

*Planning Commission Caucus - 7:02 P.M. - Wednesday, June 18, 2008.*

Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Thomas J. Kelly, Law Director, Vice Chairman Don Willey, Mike McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Mr. Romano, Mr. Sabol, Mr. Ramage and Brenda L. Fashempour, Secretary.

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Approval of minutes - May 7, 2008. Motion to approve the minutes of May 7th, 2008, second, roll call.

Old Business

Planning Commission Agenda Reviewed.

Discussion took place on time extensions. The Code, 1220.16 allows for action on a submittal within 120 days, after that a time extension can be requested from Council. In the past we have asked for 90 day time extensions. Mr. Willey felt that with the three remaining items that maybe a 180 day time extension on each would be appropriate.

Timberlane Estates Phase V - tabled. No action. Request 180 day time extension.

Ordinance No. 07-73 - tabled. No action. Request 180 day time extension, motion, second, roll call.

Woodcroft Glen, Ext of Woodcroft Trace, Final Plat 2, tabled. No action. Request 180 day time extension.

New Business

Site Plan Approval

Dr. Nagel Brayer, Chiropractic Clinic - Revised Site Plan Approval.

Applicant to make presentation. Comments from Department Heads, Members of the Commission, Audience. Motion to approve. Second. Roll call.

Stephan and Valerie Winkler - Site Plan Approval for an Addition.

Applicant to make presentation. Comments from Department Heads, Members of the Commission, Audience. Motion to approve. Second. Roll call.

Subdivision Approval

Chesapeake Subdivision No. 5 - Extension of Approval. Code 1220.17 allows for a 6 month extension of approval.

Applicant to make presentation. Comments from Department Heads.

Members of the Commission, Audience. Motion to approve. Second. Roll call.

Utility Plan Approval

at&t - 13901 Ridge. Applicant to make presentation. Comments from Department Heads, Members of the Commission, Audience. Motion to approve. Second. Roll call.

Miscellaneous

August Recess. Motion to approve. Second. Roll call.

Adjournment

*Planning Commission Caucus adjourned at 7:20 P.M.*

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, June 18<sup>th</sup>, 2008** in regular session. The meeting was called to order by **Chairman Tony Sandora** at **7:33 P.M.**

**Present:** Mayor Robert A. Stefanik, Don Willey, Council Representative to Planning Commission/Vice Chairman, Tony Sandora, Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Thomas A. Kelly, Law Director, Mark Schmitzer, P.E., City Engineer and Brenda L. Fashempour, Secretary.

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

**Approval of minutes:** May 7<sup>th</sup>, 2008. Ms. Fashempour stated approval of minutes, May 7<sup>th</sup>, 2008 if you so choose. So moved Don Willey. Second Victor Bull. Chairman Sandora stated it's been moved and second to approve the minutes of May 7<sup>th</sup>, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Willey, Bull, McCarthy, Mayor Stefanik, Chairman Sandora. Nays: None. Chairman Sandora stated minutes are approved.

**Old Business:**

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

Ms. Fashempour stated under Old Business, Timberlane Estates Phase V, she is going to request a 180 day time extension please from Council. So moved Don Willey. Second Victor Bull. Chairman Sandora stated it's been moved and seconded for a 90 day, excuse me 180 day for Timberlane Estates, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Bull, McCarthy, Mayor Stefanik, Willey, Chairman Sandora. Nays: None. Motion carried.

**Ordinance 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 under Ordinance 07-73, she is going to request a 180 day time extension from Council. So moved Don Willey. Mayor Stefanik stated second. Chairman Sandora stated it's been moved and second for a 180 day on the Ordinance 07-73. Chairman Sandora stated Ms. Fashempour please call the roll. Roll call: Yeas: Five - McCarthy, Mayor Stefanik, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

**Woodcroft Glen**, Royalton Road, GB and RMD Zoning. Woodcroft Glen Phase 2 Final Plat - Approval. Tabled.

Ms. Fashempour stated and Woodcroft Glen, she is also going to request a 180 day time extension from Council. So moved Don Willey. Second Victor Bull. Chairman Sandora stated moved and seconded for Woodcroft Glen for 180 day extension, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Mayor Stefanik, Willey, Bull, McCarthy, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You.

