

CONCORD TOWNSHIP BOARD OF ZONING APPEALS  
LAKE COUNTY, OHIO  
MEETING

January 13, 2010

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

7:00 p.m.

**TRANSCRIPT OF PROCEEDINGS**

Board of Zoning Appeals members present:

Gordon Hanford, Chairman  
James Rowe, Vice Chairman  
Richard Smith  
Chris Jarrell  
Blair Hamilton  
Kathy Miller, Alternate

Also Present:

Kathy Mitchell, Board of Zoning Appeals secretary,  
Zoning Inspector

**King & Melton Court Reporters**  
11668 Girdled Road  
Concord, Ohio 44077  
(440) 946-1350

7:00 p.m.

1  
2 CHAIRMAN HANFORD: The Board of Zoning Appeals  
3 meeting of January 13th, 2010, is now in session. I would like  
4 to introduce the Board. Moving left to right, Blair Hamilton,  
5 Chris Jarrell, Richard Smith, Vice Chair Jim Rowe. I'm Gordon  
6 Hanford. To my far right is Kathy Mitchell, zoning inspector.

7 Under advice of our counsel, anyone wishing to speak  
8 tonight must be sworn in. Therefore, if you plan to speak,  
9 please stand and raise your right hand. Do you swear the  
10 testimony you are about to give will be the truth, the whole  
11 truth and nothing but the truth, so help me God? If so, say "I  
12 do."

13 (Speakers responded affirmatively en masse.)

14 CHAIRMAN HANFORD: Please be seated.

15 I'd like to just take a moment here to introduce  
16 again Chris, who is filling Claudia Hemphill's position, a  
17 long-time position serving on this Board and did an excellent  
18 job. And I would like to thank Claudia for her service to the  
19 community and, again, introduce Chris again and thank you.

20 All right. When presenting your application or, I  
21 should say, when presenting your appeal for conditional use or  
22 commenting on or for or against the appeal or conditional use,  
23 I would like to have you come up to the microphone, give your  
24 name and address, and confirm that you've been sworn in.

25 Okay.

26 Kathy, were the legal notices published in a timely  
27 manner?

28 MS. MITCHELL: Yes, they were.

29 CHAIRMAN HANFORD: Thank you. If your request is  
30 denied, you have the right to see Kathy and work out an appeal,

1 and Kathy will also help you with those details. We have five  
2 items on the agenda tonight. Item Number 1 on the agenda is  
3 Appeal 1209-959. And I think, Jim —

4 MR. ROWE: Well, just because of knowledge of the  
5 parties involved, I am recusing myself from discussion and  
6 voting on this particular item.

7 CHAIRMAN HANFORD: Okay, good. We have in the  
8 audience Kathy Mitchell, an alternate.

9 MS. MITCHELL: Kathy Miller.

10 CHAIRMAN HANFORD: Too many Kathys. Kathy Miller,  
11 thank you, your twin. Jim will be rejoining us for the other  
12 items but we did want to have a full Board for Number 1.

13 (Ms. Miller took Mr. Rowe's place on the Board.)

14 CHAIRMAN HANFORD: Whosever is going to come up and  
15 speak on this appeal, just step forward.

16 MR. PAPA: My name is Salvatore R. Papa, president of  
17 Best Value and Quality, Inc., 2028 Lloyd Court, Wickliffe, Ohio  
18 44092.

19 CHAIRMAN HANFORD: And you have been sworn in?

20 MR. PAPA: Yes.

21 CHAIRMAN HANFORD: Okay. Thank you.

22 MR. PAPA: And I'm here about the variance for the  
23 side yard variance, Sublot 20 on Nob Hill. Just a little  
24 background history about myself. I have been building for 17  
25 years. I've been building in Lake County for 15 years, in  
26 Concord for the last 12 years. I built Little Mountain when it  
27 first opened up and my last house was on Landon Lane.

28 I am here to build Byron Toth and Sue Hayes' house.  
29 They just got engaged.

30 CHAIRMAN HANFORD: Congratulations.

1 MR. PAPA: Soon to be married. They want to build  
2 their dream home in Concord on Nob Hill on Sublot 20. We found  
3 this lot, they fell in love with it. Unfortunately, it looks  
4 like an unbuildable lot. And I just want to talk about, a  
5 little about Byron's background. Byron works at Scores Fun  
6 Center. He's been there for over 15, 20 years. He works with  
7 young children in Lake County, helps them how to bowl, drills  
8 the balls, seniors and adults. He's been living in Lake County  
9 for the past 33 years and he lives in Concord Township for the  
10 last three years.

11 Sue Hayes works at Avery Dennison for the last 11  
12 years. She worked in the Lake County rape center crisis for 10  
13 years, and she's been working for Lake Metroparks for the last  
14 11 years. Just a little background about them.

15 So we're here today to talk about the variance.

16 MS. MITCHELL: I put it up there. Sorry.

17 MR. PAPA: Thank you. This is the lot. I don't know  
18 if everybody can see it because, as you can see, the lot is a  
19 normal size lot. There is a 15 yard side variance from the  
20 house on this side, which we're not trying to encroach. And  
21 there is a 50 yard variance from the street to here. An  
22 average size house in the development is about 75 foot long in  
23 width. This house, we designed it 60 foot and it's a ranch. A  
24 normal house could not even fit on the lot at all, so we got a  
25 smaller footprint here on the house. And this 60-foot wide  
26 house for a ranch is very, very small. Most ranches are 75  
27 foot in nature.

28 So to give an illustration, we have 40 feet in width  
29 on the first part and the back of the lot is 30 feet. You go  
30 back here, you got maybe 12 feet. So it's almost an impossible

1 lot to build on. So we're here today to ask you guys if that's  
2 possible that we can get a variance for this house.

3 Is there any questions?

4 CHAIRMAN HANFORD: Do you have any history on why the  
5 lot is like that?

6 MR. PAPA: I have to go to Kathy. Do you know why  
7 they did that?

8 MS. MITCHELL: Just looking at it, back on the  
9 history of the, when the subdivision was recorded, that  
10 individual lot did meet the zoning requirements from a lot area  
11 and width standpoint. For whatever reason, it was not  
12 recommended to expand the size of the lot at the time of the  
13 subdivision review by the county, and so it was approved as is  
14 but, yeah, the indications are that the buildable area is much  
15 smaller than the rest of the lots in the development.

16 CHAIRMAN HANFORD: Could that happen today?

17 MS. MITCHELL: We go through the subdivision review.  
18 The county Planning Commission always gives us the opportunity  
19 to make comments. In a case like this, what we would typically  
20 do is question the buildability, request for an increase in  
21 size, discuss the limitations from where you can position the  
22 building because of rear setback limitations and so forth.  
23 And, usually, they are pretty responsive to specific comments  
24 like that and encourage the developer to make some adjustments.

25 CHAIRMAN HANFORD: Thank you. Any questions?

26 MR. SMITH: Yes, Mr. Chairman. Mr. Papa, the design  
27 of the house, the configuration came from —

28 MR. PAPA: Myself.

29 MR. SMITH: You don't have an architect involved in  
30 this?

1 MR. PAPA: Not at this point in time. What I do is  
2 I design the floor layouts, then I give them to the architect.  
3 Mr. Toth and Ms. Hayes, they did not purchase, they do not own  
4 the lot at this point in time. We have a contract to purchase  
5 the lot if we pass this variance, so we are trying to limit the  
6 cost they've incurred already with surveyors and lawyer fees  
7 and all that. So we didn't know that we were going to run  
8 across this until we got this together. Thank God we didn't  
9 buy the lot prior to this but that's why we're asking  
10 permission.

11 The person that owns the lot, Mr. Sanderson, he is in  
12 Florida on vacation right now. I also have the developer's  
13 signature that he would like to see this be done because the  
14 way it's structured, the house, when you come in off of  
15 Hermitage into Nob Hill, you have the house. We're going to  
16 put brick stone on this side, also brick stone on that side, so  
17 it is going to be beautiful. As you come in, it is going to  
18 enhance the neighborhood. The only concern is it's very close  
19 to the road.

20 MR. SMITH: Is the topography of the lot flat or  
21 hilly?

22 MR. PAPA: It's pretty flat.

23 CHAIRMAN HANFORD: It slips off towards the back

24 MR. PAPA: It goes down a little bit. Way in the  
25 back here, it goes down. There is a little culvert pipe back  
26 in there with a drain back in here. The house wouldn't affect  
27 that at all. And the house up next to the left is on a higher  
28 place. I'll bet you it's about 8 foot higher in grade coming  
29 down, sloping down, so everything rolls down this way.

30 MR. SMITH: Would there be any consideration for a

1 driveway off of Hermitage rather than — Let me ask the  
2 question first. Where is the driveway supposed to come off?

3 MR. PAPA: Well, usually, and I don't — We can do it  
4 off Hermitage but I was going to come off Nob Hill because it's  
5 less traffic. You don't want to come out Nob Hill and get hit.  
6 So most cities I worked with, they would rather come off  
7 Nob Hill than Hermitage. So the driveway is going to come like  
8 this, like this to Nob Hill. It's going to be a curved  
9 driveway.

10 CHAIRMAN HANFORD: And it would be in close proximity  
11 to the road, if you look at the lot.

12 MR. HAMILTON: Question. This is a substantial  
13 variance.

14 MR. PAPA: Yes.

15 MR. HAMILTON: Was there any thought given to a  
16 design that would require less of a variance to fit on the lot.

17 MR. PAPA: Yes. I just worked out some plans with  
18 Byron and Sue and we are thinking about, you know, we might be  
19 able to get in at 20 to 25 feet. If this doesn't work, we  
20 might be able to redesign this house to fit in there, maybe 23  
21 feet would be perfect. I think we have another design.

22 Is that correct, Byron?

23 MR. TOTH: Um-hum.

24 MR. PAPA: I mean, they would prefer this design but  
25 they would go with the other design.

26 MR. HAMILTON: So we would be talking about how many  
27 feet?

28 MR. PAPA: 23 feet probably, so you would have  
29 another 23 feet from there. That's, you know, another thing we  
30 were thinking about maybe, possibly putting, like, a little

1 mound there with some trees, you know, to make it look — you  
2 know, you wouldn't see it. Because I don't know if you're ever  
3 going to widen that road. That's the concern I think you guys  
4 have. But the only thing in there is the golf course. I don't  
5 know if it would ever be widened. It's very low traffic on  
6 that road, not much traffic. But in the future, is there going  
7 to be some reason to widen the road? That's the only concern  
8 that I think poses here at this time. That's what I thought,  
9 for your sake.

