



NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
ON
DECEMBER 20, 2022

TO WHOM IT MAY CONCERN:

THE PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON TUESDAY, DECEMBER 20, 2022 AT 6:00 P.M. IN COUNCIL CHAMBERS OF ROCKY RIVER CITY HALL FOR A PUBLIC HEARING FOR THE CONTINUATION OF A PRELIMINARY REVIEW OF A NEW OFFICE BUILDING AT 19933 LAKE RD. FOR SEAN KENNEDY.

BEFORE REACHING A DECISION, THE BOARD WILL GIVE THOSE IN ATTENDANCE AN OPPORTUNITY TO BE HEARD.

PLANS SHOWING THE PROPOSED LOCATION ARE ON FILE IN THE BUILDING DIVISION OFFICE AND ARE AVAILABLE VIA E-MAIL OR TO VIEW IN PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT kstraub@rrcity.com OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

Notices sent to:
See attached list

MCNAMARA, SR., THOMAS M.
386 CORNWALL RD,
ROCKY RIVER, OH 44116

SPIKER, PETER & MCKEEL, KATHRYN
392 CORNWALL RD,
ROCKY RIVER, OH 44116

BRIDELL, JENNIFER
395 CORNWALL RD,
ROCKY RIVER, OH 44116

Heath Demaree
387 CORNWALL RD,
ROCKY RIVER, OH 44116

PIROS, MATTHEW DAVID AND PIROS,
CAITLIN ANNE
386 ARGYLE RD,
ROCKY RIVER, OH 44116

CHAO, ROSLYN
394 ARGYLE RD,
ROCKY RIVER, OH 44116

SALLY L MYLETT TRUSTEE
395 ARGYLE,
ROCKY RIVER, OH 44116

SALLY LOU MYLETT TRUSTEE
395 ARGYLE RD,
ROCKY RIVER, OH 44116

ASTOR PLACE HOMEOWNERS
ASSOCIATION
24650 CENTER RIDGE RD, # 165
WESTLAKE, OH 44145

Pamela K Gilliland
19915 LAKE RD,
Rocky River, OH 44116

Rocky River Post #451 American Legion
19911 LAKE RD,
Rocky River, OH 44116

Beachcliff Row HOA, Inc
C/O Continental Management Co.
20545 Center Ridge Rd, #L120
Rocky River, Oh 44116

BURNS, BERRI L.
514 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

WILSON, MALLORY
516 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

GOLAS, DONALD J
518 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

KAPOSTASY, PAUL & SUSAN
520 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

CHRISTINE LENKE RYLAND
528 BEACHCLIFF ROW DR, #B5
ROCKY RIVER, OH 44116

CASHMAN, MARK E
12900 LAKE AVE, APT 1120
CLEVELAND, OH 44116

LALITHA MUTNAL
524 BEACHCLIFF ROE DR,
ROCKY RIVER, OH 44116

GARY A RICHARDS
522 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

KILBANE, BRYAN EDWARD
15 ASTOR PL,
ROCKY RIVER, OH 44116

PURDY, JAMES E. & KRISTINA S.
16 ASTOR PL,
ROCKY RIVER, OH 44116

GLINATSI, JAMES & GLINATSI, DOXIE
17 ASTOR PL,
ROCKY RIVER, OH 44116

BERAN, RICHARD AND BERAN, VICKI
10 ASTOR PL,
ROCKY RIVER, OH 44116

MICHAEL FITZGIBBON AND FITZGIBBON
11 ASTOR PL,
ROCKY RIVER, OH 44116

THOMAS EUGENE & STELENE EVELYN
SATTler
1655 FOREST DR,
MEDINA, OH 44256

JOHN MCGREEVEY
16105 DETROIT AVE,
LAKEWOOD, OH 44107

ZAJACKOWSKI, KENNETH M
14 ASTOR PL,
ROCKY RIVER, OH 44116

DEGRANDIS RONALD L.
5 ASTOR PL,
ROCKY RIVER, OH 44116

KLEINSMITH, KEITH A. & TOMLA L.
6 ASTOR PL,
ROCKY RIVER, OH 44116

VANNUCCI, DOMINIC J. & CONNIE F.
7 ASTOR PLACE,
ROCKY RIVER, OH 44116

PATTON, NINA
8 ASTOR PLACE,
ROCKY RIVER, OH 44116

DI MATTEO, LARRY A. & COLLEEN F.
9 ASTOR PL,
ROCKY RIVER, OH 44116

ANDRAKO, FRANCIS JR. AND ANDRAKO,
MONICA M., CO TRUSTEES
1 ASTOR PL,
ROCKY RIVER, OH 44116

CHIONG, IGNACIO & KATYA H
3 ASTOR PLACE RD,
ROCKY RIVER, OH 44116

GROSSMAN, DOUGLAS M & MORAN,
KATHLEEN
35835 WILLS RD,
CRESWELL, OR 97426

MARIE & THOMAS THEISS- TRUSTEES
1056 KIRKLAND LN,
LAKEWOOD, OH 44107

WAFFEN, BRUCE & SHARON
534 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

ATWELL, GREGORY J & MATUSZNY, LISA
M
536 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

ALLEN, ANDREW W. & PATRICIA M.
537 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

WULFF, THOMAS JR & GINA M
539 BEACHCLIFF ROW DR,
ROCKY RIVER, OH 44116

TECHNOLOGY RECOVERY GROUP LTD
31390 VIKING PKWY,
WESTLAKE, OH 44145

LAKE ROAD RE LLC
19985 LAKE RD,
ROCKY RIVER, OH 44116



December 6, 2022

Kate Straub
Planning and Zoning Coordinator

Rocky River Building Department
21012 Hilliard Blvd.
Cleveland, OH 44116

RE: Preliminary Planning Commission Submission
Project Name: New Office Building
Project Location: 19933 Lake Road

Vocon Project No. 220039.00

Dear Kate:

This letter is provided as part of the Rocky River Preliminary Planning Commission Review submission as the written project summary for the New Office Building proposed at 19933 Lake Road. Please review the attached *Planning Commission Submission* dated 12/06/2022.

PROJECT DESCRIPTION

The project entails the construction of a new 3-story, 27,581 GSF office building and its associate parking on the previously developed gas station site. The Owner will occupy the 3rd floor and lease the 1st and 2nd floors to other commercial office tenants.

We acknowledge the site's various non-compliance items and would like to provide the following justification:

1. **1167.07 Minimum Building Setbacks**
 - a. Setback from Side and Rear Lot abutting a residential district
 - i. Required side yard setback – 25'-0"
 - ii. Proposed east side yard setback – 20'-0"
 - iii. Justification – Due to the need for a setback/ buffer between the western property's parking, Bearden's, and the proposed parking, the building is 20'-0" off of the property line. Beachcliff Row, is 12'-11" off of the property line, totaling 32'-11" between buildings,
2. **1167.09 Height Requirements**
 - a. Maximum Height - 35'-0"
 - b. Proposed Height - 45'-0"
 - c. Justification – This will be a Class-A office building and requires a 10'-0" AFF ceiling height. A 14'-8" AFF is provided to allow for infrastructure space, which requires a 45'-0" building height with a small parapet.
3. **1167.11 Off-Street Parking Regulations**
 - a. Parking Setback from Right-of-Way (north)
 - i. Required setback – 14'-6"
 - ii. Proposed setback – 6'-0"
 - iii. Justification – Due to the Cross Parking Easement between the neighbor, Bearden's, and the current property, we have tried to maximize parking to meet both property's needs.
 - b. Parking Setback from side and rear lot lines abutting nonresidential (northwest)
 - i. Required side yard setback - 10'-0"
 - ii. Proposed west yard setback adjacent to Bearden's – 5'-6"
 - iii. Justification – Due to the Cross Parking Easement between the neighbor, Bearden's, and the current property, we have tried to maximize parking to meet both property's needs
 - c. Parking setback from side and rear lot lines abutting residential (east, south, west)
 - i. Required 15'
 - ii. Proposed – 10'-6"
 - iii. Justification – Due to the Cross Parking Easement between the neighbor, Bearden's, and the current property, we have tried to maximize parking to meet both property's needs

4. **1167.17 Design Guidelines**

- a. Required - Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.
- b. Provided - Building entrance faces parking (west)
- c. Justification - The Building Entrance faces the parking and is visible from the public street


5. **1187.09 Off-Street Parking Standards**

- a. Parking - Office - minimum of 3 spaces per 1,000 gross square feet/ maximum of 5 spaces per 1,000 gross square feet
- b. Required - Gross area: 27,581 gsf - 83 spaces min, 138 spaces max
- c. Provided - 68 spaces (4 Accessible Spaces)
- d. Justification - The building is a low-density office space and is typically at 50-80% occupancy. As a result, we have utilized the net square footage.

Exterior signage is shown as conceptual and is not finalized, and we will return for signage approval at a future date.

Should you have any questions, please do not hesitate to contact me anytime.

Yours Very Truly,



Julie Trott
Senior Associate, Project Director II

Enclosure: *Preliminary Planning and Zoning Package dated 11/01/2022 and Supplement 11/15/2022*

Cc:	Paul Voinovich	Vocon
	Jodi VanderWeil	Vocon
	Abby Baker	Vocon
	Sean Kennedy	TRG
	Mike Kennedy	River Saas Capital
	Bobby Kreuger	TKG

To: Rocky River Planning Commission
From: Larry & Colleen DiMatteo
Date: November 16, 2022

Dear Commission Members:

Astor Place Residents

We live at 9 Astor Place in a unit facing onto the proposed Office Building at 19333 Lake Road. We attended the November 15, 2022 meeting, along with our neighbor, Jim Purdy. Unfortunately, the matter was tabled, and we were not able to talk. Our concerns involve privacy issues related to the conversion of what is now a 'dead' parking area to an office building with a more active parking lot.

Fencing on Rear Property Line

In the original plan we were told that the developer envisioned placing a privacy fence along the property line with the Astor Place Development. In canvassing, as owners at Astor Place, we respectfully request that the fence be re-inserted into the development scheme.

Developer's Architect

Following the November 15th meeting, we engaged representatives of the developer about our request for a fence. They told us that the developer is not opposed to installing a fence.

Existing Arboretum

Regarding the current arboretum, a landscape architect has informed us that the current plants are 'end of life.' A closer inspection shows the arboretum to be in poor shape, with browning (during summer) branches, a number of dead plants, and some plants overcome with poison ivy and oak. Also, separation between the plants have led to openings that people walk through. If anything, the current 'buffering' is an eyesore.

Type of Fencing

The type of fencing that we prefer is a non-see through wood fence with a height of 7 feet. This is similar to other fencing in the area, but we would be open to other materials.

Best of Both Worlds

It needs to be noted that we are not in any way opposed to the building of the office, but we have substantial investments in our residences and in its landscape. Given that there is a 10 feet setback, there is space for a fence and arboretum. The preference being the placement of the arboretum on the Astor Place side and the fence facing the office parking lot. In sum, a nice fence would buffer the residences from the parking lot, and attendant head lights and noise, as well as providing security.

*This person approached PC
at the end of the 11-15
Meeting when there was
no public hearing.*

We hope you will take our concerns in mind, before giving final approval.

Sincerely yours,

A handwritten signature in black ink that reads "Larry DiMatteo". The signature is written in a cursive, slightly slanted style.

Larry & Colleen DiMatteo

9 Astor Place
(216) 356-1505
justinian79@yahoo.com

The proposal is for an 822 sq. ft. concession stand located north of the existing parking lot and east of the existing soccer and lacrosse fields. They will be moving the bleachers from the west side of the field to the east side and they will be adding some additional bleachers. A very small temporary mobile press box will only be out when there are games. She explained the materials that will be used to construct the concession stand. The concession stand will have two unisex toilet rooms as well as a kitchen, equipment storage and a utility room. The concession stand is proposed to be 305' to the residential property line and 425' from a residential property line at its farthest point. The maximum height of the structure is 19' to the top of the roof. There are no lights on the field so the games will all be played during daylight and the announcing system will be a small, portable unit.

Mr. Bishop said that the maximum height for an accessory building in a Public Facilities District is 15', but it is being shown at 19'. Ms. Brandt clarified that the height they are requesting is 18' – 3". Mr. Bishop said that the concession stand will need a height variance. Discussion was had about the use of vinyl siding and Mr. Nugent said that they will use cementitious hardy siding. Ms. Brandt said that the lighting will just be at the canopy area and over the doors for safety. There may be lighting at the ticket booth but no lighting will impose on the neighbors.

Ms. Brandt said that the bleachers will not be mobile but the press box will be. Mr. DeMarco asked about the new ticket booth and whether it is integrated into the concession stand. He also wonders if there will be landscaping plans for the area. Ms. Brandt said that there will be some landscaping to the north of the concession stand and they may have to redo some of the entry walkway. There will be a large concrete area to the north of the building. He would like to see some of that information on the site plan, such as the extent of a new pad and landscaping changes. He said that since the accessory building is right there, so it would make sense to integrate the ticket booth into it.

Mr. Allen asked about the removal of some of the track and Ms. Brandt said that they will probably replace it sometime in the future. It is just a training track and not used for competition.

There being no further comments, the applicant thanked the Commission for their input.

4. SEAN KENNEDY – 19933 Lake Rd. - PUBLIC HEARING - Preliminary Review – New Office Building. Ms. Julie Trott and Ms. Abby Baker from Vocon and Property Owner, Sean Kennedy, are present to discuss the project.

Planning Commission member, David Allen, recused himself from reviewing this proposal. Mr. Bishop said that the details are still lacking in this proposal and he is not sure if they have enough for a preliminary review. They will see if they can work that out as they get feedback from the other Commission members. Mr. Bishop said he would like to recognize a letter from Gilliland Design from October 17th for the record. Bearden's has corrected their parking lot which makes the ingress and egress much more viable. He asked where they are with the architectural process. Ms. Trott said that they had to postpone their presentation to the Design and Construction Board of Review because their team had a conflict with the rescheduled date.

Mr. Bishop asked what the comments were from Design Board. Ms. Trott responded that they liked the masonry walls along Lake Rd. and suggested they consider landscaped islands along Lake Rd. versus the added parking so the landscape buffer would continue across the entire frontage on Lake Rd. They liked the design but felt it needed strengthening at the cornice line of the second floor. They liked the metal panels under the windows but they felt that they could either be maintained in the design or removed. They also liked the soldier courses above the windows. They felt that the back of the building was a little mundane and simple but they were not that focused on that because it is not visible from Lake Rd. The Board liked the layered design.

