

NOTICE OF PUBLIC HEARING

PLANNING COMMISSION ON NOVEMBER 15, 2022

TO WHOM IT MAY CONCERN:

THE PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON TUESDAY, NOVEMBER 15, 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. Spiker, Peter & Mckeel, Kathryn Bridell, Jennifer 386 Cornwall Rd. 392 Cornwall Rd. 395 Cornwall Rd. Rocky River, Oh 44116 Rocky River, Oh 44116 Rocky River, Oh 44116 Heath Demaree Piros, Matthew David And Piros. Chao, Roslyn 387 Cornwall Rd. Caitlin Anne 394 Arayle Rd. Rocky River, Oh 44116 386 Argyle Rd, Rocky River, Oh 44116 Rocky River, Oh 44116 Sally L Mylett Trustee Sally Lou Mylett Trustee Astor Place Homeowners 395 Argyle, 395 Arayle Rd. Association Rocky River, Oh 44116 Rocky River, Oh 44116 24650 Center Ridge Rd, # 165 Westlake, Oh 44145 Pamela K Gilliland Rocky River Post #451 American Beachcliff Row Hoa. Inc. 19915 Lake Rd. Legion C/O Continental Management Co. Rocky River, Oh 44116 19911 Lake Rd, 20545 Center Ridge Rd, #LI20 Rocky River, Oh 44116 Rocky River, Oh 44116 Burns, Berri L. Wilson, Mallory Golas, Donald J 514 Beachcliff Row Dr. 516 Beachcliff Row Dr. 518 Beachcliff Row Dr. Rocky River, Oh 44116 Rocky River, Oh 44116 Rocky River, Oh 44116 Kapostasy, Paul & Susan Christine Lenke Ryland Cashman, Mark E 520 Beachcliff Row Dr. 528 Beachcliff Row Dr. #B5 12900 Lake Ave, Apt 1120 Rocky River, Oh 44116 Rocky River, Oh 44116 Cleveland, Oh 44116 Lalitha Mutnal Gary A Richards Kilbane, Bryan Edward 524 Beachcliff Roe Dr. 522 Beachcliff Row Dr. 15 Astor Pl. Rocky River, Oh 44116 Rocky River, Oh 44116 Rocky River, Oh 44116 Purdy, James E. & Kristina S. Glinatsis, James & Glinatsis, Doxie Beran, Richard And Beran, Vicki 16 Astor Pl. 17 Astor PI. 10 Astor PI. Rocky River, Oh 44116 Rocky River, Oh 44116 Rocky River, Oh 44116 Michael Fitzgibbon And Fitzgibbon Thomas Eugene & Stelene Evelyn John Mcgreevey 11 Astor PI, Sattler 16105 Detroit Ave.

Rocky River, Oh 44116

Zajaczkowski, Kenneth M 14 Astor PI. Rocky River, Oh 44116

1655 Forest Dr. Medina, Oh 44256

Degrandis Ronald L. 5 Astor PI, Rocky River, Oh 44116 Lakewood, Oh 44107

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 PI, 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

201612150329

CROSS-PARKING EASEMENT AGREEMENT

THIS CROSS-PARKING EASEMENT AGREEMENT ("Agreement") is made as of the _Q_ 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 979783.1

vehicular access, ingress, and egress to Lake Road.

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- 2. <u>Grant of Parking Easement to Lake Road</u>. 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. <u>Use of Easement</u>. 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. <u>Duration</u>. 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. <u>Lake Road Maintenance Obligations</u>. 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. <u>Insurance</u>. 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. <u>Lake Road Indemnification.</u> 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,

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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. <u>Not a Public Dedication</u>. 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. <u>Partial Invalidity</u>. 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. <u>Counterparts</u>. 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. <u>Notices</u>. 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

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14. <u>Miscellaneous</u>. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements with respect to the casements 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				
Ву:				
Name: / James / Crit	7.15	1		
Its: Owher				
STATE OF OHIO)	SS:		
COUNTY OF CUYAHOGA)	00.	×	
The foregoing instrument was 2016 by Janes (m. 14.41)	, the	mente	of Lake	_ day of <u>Perula</u> , Road RE LLC, an Ohio
limited liability company, on behalf	of the li	imited liab	ility company.	
	Č	NOTARY	PUBLIC PUBLIC	Notary Public Onlo My commission ha

TECHNOLOGY RECOERY GROUP LTD).
By: My W	
Print Name: Michael R. Kennedy	
Its: Manager	
STATE OF OHIO)	SS:
COUNTY OF CUYAHOGA)	
The foregoing instrument was acknowled by Michael R. Land, the Mana Ohio limited liability company, on behalf of	of Technology Recovery Group Ltd., an of the limited liability company.
	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 Ohlo
My Commission
Does Not Expire