10 MR. HAMILTON: Thank you.

11 CHAIRMAN HANFORD: I don't think putting a mound  
12 there would cut off the view coming down Hermitage, cut off the  
13 corner in some way, shape or —

14 MR. PAPA: Well, you've only got 40 feet of house,  
15 the rest is all woods.

16 CHAIRMAN HANFORD: Yeah. But I mean —

17 MR. PAPA: If you put, like, 10 foot behind and 10  
18 foot in front, you wouldn't see it, 60 foot, like, a little  
19 mound area like this and some trees. I've done that in other  
20 areas. When you come down, you wouldn't even see the house.  
21 It looks very nice.

22 MR. SMITH: Mr. Papa, what we're talking about is a  
23 setback, not landscape, so trees, at this point, trees are  
24 irrelevant.

25 MR. PAPA: I didn't know if the view meant something  
26 to you. I don't know. What is your concern?

27 MR. SMITH: Our concern is simply zoning, the Zoning  
28 Resolution —

29 CHAIRMAN HANFORD: Yeah. This would be the  
30 structure.

1 MR. SMITH: — and whether or not a variance should  
2 be granted. I did a quick sketch on onion skin, keeping the  
3 same configuration for the house but flipping it 90 degrees,  
4 putting the garage on the right-hand side, and you're only 10  
5 feet into the encroachment but your driveway would be,  
6 probably, would be off of Hermitage rather than Nob Hill. So  
7 I'm suggesting that perhaps getting a professional architect  
8 involved at some point, at least, to give you some ideas on a  
9 better layout that wouldn't have such an impact on the  
10 setbacks.

11 MR. PAPA: What if we went to 23 feet, would that be  
12 acceptable, possibly? I have a house design.

13 MR. SMITH: We would need to see your layout.

14 MR. PAPA: I do have a layout.

15 MR. SMITH: You do have one?

16 MR. PAPA: Yes. This particular house is 48 feet in  
17 width but this one you have here is 60 feet. The same one,  
18 yeah, so I could pick up 12 feet.

19 MR. SMITH: So you're shrinking this way.

20 MR. PAPA: Yes, made it a little bit longer this  
21 way. You have the family room cut down, the family room got  
22 cut down by 12 feet.

23 MS. JARRELL: How many total square feet would the  
24 house be then?

25 MR. PAPA: It is going to be around 23, 24.

26 MS. JARRELL: Even with the modification?

27 MR. PAPA: Yes.

28 MR. SMITH: Yeah, just squished it.

29 MR. PAPA: That's the layout.

30 CHAIRMAN HANFORD: Can a drive coming off Hermitage

1 be an issue?

2 MS. MITCHELL: Well, it's a county road.

3 CHAIRMAN HANFORD: I'm just thinking that —

4 MS. MILLER: I mean, there is obviously a difference  
5 in speed limit.

6 MS. JARRELL: How close would the driveway be to the  
7 entrance onto Nob Hill from Hermitage?

8 MR. PAPA: From here to here?

9 MS. JARRELL: No.

10 MR. PAPA: From here to here?

11 MS. JARRELL: From Hermitage to the driveway.

12 MR. PAPA: You have probably 60 feet.

13 MS. JARRELL: It would be 60 feet?

14 MR. PAPA: Yeah. This is using a turn-around and  
15 this and coming straight in. I mean, you're coming like this  
16 and turn. Usually, from this point here, you have 25 feet to  
17 turn and you just come straight in like here, so you're about  
18 60 feet. I'd hate to come off of Hermitage to the house. We  
19 could do that. Like you said, it would work. But I would hate  
20 to see, with the traffic, you know, for an accident or  
21 something.

22 MS. JARRELL: And this particular model was selected  
23 because —

24 MR. PAPA: They loved it.

25 MR. TOTH: We designed it.

26 MS. JARRELL: I mean, was there a preference that you  
27 chose this one over the one that complied a little bit more  
28 with the zoning?

29 MR. TOTH: It was our first attempt.

30 MS. JARRELL: Okay.

1 MR. TOTH: We would be, we would be satisfied with  
2 either one. So if it would be preferable —

3 CHAIRMAN HANFORD: Excuse me. Would you like to come  
4 up here and give your name?

5 MR. TOTH: I didn't stand up to be sworn in.

6 CHAIRMAN HANFORD: Well, we can swear you in. Your  
7 testimony you are about to give is the truth, the whole truth,  
8 and nothing but the truth, so help you God?

9 MR. TOTH: Yes.

10 CHAIRMAN HANFORD: State your name and address.

11 MR. TOTH: Byron Toth, 7135 North Nightingale Place,  
12 Concord.

13 CHAIRMAN HANFORD: Okay.

14 MR. TOTH: We assumed originally that the only egress  
15 or entrance would be off of Nob Hill. I think the subplot  
16 address is on Nob Hill. So I wouldn't be against entering from  
17 Hermitage, although we'd probably have to have a turn-around  
18 type driveway. I don't think I would want to back out onto  
19 Hermitage. But this was our first attempt. And then this past  
20 week, Sam came up with another design that he showed you. And  
21 if we could get 20, a variance up to about 23 to 25 feet, this  
22 house would fit on, more or less, the same way with the  
23 driveway off of Nob Hill and that would be — I would be fine  
24 with that, too. So if 25, if 23 to 25 feet would be  
25 acceptable, we could live with that.

26 CHAIRMAN HANFORD: Thank you. Any other questions?

27 MS. MILLER: What are the speed limits on Nob Hill  
28 and Hermitage? Is it 35 and 25?

29 MS. MITCHELL: 40.

30 MS. MILLER: 40?

1 MS. MITCHELL: 40 on Hermitage, 25 on Nob Hill.

2 MS. MILLER: Okay.

3 CHAIRMAN HANFORD: Blair?

4 MR. HAMILTON: No other questions.

5 CHAIRMAN HANFORD: Chris?

6 MS. JARRELL: No.

7 CHAIRMAN HANFORD: Richard?

8 MR. SMITH: No, Mr. Chairman.

9 MS. MILLER: No questions.

10 CHAIRMAN HANFORD: All right. Thank you.

11 MR. PAPA: Thank you very much.

12 CHAIRMAN HANFORD: Is there anyone speaking for the  
13 appeal? Speaking for the appeal? Anyone speaking against the  
14 appeal? Were you sworn in?

15 MS. KROLL: Yes, I was.

16 CHAIRMAN HANFORD: Thank you.

17 MS. KROLL: My name is Catherine Kroll. I live at  
18 10500 Barchester, which is at the corner of Hermitage, Nob Hill  
19 and Barchester. Not in opposition of building on that lot. We  
20 do have a concern about the 16-foot setback. We think that  
21 will impinge on our quiet enjoyment of our home. If it could  
22 be set back a little further, we'd be happy, but we would be  
23 opposed to a driveway onto Hermitage. Again, we think that  
24 would impinge on the quiet enjoyment of our home. That's all.

25 CHAIRMAN HANFORD: All right. Thank you.

26 Anyone else speaking against the appeal? All right.  
27 If there are no further questions, the public hearing for  
28 Appeal Number 1209-959 is now closed. The chair will entertain  
29 a motion to approve Appeal Number 1209-959.

30 MR. SMITH: So moved, Mr. Chairman.

1 MR. HAMILTON: Second.

2 CHAIRMAN HANFORD: Thank you. It's been moved that  
3 Appeal 1209-959 is approved and seconded. Discussion?

4 MR. SMITH: I think they, perhaps, could do a little  
5 bit more design on the setback issue. I think there is a  
6 design that will fit. Yes, it will need variances because the  
7 lot is, obviously, the buildable area is very tight, so it will  
8 need some variance but 60 feet, in my opinion, is not the  
9 answer. I would suggest a redesign.

10 CHAIRMAN HANFORD: How do you feel about the 23-25  
11 that they're asking for?

12 MR. SMITH: That still doesn't address it.

13 CHAIRMAN HANFORD: You don't see it as a hardship?

14 MR. SMITH: No.

15 CHAIRMAN HANFORD: No. Anyone else have anything  
16 else?

17 MR. HAMILTON: There is a reason the lot hasn't been  
18 built on at this point, so I agree with Richard that there  
19 needs to be more work in the development of the type of home  
20 that would fit in that and, also, fit into the neighborhood and  
21 addressing the concerns of neighbors. But this is a  
22 substantial setback and it's a lot more than I'd be willing to  
23 consider. I think it needs more work to be re-presented.

24 CHAIRMAN HANFORD: Were there any letters written by  
25 neighbors?

26 MS. MITCHELL: No.

27 CHAIRMAN HANFORD: Chris?

28 MS. JARRELL: I'd be willing to consider the second,  
29 the second home that they suggested. Obviously, I believe that  
30 there is a hardship situation here and I would be willing to

1 agree with that.

2 CHAIRMAN HANFORD: Well, Kathy?

3 MS. MILLER: Well, I would, you know, be open to a  
4 redesign but I'm still seeing 23 to 25 feet as half the  
5 required amount and that seems like a lot to me. So if  
6 something could be reworked, you know, I am sure that we would  
7 be willing to consider it.

8 CHAIRMAN HANFORD: So does anyone on this Board think  
9 it can be reworked?

10 MR. SMITH: I do, Mr. Chairman. The design doesn't  
11 take into consideration an encroachment into the side yard or  
12 rear yard setback, I guess, on the side yard setback on the  
13 15-foot side. Side yard, Kathy?

14 MS. MITCHELL: Corner side.

15 MR. SMITH: Yeah. So maybe a couple of feet into  
16 that, as a consideration, and then that would help free up some  
17 of the Hermitage Road setback issues. So I think, I think a  
18 harder look at the design and getting a professional involved  
19 in the design would be my recommendation.

20 CHAIRMAN HANFORD: Would that fit in with the  
21 neighborhood?

22 MR. SMITH: I think they could design something like  
23 that. They haven't, Mr. Papa hasn't obtained the services of  
24 an architect to look at it.