Regarding the site plan, Mr. Bishop said that the 5' building setback request for the east property line was a previously granted variance for the project to the east and that was all based on the private access drive being non-buildable so this Commission looks at it as potentially expanding that space. In his mind, he would support a variance for the 5' building setback, especially since there is a precedence set for the development to the east. Regarding the height variance of 10', Mr. Bishop said that they have stepped in the third floor a bit, so it alleviates some of that 10'. Astor Place was granted a height variance, so there is a height variance precedence set at that location. They asked for the schematic or cut-away showing the heights that was not included in the packet. It is to show the Commission the relationship between the height of Astor Place, this proposed building, as well as the neighboring development to the east. This is important information they need in order to analyze it and perhaps be in support of a height variance. Mr. DeMarco said that it would be helpful for them to provide a street elevation from Linda St. to Falmouth that includes the 2 higher buildings surrounding the proposed site.

Regarding the 9' parking setback that abuts Astor Place, Mr. Bishop said it is required to be 15'. They are showing 5' – 8" at the rear which is also required to be 15'. They are showing 9' at the east, which must be 15'. He has some ideas about that he will go over later.

Regarding parking, they are required to have 91 spaces. They are providing 74 spaces but they are providing a net usable calculation of 68 spaces. He also has some ideas about that. They are showing 8' – 2" where parking meets the wall of the building where 10' is required. They don't know if they need a variance for lot coverage because it is not provided. He said that The Krueger Group is very familiar with how to lay out a zoning analysis and he suggest they provide one like that, which will provide a good record at the end.

Mr. Bishop said that the minutes of last month stated that Bearden's does not have the right to park on the Kennedy property, but the easement language does not reflect that. Mr. Kennedy said that they do not have the right to park on the old Mike's Gas Station lot but they have an easement to park on the south portion of the lot.

Mr. Bishop said that there is a bank of Arborvitae between Bearden's parking lot and where Kennedy's parking spaces meet those. He asked if they are going to remove all of the Arborvitae and still have about a 5' buffer and Ms. Trott said that he is correct. They are replacing it with a

new road of Boxwoods so it provides the landscape buffer between them. The Boxwoods will be entirely on the Kennedy property.

Mr. Bishop said that there is a lot of guardrail and Ms. Trott said that those will all be removed and the concrete curbing will be removed and will be replaced with new curbing where it aligns with the parking. She said that all of that curbing is on the Kennedy property, except for on Bearden's south property line, where they need to connect to Bearden's curbs for the access drive between the 2 properties.

Regarding the stockade fence that runs along the Gilliland property, Mr. Bishop asked if the stockade fence that exists is actually on the Kennedy property. She does not know the answer to that and if it is not on the Kennedy property, they will retain it and build up to it with a new fence. If it is on the Kennedy property, they will remove it. Mr. Bishop said that a survey would clear up a lot of these things. A survey was included but it doesn't call out a few of those things.

Mr. Bishop said that there is a nice buffer of Arborvitae on the east along the Gilliland property and asked who owns it. Ms. Trott said that she does not know who owns that. Mr. Bishop asked if they are circling the entire site with a wood fence. Ms. Trott responded that they will place a fence on the south property line of the parking lot because based on their conversations, either here or at Design Review, it was mentioned that the landscaping is getting rather scraggly looking which increased the opportunity for lights to shine through it into Astor Place. They feel that a fence would provide the best screening for the rear parking lot. Mr. Bishop said that the landscaping along Astor Place does not affect the first floor of Astor Place, but it serves the second and third floors. Ms. Trott said that there will be landscaping at the east property line. If they own the Arborvitae, their intention was to replace them with new landscaping, but they can evaluate that. Mr. Gilliland confirmed that the Arborvitae are on the Kennedy property, but Beachcliff Row actually put those there with the landscape easement from Mike Varney. He does not know if it was a formal landscape easement. Mr. Bishop said that they will need to know more detail about the fence, such as location, style, color and height.

Regarding the transformer, they are considering relocating it to the south side and they are currently in conversations with the power company to determine how the building will be fed. It appears it will be fed from the south of the building and will wrap around, which is why they are looking at relocating the transformer to the southeastern corner of the building. Regarding the rear light pole on the south property that they will remove if it is a privately owned pole. If it is a public utility, it was not included on their survey, but they will confirm this with the electric company. The only pole Ms. Trott is aware of is a new one that will be replaced along the eastern property line along Lake Rd. to feed over to the Kennedy property and the transformer.

Mr. Bishop asked how quickly they can get rid of the dumpster that is on the southwest corner of the property. Bearden's owns the dumpster but Mr. Bishop said that it needs to be moved. Mr. Kennedy said that once this plan is approved by the Planning Commission, he will remove the dumpster, the dumpster enclosure and the sign from Mike's Gas Station.

Regarding the variances on the site, they discussed the 5' building setback at the east that he would support, as well as the height. Regarding the parking setbacks, Mr. Bishop said that it looks like they could make the 5' – 8" proposed setback at the south property line to 10'. Ms. Trott said the reason for the dimension as shown is because they are trying to maximize the parking. Mr. Bishop said that he suggests they eliminate those two parallel spots because they really are not very practical. If they changed the proposed 9' parking setbacks to 10', he thinks the Planning Commission can accept 10' all of the way around the site as opposed to 15' that is required. Those two spaces could be used to create the additional landscape island because they are lacking landscaping based on the Code. He said they could make the drive aisles 23', which will make up the 2' because there is a drive aisle on each side. Mr. Bishop said that there are other members on this Commission who can discuss this and whether a fence would be acceptable between the Kennedy property and Astor Place, which is why he would like to see that parking setback increased to 10'. Someday there may be a need to do some buffering for either property because it gives them a better opportunity to do something there if it is not a fence. Discussion was had whether they would be losing 2 spaces or 4 spaces by what Mr. Bishop suggested and he said he thinks that they could keep the two that are not the parallel spaces with a little bit of juggling because they are only talking about 4' there. Mr. Bishop said that it also gives them the opportunity to get their dumpster enclosure out of the parking setback. He requested that they dimension the dumpster to clearly show it is either at the same or a greater setback than the parking setback requirement.

Regarding the parking variance, Mr. Bishop said that he thought a lot about the net floor area versus the gross floor area for the parking calculation. He said that there are occasions where applicants occupy space where there are no common corridors, mechanical rooms and they are being given the benefit of the gross, but there gross is calculated differently because they have direct access to their unit. For instance, retail space is a good example, where you just walk in the front door and they are not being penalized in the parking area. Gross floor area for a retail space makes sense. People are not coming into the office every day anymore and that is a consideration, but mostly he would be willing to support the net as the calculation for parking, which would get them to 68 spaces. There is some benefit of the cross access easement with Bearden's and their hours of operation don't overlap with the office space very much. For those reasons, he supports using the net square footage rather than the gross square footage in calculating their parking. Regarding the 8'- 2" parking setback from the building, Mr. Bishop said he would support a variance for the 22 inches from the required 10' setback, because it is such a small request. Mr. Bishop said he would like to thank the applicant for providing a very detailed lighting plan.

Discussion was had relating to the architectural detail of the building and the applicant presented material samples. The materials include a Norman Red brick with a white mortar. The sills under the windows will be a cast stone. All of the metal detail on the building, including the small canopies above the windows, the storefront mullions and the metal around the stair and above the storefront windows on the upper level will be a black metal panel. The entry canopy on the west side of the building will be framed with tube steel and there will be a perforated panel in a black finish installed onto the bottom of the frame. They will present the physical materials to the Design Board as well. The arbor will be a pre-manufactured Trex unit in black

to blend with the other building materials. Ms. Trott said that the elevations will be updated relating to design for the next meeting.

Mr. DeMarco said that this is an attractive building and confirmed with the applicant that the yellow area on the site plan is the gas easement and that there is no access to the Gilliland property to the south is only via the Beachcliff Row property. Mr. DeMarco asked if they can please verify whether the landscape easement actually exists because there is not enough information to determine that. Mr. DeMarco asked if there is enough room to massage the building shape in order to get out of the building setback variance to the east and also the 10' setback from parking areas. Perhaps they could make the building skinnier in the east west direction to accomplish this. Ms. Trott said that this building is already small and compact and maintaining the square footage of the building is highest on their list but they can study that.

Regarding the question from the Beachcliff Row resident about screening of the rooftop units, Ms. Trott said that the rooftop units are currently shown on the eastern side of the building, which was done in the spirit of trying to reduce the height of the building adjacent to residential. They do have a mechanical screen around the perimeter of the units and the parapet to try to help buffer visibility and the sound. They will be plantings on roof and they are currently working out the details about that. Mr. DeMarco said that he is sympathetic to the concerns of the Beachcliff Row resident but he is not sure the floor plan or the building plan would allow for the units to be anywhere else. Ms. Trott agreed and said it would affect the functionality of the building if they moved those units.

Mr. Capka asked about the material of the patio and the applicant responded that the patio will be concrete. Mr. Capka asked if additional landscape screening could be placed around the patio and the applicant responded that they will look into providing that. Mr. Capka said he appreciates the screening of the rooftop units and he would like a little more detail on what the noise level may be. Mr. Capka thinks it would be important to show a south elevation, similar to pages 21 or 22 of their submission so they can look straight at the building on the south elevation as opposed to a corner view from the southwest or southeast.

Mr. McAleer asked if they eliminated potentially up to 4 parking spots, he believes it would take the number down to 70 spaces. He asked if it would be an issue if they only had 70 spaces because some people are working remotely.

Mr. Bishop said he believes they have enough information to open a public hearing and he moved to open the public hearing. Mr. McAleer seconded.

4 Ayes – 0 Nays
Passed

Ms. Connie Squire who resides in Astor Place, came forward and said that they are planning new landscaping for their entire development and the trees on the south end have gotten scraggly. She wants to know what it will look like if a person was looking at this building from the second floor of one of those Astor Place units. She asked what the setback of the building is and

whether there will be an entrance to the Building on the south side. Mr. Bishop responded that there is a patio entrance at the south side, but not the main entrance, which is on the west side. The building is set fairly far forward of the property line and Astor Place's landscaping is really buffering the second and third floors. If they are thinking of removing all of that landscaping, it will be a different story. The applicant explained the details to the resident.

There being no other members of the public present to address this issue, Mr. Bishop moved to close the public hearing. Mr. McAleer seconded.

5 Ayes – 0 Nays
Passed

Mr. Bishop said that the applicant needs one more visit to this Planning Commission one more time for preliminary approval because in order to provide the additional information they have requested at this meeting. He is not comfortable approving this until they have the additional information to determine whether they will support the variances or not. It is a matter of cleaning up the details, and having it all on paper.

Mr. Bishop moved to table this item to give the applicant the opportunity to come back and finish up the preliminary review with the requested additional information. Mr. DeMarco seconded.

4 Ayes – 0 Nays
Tabled

5. LINDA HOLDINGS LLC – 1309, 1325 and 1331 Linda St. - Pre-Preliminary Review – Proposed Lot Consolidation, Building Renovation and Enclosed Pavilion. Mr. Dave Rudiger, Property Owner, came forward with Jim Clark and Hallie Schuld of Sixmo Architects.

Mr. Clark explained that they are here to discuss an exterior renovation to the existing Tommy's for interior aesthetic improvements at the exterior façade and a conversion of approximately 210 sq. ft. of the existing deck into interior prep area. The second part of the project is to construct a pavilion over the current exterior seating on the concrete patio where a garage once stood.

They will continue to get all of the lots consolidated as part of the original plan. Mr. Bishop asked the applicant why they want to consolidate the lots. Mr. Rudiger said he thinks he was asked to consolidate but he doesn't know who told him to do that. He said that if they don't need to consolidate the lots, then he won't do it. Mr. Bishop said that leaving the parcels the way they are will give them more flexibility in the future than consolidating them into one parcel.

Mr. Bishop asked if there will be any new seating provided by the renovation to Tommy's. Mr. Clark confirmed they are not expanding the seating. Mr. Bishop said that because there is no new seating and parking doesn't need to be considered do to that renovation, then he thinks that Design Board can review that part of the submission. Mr. Rudiger said that the patio holds

DESIGN AND CONSTRUCTION BOARD OF REVIEW
MEETING MINUTES
SEPTEMBER 6, 2022

- Floor plan was reorganized so one part of the building needs to be revised
- Applicant and Board briefly discussed all elevations
- Elevators were relocated to the center of the building
- Some units will have floor to ceiling glass
- Board agrees these are very minor changes
- This plan provides more parking than before

Mr. Larsen moved to approve the proposed exterior paint as presented. Mr. Evans seconded.

2 Ayes – 0 Nays
APPROVED

This application is approved for design and review concept. Upon checking with the Building Department for all Zoning and Building Code requirements, a permit may be issued.

8. SEAN KENNEDY

Pre-Preliminary Review

Present: Jodi van der Wiel and Julie Trott, Vocon Architects

- 3-story office building - just under 30,000 sq. ft.
- Variances will be required for height and parking setbacks
- Mechanical Units to be screened on second floor roof
- Lake Rd. elevation addresses the street; main entry on west side of building
- Trellis will provide outdoor space
- Landscape islands along Lake Rd. were suggested versus additional parking so the landscape buffer would continue across the entire frontage on Lake Rd. along Lake Rd.
- Metal Panels under the windows are not critical to the design
- Fencing to be placed on all 3 sides of the back parking lot
- Board would like a stronger sense of the cornice line of the second floor
- Rear building elevation is simple, but it is not visible from Lake Rd.

No vote was taken.

The meeting adjourned at 5:50 pm.

Respectfully submitted,

Jim Larsen, Chairman

Tom Evans, Member

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5. **DENNIS O'BRIEN**
21520 Erie Rd.

Attached one-car garage

Present: John Faile, Architect
John Larussa, Solid Ground Construction

- Side yard setback variance was granted
- Materials to match existing
- Raised panel garage door
- Board wants garage to be stepped back 5' from front elevation and face of the existing garage; shrub screening to be installed on the neighbor's side

Mr. Larsen moved to approve the addition as discussed above. Mr. Evans seconded.

2 Ayes – 0 Nays
APPROVED

This application is approved for design and review concept. Upon checking with the Building Department for all Zoning and Building Code requirements, a permit may be issued.

6. **SEAN KENNEDY**
19933 Lake Rd.

