he.

Don Willey stated the Apartments over on 82, laughs.

Mr. Updegraff stated you know where it's coming from Cartwright's, property actually on the hill there, he cut trees and it has completely changed the hydrology on.

Don Willey stated yeah right, absolutely yeah.

Don Willey stated well that, that's the point you cleared, he is sorry Mr. Chairman.

Mr. Updegraff stated yeah, no, we didn't.

Chairman Sandora stated Mr. Willey.

Don Willey stated that's the point he was getting at you know, truck loads and truck loads of a when you cleared the property putting in the development, truck loads and truck loads of cut trees were going up and down you know the roads, he has no idea how many trees that where cleared there but that makes, that makes a big difference, it makes a difference in all the developments.

Mr. Updegraff stated that was Cartwright, that wasn't our property he just.

Don Willey stated oh, okay.

Mr. Updegraff stated he wants you to know that, it's nothing to do with us other than there water comes across our property.

Don Willey stated well where the first house is there was a big oak tree and that was cut down so, that was Mr. Cartwright's property he guessed.

Chairman Sandora stated all right, Mr., Mr. Merdes.

Mr. Merdes stated a, Thanks. Mr. Merdes stated there is a couple different things that you are asking for, with this application and he guessed he will go in the order that he reviewed them and, and there in his report, the Woodcroft Glen Phase 2 final plat, status us the

infrastructure which is installed in Phase 1, 2 and Phase 2 is attached to the, to the report here, and he, he did that because about a couple years ago when when we where here a, it was his understanding that it, it was the agreement that the, the infrastructure was all going to be installed and that you would have record plat approval for phase 1 and then we would see you again as we see you tonight he guessed, he doesn't necessarily want to go through all the the things on that list a but there are some things that aren't finish yet. Mr. Merdes stated after this plat is approved that doesn't bring you back here anymore, he, he guessed, how does, how does a, how does that, he means being you, you know, you're the applicant that has come forward at this time, but so the timing is more or less yours coming here.

Mr. Updegraff stated well we, we needed to come back in two years with you know this road plan so he means that's not exactly our timing but yeah, partly, but yeah it was something Planning Commission wanted us to do a he is not sure how you normally handle that, this is a private development you know how do you handle completion, he, he thinks one thing you do Clark is a you do a final grade inspection on the houses and if it's not done you won't give us a certificate of occupancy, so he thinks you do have a fair amount of control over you know that, what we can do, if we can't close a house that's problem for us, you have got a fair amount leverage, he is not trying to give you clues as to how to solve this problem but he means you know that.

Mr. Merdes sated well he doesn't know that us not approving a final grade keeps you from transferring a, a property, he, he doesn't think that is the case, Record Plat Approval.

Mr. Updegraff stated he can't, he can't transfer one inaudible.

Mr. Merdes stated no Record Plat Approval, Record Plat Approval allows you to establish that these properties exist and essentially he believes then to sell, to sell them.

Mr. O'Donnell stated yeah.

Mr. Merdes stated the.

Mr. Updegraff stated you mean sell the building lots.

Mr. Merdes stated well these are townhomes and the plat shows the townhomes and at, and once it's filed those, they exist on paper the homes don't exist yet but he thinks whether you buy and sell them he thinks that allows you to buy and sell them.

Mr. O'Donnell stated true.

Mr. Updegraff stated well, he, your, your saying that somebody is going to take delivery on a house that they can't move into because you are not going to give him a C of O, he, he, you know, he has to have a final grade to get a C of O, usually he means you do have control over that.

Mr. Merdes stated well, well there people who are living in Phase 1.

Mr. Updegraff stated yeah.

Mr. Merdes stated and there are some things on the list that, that are in Phase 1.

Mr. Updegraff stated that's right.

Mr. Merdes stated so it hasn't stopped it from happening to date.

Mr. Updegraff stated no but you have given us a temporary, it's, you don't have to do that you know.

Laughs.

Mr. Updegraff stated well he doesn't mean to, he's not trying to, he is just saying you have a fair amount of control over this if you choose to you know use that.

Mr. Updegraff stated there are some things on your list that we won't do except as part of the final grade, like, he is probably not going to surface course the driveways until we pretty much finish the house and the sidewalks you know then we will do it, he, he doesn't want to do that now, it will just get torn up.

