

*Planning Commission Caucus - 7:00 P.M. - Wednesday, March 18, 2009.*

Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Vice Chairman/Council Representative to Planning Commission Don Willey, Michael McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Tom Kelly, Law Director, Council Ward Five Larry Antoskiewicz, Tom Jordan, Economic Development Director, Todd Huntington, Engineer GPD Group, Kira Kabo, Project Manager GPD Group, Bernd D. Hoffmann, Asset Manager, Pacific Bells, Brenda L. Fashempour, Secretary.

Planning Commission Agenda Reviewed.

Public Hearing

Call to order.

Roll call.

Pledge of Allegiance.

Public Hearing -

Taco Bell Restaurant with Drive-Thru - Development Plan Review

6447 Royalton Road - Tom Jordan explained about the Conditional Use

Permit be needed and that there were no adjoining residential properties. Discussion regarding the drive thru cars and the drives in and out of the facility. Ms. Fashempour explained that the CUP needed to be addressed prior to the site plan, even BZA and ARB. Ms.

Fashempour stated that notices were sent out and posted at the public posting places. Applicant to make presentation. Motion to refer to the Regular Order of Business, second, roll call.

Adjournment - Motion to adjourn, second, roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes - March 4, 2009. Motion to excuse Chairman Sandora and Michael McCarthy, second, roll call. Motion to approve the minutes of March 4, 2009, second, roll call.

Old Business

Timberlane Estates Phase V - tabled. No action.

Woodcroft Glen, Ext. of Woodcroft Trace, Final Plat 2, tabled. No action.

ManorCare Health Services, Inc. - tabled. No action.

Winding River Development LLC - tabled. No action.

New Business

Lot Split

Tom Campbell - Applicant presentation. Report from Department Heads, Commission Members. Motion to approve, second, roll call.

Conditional Use Permit

Taco Bell Restaurant with Drive-Thru. Report from Department Heads, Commission Members. Motion to approve, second, roll call.

Site Plan Approval

Taco Bell Restaurant with Drive-Thru. Applicant to make presentation. Report from Department Heads, Commission Members. Motion to table, second, roll call.

Miscellaneous

None.

Adjournment

*Planning Commission Caucus adjourned at 7:07 P.M.*

Chairman Sandora stated good evening Ladies and Gentleman, welcome to the North Royalton Planning Commission Meeting, this is the Public Hearing portion for March 18<sup>th</sup>, 2009.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, March 18, 2009 to conduct a Public Hearing. The Planning Commission Public Hearing was called to order by Chairman Sandora at 7:30 P.M.**

**Chairman Sandora stated Ms. Fashempour, please call the roll.**

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

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

#### **Public Hearing**

**The Public Hearing will be on the question of granting a Conditional Use Permit for a Drive-Thru and Development Plan Review for Taco Bell Restaurant with Drive-Thru, 6447 Royalton Road, PPN 487-05-009, TCD-1 Zoning. Applicant - Todd Huntington, GPD Associates, Property Owner Charles A. Abookire. Taco Bell is proposing a new 2,600 square foot restaurant with drive thru.**

Secretary read the Public Hearing Notice, Public Hearing Notice posted at the City's public posting places and mailed to property owners within 500'.

Chairman Sandora stated are the Applicants here, please step forward and make a presentation as to a why you want this drive-thru.

Chairman Sandora stated state your name and address for the record please, you are being recorded.

Ms. Fashempour stated if you need to you can take the mic down if that would be more helpful for you, she didn't know which would be easiest, bring it towards you.

Chairman Sandora stated or just take it off and hold it.

Ms. Fashempour stated yeah, or you could take it off too.

Mr. Huntington stated it thinks it will be all right there.

Ms. Kabo stated it will work.

Good Evening, my name is Todd Huntington, GPD Group, 520 South Main Street, Suite 2531 in Akron, Ohio 44311.

I am Kira Kabo with GPD Group, same address, GPD Group 2531, Suite 2531 in Akron.

Mr. Huntington stated and we submitted the, requesting a Conditional Use for the drive thru for the Taco Bell, we submitted the compliance with 1262.07 as far as our reasoning's on those that outline, as far as remaining consistent with the, the businesses in the area there, there is a an adjacent, a, actually the Arby's Restaurant which is two parcels to the east it has a drive thru at that establishment as well as the Fifth Third to the west also has a driveway so remaining with the consistency of, in the area and the type of business requesting a drive thru for the proposed Taco Bell at this location.

