

Planning Commission Caucus - 7:10 P.M. - Wednesday, November 14, 2007
Present: Chairman Tony Sandora, Anne Reinkober, Don Willey, Council Representative to Planning Commission, Clark Merdes, P.E., City Engineer, Joseph Hartman, Zoning Inspector Building Department, Donna Vozar, 2nd Assistant Prosecutor, Brenda L. Fashempour, Secretary, Lisa Uffman Kirsch, Tom Koch, John Zillich, Greg Zillich, Mr. and Mrs. Grimes, Kurt Updegraff, Aaron Evenchik, Applicants from Cristiano, MA-KRA Construction, Resident.

Regular Meeting

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Approval of minutes - October 11, 2007 - Excuse Don Willey.

October 17, 2007 - approve if the Board so chooses.

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.

Ms. Fashempour is going to ask to remove from the table and agenda, 1, 2, 3, 4, 5.

Ms. Vozar asked if the Applicants had been properly notified.

Ms. Fashempour responded yes.

C & C Management Group - Carlo Chiuchiarelli, 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. Ms. Fashempour is going to ask for a ninety day time extension from Council.

Ordinance No. 07-73 - 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

Michael and Alice Walsh, tabled, no action. Ms. Fashempour is going to ask for a ninety day time extension from Council.

Columbia Gas of Ohio, tabled, no action. Ms. Fashempour is going to ask that Columbia Gas of Ohio be removed from the table and agenda.

Mount Royal Villa, sign approval, tabled. Applicant present, remove table, discussion, vote.

Woodcroft Glen - Extension of Woodcroft Trace, Final Plat 2 - tabled.

Applicant present, remove from table, discussion, votes.

Ordinance 07-103 - Sign, tabled. No action.

New Business

Ordinance No.07-136 - Dedication Huntington Park Phase 1 and 2.

Applicants present, discussion, vote.

Sign Approval

Cristiano's, sign, ARB approved, presentation, discussion, vote.

82nd Street Grill & Pub, signs, ARB approved, presentation, discussion, vote.

KFC, sign ARB tabled, presentation, discussion, vote.

Site Plan Approval

Laszeray - Lot Consolidation/Site Plan - ARB approved consolidation, site, did not look at elevations, presentation, discussion, vote.

Utility plan Request

at&t - Lisa Lane, presentation, discussion, residents, vote.

at&t - Oakbrook, presentation, discussion, residents, vote.

at&t - 82/3, presentation, discussion, residents, vote.

Miscellaneous

MA-KRA Construction - fence - presentation, discussion, vote.

St. Paul's Greek Orthodox Church, presentation, discussion, vote.

Adjournment

Planning Commission Caucus ended at 7:18 P.M.

Donna Vozar stated Mr. Chairman if she could.

Chairman Sandora stated yes Donna.

Donna Vozar she would just like to announce to anyone that's going to come before the Board tonight, we have three of our members here, unfortunately two of our other members weren't able to be here which means in order for you to have a favorable vote you would need to have all three of the members vote in your favor, if for whatever reason when you come up here you have a problem with that and you would like to have it tabled so you can be back here when we have a full panel, you can request that of the Board when you come up to address the Board, she just wanted to let you know that you need all three votes tonight in order to have your issue passed.

Chairman Sandora stated Thank You Donna.

Good Evening Ladies and Gentleman, sorry that we are running a little bit late here, welcome to the North Royalton Planning Commission for November 14th, Wednesday.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, November 14, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:45 P.M.

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Anne Reinkober, Chairman Tony Sandora, Clark Merdes, P.E., City Engineer, Joseph Hartman, Zoning Inspector - Building Department, Donna Vozar, 2nd Assistant Prosecutor and Brenda Lynn Fashempour, Secretary.

Absent : Mayor Cathy J. Luks and Victor Bull. Ms. Fashempour asked if she could get a motion to excuse Mayor Luks and Victor Bull for cause. So moved Don Willey. Second Anne Reinkober. Chairman Sandora stated it's been moved and seconded to excuse Victor Bull and Mayor Cathy Luks, Ms. Fashempour please call the roll. Roll call: Yeas: Three - Willey, Reinkober, Chairman Sandora. Nays: None. Motion carried.

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

Approval of minutes: October 11, 2007 - Ms. Fashempour stated we will skip that since we don't have enough votes.

Approval of minutes: October 17, 2007 - Ms. Fashempour stated approval of minutes October 17th, 2007 if you so choose. So moved Anne Reinkober. Second Don Willey. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Three - Reinkober, Willey, Chairman Sandora. Nays: None. Motion carried. Chairman Sandora stated minutes are approved for October 17th.

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.

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

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.

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.

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

Ms. Fashempour stated Number 1, **Abbeyville Townhouses** for the Recreation Allocation, Number 2, **Abbeyville Townhouses** for the Preliminary Plan Approval, it is tabled, **Columbia Gas of Ohio** for installation of gas main on Bentley, Richland and Yorkshire, **Columbia Gas of Ohio** for gas installation on Glen Drive S., Berkshire Way and Bentley Drive and **River's Edge** Subdivision for a sketch plan approval, she is going to request from Planning Commission to remove from the table and remove from the agenda those five items, Number 1 - 5.

Don Willey stated so moved.

Anne Reinkober stated second.

Chairman Sandora stated it's been moved and second to remove Items 1, 2, 3, 4, 5 from the table and the agenda, **Ms. Fashempour** please call the roll. Roll call: Yeas: Three - Reinkober, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated let the minutes reflect that Mayor Cathy Luks has now joined us. 7:48 P.M.

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 Number 6, **C & C Management Group, Carlo Chiuchiarelli**, it is tabled, no action.

Ms. Fashempour stated she is going to stop right there, let's go back, **October 11th, 2007 the minutes**, Approval of Minutes, can she get a motion to excuse Don Willey for cause.

Anne Reinkober stated so moved.

Chairman Sandora stated second.

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

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

Ms. Fashempour stated and she needs a motion to approve those please.

So moved Anne Reinkober.

Second Chairman Sandora.

Chairman Sandora stated it's been moved and second to approve the minutes for October 11th, Ms. Fashempour please call the roll.

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

Chairman Sandora stated they are approved.

Ms. Fashempour stated Thank You.

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

Ms. Fashempour stated Number 7, Tony D'Abramo, tabled no action.

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

Ms. Fashempour stated Number 8, Tony D'Abramo, tabled no action.

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

Ms. Fashempour stated Number 9, Carosielli, tabled no action.

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

Ms. Fashempour stated Number 10, Timberlane Estates Phase V, she is going to request a ninety day time extension from Council.

So moved Don Willey.

Second Anne Reinkober.

Chairman Sandora stated it's been moved and seconded for a ninety day time extension, Ms. Fashempour please call the roll.

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

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 Number 11, Ordinance No. 07-73, tabled no action.

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

Ms. Fashempour stated Number 12, Villas of Worthington, tabled no action.

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

Ms. Fashempour stated Number 13, Ohio Catholic Federal Credit Union, tabled no action.

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

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

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

Ms. Fashempour stated Michael and Alice Walsh, tabled, no action. Ms. Fashempour stated she is however going to request a ninety day time extension from Council.

So moved Don Willey.

Second Anne Reinkober.

Chairman Sandora stated it's been moved and second for a ninety day time extension for Michael and Alice Walsh, Ms. Fashempour please call the roll.

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

Chairman Sandora stated ninety days approved.

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

Ms. Fashempour stated Columbia Gas of Ohio, she is going to request for the installation of gas line on Royalwood Road, she is going to ask that Planning Commission make a motion to remove from the table and the agenda.

So moved Don Willey.

Second Anne Reinkober.

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

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

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

Ms. Fashempour stated the Applicant is here this evening, if you so choose, she needs a motion to remove it from the table.

So moved Don Willey.

Anne Reinkober stated second.

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

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

Chairman Sandora stated the Applicant here, step forward and make your presentation please.

Good Evening, his name is Mike Williams, he is with Superior Sign Company, we represent Consulate Health Care, who is the Management Company for Mount Royal Villa. Mr. Williams stated Monday we had to go in front of the Architectural Review Board gained their blessing for colors, size, landscaping he believes as well, therefore he is back in front of you to gain approval for the reface of this sign a, with the, with correction of the overall height of the sign to be lowered to he believes it is 15" above grade to the bottom of the sign.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Hartman do you have anything.

Mr. Hartman stated no comment Mr. Chairman.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank you Mr. Chairman, his comments have been previously addressed.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody on the Board have anything.

Chairman Sandora stated can he have a motion to approve a sign for Mount Royal Villa on the condition that it meets all the requirements and conditions of the Architectural Review Board.

Don Willey stated second.

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

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

Chairman Sandora stated it's approved.

Mr. Williams stated Thank You.

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

Ms. Fashempour stated it is tabled the Applicants are here this evening, can she get a motion to remove it from the table.

So moved Don Willey.

Second Anne Reinkober.

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

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

Chairman Sandora stated Mr. Updegraff, how are you?

Mr. Updegraff stated he is fine Thank You.

Chairman Sandora stated please state your name, home address and tell us what you would.

Kurt Updegraff, Gross Builders, 14555 Georgia Road, Middlefield, Ohio. Mr. Updegraff stated we are back here with the a it's actually two items, one is the location of this road of Woodcroft Trace Extension out to York Road and the other is approval of a Phase 2 plat, now last time there was a number of comments, one having to do with the, where the road comes out at York Road, and he and the City wanted to do some traffic study work and he he thinks that has been done so it is probably up to somebody with the City to, to speak to that, a he thinks the Fire Chief wanted to see a water line connect from the existing termination point in Woodcroft Glen to York Road, now that was an item brought up previously, there was a question about the wetland impact and we did provide a letter from our Consultant and his understanding is that was reviewed with the City's Counsel and decided that that would be acceptable as, as it is.

Mr. Updegraff stated and, and Clark had a, some, he guessed some punch list items he, he also brought up so, were here prepared to speak to any of these issues.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, a he guessed maybe for his clarity and hopefully for everyone's, there is two issues, he guessed he would like to deal with them one at a time, a, the first being the, the site plan that shows the extension of Woodcroft Trace to York Road. Mr. Merdes stated the last time the applicant was before us there was a request for a traffic study from the Police Department and the work that was done was not an actual traffic study, the study was investigated with the Police Department and a Consultant to look at the way things currently stand and also try and see what information is available for the undeveloped land that's, that's also part of, part of the property that the road crosses. Mr. Merdes stated the, the, the discussion, the work was summarized in a, a report, a one page report that the Police Department had and he believes it was circulated to Planning Commission it was from Patrolman Mark Fyock to the Planning Commission, subject was Woodcroft Glen, York Road ingress, egress, dated 11-6-2007. Mr. Merdes stated it was essentially difficult to have a traffic impact study performed because of the number of unknowns that are possible or, or exist with the, the commercial zone property so it was then looked at what's being proposed which is something that, that was, it is essentially the second access for Woodcroft Glen Development which was part of, of the, the approval for that project and viewed as the second access for 110 unit residential development, the Consultant thought that what's being proposed is, is workable and the caveat was that when the, more is known about the commercial property that at that point is probably when the traffic study should be done, possibly at the same time that something is brought forward to the Planning Commission it would include, it would include a study of, of the traffic movements for what's being proposed and that he believes that's how the the report ends, he guessed he could ask the applicant because they probably had some contact with you when, between the last time you were here and now if, if what he has discussed is, is consistent with your thoughts, recollection of what.