Mr. O'Donnell stated Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated he just asked Clark because he, he couldn't remember, he remembers he went back and forth with a, the Attorney for Mr. Updegraff's Company but a, we do have a Developer's Agreement of some degree and he thinks there is a time limit in there and when you were suppose to finish Phase 1 and he thought it was like 2 years, are we done or are you beyond that time period.

Mr. Updegraff stated oh, that's right.

Mr. Updegraff stated the two years he, he thinks was for the, you know what, he probably, shouldn't, he knows it was for the road extension but he doesn't know if it.

Mr. O'Donnell stated a, yeah, well that's, that's a different issue, he is talking about the infrastructure aspects of which is typically in our Developers Agreement, it usually says you have two years to get the infrastructure in knowing that this is a private drive he doesn't remember all the particulars but two years he thinks didn't change.

Mr. Updegraff stated yeah.

Mr. O'Donnell stated and if it was two years ago that you were here so what brings to mind for him is, is the two years come and gone and your not done with that part of the project and he thinks that's the point that Mr. Merdes is trying to make and he guessed what we are trying to find out is when are you going to finish it.

Mr. O'Donnell stated because he is not sure that you are going to be entitled to this approval until you tell us when that's going to be done in relation to what you previously agreed to.

Mr. Updegraff stated he inaudible, okay.

Mr. Updegraff stated here's what he would like to suggest on this because there are things on again, on the list that he, we wouldn't normally do until we finish the house and you know if he can talk to Clark about those and were going to get the rest of the paving done here in a couple weeks, you know and there is some punch list things like patching some storm basins or things like that which we can get all that done but there are some things that we just won't get done until and he is not sure that those are actually part of the development agreement, you know completely, things relative to a house construction.

Mr. O'Donnell stated he, he doesn't know.

Mr. Updegraff stated well, so.

Mr. O'Donnell stated that's a good point, he really doesn't know, he doesn't have the agreement, you don't have, but he thinks it's an issue we should explore, the other issue he thinks he has is you said that there has been a and maybe he already has this report in the file but there was the land near the creek and the intersection of York Alpha has already been delineated as wetlands he, he assumes that's in an Army Corps report someplace has that been provided to the City, that report showing that.

Mr. Updegraff stated that's actually on the previous improvement plans so that was done a couple years ago.

Mr. O'Donnell stated okay.

Mr. Updegraff stated so he would say yes, he means it's been a while but yeah, it's, it's on the plans and we did provide the permit at that time.

Mr. O'Donnell stated he thought he saw the permit he doesn't have the file but he thought that we had been provided that.

Mr. Updegraff stated yeah.

Mr. O'Donnell stated that's all he had Mr. Chairman.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Merdes would you.

Mr. Merdes stated no, he would like to ask a few more questions.

Mr. Merdes stated a, and he will go back to the list, and the list was done a while ago and, and you have done some of the things that are on the list, they have lines through them, other things are are partly crossed out, progress has been made, there's, there's two items on here that that he has been concerned about from the time he found out about them, and it has to do with, because the things that mostly concern the City are the sanitary and the water and a deficiency under each of those headings is that right above each of those utilities for a certain distance on the site is the electrical, communications. Mr. Merdes stated to his knowledge no progress has been made on those items.

Mr. Updegraff stated well he did have OUPS come out and locate everything and a surveyor located that so he does have something he can show you, drawings, you know it shows where they are so we, we can talk about that.

Mr. Merdes stated well, it's not his concern, his concern, his concern is that he only knows of one thing that going to get that deficiency off the list and that's to have those utilities moved that are right above the other utility.

Mr. Updegraff stated well let me show you where they are and then we can decide what to do because there not all where you think they are.

Mr. Merdes stated but they are not all clear.

Mr. Updegraff stated he didn't know, he means it's, it's something that you will have to look at and you tell him, whether you think something that's 2' away is too close or you know whatever.

Chairman Sandora stated well it sounds like we have quite a few things here to a correct.

Mr. Merdes stated a Mr. Chairman, a, aside of the plat then we also have in front of us the extension of the Road to York, a, and he made a comment about that, this, this road has wetland impact, because it, it crosses from one side of, of what's labeled on the drawing protected wetland and, and has an impact in crossing that to get to the other side and he guessed he like to ask the Applicant to, to address that comment.

Chairman Sandora stated Mr. Updegraff.