Chairman Sandora stated okay, anybody on the Board have any questions they would like to ask them on the drive thru.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated the width of the, the a drive thru is going to be 12'.

Mr. Huntington stated yes.

Mr. Willey stated rather narrow.

Mr. Huntington stated it has a 12' lane for the drive thru and then a additional 12' bypass lane.

Mr. Willey stated uh um, and then there will be a, a will you be able to enter both from a, a westbound and eastbound lanes to the entrance.

Mr. Huntington stated with the two entrances that we have the west entrance would a, a entrance and an exit the, coming out of the drive thru would simply be an exit only.

Mr. Willey stated okay so, so the.

Mr. Huntington stated a, the westbound and the eastbound lanes would be able to access the west drive entrance but the eastbound entrance that we have here coming out of the drive thru is an exit only.

Mr. Willey stated that will be a single lane then.

Ms. Kabo stated that's correct.

Mr. Huntington stated a yeah, it's condensed down to a single lane.

Mr. Willey stated so anyone that's going to a, a sit at the restaurant, or, or get take out and walk in and do it, because he, he noticed you have seventeen cars cued up there so his preference will probably be to walk in and get faster service, so, that will be a double driveway entrance and exit on the south, or he is sorry, on the west, west side of the building.

Mr. Huntington stated yes.

Ms. Kabo stated that's correct, yes.

Mr. Willey stated yeah, Thank You very much, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated anybody in the audience would like to speak at the Public Hearing portion of this as to the Conditional Use Permit for this drive thru, Sir, step up to the microphone state your name, home address and.

Robert Whapham, W H A P H A M, 5521 Creek Run Drive, North Royalton, 44133. Mr. Whapham stated he also happens to be the owner of the adjacent east property and we are just interested, he hasn't seen the drawings so he just wanted to look and see how it.

Chairman Sandora stated sure.

Mr. Whapham stated meets up with what they have because ours is only an in driveway on the west so it will, it's very close to the out of this one okay, Thank You.

Chairman Sandora stated sure, anybody else in the audience have anything on the Conditional Use Permit at this time no one, Mr. Jordan.

Mr. Jordan stated actually if you would like he can get you a set of the drawings, the drawings of what is proposed, he will get you his card before you leave.

Mr. Whapham stated Thank You.

Chairman Sandora stated anyone else in the audience on this, anyone else on the Board have any questions on the Conditional Use Permit.

Chairman Sandora stated nobody, can he have a motion to a, to grant a Conditional Use Permit for a drive thru for Taco Bell Restaurant only.

Ms. Fashempour stated we need to refer it first to the Regular Order of Business, we have to refer it and then pick it up at the bottom.

Chairman Sandora stated he is sorry.

**Chairman Sandora stated can he have a motion to refer this to the Regular Order of Business.**

**So moved Mayor Stefanik.**

**Second Victor Bull.**

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

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

**Adjournment**

**Chairman Sandora stated he will make a motion now for adjournment.**

**So moved Mr. Willey.**

**Second Mayor Stefanik.**

**Chairman Sandora stated moved and second to adjourn the Public Hearing.**

Chairman Sandora stated now he would like to call the Regular Meeting of the North Royalton Planning.

**Ms. Fashempour stated she has to call the roll.**

**Chairman Sandora stated oh he is sorry, call the roll please.**

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

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

**The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, March 18, 2009 in regular session. The Planning Commission Meeting was called to order by Chairman Sandora at 7:40 P.M.**

**Chairman Sandora stated Ms. Fashempour, please call the roll, you can sit down, we will call you back up.**

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

**Approval of minutes: March 4, 2009. Ms. Fashempour stated under Approval of minutes, March 4<sup>th</sup>, 2009, she needs a motion to excuse Chairman Sandora and Mike McCarthy for cause please. So moved Mr. Willey. Second Mayor Stefanik. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Three - Willey, Bull, Mayor Stefanik. Nays: None. Motion carried. Ms. Fashempour stated and then she needs a motion to approve those if you so choose. So moved Mr. Willey. Second Mr. Bull. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Three - Mayor Stefanik, Bull, Willey. Nays: None. Motion carried.**

**Old Business:**

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

Ms. Fashempour stated Timberlane Estates Phase V, it is tabled, no action.