Ms. Fashempour stated Thank You.

## **New Business**

### **Site Plan Approval**

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

Ms. Fashempour stated is the Applicant present.

Mr. Ramage stated yes.

Chairman Sandora stated the Applicant is here, please step forward and present to us what you have.

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

Glen Ramage, Architect, 7227 Chagrin Road, Chagrin Falls, Ohio, he is the Architect for Doctor Nagel Brayer's proposed Chiropractic Clinic addition, this is an addition that you have seen previously, in a nut shell, we a, came in about a year ago and needed a variance for a lot width, we had 90 and 100 was required, Planning Commission referred us to the Board of Zoning Appeals where we received our 10' variance on the lot width, no other variances were required and then we returned to the Planning Commission and showed you this exact site plan drawing which, which shows a the addition to the rear of the building, it's kind of a dark orange here but we didn't resubmit a plan or change the application to show that the addition at that point had changed in size by about 200 square feet, again, he is not showing you anything new but the application was based on our original submission to the Board of Zoning Appeals which shows the square footage of the additional 200 square feet less than, than what you see here, but this, this drawing and the elevations that we showed you previously and when we approved this are, are the exact same that we have now completed and submitted to Mr. Alvarez for, for the plan review, so he guessed he is here tonight asking that you re-approve what we originally submitted, thought would be, with the addition being 2900 square feet instead of the 2700 square feet that was originally listed on the application, which was read into the minutes and he thinks this was discussed previously, the Engineer noted that within his final review of the project that, that the square footage just didn't match up by that amount and, and therefore we are here to ask approval for the slightly larger addition, nothing else has changed.

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

Mr. Alvarez stated Thank You Mr. Chairman, just for the record, he already reviewed the plans for Building Code requirements for this a revised drawing and a they are approved, providing we have approval here.

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

Mr. Schmitzer stated yes Mr. Chairman, a we are just finalizing up our review of the improvement plans, we have been working with the Applicant on a some small modifications to the plan, everything seems to be consistent with what was originally proposed through Planning Commission and final approval should be coming very shortly.

Chairman Sandora stated a, because of the 200' or 200 square foot additional a square footage, would there, would that impact, have, or would that have any impact at all on the retention system.

Mr. Schmitzer stated it, it would have a very minimal impact, we had some other suggestions for the detention system for the site and those have been incorporated and a those will be approved very shortly.

Chairman Sandora stated okay, so you are satisfied with it.

Mr. Schmitzer stated he is satisfied, yes.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated he has one question, he noticed in the a, the a drawings and the layout you will have a inaudible, you will have lights there correct, a, a, the only, the only question he would, since this is residential to the south, a, that a, those, those lights be shaded in such a way that it doesn't impede a, you know especially in the evening, a, a, impede the, the health, comfort and well being of the neighbors to the south.

Mr. Ramage stated and a, that's a very good point and we did submit.

Mr. Willey stated Thank You.

Mr. Ramage stated photometric drawings of, of.

Mr. Willey stated okay.

Mr. Ramage stated the site lighting and it is a cut off style fixture, it doesn't shine light to the back or the to the south, it projects it front toward the front and toward the, illuminating just the parking area.

Mr. Willey stated okay.

Mr. Ramage stated we have to, that was one of the issues that we, that we did face when we did go to the Board of Zoning Appeals, the property to the south is zoned commercial but it's occupied as a residence.

Mr. Willey stated good.

Mr. Ramage stated and they did ask and we did comply with a fence and some other shielding requirements to try to maintain the a quality of, of the residential environment at least to the south.