EXHIBIT A

1,

SITE PLAN

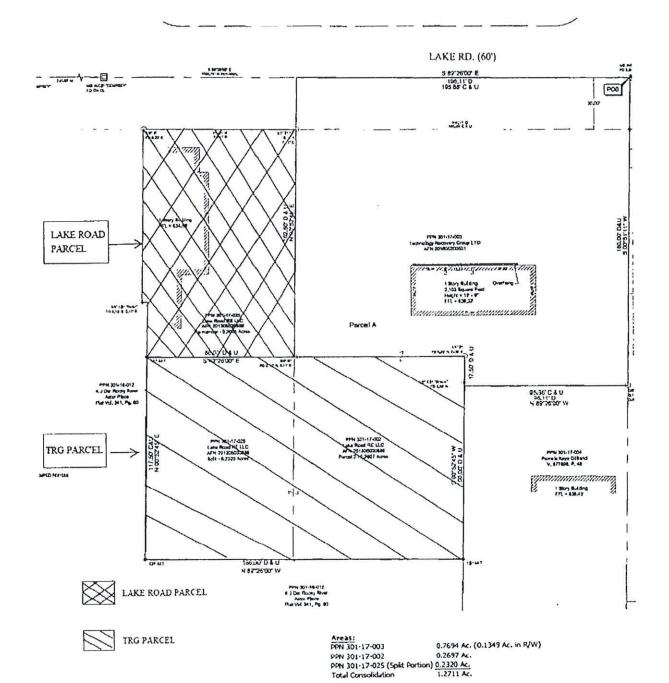


EXHIBIT B

LEGAL DESCRIPTION OF LAKE ROAD PARCEL

Remainder Parcel 0.2685 Acres

· 1

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° 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° 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° 52' 45" East 117.50 feet along the East line of said Lake Road RE, Inc. land to an iron pin set;

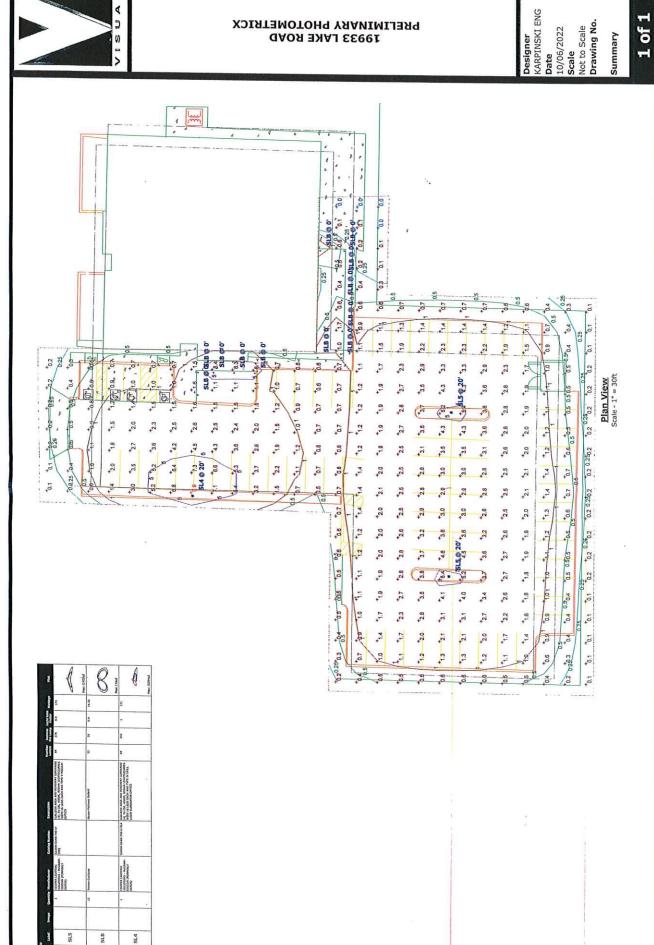
Thence South 89° 26' 00" East 86.00 feet to the Principal Place of Beginning, containing within said bounds 0.2320 of an acre.

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" x 30" rebar with cap stamped "PS 7055" to be set at corners upon Lot Split and Consolidation approval.

