

CONCORD TOWNSHIP BOARD OF ZONING APPEALS
LAKE COUNTY, OHIO
MEETING

May 12, 2010

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Board of Zoning Appeals members present:

James Rowe, Chairman
Richard Smith, Vice Chair
Christine Jarrell
Blair Hamilton
Gordon Hanford

Also Present:

Michael Lucas, Esq., Legal Counsel

Kathy Mitchell, Board of Zoning Appeals secretary,
Zoning Inspector

Melton Reporting
11668 Girdled Road
Concord, Ohio 44077
(440) 946-1350

7:00 p.m.

CHAIRMAN ROWE: Good evening. The May 12th meeting of the Concord Township Board of Zoning Appeals is now in session. Some housekeeping, we have, tonight, several items. And if you are going to address the Board, if you would kindly stand and raise your right hand, it is required that we have everyone speaking to the Board sworn in prior to the meeting. And when you do want to speak and come forward to use the microphone, for the benefit of the TV audience, also, then re-attest that you were sworn in earlier on and that keeps everyone happy.

If I could introduce the Board, to my far left, Blair Hamilton, next to me, Chris Jarrell, my name is Jim Rowe, my immediate right, Richard Smith, and the guy with the —

MR. HANFORD: Gordon Hanford.

CHAIRMAN ROWE: — Gordon Hanford. I just talked to him, yeah. Our zoning inspector, Kathy Mitchell, and our legal advisor over here looking busy, Mike Lucas.

MR. LUCAS: That's right.

CHAIRMAN ROWE: So if all those that are going to address the Board would stand and raise your right hand, I swear that I will tell the truth, the whole truth and nothing but the truth, so help me God.

(Speakers responded affirmatively en masse.)

CHAIRMAN ROWE: Thank you very much.

Kathy, were the notices published in a timely fashion for this meeting?

MS. MITCHELL: Yes, they were.

CHAIRMAN ROWE: Thank you very much.

All right. The way these go, someone will speak on

1 behalf of the things going on. We have a conditional use
2 request. We also have an appeal for a — requesting a
3 variance. But, anyway, a person will present that. Others
4 that may support would be given an opportunity to also
5 address. And, lastly, if someone would be in opposition or
6 have a negative view or something like that, would then
7 address. The procedures will then — We'll close that open
8 portion for discussion amongst the Board and then go to a
9 vote.

10 So the first appeal or first, actually, item on the
11 agenda is a request for a Conditional Use Permit Number 33.
12 Ms. Susan Lanning of Pine Hill Country Care Assisted Living
13 proposes to expand the existing adult group home at
14 7301 Ravenna Road, which is a B-2 District, to accommodate two
15 additional bedrooms, new bathrooms, a porch, office area and
16 other living space, 3,034 square feet addition. Adult group
17 homes can accommodate 6 to 16 unrelated individuals and are
18 conditionally permitted in the B-2 District, in accordance with
19 the requirements set forth in Section 13.17 of the Concord
20 Township Zoning Resolution.

21 So if there is someone, I presume, Ms. Lanning or
22 someone — You are not Ms. Lanning.

23 MR. FAY: Should I come up?

24 CHAIRMAN ROWE: Yeah.

25 MR. FAY: My name is Jack Fay from Fay Architects. I
26 am representing the project tonight. Sue had to be out of
27 town.

28 CHAIRMAN ROWE: Your mailing address?

29 MR. FAY: P. O. Box 1002, Chesterland, Ohio 44026.

30 CHAIRMAN ROWE: Okay. Thanks. And you were sworn

1 in?

2 MR. FAY: Yes.

3 CHAIRMAN ROWE: Thank you. If you would want to
4 comment or lead us through what is being requested?

5 MR. FAY: Okay. Well, the summary of the project is
6 that Sue called me originally. She wanted to give her building
7 a facelift. It's kind of a plain, gable-shaped building.
8 She's been there for about eight years. She's a nurse. She
9 bought the assisted living from another party and she lives
10 there. She lives upstairs on site and she has a couple of
11 employees. And I will tell you, it is one of the most
12 immaculate places you've ever been inside.

13 But her interest was to expand the facility, make it
14 a little more comfortable, a little more competitive in the
15 market today for future residents to join her, so we decided
16 to, in addition to adding a front porch, kind of a relaxation
17 area for the residents, increasing the lobby for the occasional
18 visitors and, also, as another place to actually go sit in a
19 quiet area — because they only have one gathering area which
20 is a big living room — and we've added a larger pantry and
21 laundry area to help with the management of the facility, added
22 a couple of rooms.

23 We actually lost one room. We're adding three
24 bedrooms. Somebody asked the question. We're adding three
25 bedrooms but we lost one in the process. We turned that into a
26 larger bathing facility, as well as the hallway to the
27 addition.

28 And it has been her goal for a couple of years, since
29 the sewers went in on Ravenna Road, to tie in because she's
30 currently on a septic system, and so she was kind of waiting

1 until she could pull the whole project together. She is dying
2 to have a drive, paved driveway — it's a gravel driveway
3 now — give the building a face lift, give the extra rooms and
4 some more bathrooms in there, a more convenient way to service
5 the people with, you know, a larger kitchen and dining area, in
6 addition to just kind of investing in her business. It's her
7 own business.

8 CHAIRMAN ROWE: Fine. Thank you. While you are
9 there, members of the Board, any questions that you have for
10 clarification? Okay. Thank you very much.

11 MR. FAY: Okay.

12 MS. JARRELL: I have a question.

13 CHAIRMAN ROWE: Oh, I'm sorry.

14 MS. JARRELL: That's okay. I was just wondering if
15 all of the staff recommendations had been addressed on —

16 CHAIRMAN ROWE: We're only on the request for a
17 conditional use permit.

18 MS. JARRELL: Oh, okay.

19 CHAIRMAN ROWE: That's second on the —

20 MS. JARRELL: Gotcha.

21 MR. HANFORD: We'll catch you later.

22 MR. FAY: Okay. I will be right over here.

23 CHAIRMAN ROWE: Hold that thought.

24 MS. JARRELL: I will hold that thought.

25 CHAIRMAN ROWE: Anyone else in the audience speaking
26 in support of this? Anyone that would have a problem or any
27 kind of commentary? Hearing none, I will close the public
28 portion of this and ask for the motion to grant the application
29 for conditional use.

30 MR. HANFORD: I make a motion.

1 MR. SMITH: Second.

2 CHAIRMAN ROWE: Moved and seconded. Are there any
3 discussions from the Board? Hearing no discussions, I think we
4 will move to voting on granting of the conditional use permit.

5 MS. MITCHELL: Okay. Mr. Hamilton?

6 MR. HAMILTON: Yes.

7 MS. MITCHELL: Mr. Hanford?

8 MR. HANFORD: Yes.

9 MS. MITCHELL: Ms. Jarrell?

10 MS. JARRELL: Yes.

11 MS. MITCHELL: Mr. Smith?

12 MR. SMITH: Yes.

13 MS. MITCHELL: Mr. Rowe?

14 CHAIRMAN ROWE: Yes. Application for the conditional
15 use permit is approved by the Board.

16 That will bring us to the Item 2 on this evening's
17 agenda, actually, the second item we're covering, and that is
18 the site plan review for the addition at Pine Hill Country
19 Care, so I think we would be requesting Mr. Fay to come back.