Pre-Preliminary Review
New Office Building

Present: Jodi van der Wiel and Abby Baker, Vocon Architects

- 3-story office building; variances will be required and were explained
- 45' height of building was discussed. Landscaping was explained – consists of grasses and groundcover; boxwoods at the front, Honey Locust trees and Crabapple trees; Mr. Evans questioned the use of Crabapple trees because they are ornamental. He prefers shade trees along the street but there is not space for that. Mr. Evans said that there are shade trees that are more columnar, which is another option.
- Discussion was had relating to the requirement for Class A office space to have 10' ceiling height to make the proforma work. Mr. Larsen said that 45' in height is huge when you compare it to the neighbors. It looks like the elephant in the living room. Applicant explained that the third floor of the building is stepped back to lessen height and visibility on Lake Rd. She said that the school that is on Lake Rd. is also red brick and is similar to this. Mr. Larsen said that this building must feel like it belongs.
- Mr. Larsen does not like the 45' glass wall in the middle of the Lake Rd. and western elevations; the brick masses present two strong, symmetrical elements and the glass piece projects out into Lake Rd. is not symmetrical; he feels glass piece should be symmetrical and be located behind the brick; the glass face should not project any further out than the brick. The brick should be proud of the glass. He said that the asymmetry of this design on Lake Rd.

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is not right. Mr. Larsen feels the prominence of the projected glass boxes is overpowering the neighborhood and does not belong on Lake Rd. because it is a strong residential neighborhood. Mr. Evans said that the prominence of the glass box has some neighborhood compatibility issues and said that this is the only office building on Lake Rd.

- The applicant does not agree that this needs to be symmetrical on Lake Rd., but if that is what this Board is telling them to do, then they can do it. She said that the corner of the building is the line of symmetry and everything is mirrored off of that corner. That makes it more contemporary, which is more marketable and current. She said that this is not a historic building.
- The applicant said that it is the intention of Mr. Kennedy and the team that the interior has the key spaces within the glass box that interact with the street, such as a café or conference room space within the office structures.
- Mr. Evans said that any comments they have on projects come from a neighborhood perspective, which is where the comments about the glass box come from
- The applicant said that this request is a big change in plan. It may be difficult for them to push their core to be more compressed.

Mr. Larsen moved to table the new office building for reasons that were discussed. Mr. Evans seconded.

2 Ayes – 0 Nays
TABLED

The meeting adjourned at 6:45 pm.

Respectfully submitted,

Jim Larsen, Chairman

Tom Evans, Member

2. BEACHCLIFF ROW, LAKE RD. & LINDA ST. – PUBLIC HEARING –

Variance: to construct a 27 unit townhouse development on a 98,449 sq. ft. lot size vs. a maximum of 21 townhouse units allowed Section: 1143.02(a)

Variance: to construct a townhouse development with 27.4% coverage vs. a maximum of 20% coverage permitted Section: 1143.02(c)

Variance: to construct a townhouse development with 45% open space vs. a minimum of 50% required Section: 1143.02(d)

Variance: to construct a townhouse development with building height of 35' vs. a maximum of 25' permitted Section: 1143.02(h)

Variance: to construct a townhouse development with a 25' front setback to Linda St. for Building #1 vs. a 40' front setback required Section: 1143.02(e)

Variance: to construct a townhouse development with a 25' front setback to Linda St. for Building #2 vs. a 40' front setback required Section: 1143.02(e)

Variance: to construct a townhouse development with a 18' distance between Building #2 & #3 vs. a minimum of 34' distance required Section: 1145.13

Variance: to construct a townhouse development with a 15' rear yard setback for Building #4 vs. a 17.5' rear yard setback required Section: 1143.02(g)

Variance: to construct a townhouse development with a 12' distance between Building #4 & #5 vs. a minimum of 34' distance required Section: 1145.13

Variance: to construct a townhouse development 54 parking spaces vs. a minimum of 68 parking spaces required Section: 1161.05(a)2

Mr. Bob Kelly, Developer, and Mr. Jim Larsen, Architect, came forward to explain the variance requests.

Mr. Kelly said that he sincerely would love to build this signature project at Lake Rd. and Linda St. He introduced Mr. Larsen and asked him to be the spokesperson for the project. Mr. Farrell asked Mr. Larsen to explain the changes that have been made since the last meeting. Mr. Larsen said that he would not repeat what had been previously presented.

Mr. Larsen said that they have very conscientiously and respectfully considered the concerns that had been raised by the Board members and the public at last months meeting regarding their project. He said that they would address the concerns with tonight's presentation. Mr. Larsen said that it was clear to them from the glowing comments that have been made that this would be an appropriate project and the variances regarding number and size seemed to be the issue.

Mr. Larsen said that they have struggled to make the changes that they are presenting to the Board this evening. He said that it was a bit of an effort and hopefully everyone will agree that they can live with the changes. He said that last month they were asking for 13 variances and this evening they would be asking for 10. Mr. Larsen said they feel this is a good beginning.

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Mr. Larsen said that first and undoubtedly most important is the density issue and they have been able to reduce the unit count from 30 to 27 while maintaining a standard of excellence for the project. He said that he thinks that number correlates roughly with Kory Koran's letter overview regarding density of a sister project in Shaker Heights that was introduced at the last meeting.

Mr. Larsen said that their building coverage has been reduced by 10%, a change from 30% to 27.4% reducing land coverage issue. He said that a major significant improvement is the change in open space, 50% being required and they requested 30% last month whereas this proposal demonstrates 45% open space. He said that the only thing that remains unchanged, and they would respectfully request further conversation as to the impact of that, is the height. He said that the off street parking variance has been reduced by 10%.

Mr. Larsen said that they have honored the setback requirement off Lake Rd. thus no variances required for Building No. 5. He said that they have likewise honored the 40' setback for Building No. 1, therefore no setback variance requested. He said that the variance requests for setbacks on Linda St. remain unchanged at the 25' requested. He said that they have eliminated the variance request for a side yard setback between Building No. 3 and the Legion's fence. He said that they have reduced the rear yard setback from Building No. 4 to the Legion's fence.

Mr. Larsen said that the final 2 variances are internal variances between buildings and in fact they have increased the space on 1 of those from 12' to 18'. Mr. Larsen said that was a brief overview of the changes that they have made. He handed out a booklet for each of the Board members with updated sketch renderings of the proposed townhouse development. He said that part of each unit would be 2 stories and part would be 3 stories. He said that would be important for the neighbors regarding light and air, etc.

Mr. Farrell said that he felt that it was a good rendering. He said that it helps to know that the building is 2 stories along the Linda St. setback.

Mr. Larsen discussed the survey that their engineer had submitted. Mr. Farrell asked if the survey information was being submitted for the first time this evening. Mr. Larsen said that the survey was in the original submittal. He said that the letter from the engineer verifying the accuracy of the pins was the only thing being submitted this evening.

Mr. Larsen showed the Board an overlay of the setbacks demonstrating the difference between the last submittal and the current proposed plan. He said that they have improved the conditions on all sides of the project in terms of setbacks. Mr. Christ said that he was originally concerned about the setback variance on Lake Rd. and with the new plan the setback variance on Lake Rd. has been eliminated.

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Mr. Christ said that the variances between the buildings were created as a result of the Planning Commission's suggestion to create more open space for light and air. Mr. Kelly said that they felt that separating the buildings would improve the project. Mr. Downing said that the distance between the buildings really bothered him.

Mr. Larsen and the Board further discussed the booklet that was handed out page by page. Mr. Larsen said that there would be open decks on the 2nd floor. He said that they feel that it is a unique feature. Mr. Larsen and Mr. Christ discussed the floor plans.

Mrs. Van Atta asked if the air conditioner condensers would be on the decks. Mr. Larsen said that they would be located on the decks and he does not feel that anyone would be able to see the units from the street. He said that they would have some type of enclosure around the units.

Mr. Downing discussed the zoning of the proposed property and the adjacent properties. He said that he would like to see the entire corner be developed. Mr. Larsen said that this project would allow the current commercial properties adjacent to the proposed townhouse to remain as they are or be developed in the future. Mr. Matty said that Mr. Downing should not let any zoning concern cause his judgment to go one way or the other. Mr. Matty said that Mr. Downing should concentrate on the applicant's variance requests. He said that if there is a zoning concern it would not be a concern of this Board. Mr. Matty said that he would like to make sure the Board members rely on the provisions in the Code for variances and the requirements for variances.

Mr. Larsen said that the property across the street from this project is zoned to permit buildings as high as 50'. Mr. Larsen discussed the height issue and said that he feels that this project would be equal to or lower in height than other properties in the neighborhood.

Mr. Farrell said that Mr. Larsen gave a nice presentation and has explained the changes further for him.

Mr. Downing asked how Mr. Larsen arrived at 27 units. Mr. Downing said that he feels that the applicant has made a very good effort and he appreciates what they have done. Mr. Downing asked if the applicant had received any input from City Officials regarding the number of units prior to making the decision. Mr. Larsen said that they had met with Kory Koran, the Economic Development Director, regarding the project and he recommended thinking in terms of a flexible number. Mr. Larsen said that they discussed the density of a similar project in Shaker Heights that had 26 or 27 units and based on that conversation they were encouraged.

Mr. Farrell said that he felt that this Board left the applicant moving in that direction at last months meeting. He said that he did not recall if they had talked specific numbers or not, but apparently reducing the number of units has eliminated the 3 variances along Lake Road. Mr. Downing said that it not only eliminated 3 of the variances it also improved all but 1 of the remaining variances requested.

Mr. Kelly said that they were not able to reduce the height variance. Mr. Downing said that Mrs. Van Atta had some concerns last month regarding the height issue. Mr. Kelly said that they tried to focus on the architecture of the buildings to soften the look and make it pleasing to the neighborhood.

Mr. Christ said that he would have preferred that the 27 units were 26. He said that he had some questions regarding 2 other variances. He said that he would like Mr. Larsen to address the issue of the space between the units and also the issue of parking spaces. Mr. Larsen said that they saw the wisdom of separating the buildings as recommended by the Planning Commission. He said that 12' or 18' would be a very comfortable scaled space as a pass-thru between front and back. He said that the idea was that in 12' they would have a very comfortable dimension to get a walk with some trellis work and some scaled space to happen. Mr. Larsen said that they felt that in this more urban condition this would be a very appropriate urban based solution for a cut-thru between spaces. He said that if this project was being developed in a more suburban area like Avon the buildings would be more spread out but it felt appropriate to the scale of the buildings themselves to have at least the 12' space. Mr. Christ said that 12' is somewhat tight and he would like the applicant to be sure that they would not be creating a canyon. Mr. Larsen discussed the area between the buildings and windows on the side of the buildings.

Mr. Farrell asked if there would be any safety issues with the project even though it does meet the Code. Mr. Larsen said that the Fire Chief has approved the project based on no break in the building. He said that they feel that the break in the building improves the access situation for both the Police and Fire Departments on a safety basis.

Mr. Christ asked Mr. Larsen to address the issue of parking on the street and cut-thru traffic. Mr. Larsen said that there would be 2 car garages and 2 spaces immediately behind in the driveways. He said that the core road would be minimally used only 5 units would use it for access. Mr. Christ said that his concern would not be with the residents living in the development it would be more for the traffic up and down Linda Street.

Mr. Kelly discussed traffic engineering, the traffic light at Linda St. and Lake Rd. He said that he feels that a cut-thru would not be an issue because the volume of traffic is not there and because of the timing of the traffic light on Linda St. Mr. Farrell asked if the roadway for the development would be a private drive. Mr. Kelly said that it would be a private drive. Mr. Kelly said that they could post a "Private Drive" sign and it could be enforced at some level if there would be a problem with cut-thru traffic.

Mr. Kelly said that they have off-street parking along the driveway. He said that they did not want satellite parking areas. The Board discussed with the applicant the number of parking spaces proposed in relation to the Code requirement. Mr. Larsen said that they feel that the parking situation is more than adequate without additional paved areas in the development. Mrs. Van Atta said that the Code does not allow the parking spaces in the driveways to be included when calculating the number of parking spaces. Mr. Kelly said that even though the spaces behind the garages cannot be used in the calculation they are still parking spaces that can be used so they do not want to pave more green space. Mr. Larsen said that there would also be parking along the street the same as any other residential street.

Mrs. Van Atta said that she believes if the applicant would reduce the number of units the variance for parking would also be reduced. Mrs. Van Atta said that she does not feel that the applicant has met the requirements for the variances that are being requested. She said that the proposed development looks beautiful and she believes that it should be done but she believes that it could be done with fewer units. She said that fewer units would eliminate or substantially reduce a lot of the variances being requested.

Mr. Downing said he believed that last month when this project was tabled the Board had commissioned the applicant not to reduce the number of units to 21 and eliminate all variances, but to come to some sort of compromise. Mr. Downing said that he believed that the minutes from the December meeting reflects that. Mr. Farrell said that it is this Board's duty to review the variance requests to determine if the applicant should be held strictly to the ordinances or whether there are some overriding reasons to allow them to deviate from the ordinances.

Mr. Larsen said that they have worked very hard to reduce and find a compromise place that they could live with. He said that they found that place at 27 units and they would still be able to provide a signature project on the proposed site. He said that they are absolutely committed to those ground rules. He said again it was a struggle to get to 27 units but they got there. He said that he hopes that the Board feels that this will make a difference and will be a valued product for Rocky River.

Mr. Larsen said that it was probably an error on their part for not asking for a higher valued zoning re-classification when the property was rezoned. He said that if they had asked for the zoning that it was before, a five-story building, then they would not be here requesting these variances. He said that they asked for a lesser zoning classification and now they have to deal with the variances required. He said that if Rocky River had seen the wisdom of keeping the rules of what Alexander's Row had, across the street, in terms of physical size per unit, they would also not be here for variances.

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Mr. Larsen said that the consideration that they are asking for this evening is that there is no category in the Ordinances that would fit this project. He said that instead of asking for the variances they could have gone the route of having the zoning code rewritten to allow townhouse zoning because they do believe that there is an interest in townhouse developments in Rocky River.

Mrs. Van Atta said that the applicant was involved in the rezoning request of the proposed property with this project in mind, and this is the way it was zoned with their full knowledge.

Mr. Wright said that if 1 unit went away on Building No. 4 the southern unit, then 27 units would go to 26 units, the open space might get closer to the 50% requirement, the parking would get closer to code, and the space in between the buildings would be wider. Mr. Wright said that with 26 units the first 3 Items would be improved and the next 4 Items would remain the same. He said that the applicant has stepped back the height of the building on Linda St. from a massive 3 story to a 2 story which he appreciates. He said that the rear yard setback would go away and the last 2 Items would improve just by 1 more unit going away. Mr. Wright said that he appreciates what the applicant has done but some of the residents of Rocky River have voiced their concerns to him regarding the massiveness of this project on Linda St.