Summary

РЯЕГІМІИАКУ РНОТОМЕТВІСХ **19933 LAKE ROAD**





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



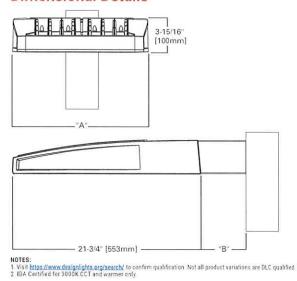
ℛ Interactive Menu

- · Ordering Information page 2
- Mounting Details page 3
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- · 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



McGraw-Edison

GLEON Galleon

Area / Site Luminaire

Product Features





Product Certifications



















№ 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*	-	-	



McGraw-Edison GLEON Galleon

Ordering Information

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

Product Family 1,2	Light Engine Color Voltage Configuration Drive Current Temperature		Distribution	Mounting	Finish		
SAA-ELEON=Galleon, suy American Act Suy American Act Saa-33 Squares SAA-34 EQuares SAA-34 Squares SAA-34 Squares SA5-5 Squares SA5-5 Squares SA5-6 Squares SA6-6 Squares SA8-8 Squares SA8-8 Squares SA8-8 Squares SA8-9 Squares SA0=10		A=600mA B=800mA C=1000mA D=1200mA ¹⁶	722=70CRI, 2200K 727=70CRI, 2700K 730=70CRI, 3000K 735=70CRI, 3500K 740=70CRI, 4000K 750=70CRI, 6000K 827=80CRI, 2700K 830=80CRI, 3000K AMB=Amber, 590nm 14, 16	U=120-277V 1=120V 2=208V 3=240V 4=277V 8=480V," 9=347V,"	T2=Type II T2R=Type III Roadway T3=Type III Roadway T3F-Type III Roadway T4FT=Type III Roadway T4FT=Type IV Forward Throw T4W=Type IV Wilde 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 SL4=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 * MA=Mast Arm Adapter ** MM=Wall Mount QM=Quick Mount Arm (Standard Length) ** QMEA=Quick Mount Arm (Extended Length) **	AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GM=Graphite Metallic WH=White RALXX=Custom Color
Options	(Add as Suffix)		Controls and	Systems Option	s (Add as Suffix)	Accessories (Order Separatel	y) ¹⁶
DIMEEXternal 0-10V DimEESingle Fuse (120, 27) FF=Double Fuse (208, 2: 20K=Series 20kV UL 14: 2L=TWO Circuits 17-11 HA=50°C High Ambient HAS-50°C High Ambient HAS-60°C High Ambient HAS-618-Installed House Sin GRSWH-Glare Reducing LGF=Light Square Trim F MT=Installed Mesh Top TT-Installed Mesh Top TT-Installe	or 347V Specify Volta 40 or 480V Specify Volta 49 Surge Protective De 4e Shield 2s Shield, White 23 Painted to Match Hous ware ware finish 2 Left Right m, 5 Hours 22 m, 7 Hours 22 m, 7 Hours 22	ge) PR-NE Itage) PR7-Itage) PR7-Itage) PR7-Itage P	Dimming Occupancy Sensor D=Motion Sensor for ON/OF. OW=Motion Sensor for ON/C _20=Bi-Level Motion Sensor, 40W=Bi-Level Motion Sensor, M-L20=Motion Sensor for Di	peptacle 21 or with Bluetool or with Bluetool or with Bluetool 6 Operation, 9'- 19F Operation, 9'- 19F Operation, 2'- 9'-20' Mountin, 21'-40' Moun mming Operatio Dimming Operatioel operation, 2'- 15'-13, 32, 33 15'-40'-13, 32 15'-40'-13, 32 15'-	1' - 40' Mounting Height 24' g g Height 14'.35' ting Height 14'.35' ting Height 14'.35' in, 9' - 20' Mounting Height 24' ion, 21' - 40' Mounting Height 24' ecceptacle 2	OA/RA1016=NEMA Photocontrol Multi-Tap - 105-28 OA/RA1027=NEMA Photocontrol - 480V OA/RA1021=NEMA Photocontrol - 347V OA/RA1013=Photocontrol Shorting Cap 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. T MA1037-XX=2@180" Tenon Adapter for 2-3/8" O.D. T MA1197-XX=3@120" Tenon Adapter for 2-3/8" O.D. MA1197-XX=2@90" Tenon Adapter for 2-3/8" O.D. MA1198-XX=2@90" Tenon Adapter for 2-3/8" O.D. MA1190-XX=2@90" Tenon Adapter for 2-3/8" O.D. MA1190-XX=3@90" Tenon Adapter for 2-3/8" O.D. MA1190-XX=3@90" Tenon Adapter for 3-1/2" O.D. MA1039-XX=2@180" Tenon Adapter for 3-1/2" O.D. MA1193-XX=3@90" Tenon Adapter for 3-1/2" O.D. MA1193-XX=3@90" Tenon Adapter for 3-1/2" O.D. MA1193-XX=3@90" Tenon Adapter for 3-1/2" O.D. FIR-100=Wireless Configuration Tool for Occupan GLEON-MT1=Field Installed Mesh Top for 7-8 Light GLEON-MT2=Field Installed Mesh Top for 7-8 Light GLEON-MT2=Field Installed Mesh Top for 7-8 Light GLEON-MT4=Field Installed Mesh Top for 7-1 Light GLEON-GMEA-Quick Mount Extended Arm Kit "1" GLEON-GMEA-Quick Mo	Tenon