Mr. Updegraff stated a, the, the conversation that he had with a Traff-Pro was pretty limited to just do you need something from us to help you do your study and he did email them the preliminary plan of a commercial that was sent in with the wetland application so, he did send that to them and the other conversation he had was with Patrolman Fyock who after he had talked to the people with Traff-Pro and they had basically completed their study was that that road would, where it's located is, is adequate and will work just fine for 110 houses and that a, there would have to be subsequent study on the commercial site whenever that's actually brought forth here for Planning Commission, you know you have a site plan review process normally he, his recollection is you ask to see traffic studies so.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated if.

Mayor Luks stated if, if she may.

Chairman Sandora stated Mayor.

Mayor Luks stated a, she thinks we are saying the same thing, that we agree that the road as it's proposed is doable at this point in time serving those 100 and however many.

Mr. Updegraff stated 10.

Mayor Luks stated 10 units, homes, but what we are saying is that at a later time when that commercial piece is a being planned a traffic study should be done at that time and it could potentially change the adequacy of this road location so while it, it, it, it meets our approval now she thinks what we would like to see or certainly what she would like to see is that it be conditioned and understood that the, the further development of the commercial could conceivably require that the location of that road be changed.

Mr. Updegraff stated yeah, he, he thinks that's logical, it's entirely possible.

Mayor Luks stated a, it, it may need too.

Mr. Updegraff stated uh um.

Mayor Luks stated just based on that goes there and curb cuts and all of the necessary ingress and egress for the commercial part.

Mr. Updegraff stated right.

Mayor Luks stated Thank You Mr. Chairman.

Don Willey stated Mr.

Chairman Sandora stated so, Mr., Mr. Updegraff that is his concern he, he, it was his concern when he first came before us with this project and had stated we needed another road out there, it is still a concern with what is being, what will be developed at the corner of 82 eventually on York Road and that could be a quite a problem down there you know the traffic study for the 110 it's fine, but that does not address the, the future of that road.

Mr. Updegraff stated uh um.

Chairman Sandora stated a and the consequences of whatever you build there okay now you are standing here before us and saying well you know if the road has to be changed so be it, will change it, but will you change it, he finds it, you know kind of hard to believe that you would spend all this money for this road which is how many feet, how many feet.

Mr. Updegraff stated about 9, 900 feet but it, that, that whole length wouldn't have to be changed.

Chairman Sandora stated 900.

Mr. Updegraff stated you are only talking the, the 2 or 300 feet out by York Road, you are not going to change the rest of it because it has to hook up.

Chairman Sandora stated well we still have the problem of having a road, another road come out between York-Alpha Drive and 82 and that's going to be, could be a potential problem there and that's why we really need a traffic study that's going to take everything into consideration to see if that is doable there, he means, that's his opinion, he doesn't know what.

Mayor Luks stated Mr. Chairman, we, we brought in a consultant to do a traffic study and in, in terms of the location of the road where it's proposed, it's, it's doable engineering wise, what they couldn't do is anticipate what would happen on a commercial site and, and exactly what that would, they don't have enough information to be able to, until, until an actual plan is brought forward that is firm, that they know what they are putting at that commercial piece, it's, it's not possible to perform an accurate traffic study according to the Consultant and, and therefore what he is saying is, we can say that this road is doable if, as things exist right now and approve it but on the condition that, when the commercial piece develops, should a traffic study indicate that that road needs to be relocated the Applicant will be made to do so at that time. Mayor Luks stated our, our consultant, our traffic consultant told us they can't do a traffic study based on the commercial piece being developed at this time with the information that is available to them, there isn't enough information.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated the question for the a Law Director, a, with, will this be binding, if, if we were to approve this initially going out to York Road and by the way Mr. Chairman he has the same problem with a with that street coming out in the middle between and 82 and York-Alpha and a but are the, we would be bound, would they be bound to a, a they come up with plans for the commercial development, what, what obligations are there because according to what they are saying is wetlands to the north of that so.

Mrs. Vozar stated sure, sure, the reality is the same property owner owns both correct.

Mayor Luks stated um uh.

Mrs. Vozar stated so the property owner that's going to come in here before you with a commercial property is going to have, been before this board and made statements and assurances to this board indicating that they would if needed make changes to this roadway a, obviously whatever you would be reviewing at that time you would be taking that into consideration so while it's not binding since obviously the road will be dedicated and, and will no longer be their property at that point and be a dedicated roadway, never the less they came before you, they have made assurances and.

Chairman Sandora stated no, that will not be.

Mayor Luks stated that will not be dedicated.

Mrs. Vozar stated it wouldn't be dedicated at that point.

Mayor Luks stated it will not be, it's a private drive.

Chairman Sandora stated it wouldn't be dedicated.

Mrs. Vozar stated it's a private roadway, okay well then, she, she takes that back, it's a private roadway, it is their property and so they have made assurances to that they understand and again she would want the Applicant to put that on the record that he understands that it will be at his expense and he understands that whatever complications come down the line because of the development of the commercial property then obviously he would need to, that would be at his expense, so as long as he is aware of all of that and understands that and consents on the record, when he comes back before you again obviously you could hold him to that because you would have the authority at that point to, to withhold your consent to any kind of development.

Don Willey stated well he, he has two issues with that a, number one, if the ABC Company buys that six months ago, are, are, are we going to pass that obligation on to a new owner, all properties for sale at the time, all you, all you need is price. Don Willey stated and then also the a, the fact that should this owner be desirous of developing that sometime in the near future he, he personally would be very satisfied and they have a, a, large staff to see what they would do at that time, he, he personally he wants a little more assurance because he, he feels it's going to be a real problem down on, down on York Road, the traffic increasing, there is people here tonight that a want to expand an industrial park, there are two more developments down on York Road coming through and a collectively he, he thinks it is just, it's going to be a real problem down there, right across from a restaurant and a furniture store and so forth so he, something that may come he, he is not satisfied that it would come or that they would even be obligated to do it. Don Willey stated like he say, they could sell it to the ABC Company tomorrow or a subsidiary and there would be no a, no real go obligation he would assume on the property that the City could enforce it.

Mrs. Vozar stated well the reality is though you would have them coming before Planning Commission, they would have, whatever limitation are on their property when the buy them if it's a easement whatever it is, obviously they have those limitation and while those are recorded and known to them a this property is owned by the same property owner and, and is this all one lot or are they.

Don Willey stated no, they are separate permanent parcel numbers.

Mrs. Vozar stated so, so there, so there, it's not a matter of, of you know coming before you for a lot split or, or what not but they would still need to come before you so obviously the Board has control on how you are going to handle the development of that property and obviously if there is a drive that would interfere with that obviously those are things that you would consider and have every right to, to limit or restrict and it could limit the development of the property and obvious they know that so she thinks they would want to cooperate with the Board to make sure that they could use that property to the fullest, the commercial property.

Don Willey stated well he understands that but as he visually sees it and sees how the layout is, the, the street that they are proposing does not go through the commercial property that it could be developed and so

at the end of that road could be the end of the commercial property and so they could perhaps ask for a another exit, ingress or egress so that's, that's a problem he has with the whole thing.

Mr. Updegraff stated could he comment.

Don Willey stated and.

Mr. Updegraff stated if, if he may.

Chairman Sandora stated Mr. Updegraff go ahead.

Mr. Updegraff stated what he hears being said here and he is pretty sure this actually is in your, your requirements that a, whatever site plan gets submitted for that commercial, there has to be a traffic study done, that's, that's right in your, in your Code in your list of things to be submitted as part of a site plan approval, when that get submitted, if, that says that the exit where it is in addition to whatever other exits in the commercial are acceptable and will function then it sounds to him like everything is fine, even if it gets left there.

Don Willey stated well your, your inaudible.

Mr. Updegraff stated if the, if the traffic study comes back and says no you should only have one entrance onto York and one entrance onto Royalton Place he means what, what are you going to do, you are going to say, well I am sorry all you can have is one entrance on both.

Don Willey stated he understands but, but.

Chairman Sandora stated Mr. Willey.

Don Willey stated yeah, I am sorry Mr. Chairman, down on 82 they, the, the section on 82 and he recalls being at that Planning Meeting a number of years ago when you came in for site plan, there was a traffic study then and they wanted you to, as he recalls adjoin Akins Road to your entrance to that development and it was going back and forth and of course doesn't, so you have, you have two different ingress and egresses on two different roads, he, he remembers that as a, and he thinks it was a suggestion of the Police Department at the time, the problem is as he sees it is that, if, if we give you site plan approvals for these things and down the road you know you decide you are not going to develop that, the way the economy is and so forth or for whatever reasons, than the City is obliged through the Planning Commission to lock that, to lock and load that, that's the problem that he has with inaudible so.

Mr. Updegraff stated he, he doesn't understand, let him get an example back Akins Road, that issue.

Don Willey stated yes.

Mr. Updegraff stated we did not own property across from Akins Road, across from Akins Road is Oakbrook Condominiums therefore we couldn't align our street what we had to do is go the distance stipulated in the Code for an offset which is what we did so he means that that example is not, it's, it's different then what we are talking about today.

Don Willey stated isn't your last unit in your new development just about straight along Akins.

Mr. Updegraff stated we could not align with Akins, if we would of, we would of, he means, there was no reason not to comply with, that request.

Don Willey stated inaudible.

Mr. Updegraff stated but a, he doesn't know, all he hears is you are going to get a traffic study when we submit a commercial site plan, your going to analyze that and presumably he, he is not sure you would second guess that but you, you would, whatever that says is what you are going to want to see done on a commercial property, it requires the location, the street where we have it located to be moved or tied in to the commercial somehow that's what you are going to require otherwise you won't approve the site plan.

Don Willey stated yeah, he, Mr., yeah he understands but he thinks the, the point is, is that it would be one unit, currently there is one property owner, should there be another property owner that, that would, would change the, the obligation as he sees it.

Mayor Luks stated Mr. Chairman.

Mr. Updegraff stated the same thing would apply though.

Mayor Luks stated if she may, Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated regardless of who owns the property in the future when it is developed they will need to come to this Board for site plan approval and part of that site plan approval would be a traffic study and any indications from the traffic study would have to be met in order for the Planning Commission to grant site plan approval to whomever owns the property a, so she thinks, we do have that assurance, this, this Board doesn't have to give approval on something that isn't meeting a traffic study requirements.

Mr. Merdes stated Mr. Chairman.

Don Willey stated technically this Board probably won't be here.

Mayor Luks stated some Board will.

Don Willey stated well some may, and some may not it depends on when this event happens so he, he, that was the kind of point he made when we refer to the Board and the legality and the same owner and it may not be the same owner and it may not be the same Board and you know, that's.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You, a, maybe to, a address some of, of the concern about the ability of, of the, the properties changing hands, the road on the commercial property will exist within an easement that grants this access permanently to Woodcroft Trace.

Mr. Updegraff stated correct.

Mr. Merdes stated Thank You. Mr. Merdes stated so that Woodcroft Trace is, always has the right no matter who owns the other parcel should it be sold, should it be change hands, should it be developed by someone else it, it's, not as though this road just exists on someone else's property there's, there's, easement that it that is written for it a, it may depending on the actual alignment of the road because the easement has actually been recorded already.

Mr. Updegraff stated yes.

Mr. Merdes stated the easement may have to be modified a, to coincide with the alignment of the roadway a but there's, there's actually already a recorded easement that grants the Woodcroft Trace the residential units the ability of access and he doesn't know if that answers all of the concern a but it, it is something that a for everyone to, concerned and he guess he could say that a what's currently being built is the residential component and that if this road is approved it will be built and it will exist when the commercial development is brought forth and he thinks that part of the thought that went into choosing the alignment that's in front of us today is that it has a 900' of alignment and probably 800 of those feet.

Mr. Updegraff stated uh um.

Mr. Merdes stated are not going to change.

Mr. Updegraff stated that's right.