Mr. Updegraff stated actually the note is existing delineated wetland, so it's not, it doesn't say protected wetland, but what that means is this is under the jurisdiction of the Army Corp of Engineer, so it's a jurisdictional wetland, it's under a 1/10th of an acre. Mr. Updegraff stated when we saw Clark's, Mr., Merdes notation we did ask our Wetland Attorney and our Wetland Consultant about it and they tell us that this is under what is called a Nationwide Permit 14 which allows a 1/10th of an acre of fill and the requirement is to notify the Army Corps after you have done the fill, it's called a post construction notification so you don't need something in writing ahead of time, and the reason they have these Nationwide Permits is for minimal impact, the Army Corps doesn't want to deal with the paper work so if it's, under a 1/10th of an acre, there is a number of them that are like that then you don't need a special letter from the Army Corps.

Mr. Merdes stated now his understanding of the Nationwide Program was that, that was when that's the only activity that's being undertaken and that this whole wetland delineation goes back to when Woodcroft Glen was in development and Woodcroft Glen had wetlands and Woodcroft Glen had streams and some of those wetlands were impacted some of those streams were impacted, there were activities that were going on that were, were being done, planned and now constructed and he, he doesn't understand how this is viewed as, as a stand alone activity when it's related to some development that has been going on for a number of years.

Mr. Updegraff stated his response to that is, he is not going to debate what the Wetland Laws are, he, he went to the Attorney and the Expert and had them write a letter he means, that's what you have in front of you, he is not going to argue the point with you, it seems to him the Expert would know better then he would.

Mr. Merdes stated but you would, you wouldn't then begrudge the City from getting their own Expert to, to look at this inaudible.

Mr. Updegraff stated he can't, laughs, he can't prevent that, it's up to you.

Discussion between Mayor Luks, Mr. O'Donnell and Mr. Merdes.

Mr. Merdes stated another suggestion or option would if the person who wrote this letter could come to the Planning Commission's Meeting.

Mayor Luks stated if she could interrupt, she is sorry Clark, she means then they can explain it to us.

Mr. Updegraff stated sure.

Mayor Luks stated and clarify.

Mr. Updegraff stated we have done that before.

Don Willey stated why would this, Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated Law Director, oh, he, he would concur he thinks that this needs a more clarification as a layman it refers to a permit and he assumes someone signed on a dotted line somewhere there should be, is he correct, there should be a documentation of this. Don Willey stated we are hearing that the Army Corps of Engineers Permits that and he would assume that somewhere in the whole process there should have been some kind of request for approval, some communication, the Army Corps of Engineers or whatever.

Mr. Updegraff stated yeah the way these work is a the Army Corps does not issue a individual permit for this type of fill, that's a whole different permit process.

Don Willey stated okay.

Mr. Updegraff stated and it, it's, they call them Nationwide Permit because they basically, they give you a list of things you have to meet, if you meet them you get, then you are permitted to do the fill, it's not a separate letter that they write, a, the requirement is that you send them a letter when you are done so they have a record of what was done and where it was and that sort of thing.

Don Willey stated okay.

Mr. Updegraff stated so he means, he can, he will bring a Consultant in to explain that hopefully, they, he knows what you are saying it's, it's a concept permit, okay, well that's, that's got your address on it and somebody signed it, it's not how these work.

Mr. Willey stated Thank You.

Mr. Merdes stated a.

Chairman Sandora stated Mr. Merdes anything else.

Mr. Merdes stated the a also provided was access utility maintenance, landscape buffer agreement a he had noted that the access drive and utility easement area, the legal description was inconsistent with the current application submittal.

Mr. Updegraff stated the, the easement that's recorded has the location in per these, the previously approved plans, there is a provision in there for changes to that based on where it actually ends up because we knew it was going to be different from then, that, the only thing we have to do is change the description and file an amendment, the reason it, it doesn't match is because we don't have an approval as to where it's going to go, when we get that approval then we will locate it and you know we will change the document.

Mr. Merdes stated from, from what's shown, so you more or less replace the, the description and the Exhibit with a, at the same time.

Mr. Updegraff stated yes.

Mr. Merdes stated okay, also in his report he had a, he had noted that the 50' Buffer Landscape Easement Exhibit wasn't there we had, and it is described and he believes that probably sufficient since usually the written word is takes precedent over the a drawing or the Exhibit, so he, he doesn't believe that, that Exhibits needs to be shown, he thinks that description is pretty linear and pretty understandable. Mr. Merdes stated and that may be why there is no exhibit and the other comment he has was about a construction maintenance easement, that was not was originally something that, that the, the Woodcroft Glen property was, was going to need in the future and it, it wasn't in the the submittal application but he thinks you had a you had a essentially a separate document that, that was shown in.