Mr. Matty asked Mr. Larsen where he was at with the easement with the American Legion. He asked Mr. Larsen if he had anything other than the general discussion that was held for review. Mr. Larsen said he did not. Mr. Kelly said that they are where they were before, they have talked to the American Legion and they still have to finalize the agreements when they are all done. Mr. Kelly said that the easement works for both of them and they do not have a major concern about it. He said that they are just sharing a driveway easement and that is all that it is. Mr. Matty said that the easement would not be a condition tonight but it would be a condition before a Final Planning Review. Mr. Kelly said that they just share a driveway and it would not effect the setbacks or anything else they are still accessible, it is just a benefit to both properties.

Mr. Matty said that the Planning Commission will insist that the easement is finalized before the applicant can be put on the agenda. He said that along with the easement the Condominium Documents will have to be reviewed and they should be done ahead of time. Mr. Matty said that he would like the documents submitted to him 10 days prior to the Planning Commission meeting to allow enough time for him to review them.

Mr. Farrell opened the meeting to public comment.

Mayor Knoble said that he would like everyone to keep in mind the difference between development and re-development. He said that Rocky River is built up, whether we like it or not. He said that every project that the City is going to be looking at is going to be some form of a re-development. Mayor Knoble said that he has been involved with local government for 32 years. He said that for part of that time he sat on this Board and one of the things that is very clear to him is that for re-development purposes our Code is really out-of-date. He said that it was designed at the time when we were building this City not rebuilding it. He said that the concern that he has is that during those 32 years he believes that the City has rezoned portions or all of this property 5 times. He said that we have had numerous developers come in and the only one who has successfully developed a project in the proposed area has been Adrien Elliott with Astor Place. He said that if you take out her driveway which runs from Linda St. back into her project and look at the density of her units alone within the complex where she is actually building it is very close to the density of this proposed project.

Mayor Knoble said that every article that he reads, and he tries to read as many as he possibly can, when you talk about an urban re-development in a suburban area, which is what this is, you talk about greater density, street front buildings, greater heights, less parking, all of the issues that were going about here. He said you talk about mixed use, which is not being proposed here, but is certainly a possibility. He said that he thinks that you have to put aside the concept of, "well if this was being built out in Avon", as he believed somebody mentioned, "you could have this, you could have this", it is not being built in Avon. He said that the cost of the land here is probably 5 or 6 times what it is out in Avon. He said that if we are going to redevelop this property you have to look at what is reasonable for this property not the Code itself. He said that he has tried desperately to get people to look at this area and re-develop it from the Bridge all the way to South Kensington. He said that there has only been one successful person who has done it. He said that he believes that Mr. Kelly can successfully do it.

Mayor Knoble said that we have a lot of old-time property owners in the area that, quite frankly, have much too high a value on their property in relationship to what it is really worth from a re-development standpoint. He said that is the reality, they think it is worth so much money, and if a developer wants to do it that is what is going to have to be paid. He said that he would encourage the Board not to throw the Code out, but look at this from the standpoint of what reasonably could be built here vs. what Mr. Kelly is proposing. He said that he believes that you will come to the conclusion, as he has, that this is a project that Rocky River really could use.

Mr. John Chandler said that he grew up in Rocky River. He said that he attended Kensington and grew up in the Beachcliff area. He said that his family has built and developed and is currently building and developing in the Beachcliff area. He said that he would like the opportunity after reviewing tonight's drawings to say a few words.

He said that he has had the opportunity to work with both Mr. Kelly and Mr. Larsen in the capacity of coming before them in the different communities and he believes that the Board will agree that Mr. Larsen is a resourceful individual when it comes to tough sites.

Mr. Chandler said that it is extremely important that the City keep the proposed corner residential. He said that he personally knows Ms. Elliott and he is excited to realize that she has accomplished success already, and he thinks that indicates a strong need for high-end residential townhouse units in these difficult in-fill sites. He said that he thinks that the market is there and she has paved the way. Mr. Chandler said that from a developer's standpoint this is a high cost, high-risk site. He said that the land cost is high, it is a corner location, sandwiched in between commercial. He said that there is demolition and high cost of infra-structure and in evaluating this there is a definite need for a traditional architectural design which is not inexpensive in itself. He said that a variance for density is one very important element that can assist a developer in making the economics work for this and actually make the community happen. He said that is a very important consideration.

Mr. Chandler said that he has heard comments regarding distance between buildings and having built single family cluster homes that distance minimum is 10'. He said that when you look at 34' between buildings you realize that there are a lot of inconsistencies in the zoning code. He said that with the design that was presented here tonight he feels that this corner could be a bookend for the area with Astor Place being at the other end. He said that Beachcliff Row presents a favorable streetscape to Rocky River's easterly gateway. Mr. Chandler said that in a way you could say this is competition and he is happy to see it. He said that he thinks it could be a great success and a great entrance point from the east.

Mr. Jack McGreevey, 20051 Beachcliff Blvd., said that unlike the 2 previous speakers he cannot speak to the variances because he does not have the background. He said that he feels that a project like this would be very good for Rocky River. He said that the Beachcliff area is a walking neighborhood. He said that people are out jogging and walking their dogs, etc. He said that there are many people in the community there that are looking for a place to move when the kids go off to College that will have the features that this development apparently is going to have.

Mr. McGreevey said that his wife wants him to look in Westlake and Avon Lake at these types of developments and he said that he does not want to leave Rocky River. He said to get new construction and to get something of this size and this feel, unfortunately you have to leave Rocky River to get it. Mr. McGreevey said that a lot of his neighbors talk about this and they don't want to go but the options are not available here. He said that he feels that this would be a good use of this property. He said that it would be an increase to the tax base both for an income to the City and for the schools.

Mr. McGreevey said that he personally knows Mr. Larsen because he has done some commercial work for him. Mr. McGreevey said that Mr. Larsen does superior architectural work. He said that he feels that this is an opportunity to dress up the entrance to Rocky River as you come from Lakewood into Rocky River on Lake Rd. which he feels is sorely needed. He said that it would greatly improve that corner property. He said that it also maintains the neighborhood feel that is one block North of this land. He said that it is time for a change, the property is worn out and is ready for re-development.

Mr. Dennis Troy said that he lives at Kensington and Beacheliff. He said that he has looked over the proposed plans and as a resident of the neighborhood he feels that it is a real benefit to all of us and would encourage the Board to vote in favor of the variances. He said that he feels that we all have a lot more to gain than to lose.

Mr. Troy said that he does industrial and commercial development and to take the number of units from 27 to 26 could be a disaster. He said that if you take the profit of one unit out it could be the difference. He said that when you add in demolition costs and unforeseen costs that Mr. Kelly doesn't even know about today you have to build some of that in. He said that when you start to lower the density, which Mr. Kelly has already done, he could get to the point that he would have to walk away from the project. Mr. Troy said that he would encourage the Board, for the citizens down in that area, to support the project.

Mr. Farrell said that besides the fact that we are trying to put residential in a commercial area it is also a transitional area from the single family north of Lake Rd. to a commercial area and a railroad right-of-way. He said that in his opinion that makes it even more difficult to develop and maybe plays into the hardships.

Mr. Christ said that if the applicant would construct 26 units a lot of variances would snowball and it would make the decision very easy for him. Mr. Christ said that at the 27 number some of the variances bother him and some do not. He said that the applicant has answered some of the questions that he had in their presentation. He said that the applicant has also eliminated some of the variances that he felt would have been more problematic. Mr. Christ said that he is right around where this is looking reasonable to him with all the difficulties that the applicant is facing.

Mr. Downing said that at the last meeting all of the Board members agreed that this project would be good for Rocky River, a good looking eastern gateway to our City. He said that the Board was in favor of it in an overall sense. He said that the Board's commission to the applicant was to reach some sort of compromise to make the variances more palatable and address some of the concerns that were raised.

Mr. Downing said that it is his feeling that the applicant has reached out with these compromise issues and he said that he feels that it is time for the Board to reach back and shake the applicants hand.

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a 27 unit townhouse development on a 98,449 sq. ft. lot size vs. a maximum of 21 townhouse units allowed under Section 1143.02(a) because he feels that the applicant has indicated their hardship in this situation and has addressed the questions of the Board. Mr. Downing seconded.

4 Ayes – 1 Nay (Van Atta)

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with 27.4% coverage vs. a maximum of 20% coverage permitted under Section 1143.02(c) because he feels that the applicant has indicated their practical difficulties in this situation and has addressed the questions of the Board. Mr. Downing seconded.

4 Ayes – 1 Nay (Van Atta)

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with 45% open space vs. a minimum of 50% required under Section 1143.02(d) because he feels that the applicant has indicated their practical difficulties in this situation and has addressed the questions of the Board. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with building height of 35' vs. a maximum of 25' permitted under Section 1143.02(h) because the applicant has addressed this with their details and information and the height along Linda Street is significantly reduced from the 35' and they have indicated their practical difficulties. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with a 25' front setback to Linda St. for Building #1 vs. a 40' front setback required under Section 1143.02(e) because the distance is actually greater than several of the existing buildings on the site and they have indicated their practical difficulties with that site. Mr. Downing seconded.

4 Ayes – 1 Nay (Van Atta)

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Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with a 25' front setback to Linda St. for Building #2 vs. a 40' front setback required under Section 1143.02(e)) because the distance is actually greater than several of the existing buildings on the site and they have indicated their practical difficulties with that site. Mr. Downing seconded.

4 Ayes – 1 Nay (Van Atta)

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with a 18' distance between Building #2 & #3 vs. a minimum of 34' distance required under Section 1145.13 because this is addressing a request of the Planning Commission and it is a reasonable number and they have indicated their practical difficulties. Mr. Downing seconded.

4 Ayes – 1 Nay (Van Atta)

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with a 15' rear yard setback for Building #4 vs. a 17.5' rear yard setback required under Section 1143.02(g) he feels that this is a minimal variance request and they have indicated their practical difficulties. Mr. Downing seconded.

4 Ayes – 1 Nay (Wright)

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development with a 12' distance between Building #4 & #5 vs. a minimum of 34' distance required under Section 1145.13 this is again addressing a request of the Planning Commission and they have indicated their practical difficulties. Mr. Downing seconded.

3 Ayes – 2 Nays (Wright, Van Atta)

Mr. Christ moved to **grant** a variance for Beachliff Row at Lake Rd. and Linda St. to construct a townhouse development 54 parking spaces vs. a minimum of 68 parking spaces required under Section 1161.05(a)2 because the applicant has indicated that they have provided some alternate means to provide the amount of spaces required and they have indicated their hardship. Mr. Downing seconded.

3 Ayes – 2 Nays (Wright, Van Atta)

Mr. Pempus returned to his position as Chairman and Mrs. Van Atta stepped down.

3. KATIE & PAT MAHONEY, 275 FALMOUTH DR. – PUBLIC HEARING – Variance to construct an addition with a 5'-1" side yard setback vs. an 8' side yard setback required. Mr. Pat Mahoney, Homeowner, came forward to explain the variance request.

Mr. Mahoney said that they have just purchased their home and are proposing an addition off of the rear of the home. He said that the addition will keep with the existing north side of the house. He said that when the house was built the 8' side yard setback requirement was not in effect.

Mr. Pempus said that the drawings indicate that the existing house is 5'-1" from the property line and the new addition would extend straight back. Mr. Mahoney said that the addition would extend 8' straight back from the existing house.

Mr. Farrell said that he feels that the variance request is not substantial at all. Mr. Pempus said that the applicant has submitted an application with the practical difficulties documented.

Mr. Wright moved to **grant** a variance for Katie and Pat Mahoney at 275 Falmouth Dr. to construct an addition with a 5'-1" side yard setback vs. an 8' side yard setback required under Section 1143.02(f) because the applicant has completed all of the hardship and practical difficulty information and the existing foundation of the house is at 5'-1" and this is just a continuation back 8' at the existing 5'-1" setback according to the architectural drawings submitted. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Matty said that he would recuse himself from the next Item. Mr. Christ also said that he would recuse himself from this Item and Mrs. Van Atta would take his place on the Board.

4. FIRST FEDERAL OF LAKEWOOD, 20425 CENTER RIDGE RD. – PUBLIC HEARING – Variance to display a wall sign on the rear of the building that does not abut a secondary street vs. a wall sign may be displayed on the side of a building that abuts a secondary street or highway that it has access to and a variance to construct a drive-thru canopy with a 12' front setback vs. a 30' front setback required. Mr. Brian King, Senior Vice President, Mr. Jeff Grusenmeyer, Architect, came forward to explain the variance request.

Mr. Wright moved to **grant** a variance for Margaret & James Dempsey at 1666 Wooster Rd. to construct a garage with a height of 18'-6" vs. the height of a garage shall not exceed 15' under Section 1143.02(h) because the garage would be in keeping with the theme of the existing house in accordance with Sketch "A". Mr. Woods seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance for Margaret & James Dempsey at 1666 Wooster Rd. to construct a garage 3' from the side lot line (amended from the 2' requested) vs. accessory structures shall not be less than 5' from a rear or side lot line under Section 1143.09(a) because it would provide adequate access to the rear yard in accordance with Sketch "A". Mr. Woods seconded.

5 Ayes – 0 Nays

12. KING JAMES GROUP, 20005 LAKE RD. – PUBLIC HEARING – Following variances to construct a townhouse development:

Variance: to construct a townhouse development with a 22.6' front setback vs. 40' front setback required

Variance: to construct a townhouse development with a proposed height of 36.5' vs. the height of a townhouse shall not exceed 25'

Variance: to construct a townhouse development with 25.7% lot coverage vs. a maximum of 20% lot coverage permitted

Variance: to construct a townhouse development with a minimum liveable open area of 40.8% vs. a minimum of 50% liveable open area required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 5-9 & 10-14 of 30' vs. a minimum distance between buildings of 37.33' required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 10-14 & 15-19 of 26' vs. a minimum distance between buildings of 37.33' required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 15-19 & 20-24 of 18' vs. a minimum distance between buildings of 26.6' required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 20-24 & 25-30 of 24' vs. a minimum distance between buildings of 37.33' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 1-2 of 8.72 vs. a minimum East side yard distance of 34.33' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 1-2 of 57.70' vs. a minimum West side yard distance of 68.67' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 3-4 of 11.25' vs. a minimum East side yard distance of 34.33' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 3-4 of 51.24' vs. a minimum West side yard distance of 68.67' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 5-9 of 51.54' vs. a minimum West side yard distance of 68.66' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 10-14 of 34.76' vs. a minimum East side yard distance of 47.95' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 15-19 of 34.01' vs. a minimum East side yard distance of 47.95' required

Variance: to construct a townhouse development with a proposed South side yard distance for Building Nos. 20-24 of 35' vs. a minimum South side yard distance of 47.95' required

Variance: to construct a townhouse development with a proposed South side yard distance for Building Nos. 25-30 of 35' vs. a minimum South side yard distance of 51.5' required

Variance: to construct a townhouse development with a proposed North side yard distance for Building Nos. 25-30 of 62.73' vs. a minimum North side yard distance of 103' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 31-35 of 35.01' vs. a minimum North side yard distance of 96' required

Ms. Adien Elliott, Developer, and Mr. Jim Sayler, Reitz Engineering, came forward to explain the variance requests. Mr. & Mrs. Randy Clifford, Ms. Marianne Ferry, Ms. Dorothy Troph, and Mr. Ed Connelly were present.