20 And, basically, Mr. Fay, if you could kind of take us
21 through the requirements, the comments that are on the —

22 MR. FAY: Well, some of the, some of the easier
23 comments to address, they've asked for a little more scrupulous
24 look at the landscape throughout the property. The property is
25 currently, as we can see it from here, it's a — it has that
26 white fence in the front. It has a couple of stone pillars and
27 its sign with landscaping around it. And then it has a, you
28 know, a fairly dense hedgerow of pines and assorted trees along
29 the northerly property line. And then the rear is, of course,
30 the high, you know — the communications tower and the fence

1 and the woodlands back there.

2 CHAIRMAN ROWE: Yeah.

3 MR. FAY: Abandoned railroad area.

4 The southerly property line is — has a large oak
5 tree about halfway down. I think it's an oak. It looks like
6 it's, possibly, a couple hundred years old. It's pretty big.
7 And then there is a fence toward the back third of the property
8 between the — on the northerly property line — the southerly
9 property line.

10 So we have added landscape around our new parking
11 areas in the front, which are — there is a couple of pull-off
12 spots there. And then our rear parking area is shielded by the
13 building from the road. And I don't know if it would be
14 required to add more landscaping in the — on the westerly
15 property line, which is Ravenna Road. I guess I could ask that
16 question and see what the comments are. But the southerly
17 property line is a little scant, I guess, and it was noted in
18 the plan review as such.

19 CHAIRMAN ROWE: Yeah.

20 MR. FAY: Everybody is — Did everybody get a chance
21 to, kind of, go over there and look at that place, because I
22 have couple photos, if you want me to pass those around, if
23 anybody's interested?

24 CHAIRMAN ROWE: I went over and took a look at it.

25 MR. FAY: Okay. Fine.

26 A couple other things. The dumpster enclosure is —
27 All they have are, you know, about three or four portable trash
28 cans. They don't have a dumpster. So we can screen our trash
29 containers but we don't need a pull-off at this time, so that's
30 why we don't have one.

1 CHAIRMAN ROWE: Okay.

2 MR. FAY: What else do we have in there? I don't
3 have a cross-section shown. I can do that before final
4 submittal, no problem, cross-section of the landscape. We
5 didn't intend on putting any mounds.

6 It's not a real easy place to spot, even if you know
7 where it is, coming down there. There is lots of screening and
8 shielding. And then she is improving the front of the
9 building, hoping to show that off a little bit. It's probably
10 one of the, at least, in the top ten within a half mile of the
11 intersection. It will be a great-looking building.

12 Other landscaping or site issues, in terms of the
13 civil engineering and the water and the sewers, we have a civil
14 engineer on board and he will address anything that we need to
15 do regarding those utilities, so those will all be handled.
16 I've read through them.

17 So if there is anything in particular, I would be
18 glad to — Well, I was a quarter inch off on the caliper of one
19 of my trees, so I can — If that's as far away as I am for most
20 issues I have to handle, a quarter inch, I'm happy, but that's
21 about it.

22 CHAIRMAN ROWE: Okay. Well, we know that there was
23 one question.

24 MS. JARRELL: Well, and he was addressing a lot of
25 those. I am sorry. I didn't understand. What happened with
26 the two-bedroom, three-bedroom thing?

27 MR. FAY: Well, they originally had eight, we add
28 three, sounds like eleven, but we had to lose one. We put some
29 different functions into the bedroom that we abandoned, so we
30 needed that space for other things.

1 MS. JARRELL: Okay.

2 MR. FAY: So it's a net gain of two, total of ten at
3 this time. I think we were — I think we were asking for
4 approval for the entire 16 in the future.

5 Were we doing that, Kathy? Did we discuss that?

6 MS. MITCHELL: Well, the conditional use permit to
7 the adult group home status allows you up to 16, so they don't
8 have to approve the bed number, as long as it doesn't exceed —

9 MR. FAY: Okay. That's what the discussion was
10 about.

11 She's had a pretty good time keeping about seven
12 bedrooms full. There's always been that one that seems to get
13 empty as soon as another one gets filled up but she is hoping
14 to max out with the ten. It's a pretty big project, the
15 building construction and the driveway and sewers and all this,
16 and I know she is working through the SBA and one of the local
17 Dollar Bank branches to finance this project, which is in
18 excess of a quarter million, so it looks like we're going to be
19 able to do it, based on current estimates.

20 MR. HANFORD: Kathy, is this designed for the 16,
21 would you say?

22 MR. FAY: No.

23 MR. HANFORD: No. I didn't think so. Okay.
24 I misunderstood.

25 MS. MITCHELL: If there is a future expansion, a
26 future expansion, they'd have to come back again.

27 MR. HANFORD: Okay. I thought you were talking about
28 the approval. Okay. Fine. Good.

29 MR. SMITH: Mr. Fay, on the trash cans, are they the
30 roller type they can pull out to the curb?

1 MR. FAY: They're not even that. They're just like
2 you — the old-fashion round.

3 MR. SMITH: How is trash handled? Do they take it
4 out to the street or is there trash a pick-up?

5 MR. FAY: There is a trash pick-up. The guy comes in
6 and just grabs those cans.

7 MR. SMITH: One of the comments on the staff
8 recommendation, Item Number 13, does talk about perimeter
9 landscaping or screening to, essentially, conceal parking areas
10 from adjoining properties.

11 MR. FAY: Yes. And that would require us — We have
12 a small amount of area, about an eight-foot strip, in which —
13 I'd like to point out that this oak tree has about a 40-foot
14 limb span, which also means that it's getting close to a
15 40-foot root span. So there is, in all practicality, an area,
16 probably, within 20 feet in front and 20 feet in back of that
17 oak tree, which is right in that middle of the 8-foot side
18 yard. There is about 30, 40 feet there that would be difficult
19 to dig into the ground to plant a plant, other than the lawn
20 that's on there, and it also would be perilous to the tree to
21 put a big pile of topsoil on top of those roots, so I don't
22 know how we address that, exactly.

23 It's not so much a reluctance to comply with the
24 intent of the Zoning Resolution but it's something that I could
25 use some advice on as well in terms of how to deal with that
26 issue.

27 MR. HANFORD: Save the tree.

28 MR. FAY: It's a nice tree. We definitely want to
29 save that.

30 MR. SMITH: Thank you.

1 MS. JARRELL: When do you propose to start?

2 MR. FAY: The first half of June.

3 MS. JARRELL: So the financing has been obtained?

4 MR. FAY: Yes.

5 CHAIRMAN ROWE: Any other questions?

6 MR. HANFORD: None here.

7 CHAIRMAN ROWE: And you did mention earlier that you
8 have the sanitary engineer involved, because there are some
9 items involving type of pipe used and so forth?