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

Ms. Fashempour stated Woodcroft Glen, tabled, no action.

**ManorCare Health Services, Inc., PPN 482-05-002, R1A Zoning. Sprague Road. Parking Lot Expansion Plan Approval. Tabled.**

Ms. Fashempour stated ManorCare Health Services, Inc, tabled, no action.

**Winding River Development LLC**, extension of Evergreen Trail into a cul-de-sac with five sublots and one subplot off River Valley Blvd., PPN 485-17-147 and 485-17-148, Rural Residential Zoning. Sketch Plan Approval for six sublots. **Tabled.**

Ms. Fashempour stated Winding River Development LLC, tabled, no action.

### **New Business**

#### **Lot Split**

**Tom Campbell**, 4255 Royalwood Road Rear, PPN 488-22-012 Part, R1A Zoning.  
**Lot Split.**

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

My name is Tom Campbell, 4255 Royalwood Road, North Royalton, Ohio, he has a development behind him, a street came through and he has a, he wants to split off part of his back land and sell off the lot. Mr. Campbell stated it is 100 by 200' 20,000 square feet.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Alvarez do you have anything.

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

Chairman Sandora stated Mr. Schmitzer do you have anything.

Mr. Schmitzer stated he has no comments.

Chairman Sandora stated no comments at all, anybody on the Board have anything.

Mr. Willey stated a, the only question he had Mr. Chairman if he may, that, that will not a, a according to this you will still have a conforming lot.

Mr. Campbell stated yes.

Mr. Willey stated what's, with the remainder.

Mr. Campbell stated right.

Mr. Willey stated right, okay Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated the way it looks on the map here, the house would then be built actually on Eagle Point Drive.

Mr. Campbell stated yes.

Mayor Stefanik stated and that's a stub street, a dead end street.

Mr. Campbell stated right.

Mayor Stefanik stated maybe he can, if he can ask the Engineer, if you are familiar with the area, does the street end right there.

Ms. Fashempour stated no he's on the, he's, when you pull in he's the first, it would be the first lot and then the subdivision goes on.

Mayor Stefanik stated okay it does go on, okay.

Ms. Fashempour stated so, yeah.

Mr. Campbell stated yes.

Mr. Willey was inaudible.

Mayor Stefanik stated okay, Thank You.

Chairman Sandora stated Thank You Mayor.

Chairman Sandora stated and the lot is a conforming lot.

Mr. Schmitzer stated that's correct.

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

**Chairman Sandora stated make a motion to approve a lot split, a lot split for Mr. Campbell.**

**So moved Mr. Willey.**

**Second Mayor Stefanik.**

**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 it's approved.**

**Conditional Use Permit**

**Taco Bell Restaurant with Drive-Thru, 6447 Royalton Road, PPN 487-05-009, TCD-1 Zoning. Conditional Use Permit Approval for Taco Bell Restaurant Drive-Thru.**

Chairman Sandora stated okay, the Applicant is still here, step forward please.

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

My name is Todd Huntington, GPD Group and the address is 520 South Main Street, Suite 2531 in Akron, Ohio 44311.

Chairman Sandora stated okay Thank You, anybody else on the Board have anything else on this they want to add or any questions on this Conditional Use.

Chairman Sandora stated no one.

**Chairman Sandora stated make a motion to approve a Conditional Use Permit for a drive thru window for Taco Bell only.**

**So moved Mr. Willey.**

**Second Mr. McCarthy.**

**Chairman Sandora stated it's 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.**

#### **Site Plan Approval**

**Taco Bell Restaurant with Drive-Thru, 6447 Royalton Road, PPN 487-05-009, TCD-1 Zoning. Site Plan Approval.**

Chairman Sandora stated okay again, would you for the record tell us what you would like to do there and a explain everything to us.

Mr. Huntington stated okay we are requesting a 2600 square foot Taco Bell Restaurant with Drive-Thru, it will utilize two curb cuts off of Royalton Road as we discussed, a, one of them will be a entrance and exit, a full curb cut on the west drive entrance and the east drive entrance will be an exit only single lane. Mr. Huntington stated it, we are requesting 35 total parking spaces for this site with a two of those being ADA accessible parking spaces there is a, per the City requirements a 12 x 40 loading space located outside of the drive isle, typical, typical loading times are before store opening hours but a, complies with the requirements to keep that out of the, the access movement is a tucked in behind the building, as far as screening we are providing landscaping screening along the, the west end and the east property lines and also surrounding the masonry dumpster enclosure towards the rear of the site this is a, we are proposing a 6' high masonry dumpster enclosure with a two openings, gate openings on the front of the dumpster enclosure so. Mr. Huntington stated this, this layout provides for a 12 car drive thru stack and a utilizes a bypass lane to allow additional movement so a, to avoid congestion.