- 1. Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WPS13001EN for additional support information.
 2. DesignLiphis Consortium* Qualified. Refer to waw designlights or g 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 MS4-LXX or MS7-LXX sensors.
 5. Not compatible with the scribed quick mount arm (QMEA).
 6. Not compatible with standed quick mount arm (QMFA).
 7. Requires the use of an internal step down transformer when combined with sensor options. Not available with sensor all 200mA. Not available in combination with the NA high amblent and sensor options at 1A.
 8. 480V must utilize Wye system only. Per NEC, not for use with ungrounded systems, impedance grounded systems (commonly known as Three Phase Tince Wire Delta, Tince 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 stable.
- requirement table. 10. Factory installed.

- 10. Factory installed.

 11. Maximum Bight squares.
 12. Maximum Bight squares.
 12. Maximum Bight squares.
 13. Requires ZW or ZD receptacle.
 14. Natrow-band 590nm 4/- 5nm for wildlife and observatory use. Choose drive current A; supplied at 500mA drive current only. Available with SWO, SMO, 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. ZL is not available with HA SMS/X or MS/DIM at 347V or 480V. ZL 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 photocoll.

 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 14F1, 14W or SL4 optios. 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 a Clooper 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.

- 20 Entigrities write as sensors are factory installed only requiring network components EVIP-EM-1, EVIP-GW-1 quantities.

 27. Not available with house side shield (HSS).

 28. Not for use with SH0, SM0, SW0 or PW 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.

- 31. Requires PR7.
 22. 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.
 33. WAC Gateway required to enable field-configurability. Order WAC-PoE and WPOE-120 (10V to PoE injector) power supply if needed.
 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 <u>DOMESTIC PREFERENCES</u> 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	Z-Kelliote F12 Califera	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		



McGraw-Edison GLEON Galleon

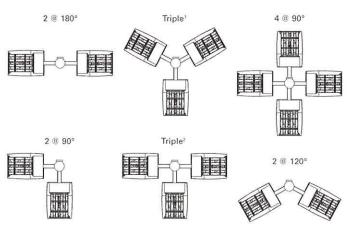
Mounting Details

Standard Arm (Drilling Pattern) **Quick Mount Arm** QM and QMEA Pole Mount QML Pole Mount (Includes fixture adapter) TYPE "N" -3/4" [19mm] Diameter Hole 1-1/4" [32mm] 1-7/16" [34mm] 4-7/8" [51mm] 4-7/8" 6-15/16" ⁵ [177mm] [124mm] 1-3/4" -7/8" [22mm] [102mm] 102mm] [44mm] 9/16" [15mm] Dia. Hole -(2) 9/16" [14mm] Diameter Holes 5-11/16" [144mm] —9-16" [15mm] Dia. Hole 4-15/16" -[125mm] [76mm] QM Quick Mount Arm (Standard) QMEA Quick Mount Arm (Extended) 3-15/16" [100mm] 16-9/16 10-5/8" [269mm] --21-3/4" [553mm]-21-3/4" [553mm]-Standard Wall Mount Mast Arm Mount 3" [76mm] 1-13/16" [47mm] 0 0 3-13/16" [97mm] –(2) 27/64" [11mm] Dia. Hole 21-3/4" [553mm] 10-5/32" [256mm] 7" -[178mm] 3-13/64" -[82mm] 8-1/8" [206mm]

2-7/16" [61mm]

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	1 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		146	
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

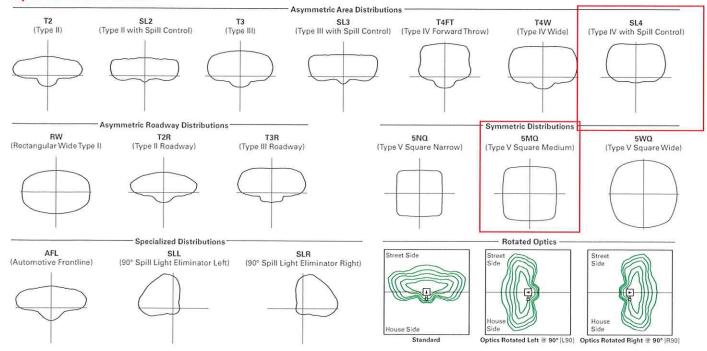
Fixture Weights and EPAs

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		244	38	1.11
5-6	44	1.00	46	1.11		177	49	1.11
7-8	54	1.07	56	1.11	58	1.11	122	=
9-10	63	1.12	(***	-	67	1.11		**