10 MR. FAY: Yes, we do.

11 CHAIRMAN ROWE: All right. I think we'll let you sit
12 down.

13 MR. FAY: Okay. Thank you.

14 CHAIRMAN ROWE: All right. At this time, basically,
15 the vote would be for conditional approval of the site plan.

16 MR. SMITH: Conditional approval, Mr. Chairman, based
17 on the comments of the staff review.

18 CHAIRMAN ROWE: Right.

19 MR. SMITH: Mr. Chairman, I move to approve with the
20 comments noted by the staff review.

21 CHAIRMAN ROWE: Do I hear a second?

22 MR. HANFORD: Second.

23 CHAIRMAN HANFORD: Kathy, could we call for a vote?

24 MS. MITCHELL: Mr. Hanford?

25 MR. HANFORD: Yes.

26 MS. MITCHELL: Ms. Jarrell?

27 MS. JARRELL: Yes.

28 MS. MITCHELL: Mr. Smith?

29 MR. SMITH: Yes.

30 MS. MITCHELL: Mr. Hamilton?

1 MR. HAMILTON: Yes.

2 MS. MITCHELL: Mr. Rowe?

3 CHAIRMAN ROWE: Yes.

4 MR. FAY: Thank you very much for your attention to
5 this.

6 CHAIRMAN ROWE: You bet, sir.

7 That brings us to the next item on this evening's
8 agenda, identified as Appeal Number 0410-964, Mr. Ryan Sommers
9 of Gabriel's Edge LLC requests a variance from the minimum
10 frontage requirements for a lot, in order to split the front
11 portion of Permanent Parcel 10A-28-18 for the purposes of
12 developing a new bank facility in the area zoned B-1,
13 Restricted Retail. The rear portion of this same lot is zoned
14 R-3 Multi-Family, which requires a minimum lot width of 200
15 feet. If the lot is split as proposed, then the remaining R-3
16 land under this parcel would not meet the frontage requirements
17 for a lot, which shall be "contiguous and uninterrupted," as
18 set forth in Section 5.02 B.82, and the minimum 200 feet of
19 frontage required in the R-3 District, as set forth in
20 Section 17.06 of the Concord Township Zoning Resolution. The
21 B-1 District requires a minimum lot width of 100 feet.

22 So if we could — Thank you.

23 MR. MONROE: Good evening.

24 CHAIRMAN ROWE: Good evening. And your name,
25 address, starting out?

26 MR. MONROE: Yes, sir. My name is John Monroe. I'm
27 an attorney for the appellant this evening. I'm with the law
28 firm of Mansour, Gavin, Gerlack and Manos, 55 Public Square,
29 Cleveland, Ohio 44113.

30 CHAIRMAN ROWE: And you were here for the swearing

1 in?

2 MR. MONROE: I was but Mr. Sommers wasn't.

3 CHAIRMAN ROWE: Ah, Mr. Sommers.

4 MR. MONROE: You may want to swear him.

5 CHAIRMAN ROWE: Yeah. Raise your right hand. I
6 swear to tell the truth, the whole truth and nothing but the
7 true, so help me God?

8 MR. SOMMERS: I do.

9 CHAIRMAN ROWE: Thank you.

10 MR. MONROE: Thank you, Mr. Chairman.

11 As the record noted, we are asking a variance from
12 the township Zoning Resolution which requires 200 feet of
13 contiguous frontage for a property that's zoned in B-3 Multi-
14 Family District. The purpose for this variance request is to
15 create, basically, an outlot along Johnnycake Ridge, which is
16 just over 1.3 acres, for the construction of a new Fifth Third
17 Bank building.

18 Currently, Fifth Third Bank has the property under
19 contract. They're in their due diligence phase and, as part of
20 that, will need to have your approval of the proposed lot
21 split.

22 We're also requesting a variance from the township
23 Zoning Resolution which requires 200 feet of contiguous
24 frontage. As I mentioned, this lot split is for the
25 construction of Fifth Third Bank if it is approved. The
26 practical difficulty in complying with strict compliance with
27 the township zoning regulations are the existing conditions of
28 the lot.

29 First of all, as you're aware, the lot is
30 noncontiguous as it is. The portion of the property is

1 fronting on Johnnycake Ridge where Country Scene Lane is
2 currently located and then the remainder is located further
3 down Johnnycake.

4 The second would — Also, you have a lot with two
5 zoning districts on it. You have the rear portion being the
6 Multi-Family and the front portion being the B-1 Restricted
7 Retail.

8 The third practical difficulty with strict compliance
9 of the zoning code is that any development of the frontage on
10 Johnnycake is going to require some type of variance because
11 the B-1 District requires 100 feet of frontage and the B-3
12 requires 200 and there is only 248 feet of contiguous frontage
13 on Johnnycake, so something has to give, as they say.

14 We think this is a fairly minor variance from your
15 code. The requirement is 200 feet. The grand total of
16 frontage will be over 178 feet. It's just over a 10 percent
17 variance from the code's requirement and will permit an
18 economically viable use of the retail-zoned portion of the
19 lot.

20 In the scope of uses, we think this is one of the
21 better uses that could be available for this strip. A bank is,
22 very typically, low impact, low traffic, limited hours. And
23 from my understanding, the use is compliant with your zoning
24 code, it's just the frontage requirement.

25 Finally, the practical difficulty presented by this
26 situation is that this proposal will also be in compliance with
27 your prior site plan approval for Phase 2 of the condominium
28 development located behind the proposed lot.

29 You'll remember that, in Ms. Mitchell's letter from
30 September of 2009, there were a number of requirements, I

1 think, over 20. Item Number 15 was that ODOT approve the curb
2 cut locations for both of the entrances to the condominium
3 development. Mr. Sommers is here and can testify that that has
4 occurred, so that was Item Number 15 on the list from
5 September 4th of 2009.

6 The other item is Number 22, in which the Phase 2
7 approval was conditioned upon two entrances for the condominium
8 development. So you have the Country Scene Lane entrance and
9 then this lot split would create an entrance drive to the north
10 of the proposed lot that the bank would also use as a part of
11 its development, so approving these variance requests would
12 move that portion of the project forward.

13 We have the oversized drawing that, I think, you all
14 have in front of you. This is the proposed lot split. We also
15 have, this evening, we have the broker, Keith Hamulak, who has
16 some renderings. Now, obviously, I don't represent Fifth Third
17 Bank at this point, but they build a fairly standard product
18 and I know you probably want to know what it's going to look
19 like. Obviously, they'll be going through the whole portion of
20 all your municipal — your township zoning approval process,
21 but this is a very early rendering of what a Fifth Third Bank
22 typically looks like, this site, and so that would be
23 constructed along Johnnycake.

24 We have a couple different elevations from the rear
25 and from the front, which would front on Johnnycake, so we'll
26 submit these into the record this evening so you have a look.
27 Obviously, it's a mostly brick building, has some EFIS material
28 up where the signage location is but, obviously, a fairly
29 substantial and what we think would be a positive addition to
30 that area of Johnnycake.

1 With that, Mr. Sommers, do you have anything to add
2 at this point? He's available for any questions that you may
3 have.