Mr. Merdes stated possibly the access on York Road may be eliminated, if it was eliminated it would then consolidate this into the commercial traffic pattern and perhaps move the access to perhaps a signalized spot or perhaps an intersection that is in the middle, or it could get built and never change and, and it always remains access just for the 110 residential units and the commercial has there own access, there all possibilities a but he thinks that a majority of what's in front of us, the majority of that alignment is, is always going to be once it's built always going to be used useful and probably not changed.

Mr. Merdes stated would you agree.

Mr. Updegraff stated yeah, that's, that's correct, it's, it's, there's probably two or maybe three hundred feet at the most that could be relocated from where it is a, the remaining 6 or 700 feet is between wetlands and has to tie in directly with the existing street so it's, it's going, that's going to be where it is so there might be a couple hundred feet that would have to be tied in to the commercial site.

Chairman Sandora stated to the Law Department he has, just one question.

Mrs. Vozar stated uh um.

Chairman Sandora stated with what Mr. Merdes just stated okay, a if this was okayed and if down the line a, a site plan is brought in to us for the commercial entity of the remainder parcel and if during that time the people who own that property now changed corporations, changed

names, change whatever and it does become another corporation that owns that that commercial property who want to now develop that commercial entity of it a and Woodcroft Glen still have the easement of that road going out onto York Road okay, can this Board or can this body a if that road has to be changed the last two hundred feet or the last 100 feet or the last 300 feet, can this board make them change that to accommodate, to accommodate that new commercial development or.

Mrs. Vozar stated now the commercial development would need to adjust their plan because that's who you would have authority over at the time, the commercial development you would have authority over at that time, and you would be able to give them permission or not permission depending on what they are able to work out with their neighbor.

Chairman Sandora stated right.

Mrs. Vozar stated what you would have the authority over um, the easement would remain there and, and she hasn't reviewed the easement that, that the Law Director drafted, she is assuming he was involved with it, did he review it.

Chairman Sandora stated well while your, while you are reviewing that a, you know Mr. Updegraff we are one member short tonight so.

Mr. Updegraff stated so, how are you going to vote Tony?

Laughs.

Chairman Sandora stated well you know, do you want, you might want to think about tabling this until another meeting.

Chairman Sandora stated he means this has been a long process Kurt and and he respects you, you are good Engineer you probably know, you know much more than he does of course and a lot of other people on this Board all right but you know we have to take the the well being of the future into consideration here, this was his biggest concern when this whole thing started, what three years ago, two years ago, whenever it was and a that is his concern, there is more and more traffic down there a, it is going to be hard to make left hand turns in out so forth so on and it all has to be taken into consideration.

Chairman Sandora stated anybody else on the Board have anything.

Don Willey stated he concurs with you.

Mr. Updegraff stated Mr. Chairman.

Chairman Sandora stated please Mr. Updegraff.

Mr. Updegraff stated what, what he is trying to figure out is, by tabling it and taking more time how is, how are things going to change, he means, what's going to happen in the meantime that will make the decision easier for this Board.

Mr. Updegraff stated were trying to.

Chairman Sandora stated there has been a lot of points brought up here tonight on both sides, okay, it, it, it's a lot to digest in a half an hour, a.

Mrs. Vozar stated Mr. Chairman, could she just add something really quick and maybe this will help and maybe the applicant can consent to it and you can, we can move things along.

Chairman Sandora stated go ahead Donna.

Mrs. Vozar stated she means, obviously they would need to do this rather quickly, obviously as we discussed the, the commercial entity when they came before you, you would have authority to make them do whatever you felt was required, the problem is going to be looking at this easement that's being granted on the property, she thinks that you could, it could be redraft, redone to reflect that the City's concerns for a ensuring that in the future this easement could be modified, without consent of the, a, Woodcroft Glen that the grantor would have the authority to change this easement to allow it to be moved and, and right now she doesn't know if that says that in the easement, if you can find that, where it says it, she would be happy to look at it.

Yeah my name is Aaron Evenchik, he is the in-house Counsel for Gross Builders, 14300 Royalton Road, he is looking at section 3 of this easement.

Mrs. Vozar stated she, she, she is sorry, section what.

Mr. Evenchik stated section 3 on page 2.

Mrs. Vozar stated okay.

Mr. Evenchik stated he actually did draft this.

Mrs. Vozar stated good.

Mr. Evenchik stated and he will read it to the Board, it says the access drive is the part of this easement that covers the street that Woodcroft will use, states, while the access drive may initially resemble and be installed as a street, such access drive may be modified into any other drivable surface including but limited to parking lot or alley, so long as vehicular traffic access between the Woodcroft parcel and York Road is ultimately available and what are thought was on that is Kurt has mentioned before that, that street kind of winds through the wetlands and then comes out to York Road at some point if we do the traffic study on the commercial and you don't like where that's coming out or you want the commercial to come out on a different place on York Road, whatever we ultimately decide the people at Woodcroft Glen pursuant to this easement have a right if a that road is modified or let's say the road is stopped you know 100' from York Road and goes into now a commercial part of the parking lot at Royalton they will then drive through that parking lot until whatever ultimate access point on York Road is decided with the commercial so the flexibility was built into this easement to allow that road to be moved and not necessarily even have to be, make it be a road as long as you can drive from York Road to a Woodcroft Glen.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated there's one, there's one problem with that the Owners of, could possibly be at that time will not be you folks, it's going to be the Homeowners there correct or not correct the Homeowners Association will, will be oblige to that.

Mr. Evenchik stated ultimately yes, the Homeowners Association will be the beneficially.

Don Willey stated right, right, that could happen, you know he hopes real estate turns around and you sell everything out of there in 30 days, he doubts it though, but the point is that the, the new homeowners are going to be faced with that issue and what if they decide the heck with it, were not, were not giving up our easement because their easement gives them the legal right forever to just, just keep that road as it is.

Mr. Evenchik stated well actually it doesn't, the easement they way it's written gives them the legal right to go from York Road wherever that entrance may be to Woodcroft Glen through that back drive, but it gives it the right of the people who own the property at Royalton Place to relocate that to, to fit commercial plan or to fit the desires of the Planning Commission.

Don Willey stated he.

Mrs. Vozar stated Mr., Mr. Chairman if she could, so she can add into that also, a, in reviewing the easement and the language um, as indicated by their Counsel it is correct that a Royalton does have the authority to modify it as long as they provide a driveway for them to get out it does allow them to modify it which um, is, exactly what she thinks this Board was looking for, the authority to hold Royalton, to hold Royalton, to be able to control where that roadway is going to go and so she thinks that this easement will allow that to happen in the future.

Mr. Updegraff stated if a.

Ms. Vozar stated a road will still have to be there and they will still have to have access but where it's going to be located as long as they have a drivable surface, a it's interesting because it actually says it can be modified into parking lots or alleys so long as there is traffic access between Woodcroft parcel and York Road is ultimately available so it does allow for a lot of discretion and that belongs obviously to the to Royalton and they are responsible for any damages that causes to the access drive and utility lines.

Mr. Updegraff stated Mr. Chairman.

Chairman Sandora stated Mr. Updegraff.

Mr. Updegraff stated just to further clarify, that isn't up to Woodcroft Glen Homeowner's Association, that's up to Royalton Place who owns the

commercial, when this Planning Commission tells Royalton Place where they want the driveway, the Homeowners Association doesn't have a choice, Royalton Place determines where the drive is going to be.

Don Willey stated so there, it's, a, it's a catch and bait then, what is an easement if it's not giving people the right to, to go over another person's property, you are not selling them a license or, or you know to do it, it's an easement and as he understands easements you know they go on and on and on.

Mr. Updegraff stated that's correct.

Don Willey stated so you just said that, that easement doesn't mean anything to the Homeowners Association because the commercial property has, has a step of power higher.

Mrs. Vozar stated no.

Don Willey stated if, did, did he understand that correctly.

Mr. Updegraff stated no Sir.

Mrs. Vozar stated Mr., Mr. Chairman if she could.

Mr. Updegraff stated we.

Mrs. Vozar stated finalize this for once and for all, there is an easement and the easement does actually give them the roadway through there, through Royalton Place's property and it says that they have the right to have a roadway wherever it's going to be modified based on wherever Royalton Place determines in the future as long as they have access from Woodcroft Place to York Road, that's what they have, that's what the easement is, the easement says you may drive across our property where that roadway will be may change from time to time but we will always allow you to have a roadway a to get from York to Woodcroft parcel so, she believes based on, on the review of this that it does give the Board what they are requesting, it gives them the authority, the discretion, the control to allow this road to be changed if in the future when Royalton Place, Place comes forward for their approval of the commercial property will allow you at that point if you so see fit at that point or the Board so sees fit to move that roadway and still allow the access to be there.

Chairman Sandora stated and Donna, getting back to his question then, whether Gross Brothers owns the property or not and this Board states that a road has to go wherever the, wherever it shall be that they would still have to comply whether they own the property or not, if they decide if, if Gross Brothers or Royalton Place sells the property to another entity and that entity comes before us and we state that if you want an access road out a someplace else.

Mrs. Vozar stated sure.

Chairman Sandora stated that they can somehow go back and remove that road and that exit out of there at that time.

Mrs. Vozar stated okay, the easement is between Woodcroft Glen and the a, Royalton Place, it's successors and assigns so who obviously they would, whoever would take over that corporation or whoever would take

over or whoever they assign that right to would have the right to do that, when you say move, there has to be a roadway so there has to be a roadway, the easement allows them to have the roadway.

Chairman Sandora stated no he understands that, what he is saying is the last two feet is what, what we are talking about here, or 100' or whatever, what he is saying is Gross Brothers sells that property, somebody else buys it, they come before us, we want another road out, that's going to be able to accommodate people making left and right turns in, in to that development and left and right turns out of that shopping center, okay, they no longer own, Gross Brothers no longer owns that road that were, would be okaying tonight okay, as the site plan is brought to us then can we make them a do away with that road still make them have the access to Woodcroft Glen tie into a new road with, with where we want it.

Mrs. Vozar stated the easement would allow them to, to do that, whoever owned the property owns the easement and there bound by this agreement, this agreement is, is all the parties who owns these properties now and forever are bound by this easement until they agree to release that easement so the easement stays with it, so yes.

Chairman Sandora stated okay, Thank You.

Mr. Evenchik stated Mr. Chairman, can he just answer.

Chairman Sandora stated go ahead.

Mr. Evenchik stated first Mr. Willey mentioned before that the easement should run with the land and it does, section 19 simply says that the agreement runs with the land made between Royalton Grantees Owners, respectfully contains easements and agreements which are pertinent to such parcels and run with the land perpetually and shall be binding upon and therefore the benefit of Royalton and the Grantee or whoever owns the land, he thinks Mr. Sandora and he his going to ask the Law Director to confirm if his understanding is correct, your concern is if Gross sells the property you won't have the same power over whoever that purchase is when they come in with a commercial development and they will say.

Chairman Sandora stated exactly.

Mr. Evenchik stated we don't have to do this, why should we.

Mr. Evenchik stated Madam Law Director if he can, you tell me if you think he is correct, he believes that the way this easement is drafted and the way your Code reads that whoever owns that whether it's us or someone else when they come in with a commercial development we already stated tonight that they have to have a traffic study done, they have to have certain things done.

Chairman Sandora stated he understands that.

Mr. Evenchik stated including buying the land subject to these rules and regulations, you will have equal power over a separate buyer that you have over the Gross Brothers today, do you, you, consent.

Mrs. Vozar stated correct.

Mr. Evenchik stated okay, does, does that help answer your question.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated is there anybody in the audience that has anything on this subject.

Thank You Mr. Chairman, Councilwoman Uffman Kirsch, she has a question on a different subject related to this, just to clarify if she is understanding this correctly, does this mean that the roadway can be moved for these 110 homes to have the access from ingress and egress through the parking lot of the future Royalton Place commercial development is that what we are saying that their ingress and egress off of York could be through the parking lot of the future commercial.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated it would, it would be moved in a manner that would meet whatever the traffic study at the time suggested it in terms of, of traffic flow and the best placement of all facilities.