25 CHAIRMAN HANFORD: All right. Any further  
26 questions? Comments?

27 MR. PAPA: Can I ask a question?

28 CHAIRMAN HANFORD: Please come.

29 MR. PAPA: Is it possible, if I do the redesign, if I  
30 move 5 feet the other way and have 30 feet, would that be a

1 little more acceptable?

2 MR. SMITH: Well —

3 MR. PAPA: Another plus 5 and 20 would be 30 feet.

4 CHAIRMAN HANFORD: You would have to resubmit that.

5 MR. PAPA: Yeah, okay. I just wanted to get your  
6 opinions on that. Does that seem more practical?

7 MR. HAMILTON: My opinion would be you need to  
8 maximize conformance to the zoning as much as possible. You  
9 want to make your request for the variance as small as  
10 possible, so work with the design that takes you in that  
11 direction.

12 MR. PAPA: Okay. Thank you very much.

13 CHAIRMAN HANFORD: Okay. The question is on the  
14 Appeal Number 1209-959. A yes vote is for the approval of the  
15 use, a no vote denies the use. Kathy, please call the vote.

16 MS. MITCHELL: Mr. Hamilton?

17 MR. HAMILTON: No.

18 MS. MITCHELL: Mr. Smith?

19 MR. SMITH: No.

20 MS. MITCHELL: Ms. Jarrell?

21 MS. JARRELL: No.

22 MS. MITCHELL: Ms. Miller?

23 MS. MILLER: No.

24 MS. MITCHELL: Mr. Hanford?

25 CHAIRMAN HANFORD: No. The appeal is denied. And  
26 you mentioned about resubmitting. See Kathy before you leave  
27 and get everything signed, and we will move on.

28 MR. PAPA: Thank you.

29 CHAIRMAN HANFORD: Okay. Thanks, Kathy, for filling  
30 in.

1 MR. ROWE: Thanks, Kathy, for coming in.

2 (Mr. Rowe resumed his place on the Board.)

3 CHAIRMAN HANFORD: Welcome back, Jim. You didn't go  
4 very far.

5 The next item on the agenda is Appeal Number 1209-  
6 958, which reads, "Mr. Brian Intihar, on behalf of Key Bank,  
7 requests the following variances for a new banking facility  
8 located at the corner of Crile Road and Fredle Drive" —  
9 Fredle?

10 MS. JARRELL: Fredle.

11 CHAIRMAN HANFORD: Fredle, thank you. — "(R-2, PUD  
12 District). 1) A reduction in the number of stacking or  
13 waiting spaces for each transaction site of the proposed drive-  
14 through for the new bank. Key Bank is proposing 4 waiting  
15 spaces per lane, in lieu of the minimum 5 waiting spaces  
16 required per transaction site, or to allow the fifth waiting  
17 space to encroach within the parking aisle. The minimum number  
18 of waiting spaces and the restriction of stacking spaces within  
19 aisles are set forth in Section 13.18 C and N of the Zoning  
20 Resolution.

21 "2) Key Bank also requests a reduction in the width  
22 of the landscape strip along the southern property line to 15.5  
23 feet, in lieu of the 25 feet minimum width required for both  
24 street frontages, as set forth in Section 38.06 E of the Zoning  
25 Resolution."

26 Please come forward and discuss your appeal.

27 MR. INTIHAR: Good evening. Brian Intihar,  
28 10567 Crooked Stick Drive, on behalf of Key Bank. And,  
29 actually, Madison Real Estate Developers is the correct owner  
30 of the parcel. I believe the application had said CCHE

1 somewhere along the way.

2 CHAIRMAN HANFORD: Excuse me. Just confirm that you  
3 were sworn in.

4 MR. INTIHAR: Yes, I was.

5 I guess just by way of a little background, we're  
6 pretty excited. Only 10 years later, we're now talking about  
7 the last piece of Grist Mill in terms of getting it done and  
8 having users, and users of significant quality and definitely a  
9 need for the community.

10 The two variances that we're requesting tonight, one  
11 is the number of stacking spaces relative to the drive-  
12 through. And the condition that we're speaking about already  
13 presently exists on the main commercial portion over by  
14 Huntington and, technically, not by Century Bank to the south  
15 of this parcel. We're talking about drive-through lanes for a  
16 bank, two of which would be deposit-type relationships and one  
17 of which would be an ATM.

18 We, technically, could get five spaces. However, as  
19 you can see on the plans that were submitted, and it is  
20 probably clearer in your packet, that one of the spaces does  
21 somewhat encroach into the aisle way. What I can tell you as a  
22 practical matter, the number of stacking spaces that we have at  
23 the other banking facilities at the site are such that they've  
24 never exceeded the distances whereby it's been an issue  
25 relative to traffic flows.

26 This site here is actually providing an additional  
27 lane for transactions that the other two banks don't have. So  
28 we believe that, from the standpoint of the application, the  
29 bank has done a very good job in terms of accommodating size,  
30 capacity, and overall layout of the site.

1           A little additional background of the site, right now  
2 Key Bank is looking at doing a ground lease. They would be the  
3 first phase of the development of this parcel. They will be  
4 building a stand-alone building. What we have done was design  
5 and lay out the site to its maximum potential, looking at one  
6 building on both Sublots 1 and 2. Right now, they are two  
7 separate parcels. They would continue to be two separate  
8 parcels in the event that we found a stand-alone use that could  
9 also go on the balance of Sublot 1, which is a little bit to  
10 the north.

11           At this point in time though, I can say, without any  
12 specifics relative to giving you a commitment in terms of time,  
13 we've had significant activity in this parcel. We believe that  
14 once Key Bank would go up, we should be able to find some other  
15 users relatively quickly and we will begin very actively  
16 marketing the plan that you see before you.

17           Relative to the other variance that we're requesting,  
18 it would be a lessening of the landscape requirement that would  
19 be along Fredle Drive or to the south of the parcel. And the  
20 issue that we have there is, when the development was  
21 originally proposed, that was not a zoning factor that was even  
22 an issue. We think we've done a very nice job over the years  
23 of setting forth a first class commercial development that's  
24 been very well planned for the community. We believe we  
25 maintain it pretty well and have attempted to do everything  
26 within our power from a landscaping standpoint to keep  
27 everything consistent.

28           The Key Bank building would be consistent from an  
29 architectural standpoint, and what we would like to do is  
30 maintain consistency with the landscaping, the types of beds,

1 the types of plantings and everything on this parcel as we have  
2 on the adjacent parcels, both to the rear or to the east on the  
3 offices, as well as to the south in the main retail center.

4 So again, in terms of the variance, we are asking for  
5 a lessening. It does, obviously, affect the economics of the  
6 parcel but, also, we look at it as the site was planned at one  
7 point in time under certain criteria. And we understand that  
8 those change but, again, we're trying to maintain the original  
9 intentions of the development which we set forth 10 years ago.

10 I guess, I know there was a list of questions or a  
11 list of comments that were also part of the Planning Commission  
12 and what you guys had received, so I guess if there is anything  
13 else you would like to talk about or questions on, I can  
14 definitely address those as well.

15 CHAIRMAN HANFORD: We're going to be discussing just  
16 this part of it and then the next.

17 MR. INTIHAR: Okay.

18 CHAIRMAN HANFORD: The Conditional Use Permit 31,  
19 cover the other.

20 MR. INTIHAR: Okay.

21 MS. JARRELL: What about to the west of Key Bank,  
22 what's going on with the landscaping over there?

23 MR. INTIHAR: We had shown, for purposes of this  
24 relative to Key Bank, one of the beds as we have further south  
25 on the main parcel with, again, similar planting and so forth.  
26 The landscaping that we have proposed relative to the beds and  
27 so forth exceeds the requirements within your zoning criteria.  
28 It just, again, changes this a little bit.

29 After looking at the plan — And I know one of the  
30 other comments was about continuing the landscaping up. That's

1 something that we, as a developer, would probably look to do  
2 anyway. We know we didn't show that relative to the Key parcel  
3 but we would definitely look at potentially putting in upper  
4 beds at this point in time.

5 MS. JARRELL: So there is only one bed to the west?

6 MR. INTIHAR: We would probably put two more heading  
7 north along Crile Road so that the parcel, when it's ultimately  
8 developed, the street presentation would be such that it looks  
9 like it's complete.

10 MS. JARRELL: Kathy, should there be 25 feet over  
11 there as well?

12 MS. MITCHELL: Both streets.

13 MR. INTIHAR: Oh, there is 25 feet on the western  
14 parcel.

15 MS. JARRELL: There is, okay.

16 MR. INTIHAR: Yes. The only area where there would  
17 be, where there would be a lessening would be right in here.  
18 And what we've done is we've maintained, from the standpoint of  
19 the way this parcel is platted, we've maintained the, generally  
20 speaking, the relationship between the pavement, the edge of  
21 curb to the edge of curb with this landscaping plan. But  
22 because of the line with the right-of-way, how the right-of-way  
23 happens to run along this parcel, that's where we don't have  
24 the issue — or we have the issue relative to the zoning.

25 So if you also look in the packets that we had  
26 submitted, we went out there and staked it to take pictures so  
27 that you could have a visual representation that, as you were  
28 to drive into the development, everything does line up and is  
29 consistent from your eye or from, you know, the perspective  
30 that anyone driving through the development would have.

1 MR. SMITH: Mr. Intihar, is there any consideration  
2 to going north, pushing — Addressing the five waiting spaces  
3 versus four waiting spaces, is there any issue that would  
4 prevent from you going north? The property line is another 40  
5 feet away, I think.

6 MR. INTIHAR: Correct. This would be a temporary  
7 road at present, and what we would anticipate doing would be  
8 attaching directly to the Key Bank building and then building  
9 to the north. So in terms of the overall site plan — and you  
10 can see that on the front page, however, it's kind of light  
11 here — this here would all ultimately be one contiguous  
12 building.

13 MR. SMITH: So going from, I'm assuming we come into  
14 the bank on Fredle.

15 MR. INTIHAR: Correct.

16 MR. SMITH: And then so if that retail portion goes  
17 north more, the building —

18 MR. INTIHAR: It would, the drive would loop the  
19 building.

20 MR. SMITH: I see. And that's why that drive at the  
21 very north end is located —

22 MR. INTIHAR: Located where it's at, correct. What  
23 we have attempted to do — and, ultimately, this will come up  
24 in the next set of discussions — but maximize the distances  
25 from the intersection with both points of ingress. Ultimately,  
26 because these are still two separate parcels, technically, we  
27 could have requested this, that there be access to this parcel  
28 on Crile. However, from a planning standpoint, we were trying  
29 to take that into account and minimize it. We can deal with  
30 any easements that we would need to right now, prior to a lot

1 consolidation.