4 MR. SOMMERS: I guess, I just want to add that this
5 is a, you know — Our Phrase 1 has been very successful on the
6 residential portion. We think this will add to what we've
7 already done. We will begin road construction for the second,
8 for the secondary access when road construction starts for this
9 commercial parcel.

10 And, I guess, I just wanted to note that this is a
11 multi-million-dollar investment in Concord. We realize that
12 the market is difficult for retail banking uses and there are
13 plenty of options, and we're happy that they are considering
14 Concord and this site. So I will be happy to answer any
15 questions.

16 CHAIRMAN ROWE: Just out of curiosity —

17 MR. SOMMERS: Sure.

18 CHAIRMAN ROWE: — do you know what the footprint of
19 this building is?

20 MR. SOMMERS: Yes.

21 CHAIRMAN ROWE: As opposed to, you know, the existing
22 one they're in? Obviously, they're expanding, I guess.

23 MR. SOMMERS: They are expanding and it's roughly 60
24 by 80, is the footprint.

25 MR. MONROE: So that would be about a 4,200 foot
26 building, square foot building. I'm sorry.

27 CHAIRMAN ROWE: All right. While we have the
28 gentlemen at the microphone, are there —

29 MR. HANFORD: I was looking at the number of
30 entrances and exits. Correct me if I'm wrong, but you're going

1 to have one coming out of the bank, another road coming up from
2 the development, another road coming out of the property just
3 north, and another one coming out of Country Scene Lane. You
4 are going to have one, two, three, four entrances to
5 Johnnycake, which is, if you know that strip —

6 MR. SOMMERS: I know it very well.

7 MR. HANFORD: — very, very busy.

8 MR. SOMMERS: And we appreciate that. But, actually,
9 we have two curb cuts now. We do have a new ODOT permit, as
10 John had mentioned. And the former use had two curb cuts. Our
11 curb cut to the north will be exactly where it's located now,
12 so we are not adding any new curb cuts. And, of course, if
13 there is any modifications that the bank would pursue, it would
14 be with ODOT and they would have their chance to approve or,
15 you know, approve the plan that they would be submitting.

16 So we're not adding any curb cuts. All those
17 ingress-egress areas that you mention are preexisting. They're
18 preexisting roadways and driveways.

19 CHAIRMAN ROWE: The one that's adjacent to the
20 apartments or whatever —

21 MR. SOMMERS: Yeah.

22 CHAIRMAN ROWE: — that's the one that would serve
23 the one side of the bank, I guess, and then also go back into
24 the —

25 MR. SOMMERS: It would actually go into Phase 2 and
26 they would have an access point off of the private roadway.

27 MS. JARRELL: Can you lift that up and show us,
28 please?

29 MR. SOMMERS: There is an existing curb cut where our
30 remaining land is shown and there is also an existing curb cut

1 next to the Concord Shopping Plaza entrance, so there are two
2 curb cuts that — The intent is to have two curb cuts with the
3 new project and they would also have additional access further
4 back on the private roadway.

5 We actually think this will alleviate traffic issues
6 because, right now, this is a bottle neck serving our Phase 1
7 and all of Country Scene.

8 CHAIRMAN ROWE: All of it.

9 MR. SOMMERS: So for fire safety, the chief has been
10 a real big proponent of that additional access. If there is
11 ever — if this road was blocked, there is no way to get out
12 for all those homes. This will all, of course, have fire
13 hydrants, be served by public utilities, and meet the minimum
14 standards of a private roadway in R-3 and B-1.

15 MR. MONROE: It's really moving toward what was
16 envisioned as a U-shaped, sort of, development and this will be
17 upgraded, this entrance road, and some of the bank traffic will
18 be using that access drive.

19 MR. SOMMERS: Just so members of the — the guests
20 can see as well, but it exactly follows our original intent of
21 the mixed-use development.

22 CHAIRMAN ROWE: Yeah. Because you showed, like,
23 coming soon, the strip, little strip.

24 MR. SOMMERS: Coming soon. And all of our submittals
25 have shown an outlot type use, retail use in that front corner
26 and then some auxiliary uses, you know, not true retail but,
27 possibly, office further on in the future in this additional
28 B-1. And then our site plan has not changed for the multi-
29 family condominium. And it's been, like I said, it's been very
30 well received and we have, I think, seven or eight residents

1 now. We're 90, almost 90 percent sold in Phase 1 in a very
2 challenging market, so we think it's been very positive for the
3 area.

4 MR. HANFORD: Now, what's the idea of the lot split?

5 MR. SOMMERS: I am sorry?

6 MR. HANFORD: What is the idea of the lot split on
7 that? Because that's against what we — our regulations. If
8 you leased that land, you wouldn't have to do that, right?

9 MR. SOMMERS: Well, there is practical difficulties
10 with the leased property, in that, when you have a retail, when
11 you have a business that — banks, most banks, typically own, a
12 lot of them own their real estate, want to have control over
13 that.

14 There would also be issues with the association,
15 between sharing the expenses. There is just a lot of
16 difficulties with leasing part of that land. It's not an ideal
17 ownership. The ownership is preferred. For, really, any real
18 estate, people would prefer to own it.

19 MR. HANFORD: But there are banks around that have
20 leased land and do not have any difficulty with lot splits and
21 things.

22 MR. SOMMERS: It is not just banks. I mean, leases
23 are done all the time.

24 MR. HANFORD: Yes.

25 MR. SOMMERS: But in this case, it's — we don't
26 think it's practical. It's also one outlot. It's not a large
27 commercial development where you would have multiple leases and
28 afford to have a condominium association for the commercial.
29 It just creates far too many difficulties for expenses,
30 liability.

1 MR. MONROE: Another point on that is a true split,
2 we believe, will create more tax revenue for the township in
3 the long run. We assume the bank will come in for all the
4 necessary building permits. We believe the building will
5 probably be over a \$2 million improvement to the property, and
6 I assume your school district will then seek to reassess the
7 property with the improvements on it and you're going to get a
8 better recapture on that.

9 As Ryan mentioned, trying to do a mixed-use
10 condominium development is really very complicated and, quite
11 frankly, the residents, we find, don't want to be involved with
12 a commercial property from an ownership perspective.
13 Condominium complicates that.

14 MR. SOMMERS: It forces a disproportionate share of
15 the expenses on the residential condominium.

16 MR. HANFORD: You can do all you want to do in 28
17 feet?

18 MR. SOMMERS: We plan to have utility and additional
19 ingress-egress easements along that stretch of property but our
20 road section would be the same that was approved under the site
21 plan, so the answer is yes. We're not changing our road
22 profile or section. And, of course, this will all have to go
23 through site plan review, so this —

24 MR. MONROE: This is just one step in the process,
25 the first step. Obviously, when the bank, if they're satisfied
26 with their due diligence and that there is a lot to buy, then
27 they would, hopefully, close on the lot, purchase it, and then
28 move forward with the approval process.

29 MS. JARRELL: Mr. Sommers, were you here before for a
30 variance for this project? I am kind of new, so I just wanted

1 to get a review on some of the background.