Ms. Elliott said that they are proposing a 35 unit townhouse development. She said that the units would be approximately 2,800 to 3,200 sq. ft. and would be in the price range of \$365,000. to \$450,000.

Ms. Elliott said that King James Group has a signed contract from First Energy to purchase an additional piece of property on the South side of the proposed development adjacent to the Railroad property. She said that the additional property would eliminate 2 of the setback variances on the South side of the project. She said that the purchase would also decrease the variances for lot coverage and open area.

Ms. Elliott said that the proposed buildings would be a unique design. She said that the proposed plan would be much more desirable than the existing situation. She said that currently the proposed area is a vacant commercial site with 8 buildings on it.

Mr. Sayler said that he believed that the code was written with apartment buildings in mind, not for this type of a project. Ms. Elliott said that the project would need the requested variances to keep the character, amenities, and street scape that are so important for a project like this. She said that if they had to meet the code they would have a much less desirable project and they would not proceed with it.

Ms. Troph said that she wanted to clarify the location of the project. Ms. Elliott said that the proposed location is the former Lesco property on Lake Rd. Ms. Troph said that she is surprised that King James Group would choose the proposed area for their development. Ms. Ferry said that she agrees with Ms. Troph. Ms. Ferry and Ms. Troph said that they both live in the neighborhood and the development would only increase their property value.

Mr. Connelly said that the proposed development is very charming but he has concerns about fire equipment access for the development. Ms. Elliott said that they have been in meetings with the Fire Department and the Mayor regarding fire safety. She said that the fire safety issue has been addressed with the Planning Commission and they are discussing access on to Smith Ct., etc.

Mr. Connelly said that he felt that there may be a parking issue with the new development. Mr. Matty said that the development meets the parking requirement. Mr. Connelly said that he does have some concerns regarding the height issue.

Mr. and Mrs. Clifford said that they have some concerns regarding the development because they have enjoyed the wooded area abutting their property for years. They said that the new development would eliminate the privacy that have enjoyed for a long time. Mr. and Mrs. Clifford said that another concern they have is that all of the neighborhood children use the fields behind the proposed property.

Ms. Elliott said that the Mayor, Fire Chief, and Mr. Beirne have been discussing the possibility of an easement and landscaping on Smith Ct.

Mr. Pempus said that he believes that everyone would like to see that property improved.

Mr. Pempus asked Mr. Gollinger to give his opinion of the project. Mr. Gollinger said that he has met with the Developer, Mayor, Economic Development Director, and Fire Chief to discuss Smith Ct. safety and access.

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Mr. Gollinger gave a brief history of the proposed lot. He discussed commercial vs. residential, prior proposed projects, re-zoning, etc. He gave a favorable opinion of the project as it would relate to the City. Mr. Gollinger discussed vacant City owned properties. He said that he believes the proposed development would be an asset to the City and he supports it. He said that the Mayor and the Economic Development Director also support the project.

Ms. Elliott said that the front setback would be very important to make a visual statement from the street. She said that if they move the buildings back from the street it would not have the same impact. She said that the existing vacant building is closer to the street than the proposed buildings. She said that the variance for the height of the units would be necessary so that they could have the garages on the lowest level of the units. She said that they would need to keep the size of the units in order to provide the amenities that would make such a project possible.

Mr. Sayler gave a summary of each variance request. He said that the height of the buildings penalizes them because it dramatically changes the formula that is required to figure out the code requirements for the project. Mr. Farrell and Mr. Sayler discussed lot coverage, footprint of the buildings, etc. Mr. Sayler said that the alley system causes the variance for livable space. He discussed the proposed buildings, pavement for the alley system, green space, landscaping etc.

Mr. Farrell asked if the applicant could eliminate one of the buildings to possibly reduce the number of variances required. Mr. Sayler said that by eliminating one building it would not change the number of variances very much. He said that they would still have a great number of them because the formula really relates to an apartment building rather than the townhouse project. Ms. Elliott said that they originally started with 39 units and they are down to 35 units. She said that would be as low as they would be able to go and still deliver the best product.

Mr. Downing asked if they did not put the garages underneath could they reduce the size of the buildings. Ms. Elliott said that without an attached garage they would not be able to sell the units to the same market and they would not be able to do the proposed project.

The Board discussed the reasons for the different variances and agreed that overall the project would be viable for the proposed improvement of the property.

Mr. Wright moved to grant the following variances because the proposed development was discussed at length by the petitioners and was evidenced by their presentation, renderings, and Sketches A,B,C,D, and E. He said that what the applicant had shown with the overall renderings and elevations he did not see that the height of the buildings would be an issue. He said that the massing of the buildings would be justified for the requests.

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a 22.6' front setback vs. 40' front setback required under Section: 1143.02(e). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed height of 36.5' vs. the height of a townhouse shall not exceed 25' under Section: 1143.02(h). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with an amended 24.2% lot coverage vs. a maximum of 20% lot coverage permitted under Section: 1143.02(c). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with an amended open area of 44.2% vs. a minimum of 50% liveable open area required under Section: 1143.02(d). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 5-9 & 10-14 of 30' vs. a minimum distance between buildings of 37.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 10-14 & 15-19 of 26' vs. a minimum distance between buildings of 37.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

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Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 15-19 & 20-24 of 18' vs. a minimum distance between buildings of 26.6' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 20-24 & 25-30 of 24' vs. a minimum distance between buildings of 37.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 1-2 of 8.72 vs. a minimum East side yard distance of 34.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 1-2 of 57.70' vs. a minimum West side yard distance of 68.67' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 3-4 of 11.25 vs. a minimum East side yard distance of 34.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 3-4 of 51.24' vs. a minimum West side yard distance of 68.67' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

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Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 5-9 of 51.54' vs. a minimum West side yard distance of 68.66' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 10-14 of 34.76' vs. a minimum East side yard distance of 47.95' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 15-19 of 34.01' vs. a minimum East side yard distance of 47.95' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Applicant **withdrew** the variance request to construct a townhouse development with a proposed South side yard distance for Building Nos. 20-24 of 35' vs. a minimum South side yard distance of 47.95' required under Section: 1145.13 due to a purchase of additional property from First Energy adjacent to the Railroad property.

Applicant **withdrew** the variance request to construct a townhouse development with a proposed South side yard distance for Building Nos. 25-30 of 35' vs. a minimum South side yard distance of 51.5' required under Section: 1145.13 due to a purchase of additional property from First Energy adjacent to the Railroad property.

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed North side yard distance for Building Nos. 25-30 of 62.73' vs. a minimum North side yard distance of 103' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

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Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 31-35 of 35.01' vs. a minimum North side yard distance of 96' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

The meeting adjourned at 11:10 PM

Eric Pempus, Chairman

William Woods, Secretary

CROSS-PARKING EASEMENT AGREEMENT

THIS CROSS-PARKING EASEMENT AGREEMENT ("Agreement") is made as of the 8 day of December, 2016, by and between **LAKE ROAD RE LLC**, an Ohio limited liability company ("Lake Road"), and **TECHNOLOGY RECOVERY GROUP, LTD.**, an Ohio limited liability company ("TRG").

RECITALS

A. Lake Road is the owner of a certain parcel of land, together with buildings and improvements located thereon, shown on the site plan attached hereto and made a part hereof as **Exhibit A** (the "Site Plan") and legally described on **Exhibit B** attached hereto and made a part hereof (the "Lake Road Parcel").

B. TRG is the owner of that certain parcel of land, together with improvements located thereon, shown on the Site Plan and legally described on **Exhibit C** attached hereto and made a part hereof (the "TRG Parcel").

C. Lake Road and TRG desire to grant certain easements across their respective parcels for the purposes of providing cross-parking rights to the other party on their respective parcels.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. **Grant of Parking Easement to TRG.** Lake Road hereby grants to TRG, together with its employees, contractors, customers, tenants, invitees, and agents, a perpetual, non-exclusive easement over the Lake Road Parcel for purposes of vehicular parking in the parking spaces located on the Lake Road Parcel, as the same may exist from time to time, and for access over those portions of the Lake Road Parcel as may be necessary for such parking rights and

vehicular access, ingress, and egress to Lake Road.

2. Grant of Parking Easement to Lake Road. TRG hereby grants to Lake Road, together with its employees, contractors, customers, tenants, invitees, and agents a perpetual, non-exclusive easement upon and over the Lake Road Parcel for purposes of vehicular parking in the parking spaces located on the TRG Parcel, as the same may exist from time to time, and for access over those portions of the TRG Parcel as may be necessary for such parking rights.

3. Use of Easement. Lake Road and TRG agree that in the exercise of the easements hereby created, each party shall not disturb or unreasonably interfere with the other party's use of or operation of its business on the Lake Road Property and the TRG Property, respectively. The easements granted herein shall not interfere with each party's rights to develop or make alterations to their respective properties so long as the parking spaces are not significantly reduced thereby. Notwithstanding the foregoing, neither party shall install or construct any type of barrier or engage in activity that would in any way hamper or impede the use by the other party of the easements created herein (other than in a de minimis manner).

4. Duration. The easements, covenants, conditions, and restrictions herein contained shall be perpetual, shall create mutual benefits and covenants running with the land, and shall be binding upon any owner, tenant, or other user or occupant of the Lake Road Parcel or the TRG Parcel, and all of their respective heirs, personal representatives, successors, and assigns.

5. Lake Road Maintenance Obligations. Lake Road, at its sole cost and expense, shall: (a) keep and maintain the Lake Road Parcel, and the parking areas located thereon, in good order, condition, and repair; (b) remove debris, snow, and ice from the Lake Road Parcel as necessary; and (c) cause the Lake Road Parcel to comply with all applicable governmental requirements, laws, rules, and regulations.

6. TRG Maintenance Obligations. TRG, at its sole cost and expense, shall: (a) keep and maintain the TRG Parcel, and the parking areas located thereon, in good order, condition, and repair; (b) remove debris, snow and ice from the TRG Parcel as necessary; and (c) cause the TRG Parcel to comply with all applicable governmental requirements, laws, rules, and regulations.

7. Insurance. Lake Road and TRG shall each maintain, or cause to be maintained, at their own cost and expense, an adequate policy of commercial general liability insurance covering the parking areas that are subject to this Agreement (TRG for the TRG Parcel and Lake Road for the Lake Road Parcel).

8. Lake Road Indemnification. Except to the extent caused by the negligent or intentional acts or omissions of TRG or its members, directors, owners, officers, employees, tenants, invitees, contractors, and agents (the "TRG Parties"), Lake Road shall defend, indemnify, and hold harmless TRG and the TRG Parties from and against any and all claims,

damages, losses, liens, judgments, fines, penalties, liabilities and/or expenses of any kind or nature (including, without limitation, reasonable attorneys' fees) arising out of or relating to (a) the exercise of the easements rights set forth herein by Lake Road or its members, directors, owners, officers, employees, tenants, invitees, contractors, and agents (the "**Lake Road Parties**"); or (b) injury to or death of any person or loss of or damage to property which occurs on the Lake Road Parcel.

9. TRG Indemnification. Except to the extent caused by the negligent or intentional acts or omissions of Lake Road or the Lake Road Parties, TRG shall defend, indemnify, and hold harmless Lake Road and the Lake Road Parties from and against any and all claims, damages, losses, liens, judgments, fines, penalties, liabilities and/or expenses of any kind or nature (including, without limitation, reasonable attorneys' fees) arising out of or relating to (a) the exercise of the easements rights set forth herein by TRG or the TRG Parties; or (b) injury to or death of any person or loss of or damage to property which occurs on the TRG Parcel.

10. Not a Public Dedication. Nothing herein contained shall be deemed to be a grant or dedication of any portion of the Lake Road Parcel or the TRG Parcel to the general public or for the general public or for any public purposes whatsoever, it being the intention of the parties hereto that this Agreement shall be strictly limited to and for the purposes herein expressed.

11. Partial Invalidity. Invalidation of any of the provisions or the covenants, conditions, and restrictions herein contained, whether by order of court of competent jurisdiction, or otherwise, shall in no way affect any of the provisions in this Agreement which other provisions shall remain in full force and effect.

12. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument.

13. Notices. All notices, request, approvals, or other communications required or permitted to be given under this Agreement shall be in writing and shall be delivered by personal delivery, certified mail, return receipt requested, or by nationally recognized overnight courier service, to the following addresses:

If to Lake Road: Lake Road RE LLC
 19985 Lake Road
 Rocky River, Ohio 44116
 Attention: Jim Griffiths

If to TRG: Technology Recovery Group, Ltd.
 31390 Viking Parkway
 Westlake, Ohio 44145
 Attention: Mike Kennedy

14. Miscellaneous. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements with respect to the easements set forth herein, whether written or oral. This Agreement may not be altered, amended, changed, waived, terminated, or modified in any manner except by a written instrument executed by all of the parties hereto and filed of record in the applicable County records. Neither party shall be considered to have waived any of the rights, covenants, or conditions contained in this Agreement unless evidenced by its written waiver, and the waiver of any one right or breach shall not constitute a waiver of any other right or breach. This Agreement shall be interpreted under and governed by the laws of the State of Ohio. This Agreement, and all of the rights, obligations, covenants, and provisions set forth herein, shall run with the land for each of the respective properties set forth herein, and shall inure to and be for the benefit of the parties hereto, and their respective heirs, tenants, successors and assigns.

[SIGNATURES AND ACKNOWLEDGEMENTS ON SUBSEQUENT PAGES]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

LAKE ROAD RE LLC

By: [Signature]
Name: James Griffiths
Its: owner

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

The foregoing instrument was acknowledged before me this 9th day of December, 2016 by James Griffiths, the member of Lake Road RE LLC, an Ohio limited liability company, on behalf of the limited liability company.

[Signature]
NOTARY PUBLIC



DOUGLAS V. BARTMAN
Attorney at Law
Notary Public, State of Ohio
My commission expires on _____, expiration date,
Section 147.03 O.R.C.