Mrs. Uffman-Kirsch stated even though the, with all due respect even though the easement says that it can, has to just be, she forgot what the language was that you read but it had to be a roadway of some, it seemed like there was a lot of variance there.

Mrs. Vozar stated there is a lot of variables there.

Mrs. Uffman-Kirsch stated variables.

Mrs. Vozar stated they, they have the discretion according to this to modify into any other drivable surface including but not limited to parking lots or alleys so long as vehicular travel access between the Woodcroft parcel and York Road is ultimately available, so yes it's very broadly written and she thinks that you need it to be broadly written and, and again she is just reviewing this for the first time but she thinks it needs to be broadly written to address the issues that this Board has raised.

Mrs. Uffman-Kirsch stated right.

Mrs. Vozar stated they want to have the authority in the future to determine where they want that roadway to go so um, while she didn't have a hand in writing it, obviously she thinks it is a good idea that it was written as broadly as it was because it gives this Board more authority to and rather than having to deal with an easement that's there and we need to live with it, no matter what happens in the future.

Mrs. Uffman-Kirsch stated and she does want to.

Mayor Luks stated Mr. Chairman, she is sorry Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated just to, to piggyback on that, she guessed we need to bare in mind that the whole, the, the City requested this second access primarily for emergency purposes she means that, that's, that's the main goal here so that there is more than just one way in or one way out in an emergency.

Mrs. Uffman-Kirsch stated uh um, and she understands that obviously this would have to be approved by the Planning Commission at that time that the commercial development would come forward with their application she just was not sure what, if the Planning Commission would still have the ability to make, mmm, how does she want to say, criteria that would not allow it to go to, be access through a parking lot based on the language in that easement.

Mrs. Vozar stated no.

Mrs. Uffman-Kirsch stated no.

Mrs. Vozar stated the City wouldn't have the authority at that point to a the, these parties have agreed that they can turn that roadway into a parking lot, they can do whatever configuration they want.

Mrs. Uffman-Kirsch stated okay.

Mrs. Vozar stated they have given that authority to each other or they have given that authority, obviously Planning Commission would have the authority to say we don't agree with how you have re-designed that roadway but the parties have agreed that it, it could be a parking lot, it could be a paved area as long as they can get out, they have agreed to that, they have basically left it up to the Planning Commission to determine how that will look, how they will get out.

Mrs. Uffman-Kirsch stated so they can agreed between themselves but it's, but the Planning Commission regardless of what that easement says still has the ability to say yes or no.

Mrs. Vozar stated correct.

Mrs. Uffman-Kirsch stated okay, that was what she was wondering and then the only other thing she was wondering is if earlier Mr. Merdes had mentioned something, there was another point about the letter from the Consultant on the wetlands and she was just curious if we were, if you were going to go back to that before you had roll call, cause, she was curious as to what happen with that. Mrs. Uffman-Kirsch stated there was a, supposedly the Applicant said there was a letter from the Consultant.

Mayor Luks stated oh, Mr. Chairman, um, there, there was a letter from Davey that the Applicant submitted previously about how much wetlands would be impacted or not impacted, she doesn't have it in front of her right now.

Mrs. Uffman-Kirsch stated right and it was her understanding that they said that the North Royalton Law Director said that that letter was sufficient and was appro, was correct.

Mrs. Vozar stated she is sorry what letter was, the easement.

Mayor Luks stated no.

Mrs. Vozar stated oh, she is sorry.

Mrs. Uffman-Kirsch stated no, the Applicant had stated that there was a letter from their Consultant, their Wetland Consultant that was submitted to the Board and that the Law Department of the City reviewed that and said that it was adequate.

Mrs. Vozar stated and she has no idea regarding that issue at all, she is sorry.

Mayor Luks stated Mr. Chairman, the, the Law Director's response was that it is there Consultant, their responsibility, they are the ones that you know are a re, fully responsible for this.

Mrs. Uffman-Kirsch stated okay, Thank You.

Don Willey stated just one last comment Mr. Chairman, so as the Law Director said a, a both parties are agreeing to, to this easement and Mrs. Kirsch bought up a very good point, a, it could wind up being a parking lot or an alley but the same parties that are, are formulating this future, a future easement are the same parties, it's like the in, the inaudible he guessed so he, he, guessed that's why he is being very cautious about this because there will be 110 or 210 people being there and then they will, they may not like the idea and he is sure that you will have it in your sales brochures that they could be driving through a parking lot to access, to get out and also he wondered about an impediment of emergency vehicles should that be anything other than on dedicated street so those are his concerns, Thank You.

Chairman Sandora stated Mr. Willey.

Mrs. Vozar stated Mr. Chairman if she could add just one last thing before we move on.

Chairman Sandora stated Donna.

Mrs. Vozar stated to just address that for, for Mr. Willey, they have recorded this easement it was recorded 3-5 of 07 with the County Recorder and obviously we all know that when someone purchases property, they take notice of whatever is recorded with the County Recorder, whether it be easements whatever is on your property, you know and certainly when they are purchasing they can clearly go and look at the maps that are down there to find out access roads and what not, not to and also obviously Planning Commission Approval minutes.

Don Willey stated he, he understands the problem, here's, here's, here's a real live thing, this really happen, we had a development, it was a Conservation Easement, it was 20', it was approved by the Ohio EPA, the Homeowner came in, the the Seller, you know, they their excuse was they signed a lot of papers, they, they planted a sod in this Conservation Easement, they put a sprinkling system, they tore down two fifty, sixty year old trees, they put a swing set back there and by the time you know, by the time, you know after all said and down, there there was no Conservation Easement on the five of these eighteen properties so that, that's why you know he, he see those things happening and he is inclined to be a little bit more cautious about these.

Mrs. Vozar stated right.

Don Willey stated because it will be different people owning this property and having to deal through their Association with this common property.

Chairman Sandora stated anybody else have anything, Mr. Merdes, anything.

Mr. Merdes stated well, Mr. Chairman, he guessed be, were dealing with what's in front of us as a known and then at the same time trying to reconcile that a large unknown.

Chairman Sandora stated inaudible, unknown.

Mr. Merdes stated and he thinks that if there was, he doesn't know what would be different, a that would, that would be a better way of dealing with it then, then what we have before us, he doesn't know of anything a, anything that you know you have the Applicant here and, and he doesn't know, what he would love to for us to have, every guarantee that, that, that everybody is looking for and so that everyone is comfortable with making the decision a, and you know he.

Chairman Sandora stated are you satisfied Mr. Merdes the way it is.

Mr. Merdes stated he believes that it is adequate.

Chairman Sandora stated to the Law Department are you satisfied with the way that the easement and everything else has been written and what we talked about so far, are you comfortable with that.

Mrs. Vozar stated yes she is.

Chairman Sandora stated is there anybody in the audience that has anything on this.

Chairman Sandora stated Mr. Updegraff do you want to go forward with that or not, we are one member short.

Mr. Updegraff stated well, what, what, Planning Commission wants this secondary access, egress, a he, we, we have tried to address the issues raised with a recorded document that leaves the flexibility for the road to be located in the future, relocated, Planning Commission will have a, he is assuming a pretty lengthily review process for and plan that comes in from the commercial site, you are going to have a traffic engineering study done at that time which will use in, in passing judgment on that plan a he doesn't know what you want him to do, laughs, he means you want the road in there and he, he, he has got a plan that's workable, it functions, Traff-Pro says so, you, you hired the Consultant and, and we have tried to cover all these issues that you have raised to the extent we can without really knowing what's going on the commercial site.

Mrs. Vozar stated right.

Mr. Updegraff stated so he is left with he doesn't know what else you want him to do.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated and perhaps she should have started with this earlier, since the last meeting Mr. Merdes and she met a, a couple of times with our Officers in, in the Traffic Division and discussed this at length and as she said did bring in a Consultant and discussed it with them, a, so, she means, we, we are all of the opinion that as Mr. Merdes said at, for, for the purposes of this plan, the road location is adequate and we are also, she is confident and the Law Department is confident that when the commercial piece develops the City has the capability and authority and the easement leaves the flexibility that a Traffic Study could be performed at that time and based on those results, the road could be relocated to the appropriate place and there is a guarantee in place with this easement to the residents of the Woodcroft that they will always in some form have access out to York Road so she she thinks were, were making certain that all of the wiggle room if you will is there so that when that commercial piece is developed it could be adequately addressed um, that seems to be the concerns that she is hearing from this Board and a those are all of the issues that we have looked into to make certain that we can at that time address this issue or whoever is here on this Planning Commission regardless of who, who owns the property at the time.

Chairman Sandora stated anybody else have anything, Ms. Fashempour please call the roll.

Ms. Fashempour stated she needs a motion.

Chairman Sandora stated oh, he is sorry.

Ms. Fashempour stated you have two items, so you need to separate them out, unless you want to discuss the second one and then make a motion.

Chairman Sandora stated what's the second one.

Mayor Luks stated okay, all right. Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated she moves that we approve to extend Woodcroft Trace to York Road with the condition that it include a, as recommended by the Fire Department a 8" water main out to York Road that would a then loop the existing water main.

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

Anne Reinkober stated second.

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

Ms. Fashempour stated Mayor Luks.

Mayor Luks stated yes.

Don Willey stated this is on the water main only, correct.

Ms. Fashempour stated no this is on the extension, extend the road.

Chairman Sandora stated the road.

Don Willey stated no.

Ms. Fashempour stated Anne Reinkober.

Anne Reinkober stated yes.

Ms. Fashempour stated Chairman Sandora.

Chairman Sandora stated yes.

Roll call: Yeas: Three - Mayor Luks, Reinkober, Chairman Sandora.

Nays: One - Willey. Motion carried.

Ms. Fashempour stated and then the second phase of that is Woodcroft Glen Phase 2 Final Plat.

Chairman Sandora stated do you have anything Mr. Merdes.

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

Chairman Sandora stated a, with regard to the approval of the second phase plat for Woodcroft Glen, a he had some some concerns in his report a, because it comes down to you know most of his concerns have already been discussed, they dealt with a the road extension, when it comes to the plat a, the plat was a the first plat was a, a approved and at that, when that was approved a, all of the infrastructure was, was approved, and when the second plat was request to be approved the, the infrastructure was to be finished a it is substantially finished a boils, comes down to a, a essentially a, a list of some items that need to be, need to be done, need to be resolved a, a, a large concern or or maybe a higher priority to the City are the are the concerns with the water utility and a sanitary utility but we do have interest in, in some of the landscaping in, in the buffering in, in when it comes down to it in, in everything that, that everything is, is there and and functional and correct a, the it's a, all these items are on a list a, a number of the items on the list have been, have been done a there are some items that remain, he would want to ask the Applicant a first of all if he is familiar with, with the list.

Mr. Updegraff stated uh um yes.

Chairman Sandora stated and the items that are on the list a and at, at this point a, a do you have any, any of the items you wanted to discuss that a ultimately he is looking for a, a resolution and he knows that a he guessed if he set aside the landscaping issues because some of, some of the landscaping you are probably going to be building on this site for what would be, what would you plan to be still.

Mr. Updegraff stated it would be several years.

Mr. Merdes stated several years. Mr. Merdes stated so some of the landscaping would be ultimately several years from being finished.

Mr. Updegraff stated well these, these.

Mr. Merdes stated the last, the last, the last building and the landscaping that goes around the last building a but a, but everything will be done yes, or no.

Mr. Updegraff stated yes, laughs, yes.

Mr. Merdes stated yes, Thank You.

Mr. Merdes stated a.