Mr. Updegraff stated there is a separate storm water facility easement and a the maintenance that's required has to do with some rip rap that's where some drainage stubs out onto the commercial site, so we have got those shown on the storm water easement. Mr. Updegraff stated no it is, there is an a easement of record.

Mr. Merdes stated those were his comments.

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

Chairman Sandora stated well Mr. Updegraff he really believes there are a lot of issues that need to be resolved here, is there anybody in the audience that has anything on this they would like to say, bring up, anybody.

Chairman Sandora stated anybody else on the Board have anything, you know the Fire Department, did you read the Fire Department's Report about the, the water line, the 8" water line and looped.

Mr. Updegraff stated we read it, yes.

Chairman Sandora stated well these are all issues that are going to have to be dealt with.

Mr. Updegraff stated well he thinks the major issue is this location because where the Policemen a wants it and he just got that 10 minutes before the meeting, which is a little disappointing, because he could have, otherwise he would have met with them and tried to you know address this ahead of time but, a we just can not tie it into York Alpha, he, he actually wanted to 2 years ago but it just, we just can't do it physically, the geography there is not going to work, a.

Chairman Sandora stated and even a parallel road in your opinion would not work.

Mr. Updegraff stated it's just something that is going to be torn out, he thinks where it is now it could probably stay and it would be permanent, if he tries to run it through the commercial somewhere it's probably going to be torn out because it's just going to run right through the buildable area.

Chairman Sandora stated well if there are not planning on doing any building to the north of that road on that piece of property inaudible.

Mr. Updegraff stated he can't run to the north, he is as far north as he can go with that road because of that wetlands there, it's on the map.

Chairman Sandora stated well it's an issue that will have to be discussed he believes, anybody else on the Board have anything, Mayor.

Mayor Luks stated no.

Chairman Sandora stated nothing.

Mayor Luks stated no.

Chairman Sandora stated anybody else on the Board.

Mr. Updegraff stated Mr. Chairman.

Chairman Sandora stated Mr. Updegraff.

Mr. Updegraff stated how how can he work through that, this location issue, he means a is there someway to do this without tying up a long period of time in a meeting here, it seems like it is something that would be better handled in some other way.

Chairman Sandora stated he.

Discussion between Mayor Luks, Mr. Merdes, Mr. O'Donnell, Chairman Sandora.

Chairman Sandora stated tabled it until they find out inaudible.

Mayor Luks stated Mr. Chairman if she may.

Chairman Sandora stated Mayor.

Mayor Luks stated Mr. Updegraff, she, she she understands, she thinks that your question is a perfectly reasonable one in terms of how do you, how do you we find out which way, which direction to go and we all seem to have a few different ideas up here but nothing that is solidified so she guessed she is going to give you her word that she is going to, she is going to work on that and get an answer to you quickly as to how we can work toward finding the appropriate resolution to the whole issue okay.

Chairman Sandora stated yes it is.

Mr. Updegraff stated yeap.

Chairman Sandora stated is that okay with you Mr. Updegraff.

Mr. Updegraff stated yes sir, absolutely, Thank You.

Chairman Sandora stated anybody else on the board have anything, make a motion to table this.

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 Thank You Mr. Updegraff.

Utility Plan Approval

at&t requests permission to place an above ground cabinet in the road right of way near 5550 Akins Road - Approval.

Ms. Fashempour stated the Applicant is here.

Mike Williams representing at&t, 16515 Clare Avenue in Cleveland.

Mr. Williams stated request to place an above ground cabinet at the right of way at 5550 Akins Road.

Chairman Sandora stated okay, Thank You Sir.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated he had one different comment from his usual one in that he, had noticed that you had submitted a, the drawing that showed a location and you submitted a photograph with a blanket on the ground and, and it showed a location, a, they weren't quite the same though.

Mr. Williams stated yeah, he has the file here, he doesn't have the one, he has a couple photographs in here but he doesn't have the one with the blanket on it.

Don Willey stated here Mike.

Mr. Williams stated no, it's not going there, it's actually going on the, back in here, there's a tree here and a tree there, and the down guide is there and it's actually going there.