Mr. Willey stated Thank You.

Chairman Sandora stated Thank You.

Mr. Willey stated Thank You Mr. Chairman.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anyone in the audience, please come forward, state your name and your address please for the record.

Good Evening Ladies and Gentleman, my name is Joseph Romano, ROMANO, his office is 50 Public Square, Suite 400, Cleveland, Ohio 44113, he represents Mr. and Mrs. Romano who live at 11431 State Road, the adjacent property south side, as also being their Attorney he is also their son. Mr. Romano stated we came here last year on July 23 to inform this Board that there were more than one, more than one variance would have been needed in order to, to approve this project, at that time Attorney for the Board was Ms. Vozar who similarly rejected any argument that there may have been more variances that would be required, he is here just to state for the record that there are potentially four more variances that would be needed in order to approve this project, section 1276.09, the North Royalton Code establishes the yard regulations for abutting residences at a minimum of 20', Section 1288.04 subsection C 1, required 10' minimum width, buffer requirement, abutting a residential property, Section 1282.12 states that there are minimum parking spaces required which at the time Engineer Merdes required a different standard because this was going to be a medical building and Section 1260.12 prohibits approval of site plans if it interferes with adjacent property and what has been brought to attention based on the new plans is a fifth issue for the existing property to the south is the addition of a second retention basin on the east side of the property which is, which if that retention basin were to overflow would violate a separate section of North Royalton's City Ordinance, what he is here today to tell the Board is that there, further examination of the City's Ordinance has not determined whether the property adjacent to the this proposal is, should be treated as a residence or should be treated as a commercial property under the City Ordinances, while it is a nonconforming residential commercial property, the Code is silent as to how, which rules should apply, whether it should, those rules should be applied as it is a residence or as it is commercial property, with that being said, those four Ordinances that he previously stated you can't make a determination about whether those variances would not be needed unless you can define whether the property, 11431 is a residence or is a commercial property or if there is a separate determination which should be made for resident, commercial property which is being used nonconforming, without that definition being in place you can't say dispositively that those four ordinances have not been violated by approval of this plan and so in the least this Board should at least adjourn this hearing to determine whether this property 11431 is a residence, is a nonconforming residence and or is a commercial property in which case then it would affect what the setbacks are to be required for this building to be approved. Mr. Romano stated can he field any questions.

Mr. Kelly stated Mr. Romano.

Mr. Romano stated yes Sir.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated Thank You Mr. Chairman.

Mr. Kelly stated is there any reason you couldn't have brought this to the attention of, of the Building authorities prior to tonight.

Mr. Romano stated a Sir, we made these same arguments last year.

Mr. Kelly stated and they were rejected.

Mr. Romano stated and they were rejected by Ms. Vozar.

Mr. Kelly stated and they were rejected he takes it because the underlying property is zoned for the appropriate commercial use.

Mr. Romano stated the, the, the subject property.

Mr. Kelly stated well the Doctors property as well as your parent's property.

Mr. Romano stated at the time, well yes, the, the property, 11443 lost it's nonconforming use some time ago so it was strictly a commercial property, 11431 his parents house is a nonconforming commercial.

Mr. Kelly stated your, your parent's house is zoned for commercial.

Mr. Romano stated it's zoned commercial but because it's nonconforming, it's permitted use is residential.

Mr. Kelly stated he understands.

Mr. Romano stated so the, the application, the question is what's the appropriate Code to be applied.

Mr. Romano stated correct.

Mr. Kelly stated okay, he agrees with Mrs. Vozar, the appropriate Code to be applied is the, is the a, is the Code for the commercial property in question.

Mr. Romano stated well, can, then can the Board site a specific Code Section that.

Mr. Kelly stated we don't need to.

Mr. Romano stated so this is just a determination from the Law Department.

Mr. Kelly stated you can call it that.