2 MR. SMITH: Thank you.

3 MR. HAMILTON: So if I can, the reason for not moving  
4 farther north with the layout as shown to gain the appropriate  
5 setback, what's preventing that?

6 MR. INTIHAR: It's not consistent with what we  
7 originally designed for the parcel or what we originally  
8 designed from a development perspective. The zoning had  
9 changed over time. We'd have it abnormally from the views and  
10 that was the reason that we took the pictures that we did. As  
11 you would approached, we would have an abnormally larger green  
12 space here than you would have on the adjacent parcels.

13 MR. HAMILTON: Can you tell me what the setback  
14 immediately south on the next parcel is?

15 MR. INTIHAR: This setback is further only because of  
16 the fact of the grade change. This setback was designed based  
17 upon grade. This setback was not designed based upon any  
18 zoning criteria. As you drive, as you, however, drive further  
19 in along Fredle on the north side where you look at the office  
20 building, you would, you would see that the closest — Kathy  
21 might remember. I don't remember what it was but it's probably  
22 10 or 12 feet, actually, off of the pavement as you see where  
23 the parking meets in front of the office building.

24 MR. HAMILTON: So you would say it's just a  
25 coincidence that the property to the south does meet the  
26 current zoning?

27 MR. INTIHAR: It doesn't, it doesn't, necessarily.  
28 It wasn't intentional. Like I said, it was a grade issue. We  
29 have three different levels to the building. Reider's is at  
30 one level, we have the main strip at another level, and then we

1 have where Consultants in Gastroenterology is at another  
2 level. So our issues here were dictated based upon engineering  
3 and grade. They weren't dictated based upon any type of zoning  
4 or setback requirement.

5 However, we did, taking that into account, when we  
6 designed the development, when we came up with the landscape  
7 plan and we originally did our planning, the zoning has changed  
8 since then, which creates our issues relative to what we had  
9 anticipated being able to do with this parcel.

10 MR. HAMILTON: All right. Thank you.

11 MR. SMITH: Mr. Intihar, another question. The fifth  
12 waiting space would be what, about 20 feet in length maybe?

13 MR. INTIHAR: Do you recall? 20 feet.

14 MR. SMITH: So if we went 20 feet north, with  
15 shifting everything 20 feet north, we pick up our fifth waiting  
16 space and we increase the landscape area, which would make —

17 MR. INTIHAR: We're looking at 10 foot. We're  
18 looking at a 10 foot variance on the landscaping. Our issue  
19 relative to going 20 foot north would be definitely a  
20 significant issue relative to feasibility of the parcel, as  
21 well as the layout of Key's frontage-to-depth ratio and how it  
22 would function.

23 MR. SMITH: I could interpret that to mean you would  
24 lose 20 feet of retail building.

25 MR. INTIHAR: That is correct.

26 MR. SMITH: Thank you.

27 MR. INTIHAR: As well as we run into an issue with  
28 Key's footprint.

29 MR. ROWE: The stacking area, using banks  
30 periodically, I mean, I've rarely ever been in a bank when

1 you've got, like, two cars, three cars.

2 MR. INTIHAR: Right.

3 MR. ROWE: Most any time, I mean, I'm stopping at my  
4 bank random times. It is rare that you ever see it gets into  
5 that kind of numbers.

6 MR. INTIHAR: Correct.

7 MR. ROWE: As far as my viewpoint on that, it's  
8 probably not a huge issue.

9 MR. INTIHAR: Which is why we've also, or why Key has  
10 also taken into account, unlike Huntington and unlike Century,  
11 who only as one transaction lane, they're actually providing  
12 two transaction lanes plus the ATM, so we're technically  
13 doubling what we have at the other two facilities in terms of  
14 ability to service their stack.

15 CHAIRMAN HANFORD: And a drive-around.

16 MR. INTIHAR: I'm sorry?

17 CHAIRMAN HANFORD: And a drive-around.

18 MR. INTIHAR: And a drive-around.

19 CHAIRMAN HANFORD: Because they're all in there  
20 stacked up getting their money.

21 MR. INTIHAR: And, hopefully, it's us, right?

22 And in addition to, as we laid out the site, the  
23 drive-around is 18, 18, almost 19 feet, 18 and a half feet  
24 wide, so we have definitely taken into account things like  
25 trash pickup and other traffic.

26 MS. JARRELL: So as far as moving north a little bit,  
27 I mean, getting into Phase 2, you said once Key Bank gets in  
28 there and established, you would start really actively  
29 marketing Phase 2, so you really don't know.

30 MR. INTIHAR: We don't know. We're looking at it

1 from the standpoint of it could be a contiguous building, it  
2 could be, it could actually be two buildings. We have a couple  
3 potential users. We don't have any commitments on that yet.  
4 What I can tell you is, as we've done throughout the rest of  
5 the development, it will continue to be first class. It will  
6 continue to be maintained in that way.

7 But if we would have the ability to even look at a  
8 second building as opposed to something that was contiguous  
9 just by virtue of what user would come in, what we would then  
10 be able to do is enhance the area with landscaping or enhance  
11 the area with outdoor dining, you know, whatever the case may  
12 be based upon that user that would come in.

13 So, again, we're taking the perspective in terms of  
14 the way we planned it, the way we laid it out. We've  
15 maintained consistency with what we originally designed and how  
16 we originally laid out the parcel so that we could have maximum  
17 flexibility to deal with the future phases.

18 MS. JARRELL: But purely, right now, that's all  
19 speculative.

20 MR. INTIHAR: Purely, right now, it's speculative.

21 MS. JARRELL: And so I guess I would be looking for  
22 you to explain to us what the hardship would be if you —

23 MR. INTIHAR: The hardship is the zoning has changed  
24 from when we originally designed, designed the project.

25 MS. JARRELL: So what hardship does that provide for  
26 you, I mean, financially?

27 MR. INTIHAR: Financially, it limits our, it limits  
28 our ability and to do what we had originally intended to do,  
29 which was consistent with the zoning when it was designed.

30 MS. JARRELL: But you don't know if you're going to

1 have five units there leased out or maybe one big box.

2 MR. INTIHAR: That is correct. That is correct. So  
3 taking a —

4 MS. JARRELL: It's a nebulous hardship.

5 MR. INTIHAR: Taking a reasonable approach at it from  
6 the planning standpoint and from, again, what we originally  
7 designed, what we originally anticipated, that's our issue.  
8 Again, I believe some of the zoning, I believe some of the  
9 zoning that's actually — some of the zoning changes that have  
10 been made over time have been a result of what we had laid out  
11 here when there were no requirements to do any of the things  
12 that we did relative to the whole commercial parcel to begin  
13 with.

14 CHAIRMAN HANFORD: Chris, this is not the first that  
15 we have seen of this.

16 MR. INTIHAR: There has been a host of variances  
17 because of changes that had come subsequent to what was  
18 originally set forth.

19 CHAIRMAN HANFORD: Okay. Any other question?

20 MR. HAMILTON: Yes, if I can, one more. Again to the  
21 sight lines and the setback along Fredle, what is the setback  
22 on the property immediately to the east? What kind of frontage  
23 do they have?

24 MR. INTIHAR: We had — Actually, I believe the  
25 parking was such that there wasn't a — There was a 10-foot  
26 setback for parking, correct?

27 MS. MITCHELL: That parking lot varied, so at its  
28 narrowest point, it was 10.

29 MR. INTIHAR: At its narrowest point, it was 10 feet.

30 MS. MITCHELL: And then it increased, so it widened.

1 MR. INTIHAR: Yeah. When the original, when the  
2 original zoning that was there provided for a 10-foot front  
3 yard setback for parking, which we also didn't hit or we didn't  
4 take advantage of, quote, unquote, at the retail center as it  
5 related to Crile.

6 MR. HAMILTON: Thank you.

7 CHAIRMAN HANFORD: Jim?

8 MR. ROWE: No questions.

9 CHAIRMAN HANFORD: Thank you.

10 Is there anyone speaking for the appeal, Number 1209-  
11 958? Anyone speaking against the appeal?

12 CHAIRMAN HANFORD: All right. If there are no  
13 further questions, the public hearing for Appeal Number 1209-  
14 958 is now closed. The chair will entertain a motion.

15 MR. ROWE: So moved.

16 MR. SMITH: Second.

17 CHAIRMAN HANFORD: Seconded, okay. Thank you. It is  
18 moved and seconded. Discussion?

19 MR. SMITH: No further comments, Mr. Chairman.

20 CHAIRMAN HANFORD: I am kind of glad to see that this  
21 is going to be, hopefully, the last of all the variances that  
22 we've had to do because of zoning changes and I do believe it's  
23 a hardship. They've done their best to keep the shrubbery in  
24 line with the neighbor. And, personally, looking at the  
25 parking spaces, I think eventually, with the cost of gasoline  
26 going up, more and more people are going to do banking from  
27 their computer. So that's it.

28 MR. ROWE: I think the work basically that's been  
29 done throughout the area, it's a nice looking piece of  
30 property. I mean, it's taken some variances and some

1 discussions and whatever but they've come through as far as  
2 keeping everything looking very nice.

3 CHAIRMAN HANFORD: Do we need any amendment if he's  
4 not showing shrubbery further on the west in the northerly  
5 direction?

6 MS. MITCHELL: That comes under site plan review and  
7 we have a comment about that.

8 CHAIRMAN HANFORD: We have?

9 MS. MITCHELL: It is one of the conditions.

10 CHAIRMAN HANFORD: All right. Anything else? All  
11 right. The question is on the Appeal Number 1209-958. A yes  
12 vote is for approval, a no vote is for denial of the appeal.  
13 Kathy, call the vote.

14 MS. MITCHELL: There's two variances.

15 CHAIRMAN HANFORD: Oh, two variances. I was trying  
16 to get them all at once. Okay. Let's vote on 1, the reduction  
17 in the number of stacking or waiting spaces for each  
18 transaction site of the proposed drive-through for the new  
19 bank. Okay. Call for a vote on Item 1.