McGraw-Edison **GLEON Galleon**

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

- 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)

· 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

- 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**
	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
Up to 1A	40°C	98.7%	98.3%	98.1%	97.4%	> 1.9M
	50°C	98.2%	97.2%	96.8%	95.2%	> 851,000
1.04	25°C	99.4%	99.0%	98.9%	98.3%	> 2.4M
1.2A	40°C	98.5%	97.9%	97.7%	96.7%	> 1.3M

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





^{*} 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.

McGraw-Edison

GLEON Galleon

	-		1000 11	
nominai	Power	Lumens	(800mA)	ŀ

lomin	al Power Lumens (800m	A)			Y				Y. ambbie	mental Perfor	mance Guid
Numbe	er of Light Squares	1	2	3	4	5	6	7	8	9	10
Nomina	al Power (Watts)	44	85	124	171	210	249	295	334	374	419
nput C	current @ 120V (A)	0.39	0.77	1.13	1.54	1.90	2.26	2.67	3.03	3.39	3.80
nput C	urrent @ 208V (A)	0.22	0.44	0.62	0.88	1.06	1.24	1.50	1.68	1.87	2.12
nput C	urrent @ 240V (A)	0.19	0.38	0.54	0.76	0.92	1.08	1.30	1.46	1.62	1.84
nput C	urrent @ 277V (A)	0.17	0.36	0.47	0.72	0.83	0.95	1.19	1.31	1.42	1.67
nput C	urrent @ 347V (A)	0.15	0.24	0.38	0.49	0.63	0.77	0.87	1.01	1.15	1.52
nput C	urrent @ 480V (A)	0.11	0.18	0.29	0.37	0.48	0.59	0.66	0.77	0.88	0.96
Optics										TRANSPORT	3
	4000K Lumens	5,871	11,474	17,121	22,622	28,029	33,542	39,667	44,944	50,134	55,508
T2	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
	4000K Lumens	6,233	12,181	18,176	24,016	29,756	35,608	42,111	47,714	53,224	58,929
T2R	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
	4000K Lumens	5,986	11,695	17,450	23,057	28,568	34,186	40,430	45,809	51,099	56,576
Т3	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
	4000K Lumens	6,117	11,955	17,838	23,569	29,203	34,946	41,328	46,827	52,235	57,832
T3R	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
	4000K Lumens	6,019	11,763	17,551	23,190	28,734	34,384	40,663	46,074	51,396	56,904
Γ4FT	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
	4000K Lumens	5,942	11,610	17,324	22,891	28,363	33,940	40,138	45,480	50,732	56,169
T4W	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
	4000K Lumens	5,862	11,454	17,091	22,583	27,980	33,484	39,598	44,867	50,048	55,411
SL2	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
	4000K Lumens	5,985	11,694	17,447	23,053	28,565	34,182	40,424	45,804	51,092	56,568
SL3	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
	4000K Lumens	5,685	11,111	16,577	21,905	27,140	32,478	38,409	43,520	48,546	53,748
SL4	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
	4000K Lumens	6,172	12,061	17,997	23,778	29,462	35,256	41,694	47,242	52,699	58,347
5NQ	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
	4000K Lumens	6,285	12,283	18,328	24,217	30,004	35,907	42,462	48,112	53,669	59,421
5MQ	BUG Rating	B3-U0-G1	84-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
	4000K Lumens	6,303	12,317	18,377	24,281	30,085	36,001	42,575	48,241	53,812	59,579
5WQ	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
	4000K Lumens	5,260	10,276	15,332	20,259	25,101	30,037	35,522	40,249	44,898	49,708
SLL/ SLR	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
	4000K Lumens	6,116	11,952	17,834	23,563	29,196	34,938	41,317	46,817	52,224	57,819
RW	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	85-U0-G4
	Lumens per Watt	139	141	144	138	139	140	140	140	140	138
	4000K Lumens	6,139	11,996	17,899	23,650	29,302	35,064	41,468	46,987	52,412	58,030
AFL	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



McGraw-Edison GLEON Galleon

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)

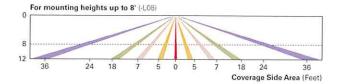
Optional button-type photocontrol (BPC) and photocontrol receptacles (PR and PR7) provide a flexible solution to enable "dusk-to-dawn" lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PR7 receptacle.