Mr. Romano stated okay, so the interpretation of the Code is that it's a commercial property as far as Planning Commission.

Mr. Kelly stated well, it's, there is no question about it, it's commercial property even you recognize it's commercial property the only question is whether or not the, the a, nonconforming residential property adjoining your parents property whether that would be treated in some different or unusual fashion simply because it is residential and the answer is no.

Mr. Romano stated well if that were the case Mr. Kelly then there wouldn't be a definition for what a nonconforming commercial property would be, the fact that the Code specifically defines what a nonconforming property is means there's a different definition to be used when, when that property is, is in question.

Mr. Kelly stated well he understands, he understands that we have a difference of opinion Mr. Romano and he understands that you have, you know a interest in protecting your parents and, and their property rights and we are respectful of that believe him but in terms of the application of the appropriate Code to be applied, the appropriate Code to be applied is the Code that applies to that particular Zoning District, the District is zoned for Commercial Use and so the Applicant if he meets all of the other requirements and in this instance he didn't meet the a Code width, right, was that the 10'.

Mr. Willey stated lot width, yes.

Mr. Kelly stated okay, he went to the Board and the Board of Zoning Appeals and got his variance and did you appear there and speak to these issues there.

Mr. Romano stated he, him personally no.

Mr. Kelly stated did anybody appear on your parent's behalf.

Mr. Romano stated he believes his business partner Mr. Dimassa did.

Mr. Kelly stated okay.

Mr. Romano stated he is not, yeah, he doesn't know the extent because he wasn't there.

Mr. Kelly stated okay.

Mr. Kelly stated Mr. Chairman, in all do respect to Mr. Romano's position, the, the opinion of the Law Department is that the appropriate Code to be applied is the Commercial Code, Business Code.

Chairman Sandora stated Thank You Mr. Kelly.

Mr. Romano stated Thank You for your time.

Chairman Sandora stated anybody else in the audience have anything.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated there was one issue that Mr. Romano brought up and a maybe the Engineering Department can clarify it, Mr. Romano stated there was a second retention basin on the property, would you just.

Mr. Schmitzer stated yes, a, a, through design iteration with the Applicant we a, we felt that a the Stormwater Management proposed on the a, the a parcel at the frontage along the right of way there was not adequate to detain the water for the site, we requested that a small second Stormwater Management area be placed south of the proposed

parking lot to detain some more stormwater at that point, the overflow for that Stormwater Management pond does stay within the property flows down the proposed driveway and out to the right of way, and the Engineering Department is in a favor of that.

Chairman Sandora stated okay, Thank You Mr. Schmitzer.

Chairman Sandora stated anybody else on the Board have anything.

Mr. Willey stated a Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated as a point of clarifications so that second retention basin to the rear, small gathering point, so if that overflows that will go down the driveway towards State Road, that correct.

Mr. Schmitzer stated that's correct.

Mr. Willey stated can he ask a question, why wouldn't it exit into the large ditch that's to the north of this property, there is one correct.

Mr. Schmitzer stated there is a, a he doesn't know, it's everyone's definition of a large ditch, a, the natural drainage of the site actually on that south, southern portion lends itself to, to go to the south, we felt that having the overflow go directly to the south, south property was not a good idea so we asked that they a, they design that to keep that all within the parcel and everything does actually drain through that large swale itself on the north side over to the the right of way.

Mr. Willey stated okay, Thank You.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated can he have a motion please.

Mr. Willey stated motion to approve.

Mayor Stefanik stated second.

**Chairman Sandora stated it's been moved and second to approve the Chiropractic Clinic, Ms. Fashempour please call the roll.**

**Roll call: Yeas: Five - Willey, Bull, McCarthy, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried.**

Chairman Sandora stated you are approved, Good Luck.

Mr. Ramage stated Thank You all, appreciate it.