20 MS. MITCHELL: Mr. Smith?

21 MR. SMITH: Yes.

22 MS. MITCHELL: Mr. Hamilton?

23 MR. HAMILTON: Yes.

24 MS. MITCHELL: Mr. Rowe?

25 MR. ROWE: Yes.

26 MS. MITCHELL: Ms. Jarrell?

27 MS. JARRELL: Yes.

28 MS. MITCHELL: Mr. Hanford?

29 CHAIRMAN HANFORD: Yes. Item 1 is approved. Okay.

30 Item 2. Sorry. Item 2, Key Bank also requests a reduction in

1 the width of landscape stripe along the southern property line  
2 to 15.5 feet, in lieu of the 25 minimum width required for both  
3 street frontages, as set forth in Section 38.06 E of the Zoning  
4 Resolution. Kathy, call for that.

5 MS. MITCHELL: Mr. Rowe?

6 MR. ROWE: Yes.

7 MS. MITCHELL: Ms. Jarrell?

8 MS. JARRELL: Yes.

9 MS. MITCHELL: Mr. Hamilton?

10 MR. HAMILTON: Yes.

11 MS. MITCHELL: Mr. Smith?

12 MR. SMITH: Yes.

13 MS. MITCHELL: Mr. Hanford?

14 CHAIRMAN HANFORD: Yes. Okay. Item 2 is approved.

15 Thank you. See Kathy on your way out —

16 MR. ROWE: He's going to be here for the rest of the  
17 night.

18 CHAIRMAN HANFORD: — after Item Number 2.

19 MR. ROWE: In case you've forgotten the drill.

20 CHAIRMAN HANFORD: All right. The next item is the  
21 Conditional Use Permit Number 31. Please come forward and  
22 please give your name, address and reindicate that you were  
23 sworn in. Thank you.

24 MR. INTIHAR: Brian Intihar, 10567 Crooked Stick  
25 Drive. And, yes, I was sworn in.

26 I believe we are just requesting the conditional use  
27 permit that's required for purposes of having a drive-through  
28 office facility associated with the bank. And, I guess, if  
29 there is any other comments or whatever as we went through, if  
30 you guys would like to discuss those, I would be willing to do

1 so.

2 MR. ROWE: No.

3 CHAIRMAN HANFORD: No. All right. I guess we —  
4 There was something that I wanted bring up. I don't remember  
5 what it was. All right. Can we vote on that, Kathy, or do we  
6 need any questions? No?

7 MS. MITCHELL: Ready to go.

8 CHAIRMAN HANFORD: Okay. Call.

9 MS. MITCHELL: You already made a motion?

10 CHAIRMAN HANFORD: Pardon? Oh, a motion, yes, to  
11 approve — I am sorry — approve the Conditional Use Permit  
12 Number 31.

13 MR. ROWE: So moved.

14 MR. SMITH: Second.

15 CHAIRMAN HANFORD: All right. Moved and seconded.  
16 Kathy.

17 MS. MITCHELL: Ms. Jarrell?

18 MS. JARRELL: Yes.

19 MS. MITCHELL: Mr. Smith?

20 MR. SMITH: Yes.

21 MS. MITCHELL: Mr. Rowe?

22 MR. ROWE: Yes.

23 MS. MITCHELL: Mr. Hamilton?

24 MR. HAMILTON: Yes.

25 MS. MITCHELL: Mr. Hanford?

26 CHAIRMAN HANFORD: Yes. Okay. Permit Number 31 is  
27 approved.

28 MR. INTIHAR: Thank you, all.

29 CHAIRMAN HANFORD: The next item is site plan review  
30 for Application Number 14 for a proposed banking facility by

1 Vocon, on behalf of Key Bank. The new bank is proposed at the  
2 corner of Crile Road and Fredle Drive in the R-2, Planned Unit  
3 Development District (Permanent Parcel Numbers 8A-19B-2 and  
4 8A-19B-1), and is part of a phased development.

5 MR. INTIHAR: Brian Intihar, 10567 Crooked Stick  
6 Drive. And yes, I was sworn.

7 MR. SMITH: Mr. Chairman, on the staff report that  
8 was provided to us, on page 5, there is a list of staff  
9 recommendations, including conditions.

10 CHAIRMAN HANFORD: Yes.

11 MR. SMITH: The staff has recommended the site plan  
12 be conditionally approved subject to those conditions, which  
13 are 29 conditions.

14 CHAIRMAN HANFORD: I assume, Mr. Intihar, you are  
15 prepared to go through all of those.

16 MR. INTIHAR: Sure.

17 MR. HAMILTON: If I can add, in addition to the  
18 comments from the various departments and agencies that are  
19 also included in that same report, if you can touch on those  
20 comments for us also, that would be helpful in helping us  
21 making a decision.

22 MR. INTIHAR: Okay. Actually, there are some  
23 representatives of Key Bank and Vocon, who is the architect,  
24 here who will probably have to address a couple of these. So,  
25 I guess, do you just want to go in order?

26 CHAIRMAN HANFORD: Sure.

27 MR. INTIHAR: I will just go through the ones I can  
28 address and then maybe they can address those. Obviously,  
29 identifying the zoning is not an issue.

30 Identifying the total parking spaces, we can

1 definitely do that. And just so that you guys are aware, we  
2 definitely did take into account maximizing the number of  
3 parking spaces for really any type of potential use that we  
4 would need to determine on the site, so that the site is, from  
5 that standpoint, over parked so we wouldn't run into any issues  
6 there down the road based upon users, again, if it was maxed  
7 out to —

8 MR. SMITH: A question, Mr. Chairman. Brian, what  
9 would be the most parking impacted use?

10 MR. INTIHAR: Some sort of food establishment.

11 Mechanical units, I will let them address.

12 Stacking spaces, we already took care of.

13 Written verification for sanitary sewer, I did see  
14 the comments from Al's office on that, and based upon approvals  
15 tonight, we will be addressing that with Al. There is  
16 different properties, different owners, and significantly  
17 different ownership since everything started, which that will  
18 be our issue to deal with.

19 Proposed signage, I know we have spoken with Key Bank  
20 on that. We would like to keep the signage for this parcel  
21 consistent with what we have done in the rest of the  
22 development, and that would be building signage. There was  
23 originally some talk about potentially having a monument sign  
24 out front, but given the potential number of users, we would  
25 not look to do that. We would just keep the sign boards  
26 consistent in design with what we have at the retail center.

27 MR. HAMILTON: Just to prepare us for the future,  
28 each building in this area has come in for a variance later on  
29 for signage. Is this something that can be addressed up front  
30 so we don't see you back here?

1 MR. INTIHAR: I don't — Oh, we did have one for  
2 Reider's, didn't we? I forget about that.

3 MR. HAMILTON: Yes.

4 MR. INTIHAR: Do you guy knows what the square  
5 footage is? There is no — Based upon the frontage on each  
6 side of the building, do you know what you'll propose?

7 MR. LATEULERE: For a signage requirement, no.

8 MR. INTIHAR: I would say they would be the anchor of  
9 the parcel, so we should be able to accommodate that going  
10 forward. I don't see that as being an issue.

11 Timetable for development, obviously, as quickly as  
12 possible. We've had a substantial amount of interest. I think  
13 once we actually break ground there and people see that there  
14 is activity should go a long way to helping us ink some of the  
15 other deals. I will just say as just a matter of additional  
16 information, over time, we've had — we probably could have  
17 filled the parcel a little sooner. However, what we definitely  
18 want is somebody like Key that was a substantial tenant to  
19 anchor the site, and/or a drug store. I mean, we obviously  
20 took the route of going with Key.

21 Provide deed restrictions or protective covenants,  
22 deed restrictions would be the same on this parcel as they are  
23 throughout the rest of the development.

24 There is actually a rendering here of elevations of  
25 the building which I believe were in your packet, so you can  
26 see that everything does match what we've done throughout the  
27 balance of the development in terms of the shake siding, the  
28 Weather X stone and the shingles. I believe we also have  
29 additional visual aids if anyone would like to take a look.

30 Relative to the gravel drive, I will need to check

1 our, I'll need to check our lease and how that works with  
2 Orwell for the access to the gas. If we can do that in a way  
3 where it's either off of the, it's either off of this parcel  
4 somewhere midstream or even, potentially, could come off the  
5 office parcel, that's something that we can have them address.  
6 It's technically on a separate parcel but we, obviously,  
7 wouldn't want to put an asphalt drive or we wouldn't, I don't  
8 think, from an aesthetic standpoint, we want another asphalt  
9 drive coming out to Fredle, so we can address that in an  
10 appropriate manner.

11 CHAIRMAN HANFORD: Wouldn't that impinge on the  
12 anticipated northern properties that are available for  
13 building? If you put a cement or asphalt drive on the area  
14 north, you are going to have to dig it all up again, aren't  
15 you?

16 MR. INTIHAR: The gas well location is here. It  
17 would definitely be an issue relative to parking.

18 CHAIRMAN HANFORD: Yes.

19 MR. INTIHAR: But we can handle it in some manner of  
20 speaking where, even at the north end of the parcel, where they  
21 could drive and have access here. I just don't think, from an  
22 as athletic standpoint, any of us would want pavement that  
23 would basically just follow that property line, but we will, we  
24 can definitely address that or have Orwell address that.

25 The other option would potentially be to have, see if  
26 there is a way that we could access it from the office parcel.  
27 I don't know that that's overly practical as well either but we  
28 will address that.

29 MS. MITCHELL: Brian, why wouldn't it be just on the  
30 parcel that the gas well sits on?

1 MR. INTIHAR: Like I said, we could but I don't know  
2 that that would be too aesthetic.

3 MS. MITCHELL: Okay. Well, we can talk about some  
4 other things.

5 MR. INTIHAR: Again, we talked about the access  
6 drives. Because each of the parcels are different owners,  
7 different owners, different financing, we took into account the  
8 fact that these two are currently under the same ownership.  
9 We can deal with cross easements that could potentially be  
10 necessary in the event a lot consolidation is not addressed.  
11 And we've maximized, based upon the right-of-ways, the  
12 distances from the intersection, so we went as far north and as  
13 far east as possible.