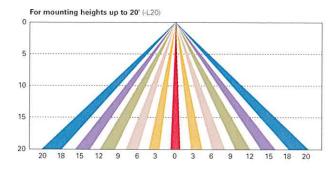
After Hours Dim (AHD)

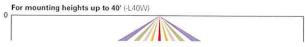
This feature allows photocontrol-enabled luminaires to achieve additional energy savings by dimming during scheduled portions of the night. The dimming profile will automatically take effect after a "dusk-to-dawn" period has been calculated from the photocontrol input. Specify the desired dimming profile 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.

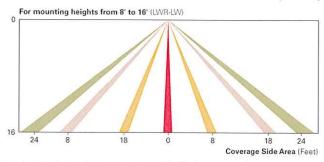


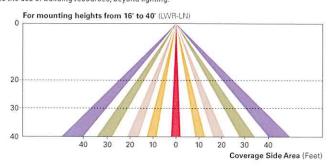




Enlighted Wireless Control and Monitoring System (LWR-LW and LWR-LN)

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.



Cooper Lighting Solutions

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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:

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

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

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

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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

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<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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

<u>Variance</u>: 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.

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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.

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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.

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.

$$5 \text{ Ayes} - 0 \text{ Nays}$$

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.

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.

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.

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.

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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.

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.

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.

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.

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.

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.

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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.

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.

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.

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

DRAFT DESIGN AND CONSTRUCTION BOARD OF REVIEW MEETING MINUTES NOVEMBER 7, 2022

A meeting of the Design and Construction Board of Review was held at 5:00 PM in Council Chambers of Rocky River City Hall, with the following members present:

Jim Larsen, Chairman Tom Evans, Member

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. 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.

DRAFT DESIGN AND CONSTRUCTION BOARD OF REVIEW MEETING MINUTES NOVEMBER 7, 2022

- 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.

DESIGN AND CONSTRUCTION BOARD OF REVIEW MEETING MINUTES SEPTEMBER 9, 2022

8. SEAN KENNEDY

19933 Lake Rd.

Pre-Preliminary Review

New Office Building

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 lo
- 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.	
	Respectfully submitted,
	Jim Larsen, Chairman
	Tom Evans, Member

Kate Straub

Planning and Zoning Coordinator

RE: Proposed Office Building at 19933 Lake Road

10/30/2022

Hi Kate. I attended the October 18th public hearing for the proposed office building at 19933 Lake Road. My wife and I live in Beachcliff Row, the residential development east of the property. The discussions during the review made it sound like the building was too large for the property. There was a lot of talk about needing more parking spaces, and the developer was looking for variances to move the building closer to its neighbors. First, why not require a structure that will fit the property? In no way should the developer be allowed to move the three-story complex closer to its neighbors than is currently permitted by the city. I also hope the planning process will review the type of barriers, fences, or greenery shielding the new building from its neighbors. The current plans don't discuss in detail what that will look like.

Our concerns are:

- The building is too large for the space available. If the current building size is approved,
 it should not be moved closer to the property lines than what is allowed by the city. The
 required building setbacks should not be decreased. Fewer parking spaces are preferred
 over moving the building closer to the property lines.
- The green barriers and fencing proposed for the side and rear of the building may be insufficient to buffer the office building from the residential areas that are on three sides. We would appreciate more detailed plans for the green barriers and fencing.
- 3. The rooftop mechanical units are located on the east side of the building near the residences of Beachcliff Row. I would like to learn more about the proposed visual and sound barriers surrounding the mechanical units.

Please forward our concerns to the Planning Commission.

Thank you.

Greg Atwell and Lisa Matuszny

536 Beachcliff Row DR

Rocky River OH 44116

PH: 440-278-0530

TO: Kate Strobe Planning and Zoning Coordinator

Rocky River Building Department 210 Hilliard Blvd. Cleveland, Ohio 44116

RE: Preliminary Planning Commission Submission

Follow up

Project Name: New Office Building Project Location: 19933 Lake Road

Vocon Project No. 220039.00

Design and Construction Board of Review

Dear Kate:

We appreciate the planning Commission's thoroughness in the review of the proposed 19933 Lake Road office building. Many questions were answered. As we understand it these are issues that still needed clarification.

Transformer location and landscape buffer.

Green barriers. Although the front of the building is from Lake Road, the main view from all three developments behind it is the back, the south side, of the proposed building. It was noted the back of the building lacked detail.(?) The visual barrier is important, including to the tenants of the new office. If much of the existing landscaping is being removed planting evergreens, trees, (ie., firs, spruces, green giant arborvitaes) would help buffer the 3 story brick facade. Astor place did this on their property lines and offer a good example. This is the main view from much of the areas residents.

The fences proposed were questioned as they were too low to buffer views; Perhaps that budget could go to more effective green barriers.