2 MR. SOMMERS: We were here for a variance, and I
3 don't remember. This property was rezoned but never the
4 commercial property. So to answer your question, we've never
5 obtained a variance or rezoning, to my knowledge, on the
6 commercial section.

7 MS. MITCHELL: Not on that piece. On Country Scene,
8 yes.

9 MR. HANFORD: Country Scene, we did, the back.

10 MR. SOMMERS: You did a setback variance on Phase 1,
11 which is the Country Scene portion.

12 MR. HANFORD: Yes.

13 MR. SOMMERS: It was buildable as the setbacks read
14 in the R-3. We also went through some rezonings to allow
15 detached condominiums in township, in the township, which was a
16 brand new concept and is allowing us to build what we're
17 building today; but on the commercial, we have never asked for
18 any type of rezoning or variance.

19 MR. SMITH: Mr. Sommers, on the shared access road to
20 be installed adjacent to the proposed bank's property line, how
21 wide is that access road?

22 MR. SOMMERS: I believe it's 22 or 21 feet, without
23 having my engineer here. That does not include, I believe, the
24 curbs or any, you know, additional parking or grading that
25 would be around the roadway but it does need to meet the
26 requirements of your county — or of the county engineer, your
27 engineer and the fire chief. They've all signed off on that
28 roadway.

29 MR. SMITH: And is there a setback requirement for
30 the property lines or width-of-the-road access?

1 MR. SOMMERS: I am not sure what —

2 MR. SMITH: In other words, can the 22-foot width for
3 the pavement be property line to property line or is there
4 other dimensions you need besides the 22-foot roadway width?

5 MR. SOMMERS: I don't know.

6 MS. MITCHELL: The text addresses parking area. It
7 doesn't establish a specific setback for access drives.

8 MR. SOMMERS: Now, there is existing pavement, so,
9 again, we're not looking to move the entrance closer to or
10 further away from the property lines. All the uses there, even
11 though the adjoining parcel is zoned — I believe it's R-1,
12 right, or is it B-1?

13 MS. MITCHELL: The adjoining?

14 MR. SOMMERS: The apartments.

15 MS. MITCHELL: That is —

16 MR. BULLARD: I believe it's B-1.

17 MR. SOMMERS: It is B-1 but it's an apartment use, so
18 it's kind of a nonconforming use. Utilities split our
19 property.

20 Another important note, Country Scene is private.
21 We're not private. We have — We more than meet the frontage
22 along Country Scene for this project.

23 MS. JARRELL: That doesn't apply. The frontage needs
24 to be on the main road.

25 MR. SOMMERS: I know. I just — and I agree. I said
26 it's a private road. We have the required frontage on a
27 private road. I just wanted to bring that up. We could look
28 at dedicating this roadway but the cost, again, would be, you
29 know — It would then be maintained by the township.

30 MS. JARRELL: So when the project was originally

1 approved with the commercial piece, there was no hardship.

2 MR. SOMMERS: We never, actually, we never got it
3 approved for the commercial. We never went through site plan
4 or zoning approval.

5 MS. JARRELL: So explain to me what the hardship is.

6 MR. MONROE: First of all, it was practical
7 difficulty.

8 MR. LUCAS: Yeah, you want to explain it from a
9 practical difficulty, not a hardship.

10 MR. SOMMERS: It was the three items that John noted.
11 But we've never been for any type of request, variance, site
12 plan. We've never been before any board or the zoning
13 authority for the commercial.

14 MR. MONROE: To answer your question very succinctly,
15 the problem, there is no physical way to comply with both the
16 requirements of the B-1 District and the B-3 District with the
17 frontage that exists there now. There is 248 feet. You have a
18 200-foot requirement in the B-3 District and a 100-foot
19 requirement in the B-1 District. There simply is not enough
20 land between the two points.

21 So the practical difficulty — which is a lesser
22 standard under Ohio law. The hardship would be if there is a
23 use variance but we don't need that because the front half of
24 the parcel is zoned commercial.

25 Again, I think it's a good point to look, too, at
26 some point, the commercial front of this property is going to
27 be developed. It's just a reality. And I think it's an
28 exciting opportunity for the township to have a bank, which is
29 a low impact use, in the community. They put a new First Merit
30 Bank at the top of my street and it's been a great neighbor.

1 It is well-maintained. It's fully irrigated. It's landscaped.
2 They do a nice job with the building. And so I think this
3 would be a, certainly, good retail use to finish out
4 development of that portion of Johnnycake.

5 CHAIRMAN ROWE: Thank you.

6 MR. SMITH: One more question, Mr. Chairman.

7 CHAIRMAN ROWE: Oh, sure.

8 MR. SMITH: Fifth Third and all banks have ATM
9 machines. The ATM machine will be operable 24 hours?

10 MR. SOMMERS: Again, this would be part of the site
11 plan approval but, I would imagine, the ATM is automated and it
12 would be 24 hours a day.

13 MR. SMITH: One other question, Mr. Chairman.

14 Mr. Sommers, even if it was not a bank, it was some
15 other retail use, going back to your previous explanation about
16 the homeowners' association not, perhaps, being the best use of
17 property to have a lease, you would probably have the lots
18 built, no matter what the retail use was going to be?

19 MR. SOMMERS: Yes.

20 MR. HANFORD: One last question. What are you going
21 to do with the other piece's are there? What happens in here?

22 MR. SOMMERS: We don't have a — we don't have any —
23 We can't predict. It will be user driven. I hope to move my
24 office. My business is in Concord now. I hope to move my
25 offices there in the future. Beyond that, I can't predict what
26 would go in.

27 CHAIRMAN ROWE: Some kind of, probably, an office?

28 MR. SOMMERS: My hope is to move my office there.
29 That's the best indication I can give you right at this time.
30 I would like to stay.

1 CHAIRMAN ROWE: Okay. Thank you, gentlemen.

2 MR. SOMMERS: Thank you.

3 CHAIRMAN ROWE: Is there anyone else in the audience
4 who would care to address in support of this situation?

5 MR. HAMULAK: Good evening. Keith Hamulak, with CB
6 Richard Ellis, 200 Public Square, Suite 2560, Cleveland 44114,
7 and I was sworn in as well.

8 I wanted to address the question that was given to
9 Mr. Sommers regarding the possibility of a lease. Fifth Third
10 Bank is currently in the market already — they're right next
11 door in a leased location — and they will not proceed with
12 this project unless they can purchase the land.

13 A ground lease or a build-to-suit will not be an
14 option for them, so I just want to make it clear that that's
15 why we need the lot split. We need to purchase the land in
16 order to meet the internal pro formas of the bank. They will
17 not move forward and come out of a leased location and go into
18 a ground lease or another leased location. Only if they have
19 the opportunity to buy would they relocate. Thank you.

20 CHAIRMAN ROWE: Thank you.

21 Anyone else wishing to support the situation?
22 Hearing none, anyone that might be in opposition of the
23 situation?

24 MR. FISHER: Good evening. My name is Kenneth
25 Fisher, business address: 2100 Terminal Tower, Cleveland,
26 Ohio. I am an attorney, here tonight on behalf of the
27 contiguous property owner, Concord Plaza, owned and operated by
28 Concord Limited Liability Company, represented by its
29 principal, Charles Andrews, who is seated in the audience.