Mr. Merdes stated any place in the photograph, is, is, is the location anyplace on the photograph.

Mr. Williams stated yeah, it's going to the a, he guessed it would be the a west of this tree here, there is tree here and there is a tree right there and it's going right in there.

Mr. O'Donnell stated can you mark that photograph, mark the spot so we have a record of it.

Mr. Merdes stated can you sketch it on the drawing, the photograph.

Mr. Williams stated yeah, yes.

Mr. Merdes stated and maybe sketch it on two photographs, hold one yourself and let us see one.

Mr. Williams stated he actually has another photograph here that shows more of the area where it's going.

Chairman Sandora stated is there anything else you want to ask him, he will take anybody from the audience while he is doing it, okay.

Mr. Merdes stated yeah.

Chairman Sandora stated while, while the Applicant is doing that, anybody in the audience that has anything they want to bring up on this subject.

Mr. Sandora, Ed McGrath, State Road, he lives across from this and these are the Zoya's and it's in their front yard, a for the benefit of those that don't know, it goes here and it goes there, where in relationship to the existing box will this box go, on the same pad, east, west, north, south, where in relation to the existing box.

Mr. Williams stated it is going to go to the west.

Mr. McGrath stated to the west of the existing box, on a pad that's the same size, similar size.

Mr. Williams stated a, he believes it's a 6 by 6 pad.

Mr. McGrath stated which means nothing to us Sir, what is a 6 5 by 6 pad.

Mr. Williams stated 6' by 6'.

Mr. McGrath stated and what's is 6 by 5, 6 5 6 you said Sir, 6' by 6' by 5.

Mr. Williams stated 6 by 8'.

Mr. McGrath stated then it's, it's wider then the existing pad.

Mr. Williams stated the existing pad is 4.5' by 3.25'.

Mr. McGrath stated so what happens to the existing pad.

Mr. Williams stated the existing pad and box stays there.

Mr. McGrath stated stays there, this is an additional box.

Mr. Williams stated correct.

Mr. McGrath stated to the west of.

Mr. Williams stated correct.

Mr. Williams present the Commission the drawing.

Chairman Sandora stated so then for the record Sir, the existing box stays and this is a new box that's going to be to the west of this box.

Mr. Williams stated correct.

Chairman Sandora stated is it going to be attached to that pad or is there going to be a space between that pad.

Mr. Williams stated no, there will be a space between there.

Chairman Sandora stated and how big of a space will there be.

Mr. Williams stated roughly 20'.

Chairman Sandora stated 20'.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated to the residents in the audience, a you have, you, you stood up and spoke and a, he, he, you are here and he has to take that, that you, your, you want, you came to see, hear the presentation but you probably have concerns about.

Mrs. Zoya stated she does have concerns about it.

Mr. Merdes stated okay, okay.

Chairman Sandora stated step up.

Mr. Merdes stated if you could.

Okay, she is Cathleen Zoya.

Mr. Merdes stated please come to the microphone.

Chairman Sandora stated okay, step, step up to the microphone please.

Mr. Merdes stated that way we can, we can all hear them and.

Chairman Sandora stated state your name, home address and say what you will.

Cathleen Zoya, 5550 Akins Road, she is the property owner where they want to put this cabinet. Mrs. Zoya stated she does run small business which is legal on her property, she runs it by herself, it's a beauty salon, Cathy's Beauty Salon, it's been there for 30 years, she is just wondering when they are coming to fix this cabinet or the telephones or everything, are they going to be using her driveway because her driveway has been blocked a couple time pretty close for people coming in and out, she just wants to make sure that her driveway is not going to be blocked with this, she knows it's on her property, to the, to the left of her driveway, if she is facing Akins right.

Mr. Williams stated right.

Mrs. Zoya stated that's what she assumed and that's, she is going to be having, cutting grass all around it and all that to and keeping it up and a right now she has shrubs that they insisted that you put at the small cabinet, yeah.

Mr. Williams stated yeah.

Mrs. Zoya stated and what are you going to do about that, is that just going to be standing there open with her to just look at uh.

Mr. Williams stated well, he would be willing to do something like that.

Mrs. Zoya stated like what.

Mr. Williams stated if you want to have.

Mrs. Zoya stated something similar to that.

Mr. Williams stated yeah.

Mrs. Zoya stated a, but it's not going to affect her driveway.