Location of trash and service out buildings.

We realize much is still in planning but would like these concerns and requests to be incorporated while in process so as not to cause issues while trying to finalize.

Again, thank you for your time and expertise.

Gilliland Design October 24th 2022 TO: Kate Straub Planning and Zoning Coordinator

> Rocky River Building Department 210 Hilliard Blvd. Cleveland, Ohio 44116

RE: Preliminary Planning Commission Submission

Project Name: New Office Building Project Location: 19933 Lake Road Vocon Project No. 220039.00

Dear Kate:

Thank you for taking the time to familiarize us with the proposed plans regarding the Office Building at 19933 Lake Road in Rocky River. We are looking forward to its progress but do have some questions and concerns which we have listed below.

5ft violation on the east side building line.
 (A variance has already been granted to the property to the east.)
 It compromises the visibility of an existing business.

The height variance is very generous; there needs to be a drawing showing the height of the proposed and existing buildings.

3. The site plan shows cutting down all the existing landscaping: including 2 mature maple trees, a flowering pear tree and a green barrier of 14 arborvitaes planted in a landscape easement by the development to the east. There is no landscaping shown to replace these important visual barriers.

4. The arborvitae landscaping is being replaced with a transformer structure.

This is right in view of existing residents.

An alternative location should be considered

- The parking light height and hue needs to be shown and reviewed, This is an entirely residential area; non invasive lighting is important.
- 6. Need to see location of trash bins and any service structures.

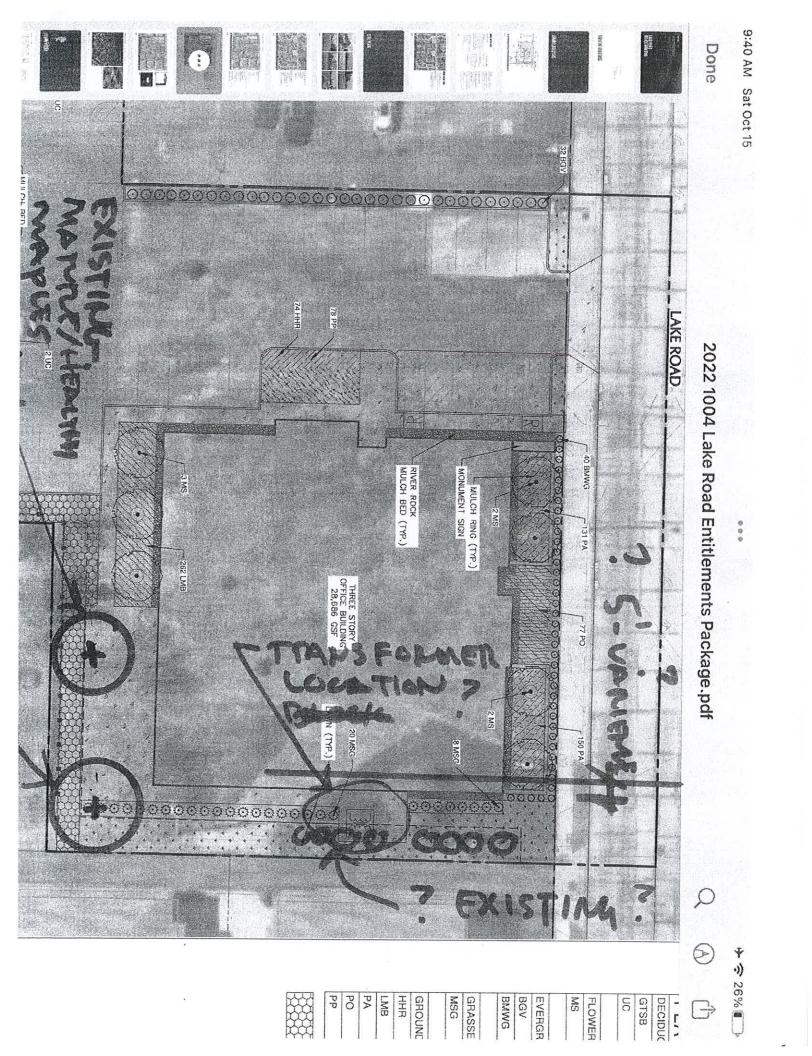
7. A fence is shown encircling the entire development. Would like to see style choices and height.

8. The drive on the east side of the proposed development is a "private" drive. Deliveries would need to be on the west side. The doors on the east elevation appear to be delivery doors.

The community needs to depend on the renderings being true to the final built project and not changing during construction. We're sure this is the intent but any changes would need additional approval.

Thank you for your time and expertise.