TECHNOLOGY RECOVERY GROUP LTD.

By: *Michael R. Kennedy*

Print Name: Michael R. Kennedy

Its: Manager

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS:

The foregoing instrument was acknowledged before me this 8th day of December, 2016 by Michael R. Kennedy, the Manager of Technology Recovery Group Ltd., an Ohio limited liability company, on behalf of the limited liability company.

Thomas A. Gattozzi
NOTARY PUBLIC

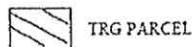
This instrument was prepared by:

Thomas A. Gattozzi, Esq.
Brouse McDowell LPA
600 Superior Avenue East, Suite 1600
Cleveland, Ohio 44114



THOMAS A. GATTOZZI
Notary Public
In and for the State of Ohio
My Commission
Does Not Expire

SITE PLAN



Areas:	
PPN 301-17-003	0.7694 Ac. (0.1349 Ac. in R/W)
PPN 301-17-002	0.2697 Ac.
PPN 301-17-025 (Split Portion)	<u>0.2320 Ac.</u>
Total Consolidation	<u>1.2711 Ac.</u>

EXHIBIT B

LEGAL DESCRIPTION OF LAKE ROAD PARCEL

Remainder Parcel
0.2685 Acres

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio, and being part of Original Rockport Township Section 24, and more particularly described as follows:

Commencing at a 5/8 inch rebar with a cap stamped "Dempsey" found in a monument box at the intersection of the centerline of Lake Road (60 feet) and the centerline of Linda Avenue (40 feet):

Thence North 89° 26' 00" West 488.96 feet along the centerline of Lake Road to the northwest corner of land described in the deed to Technology Recovery Group, LTD as recorded in AFN 201605200501; Thence South 0° 52' 45" West 30.00 feet to the south line of said Lake Road and the northeast corner of land as described in the deed to Lake Road RE, LLC and recorded in AFN 201305030686 and the Principal Place of Beginning of the land herein described where found a 5/8 inch iron pin 0.14 feet north and 0.10 feet east;

Thence South 0° 52' 45" West 132.50 feet along the west line of said Technology Recovery Group, LTD land and the east line of said Lake Road RE, LLC land to the southeast corner thereof where found a 5/8" iron pin 0.10 feet north and 0.11 feet east;

Thence North 89° 26' 00" West 86.00 feet to a point on the west line of said Technology Recovery Group, LTD and the west line of Astor Place as shown in Plat Volume 341, Page 60 where set an iron pin;

Thence North 0° 52' 45" East 32.50 feet along the west line of said Lake Road RE, Inc. land and the east line of said Astor Place to a point;

Thence North 89° 26' 00" West 3.00 to a point where found a 5/8 inch capped iron pin stamped "Reitz" 0.10 feet south and 0.17 feet east;

Thence North 0° 52' 45" East 100.00 feet along the west line of said Lake Road RE, Inc. land to the northwest corner thereof and the south line of Lake Road where found a 5/8" iron pin 0.23 feet east;

Thence South 89° 26' 00" East 89.00 feet along the south line of Lake Road to Principal Place of Beginning, containing within said bounds 0.2685 acres

This description is based on a field surveys by Straub Surveying, LLC on September 29, 2016 and August 17, 2016. and was prepared by Gerald L. Yetzer, PS 7728 (Ohio). The basis of bearings for this description is the centerline of Lake Road as defined by a 5/8" capped iron pin stamped "Dempsey" found in a monument box at the intersection of the centerlines of Lake Road and Linda Avenue and a 5/8" capped iron pin stamped "Dempsey" found in a monument box at the intersection of the centerlines of Lake Road and Argyle Road.

EXHIBIT C

LEGAL DESCRIPTION OF TRG PARCEL

Parcel Number 301-17-002

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Township Section No. 24, and bounded and described as follows:

Beginning at the intersection of the center line of Lake Road (60 feet wide), with the center line of Linda Street, (40 feet wide); thence Westerly with the center line of said Lake Road, a distance of 488.96 feet to a point; thence Southerly with the Westerly line of lands of The Standard Oil Company acquired by deed recorded in Volume 4697, Page 361 of Cuyahoga County Records, passing an iron pin at 30 feet, said iron pin marking the Southerly line of Lake Road, a distance of 162.5 feet to the true place of beginning; thence continuing South 117.5 feet along The Standard Oil Company's Westerly line, also being the Easterly line of premises owned by Margaret A. Bearden and Virginia K. Wanenmacher to the Southwesterly corner of The Standard Oil Company's lands; thence Easterly 100 feet with the Southerly line of The Standard Oil Company's lands; thence North 117.5 feet; thence Westerly 100 feet to the Westerly line of The Standard Oil Company's lands and the point of beginning, containing 11,750 square feet, more or less, be the same more or less, but subject to all legal highways.

0.2320 Acre – Split Parcel of Parcel Number 301-17-025

Situated in the City of Rocky River, County of Cuyahoga and State of Ohio, and being part of Original Rockport Township Section 24, and more particularly described as follows:

Commencing at a 5/8 inch rebar with a cap stamped "Dempsey" found in a monument box at the intersection of the centerline of Lake Road (60 feet) and the centerline of Linda Avenue (40 feet):

Thence North 89° 26' 00" West 488.96 feet along the centerline of Lake Road to the northwest corner of land described in the deed to Technology Recovery Group, LTD as recorded in AFN 201605200501. Thence South 0° 52' 45" West 162.50 feet along the west line of said Technology Recovery Group, LTD land to the southwest corner thereof and the northwest corner of land described in a deed to Lake Road RE LLC as recorded in AFN 201305030686 Parcel 2, and the Principal Place of Beginning of the land herein described, where found a 5/8" iron pin 0.10 feet north and 0.11 feet east, passing over the southerly right of way line of said Lake Road at 30 feet, where found a 5/8" iron pin 0.14 feet north and 0.10 feet East;

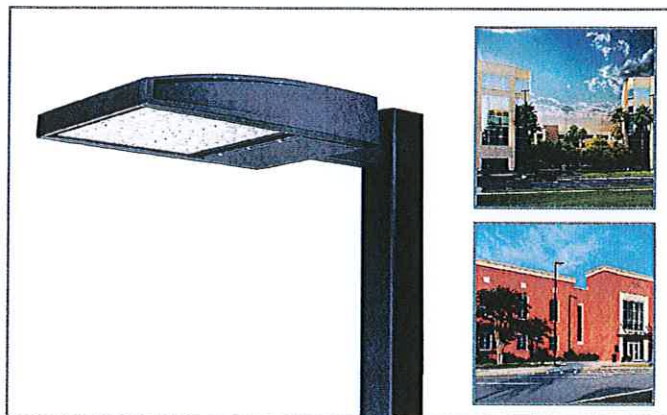
Thence South $0^{\circ} 52' 45''$ West 117.50 feet a southwest corner said Lake Road RE LLC land and the northerly line of Astor Place as shown in Plat Volume 341, Page 60 and the southeast corner of land described in a deed to Lake Road RE LLC as recorded in AFN 201305030686 Parcel 1; Thence North $89^{\circ} 26' 00''$ West 86.00 feet along a north line of said Astor Place and the south line of said Lake Road RE, LLC to the southwest corner thereof where set an iron pin; Thence North $0^{\circ} 52' 45''$ East 117.50 feet along the East line of said Lake Road RE, Inc. land to an iron pin set;

Thence South $89^{\circ} 26' 00''$ East 86.00 feet to the Principal Place of Beginning, containing within said bounds 0.2320 of an acre.

This description is based on a field surveys by Straub Surveying, LLC on September 29, 2016 and August 17, 2016 and was prepared by Gerald L. Yetzer, PS 7728 (Ohio). The basis of bearings for this description is the centerline of Lake Road as defined by a $5/8''$ capped iron pin stamped "Dempsey" found in a monument box at the intersection of the centerlines of Lake Road and Linda Avenue and a $5/8''$ capped iron pin stamped "Dempsey" found in a monument box at the intersection of the centerlines of Lake Road and Argyle Road. $5/8'' \times 30''$ rebar with cap stamped "PS 7055" to be set at corners upon Lot Split and Consolidation approval.

[illegible]

Project	LAKE ROAD	Catalog #		Type	SL4/SL5
Prepared by		Notes	MOUNTED ON 20' POLE	Date	10/06/22



McGraw-Edison

GLEON Galleon

Area / Site Luminaire

Product Features



LumenSafe Technology



Light ARchitect™

Product Certifications



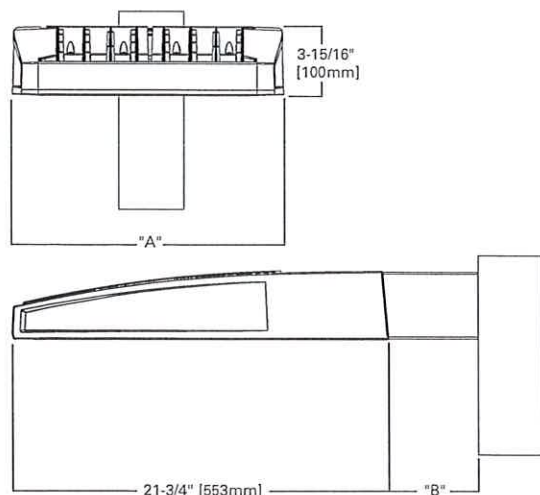
Interactive Menu

- Ordering Information [page 2](#)
- Mounting Details [page 3](#)
- Optical Distributions [page 4](#)
- Product Specifications [page 4](#)
- Energy and Performance Data [page 4](#)
- Control Options [page 9](#)

Quick Facts

- Lumen packages range from 4,200 - 80,800 (34W - 640W)
- Efficacy up to 156 lumens per watt
- Options to meet Buy American and other domestic preference requirements

Dimensional Details



NOTES:

1. Visit <https://www.designlights.org/search/> to confirm qualification. Not all product variations are DLC qualified.
2. IDA Certified for 3000K CCT and warmer only.

Connected Systems

- WaveLinx
- Enlighted

Number of Light Squares	"A" Width	"B" Standard Arm Length	"B" Extended Arm Length ¹	"B" Quick Mount Arm Length	"B" Quick Mount Extended Arm Length
1-4	15-1/2"	7"	10"	10-5/8"	16-9/16"
5-6	21-5/8"	7"	10"	10-5/8"	16-9/16"
7-8	27-5/8"	7"	13"	10-5/8"	--
9-10	33-3/4"	7"	16"	--	--


NOTES:
For arm selection requirements and additional line art, see Mounting Details section.