Mr. Updegraff stated yeah, just as a aside, a, a number of the things on the list really are done as part of the house construction, the sidewalks leading up to the house, the landscaping and grass, final grading around the house is, guest parking, things like that, that just part of the normal house construction process, these are fee simple lots in that respect it's really no different than a single family subdivision so that kind of work is done as you complete the houses now those are private improvements, the development agreement does make, distinguish between private and public, public being the public sidewalk on Royalton Road which is completed and the sewer and water lines and those are done.

Mr. Merdes stated uh um.

Mr. Merdes stated and anything, deficiencies that exist a could be resolved by the end of the year.

Mr. Updegraff stated the, the only, he, he thinks on water, he is not aware of any deficiencies because we are, the City of Cleveland accepts the water main, we have been tapping into it so, sanitary he didn't think there was anything, we do have the conflict issue that we looked at today so that needs to be dealt with other than that he didn't really think there was anything else on those, on those inaudible.

Mr. Merdes stated uh, for the sanitary there, there is the a, there is the one issue which is approximately 400', there is essentially a co-location of the sanitary utility beneath the, the power and communication utility and some resolution will have to be found for that, the water line has a similar problem a and some of the recent paving has paved over some of the, some of the valves. Mr. Merdes stated one, two, three, three, three of the valves were there but now there is asphalt where they used to be so that you know, that, they probably can be found and, and set right again in, in a short amount of time a those are the issues he has on here for, for the water, for the sanitary.

Chairman Sandora stated well Mr. Updegraff how do you, what, what is your response to those especially these valves that are covered over.

Mr. Updegraff stated normally that happens and a were not going to be able to turn the water on unless we find them so it's a practical matter, we are going to have to find them and as, as dirt gets pushed around on these job sites when you build houses, things like that get covered over, it's going to be an ongoing situation, he will be honest with you but a we have to find them and straighten things out and if things get cracked or broken as we build houses we have to fix them and it's, that's how it's done.

Don Willey stated how about the collo, if he understood Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated the collocation of a sanitary and a the other utility a, Mr. Merdes is that a, is that a problem, is he understanding the issue, the two utility running in the same easement.

Mr. Merdes stated well the problems is, well the problem is that anyone who had seek to repair one utility that's beneath another there's a, the question is how, how to do that a, and how dangerous is it and that's you know, that's more or less why it's, it's, on the list a because as per the agreement the, the waterline is, is, belongs to the City and then we have a secondary agreement with Cleveland Water who will come out to fix the water line, the sanitary system will be our own sanitary system and left to us to maintain so although, you know that, that is a just, a brief, a comment on, on, on what's, what's the, the difficulty in, in, in how these it was installed in and how it exists in the field and how it exists on the site.

Don Willey stated so a Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated so Mr. Merdes so, so you are not satisfied with that is that within the Ohio Building Codes and, and Construction Codes and so forth or you, you anticipate that down the road there could be a serious problem if we a were to approve this now or are you asking the Developer to correct those before.

Mr. Merdes stated there, you know it's listed as a deficiencies because that's what it is, it, it, it is not a, it's not according to the approved plan, he doesn't know until, he has about whether it, it he doesn't know how it, how it is is viewed in the, the Building Code a Cleveland Water also has a standard easement a he hasn't reviewed that to see a if, if this case is discussed in, in that he means Cleveland Water Standard Easements he doesn't know, he doesn't know if, if we, in the City a have what the Rules and the Ordinances state a so he doesn't have, he doesn't have an answer for you right now.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated Mr. Hartman do you have anything.

Mr. Hartman stated no comment Mr. Chairman.

Chairman Sandora stated we are going to change the tape, just a moment please.

Tape changed.

Chairman Sandora stated well Mr. Updegraff you heard what Mr. Merdes has stated what would you, what, how are you going to rectify these.

Mr. Updegraff stated well on the collocation he, he really can't commit to anything right now because he is not sure what the requirement is or what ultimately.

Chairman Sandora stated what the issue is.

Mr. Updegraff stated would be desired.

Chairman Sandora stated he thinks we are going to table this part of it then, we should table this part of it, you would have to come up with a, a an answer for all of these, can he have a motion to table, or does anybody in the audience have anything, anybody else on this Board have anything, make a motion to table the plan process this.

Mayor Luks stated second.

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

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

Chairman Sandora stated it's tabled.

Mr. Updegraff stated Thank You.

Ordinance No. 07-103 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1284 Signs, Section 1284.01, 1284.03, 1284.05, 1284.07, 1284.10, 1284.13, 1284.14, 1284.15, 1284.16, 1284.17, 1284.21, 1284.23, 1284.24 and creating new sections 1284.25 through 1284.29, and Declaring an Emergency. Tabled.

Ms. Fashempour stated it is tabled, no action.

New Business

Ordinance

Ordinance No. 07-136 - An Ordinance accepting the dedication of 2,191.15 feet of Angelina Drive, 690.73 feet of Bridget Drive, 450.00 feet of Marcella Drive, and 727.56 feet of Nicole Place in the Huntington Park Subdivision, Phases 1 and 2 from Zillich Interiors, Inc., and Declaring an Emergency.

Ms. Fashempour stated and the Applicants are here this evening.

Chairman Sandora stated the Applicant is here please step forward and tell us what you would please.

Good Evening, my name is John Zillich, live on 2078 Ridge Road, Hinckley, Ohio. Mr. Zillich stated he is here tonight to ask this Board to consider the a dedication of Angelina Drive, Bridget Drive, Marcella Drive and Nicole Place in the Huntington Subdivision Phase 1 and 2. Mr. Zillich stated we did have some repairs to be done, a 80% of them are done on the Miscellaneous, Sanitary and Storm Sewer, we had some grading to do yet and then we have some repairs on the pavement which nothing has been done on that yet, but we will do it in the near future.

Chairman Sandora stated okay, Thank You Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated the near future for the pavement repairs, what, when will they be done.

Mr. Zillich stated he is sorry.

Mr. Merdes stated when you say the near future for the pavement repairs, do you have a date when they will be done.

Mr. Zillich stated um, he hopes to get it done in the next 3 weeks, Tri Mor promised him they are going to do it.

Mr. Zillich stated if you need a commitment.

Mr. Merdes stated well he will need a written commitment from them.

Mr. Zillich stated he can get that for you.

Mr. Merdes stated uh um.

Mr. Zillich stated he will have it in your office either tomorrow or Friday.

Mr. Merdes stated uh um and to summarize what those are a there is only one pavement panel that is cracked through that one will need to be removed and replaced, the others amount to a damage, there are a number of gouges in the pavement that will have to be patched, there are a number of cracks a that will have to be sealed, a they are not a any of them causing a dangerous situation but we certainly would like to see them all repaired and, and a, the a, the pavements a free of deficiencies within three weeks.

Mr. Zillich stated yeah.

Mr. Merdes stated a sidewalk bond, what's the status of the sidewalk bond.

Mr. Zillich stated sidewalk bond a, we should have it by Monday the Insurance Company's, it's very difficult, if the bond doesn't come in on time, we will pay cash money until the bond comes. Mr. Zillich stated it was at one time one amount and then because of the Block A and B the sidewalks were not installed a the bond issue changed. Mr. Zillich stated we had two amounts given to us so we had to reapply, that's where the delay is.

Mr. Merdes stated uh um.

Mr. Merdes stated what, what bond amount are you, are you in the process of obtaining.

Mr. Zillich stated \$71,484 he believes.

Mr. Merdes stated yeah, okay, that would be correct.

Mr. Zillich stated that's the correct one, the first one was \$66,000.

Mr. Merdes stated a, just so everyone, everyone knows that his report contains the, the list of, of items like usual it's a attached to the back of his report a, and he believes when you first started you said that a number of the grading, storm, sanitary, water all items have been done already.

Mr. Zillich stated everything but the grading, the grading would have been done but the neighbors complained in Villa Grande not to cut the trees down so we kind of left those three lots out but they were working

on the trees with a your approval or your input how to do it so that we can save those trees and it's right next to the wetlands so, there is not backup of any kind because of that swale.

Mr. Merdes stated yeah, well.

Mr. Merdes stated right he thinks that item is, is, is asterisk indicating that a like you said, he don't think there is any need to do that disturbance now a and what's going to happen there is when those homes are built a perhaps the first home will have to do the, the rear yard swale across those three.

Mr. Zillich stated correct.

Mr. Merdes stated whatever one is the first home there.

Mr. Merdes stated but it's, it's, it doesn't affect the drainage of the subdivision it, it positively drains in through that area and then moves on towards the wetlands, he thinks of the grading items because there are 14 of them he thinks a number of them are done, the only one he is aware of is that, that isn't, isn't asterisk but isn't done is, is a small erosion that at a headwall and a.

Mr. Zillich stated the utility trench is also not done.

Mr. Merdes stated oh, up front where the sign is, the utility settlement is an asterisk item, the there is a upfront where you have the subdivision sign, there is an open excavation with a coil it, it will have to be cleaned up.

Mr. Zillich stated that, that subdivision sign, we might have to a either eliminate it or different design because it's, the way it's designed now it's going over the utilities and into the sidewalk so we are, we are trying to redesign and then come to this Board for another approval, he doesn't think the one that was approved will work at that particular site it's too large and he talked to the Building Commissioner and he said that we will have to start all over again so we are going to have to a do that in the near future.

Mr. Merdes stated okay.

Mr. Merdes stated so essentially you can tell him that everything on the list a and in the agreement will be in place by next Tuesday, Council, should this Board move this to Council next Tuesday, they will meet and he will be at the meeting to either make a recommendation that it is ready or not.

Mr. Zillich stated yes.

Mr. Merdes stated and you believe everything will be ready.

Mr. Zillich stated yes.

Mr. Merdes stated as discussed tonight.

Mr. Zillich stated paperwork will be ready and he he can't guarantee the a grading, he doesn't think that, that will be ready.

Mr. Merdes stated well like he said on the grading issue a number of them are done.

Mr. Zillich stated okay.

Mr. Merdes stated a number of them are.

Mr. Zillich stated all right.

Mr. Merdes stated are, we are just looking for a commitment for, from you and then he is aware that too because of the rain, they thought they would make more disturbance, more muddy mess rather than accomplish anything so.

Mr. Zillich stated yes.

Mr. Merdes stated so that was indicated that, that would also be a done possibly even by, by next Tuesday, so he, he thinks he don't have a, a he is not concerned about the, the grading he, they are going to be done he believes.

Mr. Zillich stated we will have by Friday all the a necessary paperwork in your office.

Mr. Merdes stated one thing he hasn't had time to review is the as-built drawings, a he is going to look to do that as soon as possible, should anything come up on those that need to be correct a you, you will have a, a.

Mr. Zillich stated that's coming tomorrow afternoon to your office.

Mr. Merdes stated that's the plat.

Mr. Zillich stated yes.

Mr. Merdes stated the plat was reviewed, this is the as-built drawings, should they show something, something come up that would need to be corrected could that, could those, that be corrected.

Mr. Zillich stated yes.

Mr. Merdes stated okay, Thank You.

Mr. Zillich stated Thank You.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Hartman do you have anything.

Mr. Hartman stated no comment from the Building Department.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything on this, a he will make a motion then that a you agree, you agree to a get everything down to Clark.

Mr. Zillich stated by Friday.

Chairman Sandora stated by Friday and then he will make a motion then as long as you get everything to Clark at the, as everything has been stipulated to recommend an approval to Council for approval of dedication of Huntington Park Subdivision Phase 1 and 2.

Mayor Luks stated second.

Don Willey stated he seconds that.

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

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

Mr. Zillich stated Thank You Mr. Chairman.

Chairman Sandora stated Good Luck Sir.

Sign Approval

Cristiano's, 11305 State Road, Local Business Zoning. Sign Approval.