Ms. Kabo stated would you like to discuss the list of variances we will be asking for so maybe we can have some conversation about that as well as the a one of the main issues is building inaudible.

Chairman Sandora stated he thinks that.

Mr. Willey stated a.

Chairman Sandora stated at this time, he thinks that he will ask the Engineer to make his report, he will ask Mr. Alvarez to say what he has to say, we will ask the Board Members what they have to say and you can

take everything into context and we can go from there because personally he has a lot of issues with this himself also so why don't we just talk this through.

Chairman Sandora stated Mr. Schmitzer.

Mr. Schmitzer stated excuse me, a, a couple of a, of, a he guessed questions, concerns, things maybe for clarification um, 30, 35, 36 he counted 36 spaces but a you know based on our typicals, if, you are only required to have a approximately 11 parking spaces maybe more for a restaurant he was just wondering why so many parking spaces are being proposed.

Ms. Kabo stated well 35 parking spaces, it's a very minimal amount for the restaurant.

Ms. Fashempour asked if the mic could be put over by her, she won't be able to, won't be able to pick it up.

Chairman Sandora stated the mic can't pick it up.

Ms. Kabo stated just from experience, 35 spaces, it's the very minimal number of parking spaces Taco Bell can operate with, this restaurant will have 50 seats in the dining area and Taco Bell is considered one of the family very friendly places and you don't want to have cars sitting on the road and make your road congested this is why 35 is the minimal, we just did another project a couple of years ago where City of Kent tried to fight number of parking spaces and unfortunately they won but at the later date they came back and asked to extend parking lot, we had 28 parking spaces there and there, there were so many cars during lunch time staying on the road in the middle of the road waiting to come to the property.

Mr. Schmitzer stated so is this something that that Pacific Bells has kind of looked at on their previous projects and seen that.

Ms. Kabo stated Pacific Bells as well as Taco Bell corporate yes.

Mr. Schmitzer okay.

Ms. Kabo stated it's a very minimal standard for a single brand Taco Bell Restaurant, if we would be coming with multiple brands like Taco Bell Pizza Hut Express the number would be even more or KFC has more but Taco Bell has the smallest number 35 parking spaces.

Mr. Schmitzer stated okay and, and the reason that it's a concern is a, we want to reduce as much impervious area as we can throughout the City so not having as many parking spaces just because it, it may be a wish you know he can see your, your point with 50 seats in there a it's really going to be up to the Commission here whether or not and, and through the process whether they want to grant that or not. Mr. Schmitzer stated one of the other items is we do allow 9' wide parking spaces which could help reduce.

Ms. Kabo stated which we will consider that for sure yes.

Mr. Schmitzer stated that helps reduce the amount of pavement up there.

Ms. Kabo stated yes, we will, we will decrease the width of the parking spaces.

Mr. Schmitzer stated the radius out of the west entrance there, a were, approximately 20' and the east entrance were 12' radius our minimum radius are typically 25' he knows 25' is hard to do with a, with a tight site like this maybe something more on the east entrance more like a typical driveway apron where it flares out instead of having a smaller radius, maybe better to do there a, the 20' radius on the west entrance, he just wanted it noted that it is less than the minimum but it, it is sufficient for, for the site plan.

Ms. Kabo stated okay.

Mr. Schmitzer stated the south end of the property down by the dumpster, trash enclosure area um on one of your, the site plan showing the storm sewer it didn't seem that all of the storm sewer was actually going into the detention system and being treated before it was released, could you explain that there was a catch basin on the south end.

Mr. Huntington stated the, the catch basin on the south end would contribute to the underground detention system and then just based on the orientation of the additional catch basins we were unable to clean that before going into the stormwater detention because it's kind of cut off from you know the detention area that is why there is an additional water quality mechanical unit we are proposing after the detention.

Mr. Schmitzer stated okay.