Ordering Information

SAMPLE NUMBER: GLEON-SA4C-740-U-T4FT-GM

Product Family ^{1,2}	Light Engine		Color Temperature	Voltage	Distribution	Mounting	Finish
	Configuration	Drive Current					
GLEON=Galleon BAA-GLEON=Galleon, Buy American Act Compliant ³⁵ TAA-GLEON=Galleon, Trade Agreements Act Compliant ³⁵	SA1=1 Square SA2=2 Squares SA3=3 Squares SA4=4 Squares SA5=5 Squares ⁴ SA6=6 Squares SA7=7 Squares ⁵ SA8=8 Squares ⁵ SA9=9 Squares ⁵ SA0=10 Squares ⁴	A=600mA B=800mA C=1000mA D=1200mA ¹⁴	722=70CRI, 2200K 727=70CRI, 2700K 730=70CRI, 3000K 735=70CRI, 3500K 740=70CRI, 4000K 750=70CRI, 5000K 760=70CRI, 6000K 827=80CRI, 2700K 830=80CRI, 3000K AMB=Amber, 590nm ^{14, 15}	U=120-277V 1=120V 2=208V 3=240V 4=277V 8=480V ^{7, 8} 9=347V ⁷	T2=Type II T2R=Type II Roadway T3=Type III T3R=Type III Roadway T4FT=Type IV Forward Throw T4W=Type IV Wide SNQ=Type V Narrow SMQ=Type V Square Medium SWQ=Type V Square Wide SL2=Type II w/Spill Control SL3=Type III w/Spill Control SL4=Type IV w/Spill Control SLL=90° Spill Light Eliminator Left SLR=90° Spill Light Eliminator Right RW=Rectangular Wide Type I AFL=Automotive Frontline	[Blank]=Arm for Round or Square Pole EA=Extended Arm ⁹ MA=Mast Arm Adapter ¹⁹ WM=Wall Mount QM=Quick Mount Arm (Standard Length) ¹¹ QMEA=Quick Mount Arm (Extended Length) ¹²	AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White RALXX=Custom Color
Options (Add as Suffix)			Controls and Systems Options (Add as Suffix)		Accessories (Order Separately) ²⁴		
DIM=External 0-10V Dimming Leads ^{18, 20} F=Single Fuse (120, 277 or 347V Specify Voltage) FF=Double Fuse (208, 240 or 480V Specify Voltage) 20K=Series 20KV UL 1449 Surge Protective Device 2L=Two Circuits ^{17, 18} HA=50°C High Ambient HSS=Installed House Side Shield ²⁴ GRSBK=Glare Reducing Shield, Black ²³ GRSWH=Glare Reducing Shield, White ²³ LCF=Light Square Trim Painted to Match Housing ²⁷ MT=Installed Mesh Top TH=Tool-less Door Hardware CC=Coastal Construction finish ³ L90=Optics Rotated 90° Left R90=Optics Rotated 90° Right CE=CE Marking ²⁹ AHD145=After Hours Dim, 5 Hours ²² AHD245=After Hours Dim, 6 Hours ²² AHD255=After Hours Dim, 7 Hours ²² AHD355=After Hours Dim, 8 Hours ²² DALI=DALI Drivers			BPC=Button Type Photocontrol PR=NEMA 3-PIN Photocontrol Receptacle PR7=NEMA 7-PIN Photocontrol Receptacle ²¹ SPB2=Dimming Occupancy Sensor with Bluetooth Interface, 8' - 20' Mounting ³⁴ SPB4=Dimming Occupancy Sensor with Bluetooth Interface, 21' - 40' Mounting ³⁴ MS-L20=Motion Sensor for ON/OFF Operation, 9' - 20' Mounting Height ²⁴ MS-L40W=Motion Sensor for ON/OFF Operation, 21' - 40' Mounting Height ²⁴ MS/X-L20=Bi-Level Motion Sensor, 9' - 20' Mounting Height ^{24, 25} MS/X-L40W=Bi-Level Motion Sensor, 21' - 40' Mounting Height ^{24, 25} MS/DIM-L20=Motion Sensor for Dimming Operation, 9' - 20' Mounting Height ²⁴ MS/DIM-L40W=Motion Sensor for Dimming Operation, 21' - 40' Mounting Height ²⁴ ZW=WaveLinX Module and 4-PIN Receptacle ZD=WaveLinX Module with DALI driver and 4-PIN Receptacle SWPD4XX=WaveLinX Sensor Only, 7'-15' ^{13, 22, 33} SWPD5XX=WaveLinX Sensor Only, 15'-40' ^{13, 22, 33} WOBXX=WaveLinX Sensor with Bluetooth, 7'-15' ^{13, 22} WOFXX=WaveLinX Sensor with Bluetooth, 15'-40' ^{13, 22} LWR-LW=Enlighted Sensor, 8'-16' Mounting Height ²⁴ LWR-LN=Enlighted Sensor, 16'-40' Mounting Height ²⁴ DIM10-MS/DIM-L08=Synapse Occupancy Sensor (<8' Mounting) ¹⁹ DIM10-MS/DIM-L20=Synapse Occupancy Sensor (9'-20' Mounting) ¹⁹ DIM10-MS/DIM-L40=Synapse Occupancy Sensor (21'-40' Mounting) ¹⁹		OA/RA1016=NEMA Photocontrol Multi-Tap - 105-285V OA/RA1027=NEMA Photocontrol - 480V OA/RA1201=NEMA Photocontrol - 347V OA/RA1013=Photocontrol Shorting Cap OA/RA1014=120V Photocontrol MA1252=10KV Surge Module Replacement MA1036-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon MA1037-XX=2@180° Tenon Adapter for 2-3/8" O.D. Tenon MA1197-XX=3@120° Tenon Adapter for 2-3/8" O.D. Tenon MA1188-XX=4@90° Tenon Adapter for 2-3/8" O.D. Tenon MA1189-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon MA1190-XX=3@90° Tenon Adapter for 2-3/8" O.D. Tenon MA1191-XX=2@120° Tenon Adapter for 2-3/8" O.D. Tenon MA1038-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon MA1039-XX=2@180° Tenon Adapter for 3-1/2" O.D. Tenon MA1192-XX=3@120° Tenon Adapter for 3-1/2" O.D. Tenon MA1193-XX=4@90° Tenon Adapter for 3-1/2" O.D. Tenon MA1194-XX=2@90° Tenon Adapter for 3-1/2" O.D. Tenon MA1195-XX=3@90° Tenon Adapter for 3-1/2" O.D. Tenon FSIR-100=Wireless Configuration Tool for Occupancy Sensor ²⁴ GLEON-MT1=Field Installed Mesh Top for 1-4 Light Squares GLEON-MT2=Field Installed Mesh Top for 5-6 Light Squares GLEON-MT3=Field Installed Mesh Top for 7-8 Light Squares GLEON-MT4=Field Installed Mesh Top for 9-10 Light Squares GLEON-QM=Quick Mount Arm Kit ¹¹ GLEON-QMEA=Quick Mount Extended Arm Kit ¹² LS/HSS=Field Installed House Side Shield ^{24, 26} LS/GRSBK=Glare Reducing Shield, Black ^{23, 26} LS/GRSWH=Glare Reducing Shield, White ^{23, 26} LS/PFS=Perimeter Shield, Black ¹⁵ WOLC-7P-10A=WaveLinX Outdoor Control Module ^{19, 31} SWPD4-XX=WaveLinX Wireless Sensor, 7'-15' Mounting Height ^{13, 19, 22, 33} SWPD5-XX=WaveLinX Wireless Sensor, 15'-40' Mounting Height ^{13, 19, 22, 33}		
NOTES: 1. Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional support information. 2. DesignLights Consortium® Qualified. Refer to www.designlights.org Qualified Products List under Family Models for details. 3. Coastal construction finish salt spray tested to over 5,000-hours per ASTM B117, with a scribe rating of 9 per ASTM D1654. Not available with TH option. 4. Not compatible with MS/4-LXX or MS/1-LXX sensors. 5. Not compatible with extended quick mount arm (QMEA). 6. Not compatible with standard quick mount arm (QM) or extended quick mount arm (QMEA). 7. Requires the use of an internal step down transformer when combined with sensor options. Not available with sensor at 1200mA. Not available in combination with the HA high ambient and sensor options at 1A. 8. 480V must utilize Wye system only. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems.) 9. May be required when two or more luminaires are oriented on a 90° or 120° drilling pattern. Refer to arm mounting requirement table. 10. Factory installed. 11. Maximum 8 light squares. 12. Maximum 6 light squares. 13. Requires ZW or ZD receptacle. 14. Narrow-band 590nm +/- 5nm for wildlife and observatory use. Choose drive current A; supplied at 500mA drive current only. Available with SWQ, SMQ, SL2, SL3 and SL4 distributions. Can be used with HSS option. 15. Set of 4 pcs. One set required per Light Square. 16. Not available with HA option. 17. 2L is not available with MS, MS/X or MS/DIM at 347V or 480V. 2L in SA2 through SA4 requires a larger housing, normally used for SA5 or SA6. Extended arm option may be required when mounting two or more fixtures per pole at 90° or 120°. Refer to arm mounting requirement table. 18. Not available with Enlighted wireless sensors. 19. Cannot be used with other control options. 20. Low voltage control lead brought out 18" outside fixture. 21. Not available if any "MS" sensor is selected. Motion sensor has an integral photocell. 22. Requires the use of BPC photocontrol or the PR7 or PR photocontrol receptacle with photocontrol accessory. See After Hours Dim supplemental guide for additional information. 23. Not for use with T4FT, T4W or SL4 optics. See IES files for details. 24. The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff and more. Consult your lighting representative at Cooper Lighting Solutions for more information. 25. Replace X with number of Light Squares operating in low output mode. 26. Enlighted wireless sensors are factory installed only requiring network components LWP-EM-1, LWP-GW-1 and LWP-PoE8 in appropriate quantities. 27. Not available with house side shield (HSS). 28. Not for use with SMQ, 5MQ, 5WQ or RW optics. A black trim plate is used when HSS is selected. 29. CE is not available with the LWR, MS, MS/X, MS/DIM, BPC, PR or PR7 options. Available in 120-277V only. 30. One required for each Light Square. 31. Requires PR7. 32. Replace XX with sensor color (WH, BZ or BK.) 33. WAC Gateway required to enable field-configurability: Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed. 34. Smart device with mobile application required to change system defaults. See controls section for details. 35. Only product configurations with these designated prefixes are built to be compliant with the Buy American Act of 1933 (BAA) or Trade Agreements Act of 1979 (TAA), respectively. Please refer to www.designlights.org website for more information. Components shipped separately may be separately analyzed under domestic preference requirements. 36. For BAA or TAA requirements, Accessories sold separately will be separately analyzed under domestic preference requirements. Consult factory for further information.							

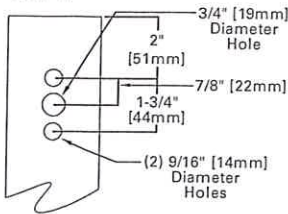
LumenSafe Integrated Network Security Camera Technology Options (Add as Suffix)

Product Family	Camera Type	Data Backhaul
L=LumenSafe Technology 	D=Standard Dome Camera H=Hi-Res Dome Camera Z=Remote PTZ Camera	C=Cellular, No SIM A=Cellular, AT&T V=Cellular, Verizon S=Cellular, Sprint R=Cellular, Rogers W=Wi-Fi Networking w/ Omni-Directional Antenna E=Ethernet Networking

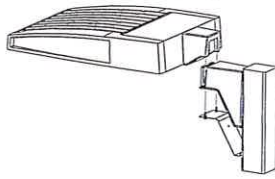
Mounting Details

Standard Arm (Drilling Pattern)

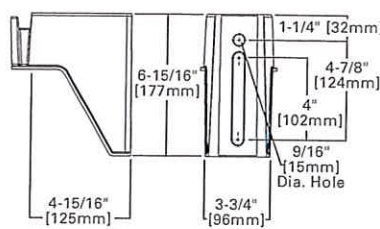
TYPE "N"



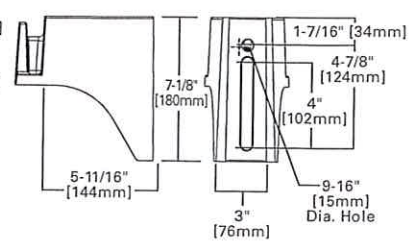
Quick Mount Arm (Includes fixture adapter)



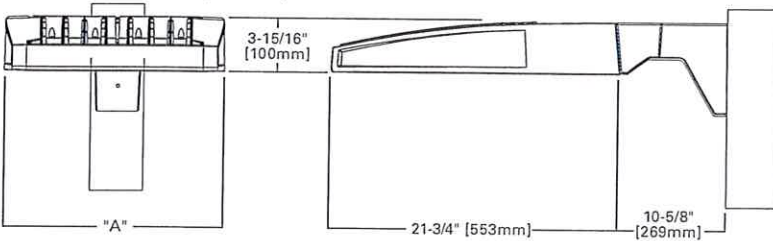
QM and QMEA Pole Mount



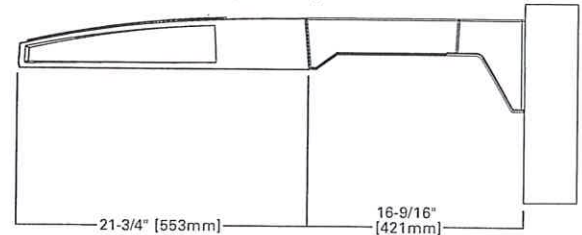
QML Pole Mount



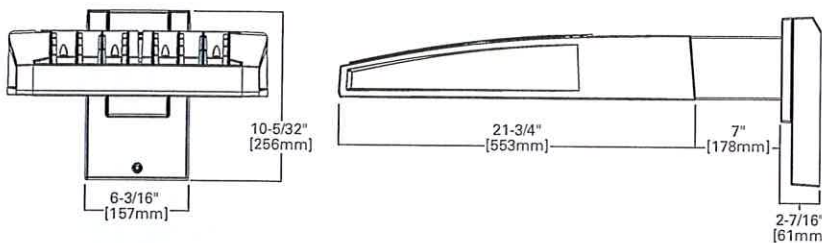
QM Quick Mount Arm (Standard)



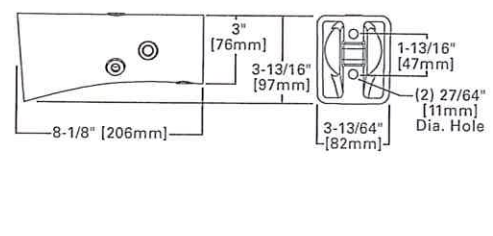
QMEA Quick Mount Arm (Extended)



Standard Wall Mount

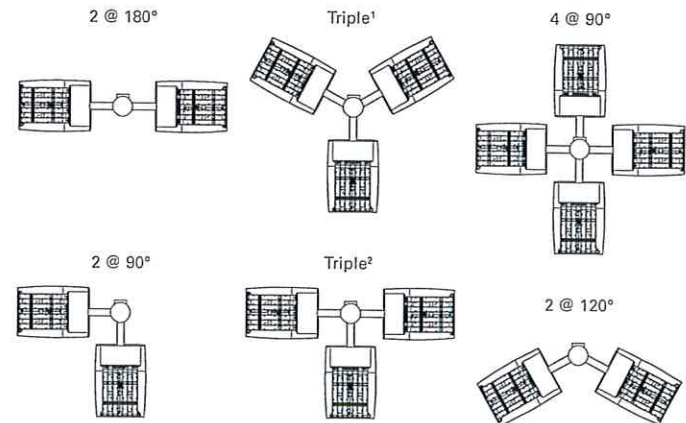


Mast Arm Mount



Arm Mounting Requirements

Number of Light Squares	Standard Arm @ 90° Apart	Standard Arm @ 120° Apart	Quick Mount Arm @ 90° Apart	Quick Mount Arm @ 120° Apart
1	Standard	Standard	QM Extended	Quick Mount
2	Standard	Standard	QM Extended	Quick Mount
3	Standard	Standard	QM Extended	Quick Mount
4	Standard	Standard	QM Extended	Quick Mount
5	Extended	Standard	QM Extended	Quick Mount
6	Extended	Standard	QM Extended	Quick Mount
7	Extended	Extended	--	Quick Mount
8	Extended	Extended	--	Quick Mount
9	Extended	Extended	--	--
10	Extended	Extended	--	--

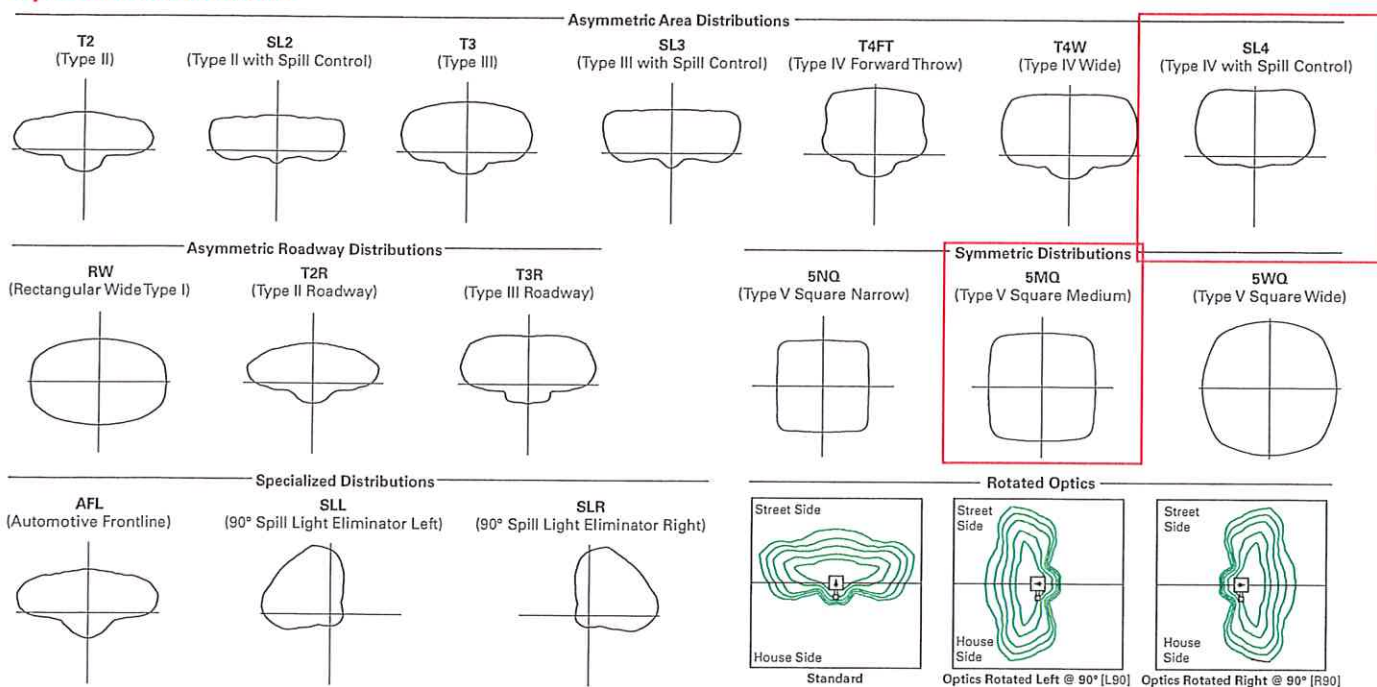


NOTES: 1 Round poles are 3 @ 120°. Square poles are 3 @ 90°. 2 Round poles are 3 @ 90°. 3 Shown with 4 square configurations.