Ms. Fashempour stated step forward please, your name, address and what you would like.

She is Sharlene Hennis, 2429 Royalwood Road and we would like a new sign.

Chairman Sandora stated Mr. Hartman.

Teena Becker stated she is sorry.

Chairman Sandora stated no, he is sorry, go ahead.

Teena Becker, 2779 Royalwood Road and we are just asking for what the approval of the Board for the replacement of their name plate sign.

Chairman Sandora stated Mr. Hartman.

Mr. Hartman stated the only comment he could make is in regards to the telephone number, a that naturally would have to be approved by Planning, as far as the size of the sign is concerned it's within limits.

Chairman Sandora stated Thank You Mr. Hartman.

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

Mr. Merdes stated yeah, the, the, the sign can include the principal type of goods sold or however the listing of numerous goods or services, prices, sale items aren't permitted. Mr. Merdes stated he doesn't know how the Members view a what is shown on this sign whether it's, it certainly shows the principal goods and whether the other ones are, are viewed as listing of numerous goods or, or not he just leave that for each Member to decide.

Chairman Sandora stated what he is saying is basically is you have on your sign he believes Wings and something else.

Ms. Becker stated right.

Chairman Sandora stated that's not allowed in the Code, you can only have your name, you are asking for a phone number a, we can grant that but, but by having wings, anything like that you can't have it on the outside of the sign all you can have is Cristiano's Pizza.

Ms. Hennis stated do we have to get a new sign made up or.

Don Willey stated no if you have white paint.

Ms. Becker stated do you want us to take it off.

Chairman Sandora stated well this is, aren't you putting a new sign up there.

Ms. Hennis stated yeah.

Ms. Becker stated right, but you want us to take those two items off.

Ms. Hennis stated subs and wings.

Ms. Becker stated for approval.

Chairman Sandora stated for approval right.

Ms. Hennis stated she knows it's a pizza world, but we were just to promote the wings and the subs because there are so many Pizza places over there, we were just trying to stay in business.

Chairman Sandora stated well it's not allowed in our, the problem is it's, it's not allowed in our Code of having that on there.

Chairman Sandora stated you could go to the Board of Zoning Appeals and ask for a variance on it if you, you know that's going to another month, a he thinks that the Planning, the BZA will they make the next.

Ms. Fashempour stated December, end of December.

Chairman Sandora stated it will be the end of December.

Ms. Hennis stated will just take it off.

Chairman Sandora stated do you have your sign made up already.

Ms. Hennis stated yes, she didn't bring it with her.

Ms. Becker stated no, we don't have the actual sign.

Ms. Hennis stated oh, no, no, no, no.

Chairman Sandora stated no, the actual sign, you don't have it made up so it's just a matter of, of telling your Sign Company that, that would have to be eliminated right.

Ms. Becker stated yeap, were fine.

Ms. Hennis stated there will be no problem.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Don Willey stated Mr. Chairman he will make a motion to approve the sign as submitted eliminating wings and subs and including their phone number.

Mayor Luks stated second.

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

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

Chairman Sandora stated you are approved, Good Luck to you.

Ms. Becker stated Thank You.

Ms. Hennis stated Thank You.

Chairman Sandora stated sorry you had to wait so long.

Ms. Becker and Ms. Hennis stated that's okay.

82nd Street Grill and Pub, 6031 Royalton Road, TCD-2 Zoning. Signs Approval.

Chairman Sandora stated yes Sir.

Hi everybody Tom Marzella.

Chairman Sandora stated Hello.

Mr. Marzella stated 5460 Riverview. Mr. Marzella stated how about we just jump to it, we take the text off that other sign then based on what he just heard.

Laughs.

Chairman Sandora stated okay.

Chairman Sandora stated Mr. Hartman do you have anything.

Mr. Hartman stated no he's not changing the size of the sign, what he is trying to do is a change the name from Main Street to a 82nd Street Grill and Pub so there's, just be up to the discretion of the Planning Commission.

Don Willey stated this is for two signs correct Mr. a.

Mr. Marzella stated one for the face of the building and one for the monument sign.

Chairman Sandora stated on the monument sign right.

Chairman Sandora stated okay and you agree to take off, take off Pizza, Burgers and Wings, Catering, Parties and Deliveries.

Mr. Marzella stated he, he is going to have to agree aren't he.

Laughs.

Chairman Sandora stated okay.

Mr. Marzella stated and he agrees wholeheartedly.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated did you say cater, parties and deliveries also.

Chairman Sandora stated oh, that's allowed.

Mr. Merdes stated no.

Mayor Luks stated so that's allowed.

Mayor Luks stated no.

Mr. Marzella stated well there are six of them total Mr. Willey so whatever the six, the six text on either side, we will just remove them all.

Don Willey stated he a, the one over here also.

Mr. Marzella stated the left and the right.

Chairman Sandora stated the left and the right.

Don Willey stated no, the right ones are allowed aren't they.

Chairman Sandora stated no, there not.

Don Willey stated there not.

Mr. Marzella stated no, well not, he is finding out none of them are allowed.

Don Willey stated so if he had a catering business he wouldn't be able, but he could say 82nd Street Catering.

Chairman Sandora stated catering.

Ms. Fashempour stated right.

Don Willey stated but not that he does catering.

Chairman Sandora stated right.

Don Willey stated he sees.

Chairman Sandora stated do you agree with that Mr. Marzella.

Mr. Marzella stated sure, yes.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated can he have a motion to approve a wall sign and a ground sign for a 82nd Street Grill and Pub.

Don Willey stated second.

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

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

Mayor Luks stated Mr. Chairman, when are you reopening.

Mr. Marzella stated oh, God, he doesn't know, he just has walls.

Laughs.

Mr. Marzella stated it was pretty bad but Thanks for asking, we should be ready in 20 days, 21, 22 days so he is sure he will be seeing you very shortly, Thanks everybody.

Chairman Sandora stated Good Luck, Thank You.

Ms. Fashempour stated Thank You.

Don Willey stated your, your not going to keep the old hamburger that you had in the freezer now right.

Laughs.

Mr. Marzella stated the Health Department said no.

Don Willey stated oh, okay, just just checking.

Audience inaudible.

Mr. Marzella inaudible.

Don Willey stated oh.

KFC, 5525 Royalton Road, TCD-2 Zoning. Sign Approval.

Good Evening, my name is Jack Burge, 199 South Chillicothe, Aurora, Ohio, he is representing his client, Premier Restaurant Management who owns and operates 50 some KFC restaurants in Ohio and Florida. Mr. Burge stated as a little bit of a preamble, he thinks you got in your packages the, the sign and this got a little bit confused because there was a General Contractor working on the renovation of the building and he thinks if you a see, have seen the building you will notice that a very good job was done doing that and in the process that General

Contractor pulled permits and pulled permits for signs we were told and we made the sign for the front ground monument and that was not included in his a pulling of permits, so that's why he is here, unfortunately the sign is already there so you are seeing pictures of of the sign, we changed the face only, there was no, no, size change done at all.

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

Mr. Hartman stated the only other thing that he would bring up at this time is the changeable copy, is that going to be eliminated.

Mr. Burge stated eliminated.

Mr. Hartman stated yeah.

Mr. Burge stated well a, the a, the client asked for that and a he noticed right across the street that McDonald's there is a changeable copy, about 100 yards down the road there is a an electronic message board changeable copy, so they would prefer to have the changeable copy it's, a, it encompasses 16.6% of the sign he believes that your Code says that a sign can have 25% so we specifically cut it back to a to make sure that they were well within the 25%.

Chairman Sandora stated well Sir the, the businesses that you have talked about okay, they were, those, that changeable copy specifically on McDonalds and on Burger King, okay, that, that was done previous to the new TCD Downtown District, okay, a you do not have changeable copy on your sign previously.

Mr. Burge stated no we did not.

Chairman Sandora stated no you did not and so you can not have it on there now.

Chairman Sandora stated actually in the new TCD District there are no ground signs allowed only signs on the building, so at this point you are not allowed to have changeable copy on your sign.

Chairman Sandora stated and also the Fire Department is requesting the address put on the vertical edge of your sign which must be put on also.

Mr. Burge stated yes, he did see that a, there's a, if you notice in the picture there is a, a attachment to that sign what's called a wing and does that mean we need to remove that wing, is that what the Fire Department is asking or can we put it below that or above it or could we put it horizontally underneath the face of the sign.

Chairman Sandora stated you are going back before the Architectural Review Board is he correct.

Mr. Burge stated it appears he is, yes.

Chairman Sandora stated appears yes.

Chairman Sandora stated well the Fire, Fire Department normally asked is that it is on the vertical plate, plate on the front side.

Mr. Burge stated on the front.

Chairman Sandora stated on the front of it yes.

Mr. Burge stated all right.

Chairman Sandora stated so he would, he would say that, that is where it should go.

Mr. Burge stated that's fine.

Chairman Sandora stated but again there will be no changeable copy allowed so you will have to remove it and not do anything with it a.

Mr. Burge stated well he would say that, what will have to be done, is, a new face is made without the changeable copy and then a the color will just extend to the bottom, if you would like to see a new drawing before we do that, we would be happy to submit it.

Chairman Sandora stated no, as long as you agree to do that.

Mr. Burge stated yes we will.

Chairman Sandora stated he, he doesn't have a problem with that, does anybody on the Board have a problem with that.

Ms. Fashempour stated you will have to bring the new color sample to ARB because they will want to see the new insert, when you go back to ARB you will have to take them the new color samples so that they can see it all.

Mr. Burge stated no, we won't change colors.

Ms. Fashempour stated no, but you need to show the sign, the colors are the way down.

Mr. Burge stated the colors all the way down that's fine, yes.

Chairman Sandora stated show it.

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

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

Chairman Sandora stated does anybody in the audience have anything.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated Don, wasn't you asking for some.

Don Willey stated yeah, he was going to see if they had anything coupons but he doesn't think they do.

Laughs.

Don Willey stated he makes a motion Mr. Chairman to approve that based on the conditions as he mentioned before regarding the address and the removal of changeable copy.

Chairman Sandora stated Thank You Mr. Willey and also that the Applicant meets all the requirements and conditions of the ARB.

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

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

Chairman Sandora stated Good Luck Sir and Thank You, sorry you had to wait so long.

Mr. Burge stated Thank You.

Ms. Fashempour stated she needs a motion to add;

Tanland, 6687 Royalton Road, TCD-1 Zoning. Signs Approval.

To the agenda.

So moved Anne Reinkober.

Second Don Willey.

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

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

Chairman Sandora stated the Applicant is here, step forward and say what you would like.

Hi, my name is Jason Grimes, do you need his address and that also.

Chairman Sandora stated yes.

Mr. Grimes stated 11920 Nottingham Parkway, North Royalton, Ohio. Mr. Grimes stated he is here for sign approval for Tanland, we have actually been here once before and had a sign approval but when we went to the ARB they decided that they would like to see two separate signs, so we are here to see if we can get those approved tonight.

Chairman Sandora stated okay, Thank You.

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

Mr. Hartman stated no, we've have already discussed the signs and as he has submitted they are within the limitations size wise.

Chairman Sandora stated okay, Thank You, to the Applicant on your submittal, you have a a number of them.

Mr. Grimes stated a yes.

Chairman Sandora stated this Board would like to see E and F.

Mr. Grimes stated yes, that's what the ARB decided also.

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

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

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated make a motion to approve the sign.

Second Don Willey.

Chairman Sandora stated for Tanland with a versions E and F.

Don Willey stated second the motion Mr. Chairman.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated on the condition that it meets all the requirements of the Architectural Review Board also.

Mr. Grimes stated yes.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck.

Mr. Grimes stated Thank You.