30 CHAIRMAN ROWE: Okay.

1 MR. FISHER: The issues are complex.

2 CHAIRMAN ROWE: You were sworn in?

3 MR. FISHER: Excuse me. Yes, I have been sworn in.

4 I took the oath and I take it seriously.

5 CHAIRMAN ROWE: I figured, but —

6 MR. FISHER: Thank you. The property was originally,
7 I think, as members of the Board are aware, was zoned for
8 single-family R-1 use. The R-3 District, allowing cluster, was
9 created for this property, and it might include other property
10 in the township but it includes the entire process, including
11 the rezoning, creation of new zoning, referral to the Lake
12 County Planning Commission, public hearings, voted by the
13 trustees and, ultimately, was adopted.

14 At the time of the request by this applicant,
15 Mr. Sommers, by and through his entity, Gabriel's Edge LLC, to
16 rezone the large portion of the property to R-3, he chose to
17 allow the frontage to remain as is, B-1.

18 The history is — And I received this through public
19 records request submitted to Ms. Mitchell — on October 14,
20 2008, Phase 1 was approved, including, obviously, the new
21 zoning of R-3 with several conditions. I would like to make
22 this part of the record, even though these are yours. This is
23 your letter.

24 CHAIRMAN ROWE: I think we may have a copy.

25 MR. FISHER: I think you might as well.

26 The indication, of course, is that, under Number 2,
27 which is bold-faced — not added by me but, again, I will
28 explain why, I think, why in bold-faced — 22, the subject
29 parcel shall be combined prior to final approval in order to
30 demonstrate compliance with minimum acreage, which happens to

1 be 10, and frontage requirements, which, as listed on tonight's
2 agenda, is 200 foot of frontage on a publicly dedicated right-
3 of-way. This is what the zoning requested by the applicant,
4 Mr. Sommers, by and through Gabriel's Edge, required.

5 The minutes — which I have, again, through a public
6 records request, which I would like to make part of the
7 record — indicate clearly that there was ongoing discussion
8 that night by and through then Chairman Norman and other
9 members of this Zoning Board, as to the requirements of
10 frontage of 200 feet on a publicly dedicated right-of-way.

11 In fact, the request was that if they're not
12 combined, the chairman, at the time — going back, again, to
13 October 7th, 2008 — was not prepared to proceed. Upon which,
14 Mr. Sommers said, quote, unquote, "I am not asking for trust.
15 I'm saying it's a joint application. We have the acreage. We
16 have the frontage. I don't see how you can say it doesn't meet
17 your code when we have the acreage and it is being submitted by
18 two entities," and clearly agreed, as one of the conditions, to
19 go ahead and consolidated the parcels into one parcel to comply
20 with the zoning that he was seeking.

21 R-3 zoning, cluster, new to the township, to
22 accommodate, again, the vast majority of this 15-plus/minus
23 acre parcel. The B-1 was already there. And Mr. Sommers
24 clearly understood, when he came in front of the Zoning
25 Commission in October of 2008, that in order to build these
26 cluster units, he needed the 200 foot of frontage on the
27 publicly-dedicated street, which means he could not then
28 consolidate and come back later and say, "Okay. Now I have
29 practical difficulty and I want to split."

30 That's an affront to your Zoning Resolution. I would

1 like to make this transcript from October 7th, 2008, part of
2 tonight's proceeding, so I will hand them to —

3 CHAIRMAN ROWE: Ms. Mitchell.

4 MR. FISHER: Thank you. Now, Phase 1 went well. So
5 Gabriel's Edge comes back for Phase 2 approval September 4th,
6 2009. I believe you have it. Do you have it? Does anybody
7 want it? I have extras.

8 MR. HANFORD: We have it.

9 CHAIRMAN ROWE: Oh, yeah, right here.

10 MR. FISHER: Yeah. At that time, again, seeking
11 additional units in Phase 2. And this was just last
12 September — actually, I take it back — September 4, 2009.
13 And several conditions, including 22, which requires a second
14 means of access for emergency vehicles, which I believe and
15 maintain was at the request of your fire chief, that it's
16 important because of all this development, residential
17 development going on, that there be a separate access for
18 emergency vehicles. That was agreed to just last September.

19 So now we have it, less than a year later, and the
20 applicant comes in and says, "I don't have to comply, because
21 of practical difficulty, with the 200 foot of frontage even
22 though it's part of the R-3 that you created just for this
23 parcel. I don't have to comply with a second means of access
24 for emergency vehicles even though I agreed to it as a
25 condition just last September. But I want to go ahead and I
26 want to split this because I got a broker that says it's the
27 only way the bank is going to come into the township on this
28 piece of property."

29 That's not practical difficulty. There might be
30 other names for it but certainly not practical difficult. This

1 applicant clearly understood what was happening when he asked
2 for the R-3 zoning, not only one phase but two phases;
3 understood he needed 200 foot of frontage on a publicly-
4 dedicated right-of-way; and also understood, when he came back
5 last September, that he needed a second means of ingress and
6 egress for emergency vehicles in case of fire.

7 Now to come in and say, "I don't have to comply with
8 your Zoning Resolution because I have a broker that says I can
9 make money by selling to the bank," is contrary to your Zoning
10 Resolution which must be upheld, by oath.

11 The Lake County Planning Commission, as I believe
12 you're aware, has, by staff recommendation, not approved this
13 lot split. If anybody needs it, I have it.

14 MR. HANFORD: Yeah, we have it.

15 MR. FISHER: And there is absolutely no basis to
16 consider. Traffic issues galore. But, more importantly, the
17 precedent is overwhelming in favor of denying this appeal.
18 Again, when an applicant comes in front of this Board and gets
19 what he is asking or his entity is asking, creating new zoning
20 to allow for cluster, and understands what the terms and
21 conditions of the approval and of the Zoning Resolution are,
22 and then to come back, after getting not only the first phase
23 but the second phase approved some, what, eight, nine months
24 later and say, "Now I don't have to comply with the various
25 conditions that I agreed to comply with because I can sell the
26 piece to a broker, to a bank," makes no sense. You might as
27 well not have a Zoning Resolution.

28 So with that, any questions? comments? Thank you.

29 CHAIRMAN ROWE: Thanks, sir.

30 MR. FISHER: Wait. I'm sorry. Mr. Andrews, do you

1 want to say anything?

2 MR. LUCAS: Why don't we see if anyone else wants to
3 speak against it before having Mr. Monroe come up for rebuttal.

4 CHAIRMAN ROWE: Does anyone else wish to address the
5 Board at this time?

6 MR. ANDREWS: I am Chuck Andrews. I was sworn in,
7 whatever. I am at 8793 Pheasant Lane, Kirtland, Ohio. I own
8 Concord Plaza. I attended all the meetings for the rezoning of
9 the property originally. And if I am not mistaken, my
10 recollection is that the very issue of dual zoning was
11 discussed quite a bit and Mr. Sommers, if my recollection is
12 correct — I know you have the minutes of the meeting — that
13 he said that it wouldn't be a problem to share the expenses and
14 comply with the zoning code. And that's what I recall from the
15 original minutes, that he said leaving it B-1 in this state of
16 dual zoning would not be an issue, and now it becomes an
17 issue.