Mr. Williams stated well they shouldn't be parking, they shouldn't be parking in front of your driveway.

Mrs. Zoya stated well there working in, well, they are working on, there always out there, there constantly out there, it seems like every time she looks out her door, at&t gets their truck parked there, she grants you right now it's not blocking her driveway or any of her small amount of customers that come and go you know but a, she wants to be assured that this is going to be like it is now, it's attractive, she doesn't have to, it's not an eyesore and she wants that to be the same.

Mr. Williams stated okay.

Mrs. Zoya stated and she wants that in writing to.

Mr. Williams stated sure.

Mrs. Zoya stated okay.

Mr. Williams stated okay.

Mrs. Zoya stated that's her only problem, as long as it's not going to interfere with her coming and going for her driveway.

Chairman Sandora stated Thank You Ma'am.

Mrs. Zoya stated okay.

Chairman Sandora stated do you, do you agree to that Mr. Williams.

Mr. Williams stated yes he does.

Chairman Sandora stated okay, you agree to add the shrubs.

Mr. Williams stated yes.

Chairman Sandora stated and you will be giving herself something in writing that she would be satisfied with.

Mr. Williams stated yeah, he'll, he'll provide her with a landscape design.

Mr. McGrath stated Mr. Chairman.

Chairman Sandora stated Mr., okay, Mr., Mr. McGrath please.

Ed McGrath, 15201 State Road, southeast corner of State and Akins, a, he lives across from his and he realizes this is going to happen, the box will go in and we know that. Mr. McGrath stated earlier he did take pictures of some of the shrubbery that Mrs. Zoya has referenced relative to what she currently has and what's she's expecting to be put in place relative to the new box and if he may he would like to share that with the Commission.

Chairman Sandora stated sure.

Mr. McGrath presented pictures.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated he thinks that where the location that's chosen and shown on the, on the drawing which is, is probably consistent with the, the new photos supplied tonight, is that correct.

Mr. Williams stated correct.

Mr. Merdes stated he thinks at that location that the similar landscaping of that is at the adjacent box would be, would be fine with, with the City a, and he just makes a note of that because normally when these installations are going inside the right of way.

Chairman Sandora stated we don't do it.

Mr. Merdes stated we, we don't, we don't have landscaping go in because he, he believes we are not the greatest of taking care of, of varying landscaping things so a but, but, you know obviously these, these, this existing box has these existing trees around them and, and they look really good and healthy.

Mrs. Zoya stated we maintain them that's why.

Mr. Merdes stated okay.

Discussion in the audience, inaudible.

Chairman Sandora stated so you are in agreement with the a, the okay of the shrubs then at this point.

Mr. Merdes stated correct.

George Zoya, 5550 Akins Road, representing his mother, his question is, all this here is, no, there is nobody ever maintained nothing now that's, your, that's on you guys to do, obviously we do, we do all the shrubs that's what he wants to ask you guys, now this new box that's going to go in over here that's a, where this blanket is right.

Mr. Williams stated no, it's going to go over here.

Mr. Zoya stated over here further okay now what kind of shrubs are you going to put in, shrubs that are 2' high or are you going to put shrubs that, how high is this box, what's the dimensions on this box.

Mr. Williams stated this box is 48".

Mr. Zoya stated high.

Mr. Williams stated yeah.

Mr. Zoya stated so we are going to put like 6' shrubs in, because we really want to hide it, because that's really going to be an eyesore for her, she really doesn't, you know but like you said, there's nothing we can do about it, but he means it's a, he means, all this has all been maintained by them, all the mulch in there and all the weed whacking constantly, and he means it is just and now we are going to have to do another one and that's a, unfortunately this, now, is there going to be any digging, when this project going to take off.

Mr. Williams stated a, he doesn't know when the start date is on it.

Mr. Zoya stated okay, next question is, cause there is a, part of the driveway we got, needs to be replaced the approach, now if there is going to be any digging, now if we do this is the next couple weeks or something like that, we want to replace the concrete, are you guys going to be doing any digging, trenching.

Mr. Williams stated no, the digging is going to be right in front of the box, out front.

Mr. Zoya stated okay, so you guys ain't going to touch the driveway.

Mr. Williams stated no.

Mr. Zoya stated okay then, that's good enough, Thank You.

Chairman Sandora stated Thank You.

Mr. O'Donnell stated Mr. Chairman.