14 CHAIRMAN HANFORD: You've got three entrances there,  
15 haven't you, in and out?

16 MR. INTIHAR: Correct.

17 CHAIRMAN HANFORD: All in that proximity.

18 MR. INTIHAR: This, there is actually two — there is  
19 actually one, two, three different parcels right here, this  
20 being different ownership from this parcel, as well as being  
21 different ownership from the southern parcel. And that really  
22 kind of also goes back to the original way the site, the  
23 overall commercial property, the site plan was designed and  
24 laid out. It contemplated separate out parcels, separate  
25 office, and separate retail to the south.

26 And I guess could something have been designed better  
27 or laid out better at that point, it would have been possible,  
28 but right now we're kind of dealing with what we set forth.

29 CHAIRMAN HANFORD: I'm concerned about cars coming in  
30 on the bottom and then the other one and you've got three cars

1 all wanting to make lefts, rights, two lefts and a right. You  
2 get a potential for some problems in that layout. I don't know  
3 what can be done. It is something that should be looked at  
4 though.

5 MS. JARRELL: I totally agree. It's going to be a  
6 safety issue.

7 MR. HAMILTON: Can you explain how that site plan, in  
8 particular, reconciles the requirements in Section 16.08? I  
9 mean, it doesn't. It just is in complete conflict with it.

10 MR. INTIHAR: Well, the site plan would, technically,  
11 the site plan of this parcel would —

12 MR. HAMILTON: I'm talking about the driveway.

13 MR. INTIHAR: That also goes back to the argument we  
14 made before relative to being a planned development and a  
15 planned community.

16 MR. HAMILTON: Right. I just don't think you can  
17 divorce the two entrances by saying they're separate ownership.

18 MR. INTIHAR: I don't know how else we would  
19 accommodate that.

20 MS. MITCHELL: Brian, the aerial photograph shows the  
21 lot where the retention basin is and this parcel to be CCHE  
22 Limited Partnership, so these two are the same.

23 MR. INTIHAR: But these are both actually Madison  
24 Real Estate Developers.

25 MS. MITCHELL: And Grist Mill Office LLC.

26 MR. INTIHAR: And Grist Mill offices, correct.

27 (Discussion was held off the record.)

28 CHAIRMAN HANFORD: Do you want to give your name and  
29 address?

30 MR. LATEULERE: Sure. My name is John Lateulere. My

1 office is at 30575 Bainbridge Road, Solon, Ohio.

2 CHAIRMAN HANFORD: And you were sworn in?

3 MR. LATEULERE: Yes, I am sworn in. And my company  
4 is actually the company doing the engineering for the project.

5 CHAIRMAN HANFORD: Okay.

6 MR. LATEULERE: So I might be able to shed some light  
7 on this. As I look at the site plan as the way it's laid out,  
8 if you look at the traffic patterns and turning movements that  
9 will occur with left-hand turns out of the different driveways,  
10 the left-hand turn out of the, I will call it the Key Bank  
11 driveway you've got here actually works in a complementary  
12 manner because this left-hand turn here does not work in  
13 conflict with what's coming out here, as well as any left-hand  
14 turns coming out of here.

15 My turn would be, with bringing this across and  
16 connecting it into this driveway, is that traffic that's  
17 traveling in this lane right here would combine with the  
18 traffic traveling here. You don't have any room for those cars  
19 to stack out on Fredle Lane. It's an issue that you see a lot  
20 in a lot of commercial centers where they bring, you know,  
21 quite frankly, a drive aisle like this across and then you've  
22 got a larger intersection. You've got — This splits where the  
23 cars will sit, so you won't have as many conflicts within the  
24 parking lot.

25 And from a traffic turning standpoint, your  
26 conflict points are complementary. You won't be turning into  
27 each other, you will be turning in a complementary nature.

28 So, yes, they could probably be connected. There is  
29 some topo that would have to be dealt with. They could  
30 probably be connected but I think, at that standpoint, you

1 would be looking at more conflict points, both internally and  
2 externally, if you were to try to do that.

3 That's my two cents. That would be why, you know, I  
4 think that this really is probably best.

5 CHAIRMAN HANFORD: Is that going to be a steep drive  
6 as it is, the drive into Fredle, like the one coming out of  
7 Reider's, if you will, and you're going —

8 MR. LATEULERE: No, not quite that steep. If you  
9 look at the grading plan, actually, you can compare the topo  
10 lines we have drawn in here. It's actually not as steep as,  
11 actually, Fredle Lane is. Fredle Lane is actually a little bit  
12 steeper than what we'll have internally.

13 CHAIRMAN HANFORD: Okay, yeah.

14 MR. LATEULERE: So that will give you kind of a  
15 visual of what will happen here. "Steep" is a relative term.

16 CHAIRMAN HANFORD: Well, it's interesting. I don't  
17 like making a right turn up that driveway to go to Reider's  
18 because of the bump up and you're heading up that.

19 MR. LATEULERE: The move up, yeah. This would, I  
20 mean, you'll go up off the apron. I mean, it will go up but  
21 not quite that steep. Looking at it, I would pin it at a 4  
22 percent grade. I don't know that for sure.

23 CHAIRMAN HANFORD: Okay.

24 MR. HAMILTON: I will point out that access to the  
25 property to the south and the buildings in a similar location  
26 on that southern property does fit the same traffic pattern as  
27 would happen if you were to eliminate the Key Bank drive.

28 MR. LATEULERE: And that actually brings up a point  
29 that I — Oh, this to the south here.

30 MR. HAMILTON: Correct, correct.

1 MR. LATEULERE: I wasn't, when I mentioned it — And  
2 let me see that. The other thing you'd have, kind of, working,  
3 I would say, probably against you is the traffic pattern coming  
4 across the front of the office right here. It actually, what  
5 it allows you to do — Michael, forgive me. I am going to draw  
6 on the plan. It comes in here and you've got parking that's  
7 right here, so you've got your traffic pattern here.

8 This, if it were to come across, would bend out  
9 there. You've now got traffic patterns that are offset here on  
10 the inside, and those are offset at the point that cars are  
11 stacking to turn out onto Fredle Drive. Again, something that,  
12 you know, internal conflict points can almost be more  
13 detrimental than what you could have with having two access  
14 points out onto Fredle because people from here are going to  
15 look to make a continuous right-hand turn and people from here  
16 are probably going to make a continuous left-hand turn. It's  
17 the way a lot of people drive in parking lots. So you would  
18 have a similar situation but, at this point, you would have a  
19 left-hand turn turning into people trying to turn in here and  
20 causing backups out onto Fredle. I could see this potentially  
21 being an even larger issue.

22 MS. JARRELL: I guess I am concerned. If somebody is  
23 exiting Key and wants to turn left and somebody is leaving the  
24 Reider's lot and wants to turn left, it's going to be an  
25 issue. Why not move the driveway further to the west and then  
26 also get an easement that provides the attachment to the office  
27 so that you have two ways, actually, three ways, the north, the  
28 south, and the easement with the parking lot, the office  
29 parking lot? And that would really reduce the congestion there  
30 and it would eliminate the safety issue that you're going to

1 have with three egresses right next to each other.

2 MR. SMITH: Brian, retail uses in the shopping  
3 center, hours of operation, I am assuming that normal hours of  
4 operation for Key Bank would be daytime hours.

5 MR. INTIHAR: I would assume.

6 MR. SMITH: And office hours, the same as the office  
7 complex to the west.

8 MR. INTIHAR: I would assume.

9 MR. SMITH: So would it be fair to say that the  
10 traffic impact is different hours of operation of the, if you  
11 will, retail facility portion versus the office portion.

12 MR. INTIHAR: I would agree just as a practical  
13 matter of what we see there right now.

14 MR. SMITH: Although Reider's is open during the  
15 daytime, too.

16 MR. ROWE: Well, Reider's also has —

17 MR. SMITH: Has the other access.

18 MR. ROWE: — the other.

19 CHAIRMAN HANFORD: Yeah, by the station.

20 MR. SMITH: I was just thinking about traffic  
21 patterns being — having the office hours, obviously, that's,  
22 you know, 7:00 to 4:00 or 5:00, whatever. Retail normally are  
23 more evening, afternoon, evening.

24 MS. JARRELL: You're always going to have people  
25 going to the ATM all hours, too.

26 MR. SMITH: That's true.

27 CHAIRMAN HANFORD: Now, we do have a restaurant  
28 supposedly in the future, and they would go out, right directly  
29 out and not be involved or impacting where the bank is, right?

30 MR. INTIHAR: Potentially. I mean, I would think

1 they would probably use the drive off Crile but, potentially,  
2 if it's somebody that lives in the community, they could go  
3 that way as well.

4 CHAIRMAN HANFORD: Yeah.

5 MR. INTIHAR: I mean, I think from the perspective of  
6 when — going back to the original planning, while Fredle is a  
7 public road that obviously serves the community, it was also  
8 almost looked at as this all being effectively one project and  
9 it happens to be that a public road bisects it, but it's really  
10 handling both on-site and, you know, the traffic in the back.  
11 So trying to shed some light, I guess, whatever the historical  
12 thought process was, I know that's what it was, but how we deal  
13 with it now is obviously another issue.

14 CHAIRMAN HANFORD: Let's see.

15 MR. INTIHAR: And the fact that we're talking about,  
16 I mean, reasonably slow mile per hour, given your ramp-up speed  
17 coming off of Crile or even given the turning radius on Fredle  
18 as you intersect on Club Drive. We're not talking about speeds  
19 that are overly significant.

20 MS. MITCHELL: Just from the Township standpoint, we  
21 get a lot of complaints about speeding.

22 MR. INTIHAR: The whole thing.

23 MS. MITCHELL: The speed. The residents in the back,  
24 they're constantly complaining about people flying down Fredle  
25 Drive. Being a frequent user, I can attest to it. It's a  
26 problem.

27 CHAIRMAN HANFORD: What's the approximate distance on  
28 the eastern side over to the medical and office building's next  
29 drive?

30 MR. SMITH: 52 feet.

1           CHAIRMAN HANFORD: 52 feet.

2           MR. SMITH: Item Number 10 says "proposed access  
3 drive located approximately 52 feet."

4           CHAIRMAN HANFORD: Thank you. Thank you. I was just  
5 looking at that.

6           MR. SMITH: 52. Which is then opposite the retail  
7 center drive.

8           MR. INTIHAR: What about pushing it a little further  
9 west to give a little more distance between the office and the  
10 intersection with the retail center, bringing it a little  
11 further west but not impacting the turn lane.