Site Plan Approval

Laszeray Technology, Inc., York-Beta Drive, PPN 483-06-020/024, General Industrial Zoning. Lot Consolidation and Site Plan Approval.

Hi my name is Mark Streb, 3436 South Mount Eaton Road, Dalton, Ohio, here to get approval for the lot consolidation and also the building of the Laszeray, the new Laszeray Facility.

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

Mr. Merdes stated Thank You Mr. Chairman, taking them separate, the lot consolidation did you see his report with his comments on the lot consolidation.

Mr. Streb stated he has not.

Mr. Merdes stated okay, a the legal description should originate from the monument a it appeared that the curve c 6 was omitted from the legal description a there was a discrepancy between the description and the plat regarding c 3 the cord and bearing seconds and there was a discrepancy between the legal description and the plat regarding c 2 the tangent length, the cord bearing, the cord distance, the length all that information appears, somehow there seems to be an exchange between that information and c 4 he doesn't know which one.

Mr. Streb stated okay, he don't, he don't either at this point.

Mr. Merdes stated they need to be consistent.

Mr. Streb stated okay.

Mr. Merdes stated so all those, all those need to be clarified a, on the lot consolidation.

Mr. Merdes stated site plan, did you see his report on the site plan.

Mr. Streb stated no Sir, laughs.

Mr. Streb stated when did it go out.

Mr. Merdes stated a, it went in the mail the Friday before.

Mr. Streb stated we haven't received it yet.

Mr. Merdes stated uh um, it goes to the Applicant who is, whose, somebody.

Mr. Streb stated should be him.

Ms. Fashempour stated it could have been with the Holiday, maybe it didn't get delivered to you, because it went out Friday so.

Mr. Streb stated yeah we haven't, we have not seen it, unless it came, unless it came in the mail today.

Mr. Merdes stated okay, well the site plan he thought was in better shape, a, a, you do show on the site plan a, a hand full of storm sewers that are smaller than 12" in diameter any, any storm sewer on a site, the minimum requirement is 12".

Mr. Streb stated okay.

Mr. Merdes stated a you may have to add a couple additional inlet basins a it appears that there are some long distances that water has to sheet before it, it, it moves into, into the system.

Mr. Streb stated at what, at what point, where at.

Mr. Merdes stated is that parking lot that's a, the north parking lot.

Mr. Streb stated okay.

Mr. Merdes stated it appears that all the water has to move out of the north parking lot down the drive towards the basin that's near the apron.

Mr. Streb stated uh um.

Mr. Merdes stated a, he don't know that.

Mr. Streb stated saying we need more capacity.

Mr. Merdes stated that basin that, the water that comes to that basin can be captured by that basin.

Mr. Streb stated okay, he knows what you are saying.

Mr. Merdes stated that is right, the concern is that the water bypasses it and ends up somewhere else.

Mr. Streb stated yeah, got it.

Mr. Merdes stated a, you showed some grading, regarding of the utility easement that usually is not.

Mr. Streb stated in the front.

Mr. Merdes stated yeah, you may want to move the grading even if, if you have to put you know maybe a two to one or or slope or something you know which you know ground cover instead of a grass or something that.

Mr. Streb stated where the detention area is.

Mr. Merdes stated yeah because you start, you start changing the grades and it just, it's not something that's, that's usually seen so you would be amenable to, to that change.

Mr. Streb stated uh um.

Mr. Merdes stated a, when and if this is approved the, the drawings that come into our office for the permit we will want to certainly see the the utilities that aren't shown on this one, a he thinks the, he is not sure if it's the gas.

Mr. Streb stated the gas is all there he thinks.

Mr. Merdes stated he thinks the elect, maybe it's the power and the communication, it's underground.

Mr. Streb stated it's buried.

Mr. Merdes stated you probably show a corridor or something that shows it free and clear to the building.

Mr. Streb stated yes.

Mr. Merdes stated and a the site is large enough that a Chapter 1488 is well, any site has to comply with the Controlling Site Erosion Sediment, other wastes and storm water runoff.

Mr. Streb stated yes.

Mr. Merdes stated Thank You.

Mr. Merdes stated and a the site is large enough that Chapter 1490 Controlling Post Construction Water Quality a, will be required.

Mr. Streb stated uh um.

Mr. Merdes stated he would a those were his comments and it appears that the Applicant is, is agreeable to, to all of those a to all those comments.

Mr. Merdes stated yeah, he, he finished his comments and he didn't, he is sorry did you have more of your presentation to make.

Mr. Streb stated nope, well, whatever you would like to see.

Ms. Fashempour stated why don't you show us your building elevations and what you have got materials and then the Board can see what you, what you are going to be building.

Chairman Sandora stated yeah show us.

Mr. Streb stated okay.

Mr. Streb stated is this basically the proposed facility.

Mrs. Vozar stated it's beautiful.

Mayor Luks stated yes.

Mr. Streb stated do you want to pass it around or.

Ms. Fashempour stated sure, yeah, bring it up here.

Mr. Streb stated he will explain some of the material that he brought with him while you are passing that around.

Ms. Fashempour stated sure.

Mr. Streb stated basically this is the white that is seen there on the drawing, it is kind of a split face block, which he has a sample of. Mr. Streb stated the blue is horizontal metal siding on the side of the building which this is the color of it, very dark blue, the actual siding is it kind of appears white on the, on the picture there, the siding itself is this panel, composite panel with installation so on and so forth, it's going to be a little bit lighter color than this, this isn't the exact color it's going to be more of a silver color and the roof over that arch there and that will also be the same color that, that we have here. Mr. Streb stated and then the windows that you see are just, are just aluminum a inaudible aluminum tint window, it is gray tinted glass, it's hard to see the glass, inaudible, that's basically the, the, the building is going to look like.

Chairman Sandora stated very nice rendering.

Don Willey stated very nice.

Mayor Luks stated uh um.

Chairman Sandora stated very nice.

Chairman Sandora stated okay, does anybody else on the Board have anything, Mr. Hartman.

Mr. Hartman stated yes, the Building Department would request four sets of construction plans okay and then a detail drawing of you parking including handicap with proper signage.

Mr. Streb stated okay.

Mr. Hartman stated okay.

Mr. Streb stated yeah, that will all be on the construction drawings.

Mr. Hartman stated all right Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated a, he makes a motion for the approval of the lot split and consolidation for Lazerray Technology on the conditions of the, of the, the recommendations of a Mr. Merdes.

Don Willey stated he will second the motion.

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

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

Chairman Sandora stated and a he will make a motion for the approval of the site plan again with the approval of, remarks by Clark.

Don Willey stated second.

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

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

Chairman Sandora stated you are okay, now you will have to go back before ARB.

Mr. Fashempour stated okay.

Mr. Streb stated he doesn't think so, the way it sounded when he talked to Donna that they were going to get it and that he wouldn't need to go back.

Ms. Fashempour stated she thinks that is to be determined.

Mr. Streb stated because, cause he was suppose to be on the agenda for that and.

Ms. Fashempour stated right and she thinks that the Law Director and the Assistant Prosecutor are.

Mrs. Vozar stated are, are working with ARB to determine how that it going to work out, we will let you know.

Mr. Streb stated he can go back to the meeting, he would just like to be on the next meeting not, you know.

Mrs. Vozar stated absolutely.

Ms. Fashempour stated right.

Mr. Streb stated if he gets into the next meeting, he has no problem doing that if it's easier.

Mrs. Vozar stated absolutely.

Ms. Fashempour stated yeah, no we have you scheduled to go back before them on the 26th.

Mr. Streb stated okay, that will work fine.

Mrs. Vozar stated right.

Chairman Sandora stated the 26th.

Mr. Streb stated can he get a copy of your comments by chance.

Ms. Fashempour stated sure.

Mr. Merdes went to make copy of comments.

Mr. Streb stated Thank You.

Ms. Fashempour stated okay.

Utility Plan Request

at&t proposes to build a reinforced concrete pull-off pad at the side of 4921 Lisa Lane on State Road - Approval.

Chairman Sandora stated the Applicant is here.

Mike Williams, representing at&t, 16515 Clare Avenue in Cleveland, first one here is a per the Homeowners request a, they had called in a we are proposing to build a reinforced concrete pull-off pad in front of the a electronic cabinet we placed at the side of 4921 Lisa Lane on State Road and Clark had, our site plan has a 6' or 6" reinforced concrete and he is requesting 7" and we shall do that.

Chairman Sandora stated with the 6" verses the 7" shown.

Mr. Williams stated correct.

Chairman Sandora stated wired, do you.

Mr. Merdes stated agreed to do that.

Chairman Sandora stated yes.

Mr. Merdes stated Thank You Mr. Chairman and agreed to accommodate and maintain the drainage that's there.

Mr. Williams stated yes.

Mr. Merdes stated okay, a permit is required, plans by a registered engineer is required for the permit, you need to perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours prior to commencing, will have full time inspection for all work performed within the City right of way and that's billed to the applicant, all areas of disturbance are required to be restored, a in this case you will be cutting the edge of the pavement a so we will want to see that done neat and clean and full depth cut of the roadway pavement, videotaping of the work area is required prior to doing the work provide the City a copy of the video, all homeowners along the installation are to be given 48 hours written notice and submit a copy of that to the City.

Mr. Williams stated agreed upon.

Mr. Merdes stated Thank You.

Chairman Sandora stated anybody else on the Board have any questions for this Applicant.

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

Resident stated appreciates it if you pass it.

Laughs

Chairman Sandora stated come on up.

Resident stated he, he lives at 4921 Lisa.

Chairman Sandora stated state your name and home address please for the record.

Bob Jones at 4921 Lisa Lane and like he say, he appreciate it because it's a big mud hole there, Thank You.

Chairman Sandora stated okay, no problem, Thank You Sir.

Chairman Sandora stated do you, we have an approval for at&t for 4921 Lisa Lane for a pull off.

So moved Don Willey.

Second Anne Reinkober.

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

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

Chairman Sandora stated approved, you got it.

at&t requests permission to place an above ground cabinet within an easement near 13914 Oakbrook Drive and Royalton Road - Approval.

Mike Williams again representing at&t, requesting to place an above ground cabinet in the easement near 13914 Oakbrook Drive.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, a permit is required, after this, should this be approved by the Planning Commission, plans by a registered engineer are required for the permit, perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours prior to commencing, full time inspection is required for all work performed within the City right of way, that's billable to the applicant, all areas of disturbance are required to be restored, no open cut of the roadway pavement is allowed, sidewalk replacements by full slabs, videotape of the work area is required prior to doing the work, provide the City a copy of the video and all homeowners along the installation are to be given 48 hours written notice submit a copy of that to the City. Mr. Merdes stated do you agree.

Mr. Williams stated agreed upon.

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

Chairman Sandora stated Thank you Mr. Merdes, anybody on the Board have anything, anybody in the audience have anything.

Chairman Sandora stated make a motion to approve the above ground cabinet at 13914 Oakbrook, Oakbrook Drive.

So moved Don Willey, second.

Chairman Sandora stated it's been moved and second.

Don Willey stated second.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

at&t request permission to place a two (2) inch diameter discharge drain pipe from at&t's manhole located at the north west corner of Royalton and Ridge Roads to the existing storm manhole this would require an eight (8) foot long trench in the pavement. at&t also proposed to place a power meter and disconnect switch on the pole located at the north/west corner of this intersection with a power conduit being trench in to our manhole thru the lawn and sidewalk - Approval.

Mike Williams again representing at&t.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You. Mr. Merdes stated to the Applicant should this be approved a you will need to have your Engineer do an actual current site plan of the existing conditions, a, the one you have is a shows a particularly the sidewalks and a and some of the features that that are different from actually exists, a, the, certainly the sidewalk is a lot different, there is a cut stone wall a that that also not shown a was erected by Great Lakes Company more less a donation to the City, a

we won't want that disturbed a and there's also in your application a, a pavement repair detail but it's for rigid pavement which we have asphalt okay, this, this will be better yeah, because you will be dealing with with a, a complete, it's a, it's a full depth asphalt pavement.