Mr. Huntington stated so that it is being cleaned but just based on you know maintaining reasonable site grading and the pavement areas and you know limiting fill and cut in the area you know it just kind of worked that, you know the catch basin back there was you know separate from the rest of the system that's why there is additional water quality unit after the detention system.

Mr. Schmitzer stated um, and you kind of explained the need for the parking spaces because a the preliminary site plan he had seen come through on this showed much of the site further north um, and, and he thought that would be ideal to have a, a an above ground detention system and save some money in that, that respect he would, he would encourage you to consider that with your parking and, and with your client, it's going to reduce your cost and, and he thinks it's, it's a better system, a just an item to consider.

Ms. Kabo stated well the reason why the site was pushed to the side, because after we had conversation with the Planning staff and Building Staff, they recommended us to go with 25' setback building because City is considering some road widening at some point and they definitely wanted us to stay as far as possible within the setback so that is why between 10 and 25 and we are working on that, on 25.

Mr. Schmitzer stated and that's correct were, you know we don't have final plans for State Route 82 but we, we anticipate 10' of additional right of way on your side being acquired which would put you if you are at 25, at the 15 so you are still within that so.

Ms. Kabo stated right.

Mr. Schmitzer stated okay, other than that he just has some, some basic comments from you know making sure you follow EPA guidelines for stormwater that's the biggest concern that, that he has with the site plan everything else a based on what you had shown seem to be, seem to be good so, that's all he has Chairman.

Mr. Huntington stated okay, Thank You.

Chairman Sandora stated Thank You Mr. Schmitzer.

Chairman Sandora stated Mr. Alvarez do you have anything at this time.

Mr. Alvarez stated Thank You Mr. Chairman just like to mention that a about a month or two he did a preliminarily review based on a proposal the first time and at that time he thinks he had like 25 comments because of, of the regulations in TCD and in working with GPD, Mr. Huntington we a whittle this thing down pretty much and a as of the other day he talked to Mr. Huntington and he did have enough time, ample time to look at his comments again.

Mr. Huntington stated yes.

Mr. Alvarez stated and you were willing to at least a entertain what they can't revised on the drawings at least they will have to go to BZA, he realizes there are some requirements like the width of the building in relation to the parcel width other than making it 70', 70% wide building they are probably need a variance from BZA and then there are other issues here that he mentioned that a, will probably be, may have to go to BZA, that being said he also for the Board's edification made some comments on the signage because we did have that application as well to look at and a there are a lot of things on the signage would definitely have to go, to go the Board of Zoning Appeals so a, his last discussion was that you will at least look at, at least the very first eight comments that he had and possibly do some revisions and resubmit or if it has to go to BZA that's what it has to happen and so, try to work with them as much as he can possibly can.

Chairman Sandora stated that's all we can do, Thank You Mr. Alvarez.

Mr. Alvarez stated yes, okay.

Chairman Sandora stated um, first of all he likes your drawing there it, it is a very, very nice looking building, he does have some problems with it though, he wished the building was back farther from 82, he thinks that the building should be at least in line with the bank or pretty much in line with the property next door, a he agrees with the Engineer that the, the a especially that east driveway that you have your exit through the east drive there is way to small he thinks that we need to contact the Police Department to do some sort of a study over there or you should have a study done as far as the traffic goes over there because you are right on the crest of the hill there, he doesn't know how people are going to be able to turn into there from the left to make a left hand turn into that area there that, that could be, could be a problem that will have to be dealt with in some way, some sort of, of some form, a, he doesn't, you know he means with 12' wide over there it's going to be very hard on that drive thru going out that way he doesn't know if by shifting that building back a little if you could

alleviate some of those problems, he means, he, he doesn't know, he knows this is just a, a working stage right now and these are just all comments that you hear from here or anybody in the audience or anyplace is things that you are going to have to sit down and think about and try to come up with some sort of a workable plan but his thinks that that's going to be a, could be a hazard there with that traffic over there.

Chairman Sandora stated anybody on the Board have, Mr. Willey.

Mr. Willey stated a, um, Thank You Mr. Chairman yes, a, a the one thing and, and of course he is hoping that you would use this but should you have a large order and you know, occasionally at the fast food places they say pull up there your order is not quite ready so they can take care of the next customer will you have a provision for that. Mr. Willey stated a, it's, it's, usually up, you know you pull off to the side pass the building.

Ms. Kabo stated well Taco Bells order is the fastest order from all fast food places.

Mr. Willey stated oh he knows that, yeah all yeah.