**Stephan and Valerie Winkler, 13155 York-Delta Drive, PPN 483-10-038, General Industrial Zoning. Site Plan Approval for an Addition.**

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

Dave Sabol, 10065 Echo Hill Drive, Brecksville, Ohio, representing Stephan and Valerie Winkler.

Mr. Sabol stated we are proposing a 40 by 60 foot addition to the existing building, to house basically storage capacity so the, the individual or the group can have an appropriate amount of work space in the existing building.

Chairman Sandora stated Thank You.

Mr. Sabol stated is there any questions on that.

Chairman Sandora stated in due time, he is sure, Mr. Schmitzer.

Mr. Schmitzer stated the Engineering Department has reviewed the a site plan for the a the proposed addition, we have a few comments those are that downspout drains are to be tied into a storm sewer system, confirm some widths on parking spaces and a proposed curb type for the a, the new parking are, shall be type 6. Mr. Schmitzer stated other than that Engineering recommends approval.

Mr. Sabol stated appreciate that, we will address that in drawings.

Chairman Sandora stated okay then for the, for the record you will.

Mr. Sabol stated yes, they will comply with the, with the information as noted that the parking spaces were not dimensioned on the drawings, when we submit the drawings for permit we will note those dimensions appropriately on, on the drawing, we will also note the tie in for the a, the, the a storm, or for the gutter system and then also note that the, there was the anticipation, there is existing concrete curbs around the, he guessed you could say the island here and we will address that, we will also have concrete curbs when we have the new parking layout, what we ended up doing was, we took some potential parking spaces that were utilized at the rear of the building that were really never utilized and then applied those parking space to the front of the building so that we would comply with the appropriate Code requirements for the amount of parking for the building itself.

Chairman Sandora stated okay there was a question about the loading zone in your report about the loading zone.

Mr. Schmitzer stated he don't, he didn't have concerns about the, the loading zone.

Mr. Willey stated you mean the loading zone to the front or the loading zone to the back.

Chairman Sandora stated to the back he believes.

Mr. Willey stated Mr. Chairman if he can propose a question.

Mr. Willey stated would the, the way the a, a new addition is going to be and the, the new parking configuration you have in the back, will that be adequate for large trucks, large vehicles to load and unload back there adequately get out, you know maneuver.

Mr. Sabol stated actually it's going to be very, Mr. Winkler looked at that situation when he was looking at bringing product back and forth, the way and from what he understands and Mr. Winkler can verify if this is the case, basically the trucks pull up and utilize this drive which runs to the south of the existing building, they basically unload and then pretty much.

Mr. Winkler stated nothing different.

Mr. Sabol stated right, they back up from there.

Mr. Willey stated okay.

Mr. Sabol stated so really nothing will change, they do not, he guessed you could say, rearrange themselves and then enter back out, it will be a very similar situation as how existing materials are now delivered to the building site.

Mr. Willey stated okay, as it currently is, okay Thank You.

Chairman Sandora stated Mr. Alvarez do you have any.

Mr. Alvarez stated Thank You Mr. Chairman, like to reiterate a little bit, as far as your parking a, we do have to have the details for the ADA parking.

Mr. Sabol stated right.

Mr. Alvarez stated and just for the record you only need one ADA parking for 20 first 25 so.

Mr. Sabol stated oh, okay.

Mr. Alvarez stated and that's in the Building Code.

Mr. Sabol stated okay then, he must have missed that we can address that, the way it laid out we had he guessed you could say space on either side is how we utilized that but certainly one part.

Mr. Alvarez stated typically closest as possible to the building.

Mr. Sabol stated right.

Mr. Alvarez stated so, so we know that so just make sure we get the proper details for the ADA and the City Engineer already commented on the down spouting and then upon approval Mr. Chairman then they can submit plans for the Building Department for Building Plan Review, no further questions.

Chairman Sandora stated Thank You Mr. Alvarez.

Chairman Sandora stated to the Applicant, this addition, it will match the existing building, the same materials.