18 I don't know that the property itself can't be
19 developed in compliance with the zoning code just because this
20 one particular tenant or company or whatever may or may not
21 ultimately use it. You've got testimony from the real estate
22 agency, you don't have testimony from the bank. But we don't
23 know if that bank wouldn't make a business arrangement so that
24 the land can be in compliance with the zoning code, or we don't
25 know that some other person might come along and allow
26 development of that property in compliance with the zoning
27 code.

28 These were all things that were known originally when
29 the property was requested to be rezoned and frontage was such
30 an issue in that rezoning, so I am just registering my

1 opposition for those reasons. Thank you.

2 CHAIRMAN ROWE: Thank you, sir.

3 Any other — Anyone else addressing on the opposition
4 to this lot split?

5 MR. MONROE: Thank you, Mr. Chair. I will be very
6 brief. I just wanted to address some of the issues that
7 Mr. Fisher has raised. The first is, always look at the person
8 opposing the project's motivation. It's all very clear that
9 the existing Fifth Third Bank is in the shopping plaza that his
10 client owns and operates. It's no secret that the bank's lease
11 is up. The bank wants to own its own dirt and build its own
12 building.

13 It's not a bad thing when a business wants to stay in
14 a community, wants to invest in a community, wants to provide
15 services for people in that community. In my world, that's not
16 a bad thing. That's not evil. That's not Wall Street and big
17 banks shoving it down Concord's throat. It's a bank wanting to
18 stay here in Concord and grow. That's a good thing.

19 The second, Mr. Fisher wants to create, I think, a
20 little more drama than there actually is. It is not unusual
21 for a property owner to seek a zoning change, and in this case,
22 you've seen a successful zoning change. You've seen the
23 development of a successful project. Mr. Sommers took a risk
24 and is selling, despite what we can all agree on, is the worst
25 real estate market since the crash of 1929. So that is a good
26 thing.

27 Every step of the way, Mr. Sommers has come before
28 the various boards. Mr. Fisher wants to suggest that he
29 hoodwinked you people, which he didn't. He came to the Zoning
30 Commission, asked for what he was proposing, did a project

1 change, at times, along the way, of course, every project, 14
2 acres, developable process, especially in light of what's
3 happened between 2005 and 2010 in the real estate world.

4 Again, I think it's important to focus — Well, one
5 last point, too. The County Planning Commission, if you read
6 the memo from the County Planning Commission staff, it's very
7 innocuous. It's basically adjudication that your zoning
8 inspector would have given, which is, according to our zoning
9 regulations or resolution — I'm sorry — you can't do this.
10 That's why we have variance boards and that's why we are here
11 before you, to show the practical difficulty, the unique
12 situation of this property that is not — every property is
13 different. Every property doesn't have a U shape like this
14 particular property does. Every property doesn't have two
15 zoning districts. Every property doesn't have a requirement
16 for 200 and 100 in a 248-foot strip. That's a unique
17 scenario.

18 So I would be careful that we're not creating this
19 precedent that every person down the road is going to seek a
20 variance from this — from that requirement.

21 Again, this is about Fifth Third Bank. This isn't
22 about Ryan Sommers. This isn't about Gabriel's Edge. This is
23 about a bank that wants to move from its existing location into
24 a new building which they want to build and own going forward,
25 and I think that's an exciting thing, especially, given the
26 real estate market the way it is.

27 Mr. Sommers.

28 MR. SOMMERS: I just have two quick comments.
29 Mr. Fisher was completely incorrect in saying that I am not
30 moving forward with the second ingress-egress. I am a hundred

1 percent, on the record, moving forward and realize that
2 requirement. This will actually speed that process because we
3 have a use. We have dollars to help build that road. This
4 will go in at the same time.

5 And the other final comment, on April 5th of this
6 past month, an employee of Mr. Andrews' company actually called
7 me on several occasions — I have the messages — trying to
8 purchase the property. So if there is a — I think it's more
9 of an economic reason for his opposition and I hope the Board
10 can see through this. Thank you.

11 MR. MONROE: Just on the bank, I believe, as part of
12 the purchase agreement, that the bank is going to require some
13 upgrades to the access entranceways; is that correct?

14 MR. SOMMERS: It's consistent with the secondary
15 access road that we are going to build and that the fire chief
16 and everyone has required.

17 MR. HANFORD: I have a question. Part of the problem
18 is the road is taking space away from the frontage, right? Is
19 that what we're looking at is the problem?

20 MR. SOMMERS: No. It's the commercial lot taking the
21 frontage away from the 250 feet, not the road.

22 MR. MONROE: You.

23 CHAIRMAN ROWE: Thank you. Having heard the
24 discussion, we will now close the public portion of this item
25 and, before we get into discussion, entertain a motion.

26 MR. SMITH: So moved.

27 MR. HANFORD: Second.

28 CHAIRMAN ROWE: Okay. Now open for discussion among
29 the Board, all the Board.

30 MR. HANFORD: Yeah. I am just a little confused

1 about the frontage here, Mr. Chairman. From here to here is,
2 what, is 250 feet?

3 CHAIRMAN ROWE: Yeah.

4 MR. HANFORD: And what's the requirement?

5 MR. SMITH: There is 300, 3, for the residential.

6 And where they got that was noncontiguous, the whole parcel,
7 all the parcel combined, and the original R-3 zoning. So it
8 would have taken, with this lot split requirement, the request
9 for the variance is because now the R-3 Multi-Family no longer
10 has 300 feet of frontage on the public right-of-way.

11 CHAIRMAN ROWE: That's it.

12 MR. HANFORD: It's no easy solution. All right.

13 Thank you. Thank you, Mr. Smith.

14 MR. SMITH: Part of the contention of the applicant
15 is that the reason they want — they need the lot split is
16 because they wouldn't want the homeowners' association, if I
17 understand it correctly, to get into negotiating a lease for
18 retail uses. It's complicated because, right now, it's all one
19 parcel.

20 MR. HAMILTON: Among other difficulties. Even if
21 Country Scene Drive were a dedicated public road, it would run
22 into issues. We'd still be dealing, even if there was a public
23 road on Country Scene Drive, which it isn't. It's private.

24 MR. HANFORD: Right.

25 MR. HAMILTON: Even if it was, it would still have
26 some practical difficulties with two different zonings and with
27 the amount of land available.

28 CHAIRMAN ROWE: That area did exist with a nursery
29 for years and years.

30 MS. JARRELL: Kathy, is it possible to see the

1 minutes from the prior meetings?

2 MS. MITCHELL: We can certainly do that. I don't
3 have them today but we can look at them. I can make copies of
4 them.