Ms. Kabo stated this, this is why, there is no reason, there is no reason for Taco Bell to have.

Mr. Willey stated he never takes his car out of gear when he goes to the Taco Bell.

Laughs.

Ms. Kabo stated there is honestly no reason for Taco Bell to have a waiting area.

Mr. Willey stated that, that noise from that Bell though drives him crazy.

Mr. Willey stated are you in marketing.

Ms. Kabo stated no she is not in marketing but.

Mr. Willey stated oh, oh, he, he is just, just wonder.

Ms. Kabo stated but just knowing timing between different fast food restaurants.

Mr. Willey stated okay.

Ms. Kabo stated Taco Bell is the fastest one so this is why we do not even consider any waiting area, there is no reason.

Mr. Willey stated oh, oh, good.

Mr. Willey stated okay, they have the opposite problem next door at Fifth Third Bank but that's, okay.

Laughs.

Mr. Willey stated okay, that's his concern and he thinks all, or himself because of the possibility of future, in the future widening 82 that's why he thinks that we would all a, he can't speak for the ones that haven't spoken yet but that, that, set the building back you know so should it come in and we need to take 12 or 15' you know then it's not going to be interrupting your, your business but.

Ms. Kabo stated but in TCD building has to sit between 10 and 25', they.

Mr. Willey stated oh, he, he understands that.

Ms. Kabo stated they want to bring all the businesses closer to the street so it would street with continuous look.

Mr. Willey stated well you know if they widen 82 that would be eminent domain in the State of Ohio then you could have the drive thru right at front, front door and they could pull up to the curb and you know, Thanks. Thank You.

Chairman Sandora stated Thank You Mr. Willey.

Mr. Willey stated yes Sir.

Chairman Sandora stated anybody else on the Board have anything.

Mr. Bull stated Mr. Chairman.

Mr. McCarthy stated Mr. Chairman.

Chairman Sandora stated Mr. McCarthy.

Mr. Willey stated Mr. Bull.

Chairman Sandora stated Mr. Bull.

Mr. Bull stated just to amplify what Mr. Willey is talking about, the fact that you are the fastest of all the fast food restaurants that means you've never had someone pull to one side in the history of Taco Bell, okay, you weren't exactly answering the question that Mr. Willey was asking that's all, Thank You.

Chairman Sandora stated Mr. McCarthy.

Mr. McCarthy stated just have a further question on for traffic entering the site if you could point to your drawing how westbound traffic on 82 would legally make a turning maneuver left into the site without going on, in the striped area.

Mr. McCarthy stated how, how many lanes of traffic, he guessed start with how many lanes of traffic are westbound on 82.

Mr. Huntington stated we have one lane of traffic going westbound and one lane going eastbound.

Mr. McCarthy stated and what's the average daily traffic on, on Route 82, a State Route.

Mr. Huntington stated he doesn't have that information.

Mr. McCarthy stated yeah.

Chairman Sandora stated what was the question Mr. McCarthy.

Mr. McCarthy stated well his concern is that a single car that's wishing to enter a westbound and make a left turn will block all of the 82 westbound traffic, there is not a turn slot there correct.

Mr. Huntington stated the striping ends as you can see on the drawing pretty much right before the westbound entrance lane so not that it would prevent somebody from going in to the stripe median to turn but it's not.

Mr. McCarthy stated is that a legal maneuver.

Mr. Huntington stated it's not technically delineated as a left turn no.

Mr. McCarthy stated yeah, that's just a concern he has with the entering traffic.

Chairman Sandora stated okay Thanks.

Ms. Kabo stated and just driving on the street to the east and to the west businesses have third lane which is turn lane and we might work with the City Engineer on maybe extending the turn lane officially in front of site with striping.

Chairman Sandora stated well that's why he said, you are going to have to have a traffic study done or we should have a Police Department here to see what can be done over there because that, that's what he was bringing up before, that's a hazardous area right there, you are at the crest of the hill okay, at that point there and he knows some people are still making left hand turns in, in through there and it's, it's, not right there but now you are getting up closer to the crest there and that could be a problem and then if people stay in in the westbound lane then more traffic is going to back up a a down on 82.

Mr. Huntington stated yes.

Chairman Sandora stated okay and that's a definite problem there and that's something that you are going to have to look into.