Mr. Sabol stated portions of it, the existing building is all split face concrete block except for on the rear of the building where it's exposed concrete block, what we are looking at using is split face concrete

block along the lower level of the building, he means you can kind of see that on the drawings that were provided, a, that split face would match the existing coloration on the rest of the building but then above that we are using a, basically a metal siding product similar in color and hue so that it kind of ties into the building but it is slightly different material than what is on the rest of the existing building and truthfully it's, it's a little bit, again on the back of the building it was just standard concrete block and the way this building is, we are adding to the back of the building, we are actually wrapping even the rear addition with the split concrete block to match the a, the other portions of the building and then as it wraps around on the other side addition which basically abuts kind of a large drainage way that will also be split face block and then above that will be the metal siding.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated Mr. Jordan.

My name is Tom Jordan, he is the Community Development Director for the City of North Royalton, this is one of two expansions in the Phase One that are currently in the design, it is his job to try and shadow them through the various Boards to make sure that the process is, is easy and, and also meets the expectations of the existing business owners. Mr. Jordan stated the other one is Royal Wire which he hopes to bring in later this year as you are aware Laszeray has fully approved and is under construction and we also have two more possible purchasers of land in Phase 2, as to this particular one, it is his understanding that it does not need any variances and it's next step is ARB which will address a number of the issues that Mr. Sandora brought up relative to building materials but we are glad to see that Royal, the fabrication company is moving forward with their expansion plans and support trying to retain the businesses that we have here, it is the typical business that we find here, both Laszeray and Induction were residents or tenants in Phase One, they decided to construction entirely new buildings in Phase Two, Royal Wire and the fabrication company that's before you tonight are existing businesses that want to expand here so really are growth really are existing companies that are here in North Royalton, in addition a number of the owners are residents as is Mr. Winkler so again we are happy to see the expansion.

Chairman Sandora stated Thank You Mr. Jordan.

Chairman Sandora stated anybody else have anything.

**Chairman Sandora stated he will make a motion to approve the a, the site plan approval for the addition for Mr. Winkler on the condition that a the Applicant meets all the conditions and requirements of the Architectural Review Board.**

Chairman Sandora stated can he have a second please.

Mr. Willey stated second please, he means second.

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

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

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

Mr. Sabol stated Thank You.

### Subdivision Approval

#### Chesapeake Subdivision No. 5 - Extension of Approval.

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

Good Evening my name is Michael Mackay, he is here on behalf of Tartan Development Company, 7017 Pearl Road, Cleveland, Ohio and he is here requesting a 12 month extension of our preliminary approval, we have not proceeded with this project, we are, because we are awaiting the City's Regional Stormwater Detention Project which a proceeds our project, we can't put ours in until there's is complete so that's why we have this request into you today, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Schmitzer do you have anything on this.

Mr. Schmitzer stated a, yes, a, Mr. Chairman, we are, the Engineering Department is currently working on a finalizing those plans for the Chesapeake Regional Basin, we hope to have those plans approved in the next 90 days here, with that we will be able to go and hopefully seek approval to get bids and get that project constructed in a timely manner to allow this development to move forward.

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

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

Chairman Sandora stated to the Applicant, our Code says, you are asking for a twelve month extension but our Law Department and the Code says that you can only have six month maximum on this so, if it's not doable in six months he guessed you would have to come back again and ask for a second extension.

Mr. Mackay stated okay, that may well be the case because that, at that point we may be in the middle of a, of the weather so, but if that is what the Code permits then a we will come back.

Mr. Kelly stated section 1220, Brenda Section 1220.07.

Ms. Fashempour stated 16 wasn't it, something like that.

Mr. Mackay stated if you say it's twelve months, or six months then it is.

Mr. Kelly stated Mr. Mackay he, he will find it for you, it's six months, it's six months within the, within the one year period.