5 MR. HANFORD: What is your understanding of the
6 minutes? Do you remember?

7 MS. JARRELL: As far as it pertains to the cost with
8 the homeowners' association?

9 MS. MITCHELL: That, I don't recall. There were so
10 many hearings, to be honest with you. There was an '04 rezone,
11 there was an '06 rezone. There were a handful of variance
12 requests over multiple hearings. I don't recall that per se,
13 but we actually can — As part of the records request, we were
14 reviewing the files today. I did come across that particular
15 set of information but I didn't look at every page, you know.

16 MR. HAMILTON: I think what's important here is just
17 what we're dealing with, the variance and the request for the
18 variance. What came before brought us to this point but we
19 can't change any of that.

20 MR. HANFORD: That's right.

21 MR. HAMILTON: What we can do is look at the variance
22 from there forward.

23 MR. HANFORD: Yeah. This is already approved and
24 whatever. Now we're looking at this, yeah.

25 MS. JARRELL: I wonder why Fifth Third isn't here.

26 MR. HANFORD: Yeah, there was an existing business
27 there, Borlin's.

28 CHAIRMAN ROWE: Oh, yeah.

29 MS. JARRELL: The nursery.

30 CHAIRMAN ROWE: The other thing is, in a practical

1 viewpoint, things do change.

2 MR. HANFORD: Yes. I am getting older, too. I hate
3 it. I am changing.

4 CHAIRMAN ROWE: Are you speaking of this meeting or
5 just —

6 MS. MITCHELL: Mr. Chairman, do you want this entered
7 into the record, the receipt of information from Mr. Art
8 Sidley? He came in today to, I guess, express his viewpoints
9 and he had concerns with regard to the roadway going back to
10 the multi-family portion and had comments regarding enough
11 width to accommodate a roadway in the back, so he had some
12 suggestions with regard the easements, et cetera, but he wanted
13 to make sure it was entered into the record.

14 MR. SMITH: Wouldn't that be part of the Planning
15 Commission at the same time?

16 MS. MITCHELL: The roadway? No, not the Planning
17 Commission because it won't be subdivided.

18 MR. HANFORD: We should read these in.

19 CHAIRMAN ROWE: Apparently, there are two from the
20 gentleman across the street from this area, Art Sidley, that
21 are attached to two drawings, one reserves a 60-foot easement
22 to the rear land, two contains a 60-foot right-of-way to the
23 rear land. It would be desirable for all traffic ingress and
24 egress be at this one location. In essence, the B-1 parcel
25 would function as a corner lot on the access road, in effect,
26 suggesting that there wouldn't be another — The only entrance,
27 as I take it, the only entrance into the bank situation would
28 be off of that road and not one.

29 MR. HANFORD: Would the applicant like to see the
30 drawings?

1 MS. MITCHELL: I gave him a copy.

2 MR. HANFORD: Oh, you did? Would you like to
3 comment?

4 MR. SOMMERS: Yeah. I appreciate the feedback from
5 Art. The proposed — We will have an easement and 28 feet, so
6 the easement we've proposed, I think, is 15. It will be at 43
7 feet, the easement and the road right-of-way. The easement
8 will have utilities and landscaping and curbs in that area. So
9 I don't think we're far off from the 60. 60 would be like a
10 subdivision-size roadway. This is a private drive, so it
11 really isn't applicable to a private street serving multi-
12 family but I think we're close. I mean, we're at 43 feet. He
13 is looking at 60. And it's not going to be a subdivision, a
14 single-family subdivision, not 60 foot.

15 CHAIRMAN ROWE: And you did say that the fire
16 department is okay with the road as you're looking at it?

17 MR. SOMMERS: Yeah. They've already approved that.
18 Everything is consistent with that site plan approval and
19 all — what I have presented since we went to the detached R-3.
20 The difference is in the ownership and the lot split only.

21 CHAIRMAN ROWE: Thanks, again.

22 MS. JARRELL: Would somebody explain to me the
23 meaning with this?

24 CHAIRMAN ROWE: Oh, what?

25 MS. JARRELL: What he is trying to get at here, so I
26 can be perfectly clear?

27 CHAIRMAN ROWE: What he is looking at is, this is
28 this roadway going back into, the apartments are here. His
29 viewpoint is, this should not exist and this functions as a
30 corner lot.

1 MR. HANFORD: With one exit and one entrance.

2 CHAIRMAN ROWE: The only would be here, here, off of
3 here.

4 MS. JARRELL: Okay.

5 CHAIRMAN ROWE: Any further discussion?

6 MR. HANFORD: None.

7 CHAIRMAN ROWE: Call for a vote, please.

8 MS. MITCHELL: Ms. Jarrell?

9 MS. JARRELL: No.

10 MS. MITCHELL: Mr. Hamilton?

11 MR. HAMILTON: Yes.

12 MS. MITCHELL: Mr. Smith?

13 MR. SMITH: No.

14 MS. MITCHELL: Mr. Hanford?

15 MR. HANFORD: Yes.

16 MS. MITCHELL: Mr. Rowe?

17 CHAIRMAN ROWE: Yes. By a three-two vote, the
18 request is approved.

19 MR. SOMMERS: Thank you very much.

20 CHAIRMAN ROWE: The last item on the agenda involving
21 the Board at all is approval of the minutes of the March 10
22 meeting.

23 MR. HANFORD: Mr. Chairman, before we do that,
24 we should let the audience know that the request for the first
25 thing was tabled, or would that be of interest?

26 CHAIRMAN ROWE: I don't think anyone's here.

27 MR. HANFORD: Doesn't matter. Okay.

28 CHAIRMAN ROWE: All you folks were around here
29 March 10th. What do you think of the minutes? I wasn't here.

30 MR. HANFORD: I couldn't see anything.

1 MR. HAMILTON: I have no problems.

2 CHAIRMAN ROWE: I guess that's good.

3 MR. HANFORD: No comments.

4 CHAIRMAN ROWE: So I take it you're all in favor of
5 approving those minutes?

6 MR. HANFORD: Yes, we are. I am.

7 CHAIRMAN ROWE: All right. Thank you. The meeting
8 is now adjourned.

9 (The meeting was adjourned 8:20 p.m.)

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1 STATE OF OHIO)
2) CERTIFICATE
3 COUNTY OF CUYAHOGA)
4

5 I, Melinda A. Melton, Registered Professional
6 Reporter, a notary public within and for the State of Ohio,
7 duly commissioned and qualified, do hereby certify that, to
8 the best of my ability, the foregoing proceeding was reduced
9 by me to stenotype shorthand, subsequently transcribed into
10 typewritten manuscript; and that the foregoing is a true and
11 accurate transcript of said proceedings so taken as
12 aforesaid.
13

14 I do further certify that this proceeding took
15 place at the time and place as specified in the foregoing
16 caption and was completed without adjournment.
17

18 I do further certify that I am not a friend,
19 relative, or counsel for any party or otherwise interested
20 in the outcome of these proceedings.
21

22 IN WITNESS WHEREOF, I have hereunto set my hand and
23 affixed my seal of office this 21st day of May 2010.
24
25
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27

28 _____
29 Melinda A. Melton
30 Registered Professional Reporter

31 Notary Public within and for the
32 State of Ohio
33

34 My Commission Expires:
35 February 4, 2013
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