Mr. Huntington stated um uh, yeah and he guessed one of the things that goes in with that is the timing of the road widening as far as you know is that something that is implemented you know in the near future is it extended you know being that, if it's extended to four lanes and then you know there is a left turn into this and it's not obstructing all westbound traffic you know as far as the timing of that if you guys have any information.

Chairman Sandora stated sure, sure.

Mr. Huntington stated to provide us to work with.

Chairman Sandora stated well we have been trying to get this road widen for, forever for 20 some years that he can think of right of hand so.

Mr. Schmitzer stated it's actually, it would be our, it would be our second phase of State Route 82 widening, first phase would be from the west corporate limit up to York, York to Ridge and then Ridge to the other corporate limit so at the time it takes to construct one leg and then another leg and then the last leg it's going to be multiple, multiple years and funding is, is the issue right now so, our plans are if someone can give us a big check will start construction but at this point were, were seeking funds, stimulus funds grants loans whatever, whatever we can but he can't give a definite time frame.

Mr. Huntington stated yeah, he understands.

Mr. Schmitzer on 82 widening, you know they do bring up some valid concerns actually the exit lane on the east there a, that would have to be restricted based on the site plan currently to a right turn only because you can not legally cross over that striping.

Chairman Sandora stated right.

Mr. Schmitzer stated going, to make a left turn going westbound a and he thinks that's where the the point of looking at the traffic and doing a study and seeing if anything can be done with the site distance in lieu of not having Route 82 widen at this point if there's anything that can be done.

Chairman Sandora stated Thank You Mr. Schmitzer.

Chairman Sandora stated anybody else on the Board.

Ms. Kabo stated shall we contact and discuss the traffic, inaudible.

Mr. Schmitzer stated yeah, feel free to contact him and we can sit down he would like to get the Police involved as well just to discuss with them.

Ms. Kabo stated okay.

Mr. Schmitzer stated they know more about traffic incidents in this area as well.

Chairman Sandora stated anyone else on the Board have anything.

Chairman Sandora stated Mr. Jordan.

Mr. Jordan stated Thanks actually you covered a number of substantial points on the application and appreciate your time this evening, we hope to get the Building and Housing and the Departments to again whittle down the lists of items there and a present to both the Planning Commission and the Board of Zoning Appeals some options for them to consider at their next meeting and also they are going before ARB the, he believes that significant progress has been made by the Applicant from their initial preliminary applications or some sketches they provided the City he appreciates their efforts in doing that but there are some substantive issues left we would like to work with them on that and hopefully just be able to provide the Boards a clear yes or no or whatever the variances may be at the next meeting, he will remind the Board that this is the first new construction project in any of the TCD

Districts from the ground up, we have had some renovations, additions that have occurred and had been proposed in the TCD Districts so this is the first one, it certainly will require some level of variances how many and how much within a variance were still left somewhat undecided but we appreciate the learning process that we all go through, in the sketch of road between Ridge and State on Royalton Road, there are at least four or five developed parcels that his office has reviewed or seen over the last year that would attempt to comply with the TCD District, they all have very similar issues no parking in front, bringing the building forward, complying with stormwater management issues all in some very tight spaces, what was going forward with this particular stretch there is very limited residential you know that is adjacent to the property so you know the Conditional Use relative to the drive-thru wasn't from administration standpoint a major issue but we just want to make sure that the spirit of the TCD District is kept in mind as their application moves forward and that they try to comply as much as possible and a he is sure that and he hopes that we will be able to reach that point with this applicant and we look forward to future applications.

Chairman Sandora stated we do too, Thank You Mr. Jordan.

**Chairman Sandora stated anyone in the audience have anything, any questions, any concerns, anything they want to bring up, anybody else on the Board have anything they would like to say, the Applicants have anything they would like to say at this time, hearing none, he will make a motion to table this.**

**Mr. Willey stated so moved.**

**Second Mayor Stefanik.**

**Chairman Sandora stated it's been moved and seconded to table this application for Taco Bell, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated Good Luck to you.

#### **Miscellaneous**

Ms. Fashempour stated she has nothing under Miscellaneous.

#### **Adjournment**

**Mr. Willey stated motion to adjourn.**

**Second Mr. Bull.**

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

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

Chairman Sandora stated we are adjourned.

*Planning Commission Meeting for Wednesday, March 18, 2009 adjourned at 8:09 P.M.*

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

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

**Date : April 1, 2009**