Mr. Mackay stated that's, that's fine, and the understanding is that we are working with the City on this so he is sure it wouldn't be a problem so, Thank You.

Chairman Sandora stated Thank You.

**Chairman Sandora stated anybody in the audience have anything on this, anybody on the Board have anything else, can he have a motion to approve the six month extension for Chesapeake Subdivision No. 5.**

So moved Mr. Willey.

Second Chairman Sandora.

Mr. McCarthy stated second.

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

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

Chairman Sandora stated you are approved.

Mr. Mackay stated Thank You, Good Evening.

#### **Utility Plan Approval**

**at&t request permission to place an above ground cabinet within an easement near the rear of 13901 Ridge Road - Approval.**

Chairman Sandora stated the Applicant is here, state you name please and what you would like.

Mike Williams representing at&t, 13630 Lorain Avenue in Cleveland, requesting permission to place an above ground cabinet in a utility easement in the rear of 13901 Ridge.

Chairman Sandora stated Thank You to our Engineering Department, Mr. Schmitzer.

Mr. Schmitzer stated yes Mr. Chairman, a, a, a permit is required, he has talked with Mr. Williams regarding this as well as the Assistant City Engineer, there was a item listed here in the Agenda that a clarify the missing leg of the existing at&t easement on Exhibit A, we are in receipt of that and have verified that, that easement is in place so that item has been taken care of, just a some standard notes that Mr. Williams is aware of, the Engineering Department is recommending approval of this project.

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

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

Chairman Sandora stated anybody else on the Board have anything.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated a couple questions for the Applicant, we understand that you will be coming forward with more of these in the near future, Phase Two for our City, do you know anything about that or.

Mr. Williams stated a Phase Two, a no, he believes the last time he was here we only had.

Mayor Stefanik stated a couple more left for this.

Mr. Williams stated yeah.

Mayor Stefanik stated and then our understanding is there will be another whole set of these coming down the road, do you know anything about that or.

Mr. Williams stated that he is totally unaware of.

Mayor Stefanik stated okay, Thank You.

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

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated Mr. Jordan.

Mr. Jordan stated he believes that he has been in touch with Mr. Fogarty, we have been trading some voice mail with at&t, we were just looking for the entire map apparently the remaining boxes, apparently if there is two, five, ten more to be installed just so that we have the general idea of the plan to finish up this wiring up of the City for at&t's cable and other services that are provided. Mr. Jordan stated so while we are not opposed to this evening's application we are requesting that at&t, Mr. Williams provide the City, the Community Development Department with a map that finishes up, shows the existing at&t boxes and the two proposed additional ones or any other phase that are proposed by at&t and if we do not receive them before the next one, it is his intention to come back to the Board and request that we hold up further applications until we receive the full plan for the at&t boxes.

Chairman Sandora stated okay, Thank You Mr. Jordan.

Mr. Willey stated Mr. Chairman.

**Chairman Sandora stated motion to approve as submitted and as modified and qualified by the City Engineer.**

**Chairman Sandora stated do we have a second.**

**Mr. Bull stated second.**

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

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

Chairman Sandora stated it's approved.

Mr. Williams stated Thank You.

Ms. Fashempour stated Thank You.

#### Miscellaneous

#### August Recess.

Ms. Fashempour stated and under Miscellaneous, she needs a motion for an August recess.

Inaudible voices.

Chairman Sandora stated can he have a motion for August Recess.

Mr. Willy stated second.

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

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

Ms. Fashempour stated and she has nothing else under Miscellaneous.

#### Adjournment

Chairman Sandora stated move to adjourn.

Mr. Bull stated second.

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

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

Chairman Sandora stated we are adjourned.

Ms. Fashempour stated Thank You Gentleman.

Chairman Sandora stated Thank You.

*Planning Commission Meeting for Wednesday, June 18<sup>th</sup>, 2008 adjourned at 8:00 P.M.*

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

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

**Date : July 16, 2008**