Chairman Sandora stated so, Mr. O'Donnell.

Mr. O'Donnell stated with regard to the landscaping because it is in the right of way his preference, from the Law Department preference would be, it would be on three sides, the side facing the home, and maybe immediately to the right and left but not in the front on the street side, a, that, it looks like the location pretty much is pretty close to the edge of the right of way so a the plants in the picture that he, he saw that are there look like they are, they're huge.

Mr. Williams stated well they have been there for quite a while.

Mrs. Zoya was inaudible.

Mr. O'Donnell stated he knows they have been there for quite a long time a, he images you could probably find some kind of 5' or so arborvitaes which would obscure the view of the box so those are the only comments he has.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated with regard to the maintenance issue, a, in general we do not desire to see landscaping in the right of way, we are willing to allow it in this case because it's something that you would prefer to have to screen it from your view from your home, we do not maintain the landscaping on tree lawns that are in the right of way on anyone's property, people have to maintain their own and in this case we would not be maintaining these, these shrubs, she just wants to make sure because your son asked the question a, and at&t has not been willing to provide a maintenance program, they are not in the business of maintaining shrubs and they have not been committing to that so, you do, you, do you guarantee landscaping for a period of time in terms of its life.

Mr. Williams stated one year, one year.

Mayor Luks stated yes but you don't actually maintain it.

Mr. Williams stated no.

Mayor Luks stated okay, so that's about the best we are going to do on that.

Mrs. Zoya stated they have been maintaining the shrubs that are there now and they are pretty nice.

Mayor Luks stated they look great.

Mr. Williams stated very well.

Mayor Luks stated the pictures are really nice.

Mrs. Zoya stated inaudible.

Mayor Luks stated she is sure you will, she just wanted to be sure that everyone was clear on who, who does what here, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated okay then a Sir then you agree to add the shrubs as noted.

Mr. Williams stated yes he does.

Chairman Sandora stated okay and you, yeah and a, she would like a, a, a written commitment on that also from your Company.

Mr. Williams stated yes.

Chairman Sandora stated and the shrubs will be guaranteed for one year.

Mr. Williams stated correct.

Chairman Sandora stated anybody else have anything.

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

Chairman Sandora stated make a motion to approve the cabinet installation for 5550 Akins Road.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated he is sorry he did have something, his normal comments are the same as in previous weeks, would the Applicant agree to to those usual comments.

Mr. Williams stated yes he does.

Mr. Merdes stated Thank You and he has a copy of them with the report, and he has indicated an affirmative.

Mr. Williams stated yes.

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

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

Don Willey stated he seconds the motion with the conditions.

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, Good Luck to you.

Mr. Williams stated Thank You.

Chairman Sandora stated nice seeing you Ed.

Miscellaneous

Ms. Fashempour stated one other item, one other item under Miscellaneous, our meeting for October 3rd, was changed to October 10th, has now been changed to Thursday, October 11th.

Adjournment

Chairman Sandora stated Thank You Ms. Fashempour, could he have a motion to adjourn.

Don Willey stated so moved.

Ed McGrath stated Mr. Sandora.

Chairman Sandora stated Mr. McGrath.

Ed McGrath stated Mr. Sandora.

Chairman Sandora stated Mr. McGrath.

Ed McGrath stated it's been our, it's been our tradition in Planning Commission to require the refacing behind signs that are changed out and it becomes painfully apparent as you pass the Plaza at State and

Royalwood where the Pizza Pan sign came down the new Arpeggio's sign was installed, it appears that the refacing behind that sign was incompletely done, could someone please follow up on that in terms of, the refacing of the building is done correctly and completely.

Chairman Sandora stated okay Thank You Mr. McGrath, we will, Mr. Alvarez you will.

Mr. Alvarez stated yes, he will look into that.

Chairman Sandora stated Thank You.

Chairman Sandora stated it's been moved and second to adjourn.

Ms. Fashempour stated did she get a second.

Chairman Sandora stated yes.

Don Willey stated yes, he did.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Chairman Sandora stated we are adjourned.

Chairman Sandora stated Thank You.

Planning Commission Meeting for Wednesday, September 19, 2007 adjourned at 9:12 P.M.

**Approved: Tony Sandora
Chairman - Planning Commission**

**Attest : Brenda Lynn Fashempour
Secretary - Planning Commission**

Date : October 11, 2007