Fixture Weights and EPAs

Number of Light Squares	Weight with Standard and Extended Arm (lbs.)	EPA with Standard and Extended Arm (Sq. Ft.)	Weight with QM Arm (lbs.)	EPA with QM Arm (Sq. Ft.)	Weight with QML (lbs.)	EPA with QML (Sq. Ft.)	Weight with QMEA (lbs.)	EPA with QMEA (Sq. Ft.)
1-4	33	0.96	35	1.11	--	--	38	1.11
5-6	44	1.00	46	1.11	--	--	49	1.11
7-8	54	1.07	56	1.11	58	1.11	--	--
9-10	63	1.12	--	--	67	1.11	--	--

Optical Distributions



Product Specifications

Construction

- Extruded aluminum driver enclosure
- Heavy-wall, die-cast aluminum end caps
- Die-cast aluminum heat sinks
- Patent pending interlocking housing and heat sink

Optics

- Patented, high-efficiency injection-molded AccuLED Optics technology
- 16 optical distributions
- 3 shielding options including HSS, GRS and PFS
- IDA Certified (3000K CCT and warmer only)

Electrical

- LED drivers are mounted to removable tray

assembly for ease of maintenance

- Standard with 0-10V dimming
- Standard with Cooper Lighting Solutions proprietary circuit module designed to withstand 10kV of transient line surge
- Suitable for operation in -40°C to 40°C ambient environments. Optional 50°C high ambient (HA) configuration.

Mounting

- Standard extruded arm includes internal bolt guides and round pole adapter
- Extended arms (EA and QMEA) may be required in 90° or 120° pole mount configurations, see arm mounting requirements table

- Mast arm (MA) factory installed

- Wall mount (WM) option available

- Quick mount arm (QM and QMEA) includes pole adapter and factory installed fixture mount for fast installation to square or round poles

Finish

- Super housing durable TGIC polyester powder coat paint, 2.5 mil nominal thickness
- Heat sink is powder coated black
- RAL and custom color matches available
- Coastal Construction (CC) option available

Warranty

- Five year warranty

Energy and Performance Data

Lumen Maintenance (TM-21)

Drive Current	Ambient Temperature	25,000 hours*	50,000 hours*	60,000 hours*	100,000 hours**	Theoretical L70 hours**
Up to 1A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.7%	98.3%	98.1%	97.4%	> 1.9M
	50°C	98.2%	97.2%	96.8%	95.2%	> 851,000
1.2A	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
	40°C	98.5%	97.9%	97.7%	96.7%	> 1.3M

* Supported by IES TM-21 standards

** Theoretical values represent estimations commonly used; however, refer to the IES position on LED Product Lifetime Prediction, IES PS-10-18, explaining proper use of IES TM-21 and LM-80.

Lumen Multiplier

Ambient Temperature	Lumen Multiplier
0°C	1.02
10°C	1.01
25°C	1.00
40°C	0.99
50°C	0.97

[View GLEON IES files](#)

Nominal Power Lumens (800mA)

Supplemental Performance Guide™

Number of Light Squares		1	2	3	4	5	6	7	8	9	10
Nominal Power (Watts)		44	85	124	171	210	249	295	334	374	419
Input Current @ 120V (A)		0.39	0.77	1.13	1.54	1.90	2.26	2.67	3.03	3.39	3.80
Input Current @ 208V (A)		0.22	0.44	0.62	0.88	1.06	1.24	1.50	1.68	1.87	2.12
Input Current @ 240V (A)		0.19	0.38	0.54	0.76	0.92	1.08	1.30	1.46	1.62	1.84
Input Current @ 277V (A)		0.17	0.36	0.47	0.72	0.83	0.95	1.19	1.31	1.42	1.67
Input Current @ 347V (A)		0.15	0.24	0.38	0.49	0.63	0.77	0.87	1.01	1.15	1.52
Input Current @ 480V (A)		0.11	0.18	0.29	0.37	0.48	0.59	0.66	0.77	0.88	0.96
Optics											
T2	4000K Lumens	5,871	11,474	17,121	22,622	28,029	33,542	39,667	44,944	50,134	55,508
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	133	135	138	132	133	135	134	135	134	132
T2R	4000K Lumens	6,233	12,181	18,176	24,016	29,756	35,608	42,111	47,714	53,224	58,929
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5
	Lumens per Watt	142	143	147	140	142	143	143	143	142	141
T3	4000K Lumens	5,986	11,695	17,450	23,057	28,568	34,186	40,430	45,809	51,099	56,576
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	136	138	141	135	136	137	137	137	137	135
T3R	4000K Lumens	6,117	11,955	17,838	23,569	29,203	34,946	41,328	46,827	52,235	57,832
	BUG Rating	B1-U0-G2	B2-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	139	141	144	138	139	140	140	140	140	138
T4FT	4000K Lumens	6,019	11,763	17,551	23,190	28,734	34,384	40,663	46,074	51,396	56,904
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	137	138	142	136	137	138	138	138	137	136
T4W	4000K Lumens	5,942	11,610	17,324	22,891	28,363	33,940	40,138	45,480	50,732	56,169
	BUG Rating	B1-U0-G2	B2-U0-G2	B3-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	135	137	140	134	135	136	136	136	136	134
SL2	4000K Lumens	5,862	11,454	17,091	22,583	27,980	33,484	39,598	44,867	50,048	55,411
	BUG Rating	B1-U0-G2	B2-U0-G3	B3-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5	B4-U0-G5
	Lumens per Watt	133	135	138	132	133	134	134	134	134	132
SL3	4000K Lumens	5,985	11,694	17,447	23,053	28,565	34,182	40,424	45,804	51,092	56,568
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G3	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B4-U0-G5
	Lumens per Watt	136	138	141	135	136	137	137	137	137	135
SL4	4000K Lumens	5,685	11,111	16,577	21,905	27,140	32,478	38,409	43,520	48,546	53,748
	BUG Rating	B1-U0-G2	B1-U0-G3	B2-U0-G4	B2-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	129	131	134	128	129	130	130	130	130	128
5NQ	4000K Lumens	6,172	12,061	17,997	23,778	29,462	35,256	41,694	47,242	52,699	58,347
	BUG Rating	B2-U0-G1	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4
	Lumens per Watt	140	142	145	139	140	142	141	141	141	139
5MQ	4000K Lumens	6,285	12,283	18,328	24,217	30,004	35,907	42,462	48,112	53,669	59,421
	BUG Rating	B3-U0-G1	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5
	Lumens per Watt	143	145	148	142	143	144	144	144	144	142
5WQ	4000K Lumens	6,303	12,317	18,377	24,281	30,085	36,001	42,575	48,241	53,812	59,579
	BUG Rating	B3-U0-G1	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G5	B5-U0-G5	B5-U0-G5	B5-U0-G5
	Lumens per Watt	143	145	148	142	143	145	144	144	144	142
SLI/SLR	4000K Lumens	5,260	10,276	15,332	20,259	25,101	30,037	35,522	40,249	44,898	49,708
	BUG Rating	B1-U0-G2	B2-U0-G3	B2-U0-G4	B3-U0-G4	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5	B3-U0-G5
	Lumens per Watt	120	121	124	118	120	121	120	121	120	119
RW	4000K Lumens	6,116	11,952	17,834	23,563	29,196	34,938	41,317	46,817	52,224	57,819
	BUG Rating	B3-U0-G1	B3-U0-G2	B4-U0-G2	B4-U0-G2	B5-U0-G3	B5-U0-G3	B5-U0-G3	B5-U0-G4	B5-U0-G4	B5-U0-G4
	Lumens per Watt	139	141	144	138	139	140	140	140	140	138
AFL	4000K Lumens	6,139	11,996	17,899	23,650	29,302	35,064	41,468	46,987	52,412	58,030
	BUG Rating	B1-U0-G1	B2-U0-G2	B2-U0-G2	B3-U0-G2	B3-U0-G3	B3-U0-G3	B3-U0-G3	B3-U0-G3	B4-U0-G4	B4-U0-G4
	Lumens per Watt	140	141	144	138	140	141	141	141	140	138

* Nominal data for 70 CRI. ** For additional performance data, please reference the Galleon Supplemental Performance Guide.

Control Options

0-10V (DIM)

This fixture is offered standard with 0-10V dimming driver(s). The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

Photocontrol (BPC, PR and PR7)

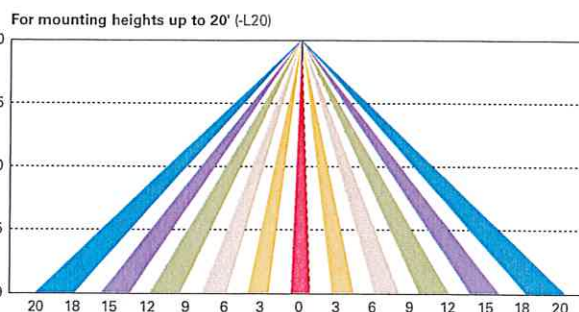
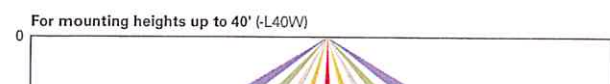
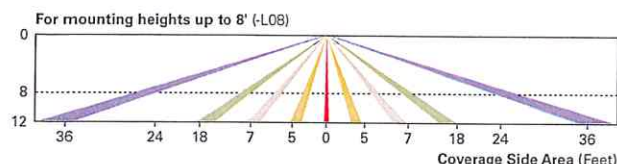
Optional button-type photocontrol (BPC) and photocontrol receptacles (PR and PR7) provide a flexible solution to enable "dusk-to-dawn" lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PR7 receptacle.

After Hours Dim (AHD)

This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a "dusk-to-dawn" period has been calculated from the photocontrol input. Specify the desired dimming profile for a simple, factory-shipped dimming solution requiring no external control wiring. Reference the After Hours Dim supplemental guide for additional information.

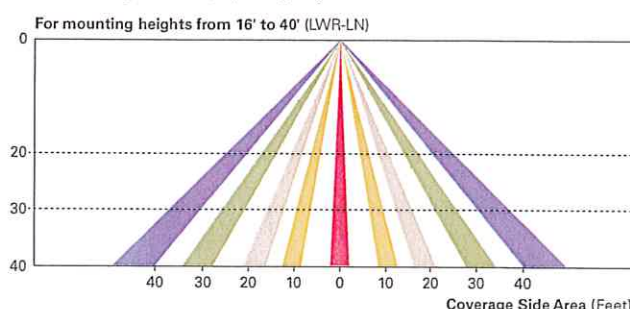
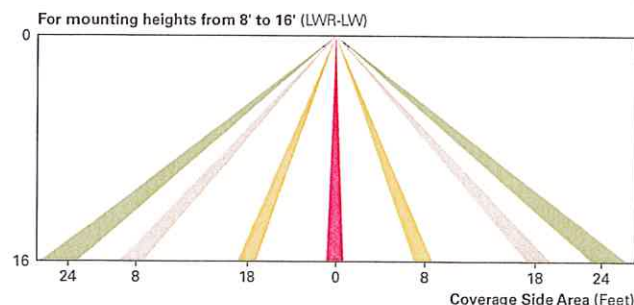
Dimming Occupancy Sensor (SPB, MS/DIM-LXX, MS/X-LXX and MS-LXX)

These sensors are factory installed in the luminaire housing. When the SPB or MS/DIM sensor options are selected, the occupancy sensor is connected to a dimming driver and the entire luminaire dims when there is no activity detected. When activity is detected, the luminaire returns to full light output. The MS/DIM sensor is factory preset to dim down to approximately 50 percent power with a time delay of five minutes. The MS-LXX sensor is factory preset to turn the luminaire off after five minutes of no activity. The MS/X-LXX is also preset for five minutes and only controls the specified number of light engines to maintain steady output from the remaining light engines. SPB motion sensors require the Sensor Configuration mobile application by Wattstopper to change factory default dimming level, time delay, sensitivity and other parameters. Available for iOS and Android devices. The SPB sensor is factory preset to dim down to approximately 10% power with a time delay of five minutes. The MS/DIM occupancy sensors require the FSIR-100 programming tool to adjust factory defaults.



Enlighted Wireless Control and Monitoring System (LWR-LW and LWR-LN)

Enlighted is a connected lighting solution that combines a broad selection of energy-efficient LED luminaires with a powerful integrated wireless sensor system. The sensor controls the lighting system in compliance with the latest energy codes and collects valuable data about building performance and use. Software applications turn the granular data into information through energy dashboards and specialized apps that make it simple and help optimize the use of building resources, beyond lighting.



WaveLinx Wireless Outdoor Lighting Control Module (WOLC-7P-10A)

The 7-pin wireless outdoor lighting control module enables WaveLinx to control outdoor area, site and flood lighting. WaveLinx controls outdoor lighting using schedules to provide ON, OFF and dimming controls based on astronomic or time schedules based on a 7 day week.

LumenSafe Integrated Network Security Camera (LD)

Cooper Lighting Solutions brings ease of camera deployment to a whole new level. No additional wiring is needed beyond providing line power to the luminaire. A variety of networking options allows security integrators to design the optimal solution for active surveillance. As the ideal solution to meet the needs for active surveillance, the LumenSafe integrated network camera is a streamlined, outdoor-ready fixed dome that provides HDTV 1080p video. This IP camera is optimally designed for deployment in the video management system or security software platform of choice.

Synapse (DIM10)

SimplySNAP integrated wireless controls system by Synapse. Includes factory installed DIM10 Synapse control module and MS/DC motion sensor; requires additional Synapse system components for operation. Contact Synapse at www.synapsewireless.com for product support, warranty and terms and conditions.