12          MR. LATEULERE: I think that's similar to what you  
13 had suggested.

14          MS. JARRELL: Yes.

15          MR. LATEULERE: And that, you know, I just looked at  
16 100 feet, which puts the cut somewhere around right here would  
17 be where that cut is.

18          CHAIRMAN HANFORD: Yeah, I think that's a safe —

19          MR. LATEULERE: It helps offset that more.

20          CHAIRMAN HANFORD: Yeah, that would work. What about  
21 the distance? Is there any distance requirements from there  
22 over to the Crile?

23          MR. LATEULERE: From here to Crile?

24          CHAIRMAN HANFORD: Yes.

25          MR. LATEULERE: There is no requirements that I'm  
26 aware of. The one thing I would be concerned about is it just  
27 not be where the taper is for the right-hand turn lane. We  
28 would be outside of that at 100 feet because you've got — This  
29 property line right here is 196 feet. Your taper comes  
30 approximately to the halfway point. So at 100 feet from this

1 drive, you're outside of that. And I think, currently, we're  
2 56 feet is what we are now, so that's —

3 MS. MITCHELL: Section 13.18 on the conditional use  
4 section for drive-through facilities, Item K, Access drives  
5 shall be 200 feet from the intersection. One access drive per  
6 street frontage is permitted and interconnecting circulation  
7 aisles between parcels shall be provided when practical.

8 CHAIRMAN HANFORD: That would require a variance,  
9 wouldn't it?

10 MS. MITCHELL: Yes.

11 CHAIRMAN HANFORD: No win.

12 MR. INTIHAR: What's that?

13 CHAIRMAN HANFORD: No win.

14 MS. MITCHELL: It meets the 200 now.

15 CHAIRMAN HANFORD: Pardon?

16 MS. MITCHELL: Where it's located now meets the 200.

17 CHAIRMAN HANFORD: Yeah. It meets, yeah.

18 MR. INTIHAR: Can we get a variance for that right  
19 now?

20 MS. MITCHELL: Not right now.

21 MR. INTIHAR: When is the next meeting?

22 MS. MITCHELL: February 10th.

23 CHAIRMAN HANFORD: Is that our requirement or is that  
24 an Ohio requirement?

25 MS. MITCHELL: The 200 foot?

26 CHAIRMAN HANFORD: Yeah.

27 MS. MITCHELL: That's a typical access management  
28 requirement and it is within our code. But we don't have more  
29 specific access management regulations but we, at the very  
30 least, have it in the conditional use chapter for this

1 particular use.

2 CHAIRMAN HANFORD: What would that distance be now to  
3 Crile if you did have the one coming more central to the front  
4 of the Key Bank?

5 MR. LATEULERE: I can probably tell you here.

6 MS. MITCHELL: Do you need a scale?

7 MR. LATEULERE: We came prepared today. Kathy, is  
8 that measured to the center line or to the —

9 MS. MITCHELL: Yeah.

10 MR. LATEULERE: If you go to the center line, it  
11 would actually be 195 feet if you go to the center line, and  
12 that's with 100-foot offset from the back of curb of this side  
13 to the back curb over here, 100 foot offset here.

14 MR. INTIHAR: What if we went 95 feet?

15 CHAIRMAN HANFORD: Pardon?

16 MR. INTIHAR: What if we went 95 feet? Then it would  
17 meet.

18 CHAIRMAN HANFORD: Then it would fall —

19 MR. INTIHAR: Then it would fall into both.

20 MR. LATEULERE: Actually, let me verify that. That  
21 is from the back of curb of this, of the western side of the  
22 access drive, to the center line of Crile. If you measured  
23 from center line to center line, you would then have your 200.  
24 It would be apples to apples.

25 MR. SMITH: That's as good as you can get it.

26 MR. INTIHAR: We planned it that way.

27 MR. ROWE: Sounds good.

28 CHAIRMAN HANFORD: Well, do we — What do we do with  
29 the — Let's say the agreement now is that they move the drive  
30 and work within the requirements of 13 whatever. Do we have to

1 say anything here or that's — or they're stating this is what  
2 they're going to do to correct this?

3 MS. MITCHELL: I think we should modify the condition  
4 and note "per the changes agreed on at the meeting," but let's  
5 state what it is —

6 MR. INTIHAR: What it is.

7 MS. MITCHELL: — so we can have it for the record.  
8 I didn't catch it all.

9 MR. SMITH: Well, would we say that the 200 — 200  
10 feet?

11 MS. MITCHELL: Yes.

12 MR. SMITH: — from the center line of Crile to the  
13 center line of the access drive is what we're agreeing to.

14 MR. INTIHAR: That would make sense. I mean, that  
15 would cover both then, correct? That covers both, right?

16 MR. LATEULERE: Yeah.

17 MR. INTIHAR: So we'd say 200 feet from center line  
18 to center line.

19 MS. JARRELL: Does that comply, Kathy?

20 MS. MITCHELL: It is not any more specific. It just  
21 says 200 feet from an intersection, so —

22 CHAIRMAN HANFORD: I think that's what we would be  
23 looking at though. That's our issue is the safety aspect of  
24 the three and I think the move would take care of that.

25 MS. MITCHELL: But you're shifting it how much, the  
26 access drive how much?

27 MR. INTIHAR: Well, if we use that measurement, then  
28 that covers both. It gets us the 100 feet away from the  
29 existing drive and gets us 100 feet this way and also deals  
30 with, probably, the more critical one in the text which would

1 be the 200 feet from Crile.

2 MR. LATEULERE: Shifting it approximately 40 feet.

3 MS. MITCHELL: 40 feet west.

4 MR. LATEULERE: 40 feet to the west.

5 MS. MITCHELL: Okay.

6 MR. LATEULERE: Which would give you approximately  
7 100 feet in between.

8 CHAIRMAN HANFORD: So we're asking them to state that  
9 on Item 10, make a statement to that effect.

10 MS. MITCHELL: The condition will —

11 MR. INTIHAR: — be the access drive would be  
12 measured from the center line of Crile to the center line of  
13 the access drive, that that measurement be 200 feet.

14 MR. SMITH: That will maximize the setback between  
15 the existing office drive and the proposed drive the best that  
16 they can.

17 CHAIRMAN HANFORD: Yeah.

18 MR. INTIHAR: Thank you for your help on that one.  
19 Keep going?

20 CHAIRMAN HANFORD: Yeah. That sort of modifies your  
21 plantings, so that won't matter.

22 MR. INTIHAR: Yeah, we'll work with that. Or even if  
23 we need to put another one on the other side, we will  
24 definitely doing something consistent there.

25 CHAIRMAN HANFORD: Okay.

26 MR. INTIHAR: Future phasing would require the lots  
27 to be combined or zoning compliance, we definitely understand  
28 that.

29 Consideration be given to extending the proposed  
30 drive, yes, we did, we did consider extending the proposed

1 drive and using this configuration. However, for the time  
2 being, in the event that this parcel was to remain separate and  
3 we were to have a separate freestanding building, we left the  
4 temporary drive here so that we could, again, kind of provide  
5 for that ambiguousness at this point in time of that planning.

6 The dumpster location would be, would potentially be  
7 relocated here in the event that this configuration was  
8 completed so that, again, the truck would pull in, pick it up  
9 and leave. In the event that we did need two facilities, we  
10 could technically leave this one here because, again, this was  
11 laid out with enough width. The truck could pull in, service  
12 the dumpster, and basically make one movement and then be able  
13 to get back out, understanding that that would be in place.

14 All the calculations regarding the parking, we can  
15 definitely put those on. Same thing with the interior  
16 landscaping calculations. We did go through that internally  
17 ourselves, so we will be able to comply and meet those, as well  
18 as the fact, like I had indicated before, we will be very well  
19 parked on the parcel.

20 Number 16, the north side, the north side of the  
21 building would be landscaped with a 5-foot planting area. That  
22 one, we did speak about prior, just prior to the meeting here,  
23 and that can definitely be accommodated at this point in time  
24 until such additional either, their addition would be made by  
25 the building or another building would be built.

26 MS. JARRELL: So then that drive would be reduced to  
27 19 feet or you're going to move the whole driveway over?

28 MR. INTIHAR: We can move the whole driveway over.

29 MS. JARRELL: To 24?

30 MR. INTIHAR: Yeah, we can move the whole driveway

1 over.

2 We addressed 17.

3 The portion of Crile Road front showing landscaping,  
4 18, as I indicated, we will definitely comply with making that  
5 landscaping run all the way along Crile.

6 The mounding, that wasn't an issue that we have dealt  
7 with in the past. However, just looking at it quickly with  
8 Kathy, I don't think that's going to be an issue here. We've  
9 definitely got enough topography on the site to work with. And  
10 whether it was intentional or not, I think it's probably been  
11 accommodated most everywhere else.

12 Contour lines can definitely be shown.

13 Soil and Water District, we always submit to them.

14 That's not an issue.

15 Again, as I indicated before with water, Painesville  
16 Water, we will obviously get a letter from them. And Lake  
17 County Department of Utilities, same thing. It's an issue that  
18 we've dealt with or are dealing with with Al.

19 The fire lane, definitely, I believe that that would  
20 suffice, wouldn't it? Yeah. The way that the site has been  
21 designed, it already addresses the fire issue. And as we have  
22 done throughout the rest of the development, any of these fire/  
23 safety-related issues, we've dealt with that on every building  
24 up there and will continue to do so.

25 And I did also speak with Jim Gills regarding the  
26 Crile Road access and the drives, and he indicated that I  
27 should just request that you guys conditionally approve that so  
28 we can get them the information so that they are comfortable.

29 And I believe that's it. I think there was the one  
30 main issue that I didn't address was the screening for the

1 mechanical equipment which Michael can address.

2 MR. DeMARCO: Good Evening. My name is Michael  
3 DeMarco. I work with Vocon. Address is 3142 Prospect Avenue,  
4 Cleveland, Ohio.

5 CHAIRMAN HANFORD: You were sworn in?

6 MR. DeMARCO: And I was sworn in, yes.

7 I am going to touch on and expand upon a few items  
8 that you just went over, first, the mechanical screen. The  
9 mechanical units are referenced in the project architectural  
10 elevations but are not included in the site plan, and that is  
11 something that we can definitely include.