Mr. Williams stated right.

Mr. Merdes stated a, so those things he, he brings to your attention a are you agreeable to, to that.

Mr. Williams stated yes.

Mr. Merdes stated okay.

Mr. Merdes stated then he would also let you know that a permit is required, a permit requires a plans by a Registered Engineer, a you will need to perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours prior to commencing, will have full time inspection for all the work performed within the City right of way, billable to the applicant, all areas of disturbance will be required to be restored, a you probably will have to cross the sidewalk possibly, that would, that would need to be replaced by full slab, videotaping of the work area is required prior to doing the work, provide the City with a copy of the video, certainly any traffic control is going to need to be per ODOT's manual of Uniform Traffic Control devices, and complete restoration will be required.

Mr. Williams stated agreed upon.

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

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

Chairman Sandora stated again to the Applicant you do, you do agree to everything what Mr. Merdes said and you will give him the site plan showing the existing conditions that are there now.

Mr. Williams stated agreed upon.

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

Chairman Sandora stated he will make a motion to approve a, a the request for Royalton and Ridge Roads.

Don Willey stated second.

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

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

Mr. Williams stated Thank You.

Chairman Sandora stated Thank You.

Miscellaneous

Fence One, Inc., dba Great Lakes Co., **MA-KRA Construction**, 8810 Akins Road, General Industrial Zoning. Fence Approval.

Chairman Sandora stated the Applicants are here, step forward please and just share with us what you would like to do, sorry you had to wait so long.

Applicant stated he is sorry, don't hear well.

Chairman Sandora stated just state your name and address for the home record.

Mike Ely, Great Lakes Fence, Broadway Avenue in Garfield Heights.

Chairman Sandora stated and just present to us what you would like to do.

Mr. Ely stated we are asking for a 200' of 6' high privacy fence, custom vinyl privacy fence in the front setback of the property in question.

Applicant stated Akins Road.

Chairman Sandora stated okay.

Chairman Sandora stated Mr. Hartman do you have anything.

Mr. Hartman stated well the fence is going to be beyond the front building line, into the front yard and that is the purpose of the variance, height wise the fence is good, it is 6' in height and that's, that's just about it from the Building Department.

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

Mr. Merdes stated just one comment, whatever the drainage pattern is there now, will have to be.

Mr. Ely stated he is sorry can't hear you.

Mr. Merdes stated whatever the drainage pattern is, that exists there, the fence can't change that so you will have to maintain that, the drainage.

Mr. Ely stated he is not following you at all.

Applicant stated the water has to keep flowing and moving so that.

Mr. Merdes stated you can't build it in such a way that that.

Applicant stated the grade can't change, we won't change the grade at all.

Mr. Merdes stated okay, very good, Thank You.

Mrs. Vozar stated Mr. Chairman if she could.

Chairman Sandora stated yes Donna.

Mrs. Vozar stated Mr. Hartman just so she understands, um, there are obviously going to be in violation of the Code and as such would require a variance, they haven't gone before the Board of Zoning Appeals have they.

Mr. Hartman stated he didn't hear you, he is sorry.

Mrs. Vozar stated she is sorry, a, since they are, a, what they have submitted she, appears to require a variance.

Mr. Hartman stated that is correct.

Mrs. Vozar stated okay and have they submitted anything to the Board of Zoning Appeals, are they pending before the Board of Zoning Appeals.

Mr. Hartman stated not to his knowledge.

Mrs. Vozar stated okay, and obviously base on that, her recommendation would be that it be tabled so that if you go to Board of Zoning Appeals for a variance.

Chairman Sandora stated because you are exceeding the front of the house, you are going to have to go before the Board of Zoning Appeals to get a variance to do that otherwise you will have to keep your fence in line with the the building or house Joe.

Mr. Hartman stated building.

Applicant stated that's what he thought we were doing here.

Laughs.

Applicant stated we have to go to them fist.

Mrs. Vozar stated it's actually a dual step, you are actually required to do both once you got, once you got on the agenda before this Board um, they would review it and determine whether in fact any variances or what would be required, they obviously have to give you final approval but there is a variance that looks like it is required based on what the Building Commissioner has said, so based on that you need to go to another board for a variance, this Board can't vary the Code, they can review your application and give approval obviously as you have heard as long as you are in compliance with the Code, the Application that you have submitted is not, in, in compliance with the Code it requires a variance and so that Board would need to hear you for that.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated if he can ask you, you have a 200' fence how much of it is protruding out passed the end of the building in the front.

Applicant stated 100'.

Mr. Ely stated 100' of the frontage and then 100' to the back.

Don Willey stated oh, well it's not 4 or 5 feet.

Chairman Sandora stated no.

Don Willey stated no.

Mr. Ely stated no, no, it's, you know the problem with this, the property is a.

Chairman Sandora stated Sir, um, state your name and and addressed please.

I am Bill Mastronicolas, he lives at 3680 Edgerton Road in North Royalton.

Chairman Sandora stated okay.

Mr. Mastronicolas stated he is the owner of the property and we bought.

Chairman Sandora stated okay, we need the name for the record.

Mr. Mastronicolas stated yeah that's okay, we bought, he bought that property a couple of year ago and that's where he is operating a business out of, what's happening is it's, a cul-de-sac, it's a turn around, a he is got, he's got you know semi's coming in there, he has got people parking in there, catch people in there sometimes at night when he is driving through, there are other things going on and what he is trying to do is kill two birds with one stone, the fence that's there on the property now is, is need of some serious repair, he needs a gate and at the same time, you know, he wants to put this fence up this way, it's a high end fence, it's a vinyl fence, it looks good, it's, it's, it's, a wood grain type fence he thinks it will add to the neighborhood without, without taking away and solving the problem, also he thought maybe if he put a gate at the street that would, that would pretty much rectify the, the people coming in and the turn around that's, but he doesn't want to have to open the gate every time he want's to get in so this is why, we are asking to do this the way we are doing it, you know, just as far as that goes, there will be a gate at the back even with the property but you know otherwise you have to stop at the street or do whatever you know there will be chain or planks in there or whatever so, you know he thinks it's a good thing anyway, he thinks it's going to look good for the neighborhood.

Mr. Mastronicolas stated but we still have to go for a variance he knows.

Chairman Sandora stated yeah, you, well you would have to come, you would have had to come here first anyway, we would recommend you go to there.

Mr. Mastronicolas stated okay.

Chairman Sandora stated so.

Mr. Mastronicolas stated he means if anybody objects to this, then we can stop this right now, you know it's.

Chairman Sandora stated no, he doesn't think anybody up here has a problem with it do they.

Don Willey stated Mr. Chairman what you are saying is they didn't have to come here in the first place, they should have gone to BZA correct.

Chairman Sandora stated no, no, they would have to come here, go there, and then come back.

Don Willey stated and then, then the Architectural Review Board.

Ms. Fashempour stated right.

Chairman Sandora stated yeah.

Don Willey stated so you have got, you have got three more stops.

Mr. Mastronicolas stated your kidding.

Don Willey stated yeah, he wouldn't kid you.

Mr. Mastronicolas stated just for a fence, wow.

Don Willey stated if it snows you wouldn't be constructing.

Mr. Mastronicolas stated uh, pardon me.

Don Willey stated if it starts snowing you might not be constructing.

Mr. Mastronicolas stated well that's something he asked Mike he, you know he told Mike from the Fence Company he's, he's installing it, and he told him he really didn't have time for this right now, we are approaching our, our season and that we would pick this up in the spring and, and you know he, he's doing most of this as far as you know all this, this goes right now, a he, he stated though that he could work all through the winter doing this, it doesn't matter, they work year round.

Mr. Ely stated they work year round.

Mr. Mastronicolas stated you know they work year round, so that, that doesn't.

Chairman Sandora stated Mr. Willey, to the Applicant we just had a little discussion here, to save you a step we can approve this tonight conditionally that you go to the BZA, you have to apply to the BZA, you have to go before the BZA and if they approve it and you will not have to come back here, you just have to go BZA but you will have to go to the Architectural Review Board if you are willing, if you are willing to do that.

Mr. Mastronicolas stated yeah.

Chairman Sandora stated you can't put the fence up, you can't do anything until you get the variance you will have to apply go down to the Building Department fill out the same thing that you did.

Ms. Fashempour stated and you were also on the ARB Agenda Monday, night, and she called the Office and talked to someone there so they just tabled you, so you need to go before them on the 26th.

Chairman Sandora stated right.

Chairman Sandora stated so you can go to them you know at the same.

Mr. Mastronicolas stated okay.

Chairman Sandora stated do it one, two, three.

Mr. Mastronicolas stated he will take it one step at a time.

Chairman Sandora stated is that okay with everybody.

Don Willey stated fine.

Chairman Sandora stated okay, he will make a motion to approve a fence for MA-KRA Construction Company on the condition that it meets, that the applicant gets the a variance from the Board of Zoning Appeals and it meets all the conditions and requirements of the ARB.

Don Willey stated will second the motion Mr. Chairman.

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

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

Chairman Sandora stated Good Luck to you.

Mr. Mastronicolas stated Thank You.

Chairman Sandora stated sorry you had to wait so long.

St. Paul's Greek Orthodox Church, 4548 Wallings Road, Public Facility zoning. Replacement of existing Entrance Vestibule - Approval.

Ms. Fashempour stated and the Applicant is here.

Hello my name I am Gus Fakelis, he is with Michael Augoustidis Architects, we are the Architects for the job, the address is 2509 Professor Avenue, Cleveland, Ohio and he is seeking your approval for this project.

Chairman Sandora stated okay, what is it that you would like to do now, for the record, what you are trying to do and what's the reason for it.

Mr. Fakelis stated we are replacing the entrance vestibule, a, just a little, a little back history, the, the existing vestibule has a storage room underneath that's constructed of steel bar joist and steel metal deck and it's starting to corrode, in an effort to a to remedy the situation before it fails, we want to tear down that storage room which in turn would mean the canopy and vestibule above and replace it with something that's similar but is modified to accommodate some some needs that they have, a drop off zone which is covered and ADA access to the sidewalks as well.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated a Mr. Merdes.

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

Chairman Sandora stated no comment, Mr. Hartman.

Mr. Hartman stated yeah we will need four sets of plans submitted to the Building Department.

Mr. Fakelis stated okay.

Mr. Hartman stated okay.

Chairman Sandora stated okay, Sir also there was question brought up about the a how you are going to drain the gutters from there, can you tie it into the storm sewer on site there.

Mr. Fakelis stated we are, we are installing a inaudible drains at a, at a area just below this that we can tie those easily into which we will do.

Chairman Sandora stated okay, and you, and you will do that.

Mr. Fakelis stated yes.

Chairman Sandora stated okay, a anybody else have any questions, Sir, anybody in the audience.

Chairman Sandora stated well, he will make a motion to approve the replacement of existing entrance vestibule for St. Paul's Greek Orthodox Church with a the condition that they put the gutters drains on them.

Don Willey stated he seconds the motion.

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

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

Chairman Sandora stated you are approved, sorry you had to wait so long.

Mr. Fakelis stated that's okay, Thank You.

Ms. Fashempour stated she has nothing else.

Adjournment

Don Willey stated motion to adjourn.

Chairman Sandora stated second.

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

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

Planning Commission Meeting for Wednesday, November 14, 2007 adjourned at 9:58 P.M.

Approved: Tony Sandora, Chairman
Planning Commission

Attest : Brenda Lynn Fashempour, Secretary
Planning Commission

Date : December 5, 2007