12 Typically, what happens is all of the — There are no  
13 rooftop units on the building. They're all ground mounted. So  
14 there will be some sort of a screen wall in this general area  
15 off the southeast corner of the building that will screen the  
16 mechanical units on all sides while still maintaining enough  
17 room for access. So as they're referenced on the elevations,  
18 we will put them on the site plan to meet that condition.

19 And then to go back and start, I guess, with Item  
20 Number 23 and on, talking with Mr. Lateulere from Atwell, they  
21 did attempt to reach out to the utility departments to get  
22 their service letters and have talked with the Lake County  
23 Utilities Department about the grinder pump issue and we'll be  
24 able to take care of that through the engineering review  
25 process.

26 As Brian mentioned, the fire lane, fire apparatus and  
27 access roads, the site is currently designed to accommodate all  
28 of those or any apparatus that may be required to access the  
29 site.

30 Item Number 25, owner and/or contractor to contact

1 the Concord Township Fire Department during construction and  
2 prior to occupancy for the number and locations of fire  
3 extinguishers, that is one of the conditions and one of the  
4 notes we've put in the construction drawing set for the general  
5 contractor to verify those items and locations with the local  
6 fire department, so that will be taken care of.

7         Item Number 26, all life safety systems, such as but  
8 not limited to, emergency exit signs, emergency lighting, and  
9 fire alarm, et cetera, that again will also be addressed on the  
10 construction documents when they're submitted for building  
11 permit.

12         Item Number 27, a Knox-box is always included on our  
13 project, so that will be addressed with the construction set as  
14 well.

15         Item Number 28 about the fire department recommending  
16 the structure be protected by a fire sprinkler system and/or  
17 fire alarm system, all of Key Bank's buildings do have a  
18 limited area of fire alarm system that is localized to the  
19 building, so that will comply and we'll address that in the  
20 construction documents as well.

21         And then as Brian mentioned before, just taking a  
22 quick look at the building elevations, obviously, we're making  
23 as much of an effort as we can to make the building comply with  
24 the existing buildings in the development that's on the site.  
25 And I invite you, if you need, to take a look at the material  
26 board. We brought, pretty much, everything that we're going to  
27 be proposing to use for building. So if you have any  
28 questions, I'd be happy to answer them.

29         Mr. Hamilton, I know you voiced a concern about  
30 addressing some of the other staff comment items. If there is

1 anything specific that I can address, I would be happy to as  
2 well. I know they're quite numerous, but if there is anything  
3 specific.

4 CHAIRMAN HANFORD: Number 9, we discussed, didn't  
5 we?

6 MR. HAMILTON: Yeah. Well, the sanitary sewer  
7 connection, I think you did touch on that. That is a concern  
8 that will not be approved for the project until such time that  
9 Building C is brought into compliance.

10 MR. INTIHAR: I will talk about that. There is an  
11 issue that's been going on with the utilities department  
12 regarding the office building there, kind of, different  
13 ownership, different time. And from a legal standpoint, we  
14 know it's something that we need to deal with and get  
15 addressed. David Richard, our attorney, had been in —  
16 actually, we all have been in communication with the Lake  
17 County prosecutor's office regarding this. An agreement was  
18 reached at one point in time. However, the prosecutor who was  
19 handling the case no longer works for the prosecutor's  
20 department and it was one of those things that was just let  
21 go. So at this — let go from the standpoint of no additional  
22 follow-up.

23 We requested a hearing. It wasn't, it was never  
24 granted. So whether or not we either — We know that this site  
25 needs to be serviced by sewer and it will be serviced by sewer  
26 because, from our standpoint, there is no other options.  
27 Relative to how we address Building C is still a legal question  
28 that is out there. And what transpired or how that's resolved,  
29 we will take full responsibility for getting that resolved.

30 MR. HAMILTON: So you cannot move forward with this

1 project until that is resolved?

2 MR. INTIHAR: It depends who you — It depends if you  
3 ask Al Saari or it depends if you ask our attorneys.

4 MR. SMITH: This item though really is beyond the  
5 Township.

6 MR. INTIHAR: It's beyond, yeah, it's beyond the  
7 point of what we're discussing here.

8 MR. SMITH: This is really — I am familiar with the  
9 dealings with Lake County utilities on many projects and that's  
10 an entity unto itself. Good, bad, or indifferent, it's beyond  
11 the scope of the Township. Obviously, they have to have the  
12 approval in order to get the sewer connection but it's really a  
13 legal consideration between the owner and the utility  
14 department. I mean, it is an item that needs to be addressed.

15 MR. INTIHAR: And we fully understand that.

16 MR. SMITH: That's something we can't control.

17 MR. INTIHAR: Correct. Apparently, none of us can  
18 control.

19 MS. JARRELL: Brian, I'm sorry. I am not sure how  
20 we're going to proceed with Number 9 with the concrete  
21 driveway.

22 MR. INTIHAR: Again, the one option would be to —  
23 This is the well location. The one option would be to run some  
24 sort of pavement that goes from, access from the well directly  
25 out to Fredle. From an aesthetic standpoint, we wouldn't want  
26 that to happen, so we will need to address it with — or we  
27 will, what I would say is, pick the shortest distance that we  
28 can feasibly — Let me back up.

29 I don't know specific turning radius requirements and  
30 so forth of the trucks that would be accessing it, so what I

1 would say would be, worst case, it would probably potentially  
2 come in further to, based upon grade, further to the north and  
3 come down this parcel. Or, if possible, we could use this  
4 pavement and just have them cut across right here to be able to  
5 have access. We want to minimize the amount of impervious  
6 area.

7 MS. JARRELL: And then, Kathy, it would have to be  
8 paved?

9 MS. MITCHELL: Anything that's on the new parcel  
10 would have to be paved.

11 MR. INTIHAR: Right.

12 CHAIRMAN HANFORD: So that's sort of left up in the  
13 air.

14 MS. MITCHELL: Well, yeah. I mean, as long as the  
15 final plan comes back with paving —

16 CHAIRMAN HANFORD: Okay.

17 MS. MITCHELL: — we should be okay.

18 CHAIRMAN HANFORD: Do you want to cover the third  
19 item, landscaping and screening requirements outlined in  
20 Section 38?

21 MR. INTIHAR: I am sorry. I'm trying to follow which  
22 section are you guys on.

23 CHAIRMAN HANFORD: Page 3 for the variance has been  
24 approved.

25 MS. MITCHELL: Those items are renumbered in pages 5  
26 and 6.

27 CHAIRMAN HANFORD: Yeah. I just was thinking though  
28 in terms of going down Fredle. I am still not sure. With that  
29 slope, what's the plan there? How is that going to be in terms  
30 of mounding? Is that going to be a mound, bring it up or down,

1 or shouldn't there be plantings?

2 MR. INTIHAR: You're talking about this section?

3 CHAIRMAN HANFORD: Up.

4 MR. INTIHAR: Up here?

5 CHAIRMAN HANFORD: Yeah. What's anticipated on that,  
6 just grass?

7 MR. INTIHAR: I am sorry. I just wanted to see what  
8 that was all planted. We only showed, at the point in time  
9 that this landscape plan was completed, we only showed the —  
10 this is existing beds.

11 CHAIRMAN HANFORD: Yes.

12 MR. INTIHAR: Around the sign.

13 CHAIRMAN HANFORD: Yeah.

14 MR. INTIHAR: We showed these two which are also in  
15 the pictures, that packet, that mimics what's across the way.  
16 And then this bed out here was shown just because it's in front  
17 of the building. And what I indicated is we'll carry these  
18 beds repetitiously up.

19 CHAIRMAN HANFORD: Okay.

20 MR. INTIHAR: So that it matches what we have down in  
21 front of the retail center.

22 CHAIRMAN HANFORD: Okay. Thank you. Anything else?

23 MR. ROWE: No. Looks like it.

24 CHAIRMAN HANFORD: Hearing, seeing no one, is anyone  
25 else here speaking for or against the site plan? I don't see  
26 anyone back there standing up. This portion of the review is  
27 closed, and would anyone like a motion to approve?

28 MR. SMITH: Mr. Chairman, I would make a motion to  
29 approve the site plan for the Key Bank facility.

30 CHAIRMAN HANFORD: Second?

1 MR. ROWE: Second.

2 CHAIRMAN HANFORD: Thank you. It is moved and  
3 seconded. Any discussion?

4 MR. HAMILTON: Mr. Chairman, I believe this is a  
5 conditional, this is conditional.

6 CHAIRMAN HANFORD: Yes, it is, yes, conditional.

7 MR. HAMILTON: However we state this in the  
8 application, so we need to make some verbiage that —

9 CHAIRMAN HANFORD: As conditional approval.

10 MS. MITCHELL: The site plan review would be  
11 conditional approval.

12 CHAIRMAN HANFORD: The site plan review continually  
13 approved as —

14 MS. JARRELL: — those three lines.

15 MS. MITCHELL: Well, based on the conditions outlined  
16 in the staff report.

17 CHAIRMAN HANFORD: Based on what we discussed.

18 MR. INTIHAR: Correct.

19 MS. MITCHELL: And the modifications to Item 10.

20 CHAIRMAN HANFORD: Yes, on the 100, 200.

21 MR. SMITH: 200 feet.

22 CHAIRMAN HANFORD: Yes. Anything else we need to  
23 discuss? Everybody okay? All right, Kathy.

24 MS. MITCHELL: Mr. Hamilton?

25 MR. HAMILTON: Yes.

26 MS. MITCHELL: Mr. Rowe?

27 MR. ROWE: Yes.

28 MS. MITCHELL: Mr. Smith?

29 MR. SMITH: Yes.

30 MS. MITCHELL: Ms. Jarrell?

1 MS. JARRELL: Yes.

2 MS. MITCHELL: Mr. Hanford?

3 CHAIRMAN HANFORD: Yes. It's approved and that's  
4 closed. All right.

5 MR. INTIHAR: Thank you, all.

6 CHAIRMAN HANFORD: Thank you for your time and  
7 effort.

8 The last item is approval of the minutes. With that,  
9 she has to go through all that. Any additions or deletions?

10 MR. ROWE: I read through everything. It seemed  
11 fine. I would recommend its approval.

12 CHAIRMAN HANFORD: Okay. Approved as submitted  
13 without discussion. Thank you. And the meeting for  
14 January 13th, 2010, is now closed.

15 (The meeting was concluded at 8:41 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 26th day of January 2010.  
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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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