Gilliland Design October 17th 2022



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Mr. Allen requested that the applicant be sure that the project narrative is revised as they make other revisions so it fits in with the consistency piece. He asked questions about the raised curbing and the applicant responded that it one continuous curb all of the way across. The 4' fence on the north side would sit on top of the 6" curb. Mr. Allen added that he is not sure that a see-thru aluminum fence provides the screening that they are probably looking for. He inquired more about the lower level floor plan for clarification, as well as the amenity area.

Mr. Capka asked if there will be any connection of the site to other walking areas around it or other means of tenant exercise. A path on the east side from Center Ridge to the neighborhood behind them was explained. He would like to see more detail about how to connect the amenity areas to the rest of the building. Regarding the ground floor and site plan, he would like more detail on the pergola and seating area.

Mr. McAleer said that he agrees with the comments and thinks that a more residential feel is very important. He likes what they have done with the perimeter but it seems a little disconnected from the building itself and he would like to see more detail on that.

Mr. Bishop said that he would call this a pre-preliminary review and he feels they are not quite at the preliminary stage. They don't have enough to offer a public hearing, because for the public to review this, they would have needed to have the time to review it but it is not complete. He suggested that they table this meeting and they do the public hearing next time. He said that there are a lot of unknowns and those things need to be clearly shown. He said that the last time they met there was a different presenter and there was a push to do this very quickly. He said that the applicant is investing a lot of money and there is a lot of competition for this project coming up. He does not think they are too far away from doing this the right way and urged them not to force the timetable. Mr. Fridrich said that the owner will not give any extensions on this deal beyond the end of August. Their attempt to date has been to see if this plan can be considered acceptable and can be viable. They will do their best to take all of the input and quantify it to the ownership so he can decide if he will proceed or not by the end of the month.

Mr. Bishop said that they have come a long way in the 4 weeks since this was first before them. They made suggestions to the applicant regarding unit mix last time and the applicant ended up being able to make them work. They are about 85 - 90% there and the seller should know that. Discussion was had relating to having a special meeting date and the fact that notices must go out 7 days in advance.

Mr. Bishop moved to table the preliminary review of this project. Mr. DeMarco seconded.

5 Ayes – 0 Nays TABLED

5. SEAN KENNEDY – 19933 Lake Rd – Pre-Preliminary Review – New Office Building. Ms. Julie Trott of Vocon is present with Sean Kennedy, the property owner and with Krueger Group, the Construction Managers.

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Mr. Allen said he would like to recuse himself from this item. Mr. DeMarco said that he would like to mention for the record that the applicant's representative is his previous employer but he has not worked for them in nearly 10 years and has no relationship to this project at all. He can analyze fairly and impartially.

Ms. Trott began by explaining that the Kennedy family is looking to redevelop their property for their family offices. They would also like to create space within the building for others in the community who are looking for smaller offices located on the northern side of Rocky River. The property has an unusual configuration with the former gas station property as well as a portion located south of Bearden's. They are proposing to construct a 28,700 gross square foot 3-story office building. The Kennedy offices will be located on the third floor and the first and second floor will be used for future smaller offices like theirs. There are 73 parking spaces provided on the south side of the property. There is a cross-property easement associated with the property with Bearden's but it is really just for cross-access and occasional parking. Parking is not required to be provided to Bearden's by the Kennedy family. Ms. Trott explained the floor plans of the proposed buildings. They have tried to stay in the spirit of the existing Lake Rd. with a traditional style with a more modern flair, similar to the multi-family building directly next door. It will be constructed of brick with metal accents throughout all facades. The project will require a height variance of 45' in height versus the maximum height of 35' permitted in a local business district. This building will accomplish the creation of a class A office building, with higher ceiling heights related to that. Their off-street parking setbacks will need relief on the side and rear on the western property line abutting Bearden's parking lot because of the cross-property easement and the configuration of the site. They have provided a 5' setback at the south side of Bearden's parking lot, but the west side will have a 0' parking setback.

Ms. Trott continued by explaining that this property is currently providing all of the exterior lighting for Bearden's parking lot. They are hoping for the continuation of the approval on the east and south property lines relating to the south parking lot. There is currently a variance for the parking to be located 5' away from the property lines and they are proposing the same. They are looking for a variance for the number of parking spaces. They are providing 73 parking spots because this building is very small and much of the square footage is dedicated to the core areas. They looked at basing the parking on the amount of interior usable square footage versus gross square footage, which would require 68 parking spaces instead of 87 that would be required by Code. They acknowledge that the building entrance is required to face north. They are facing the entrance to the west because the majority of the parking is at the rear of the building or along the western side and the entrance will be directly connected to the parking areas. The design of the Lake Avenue elevation still provides the presence that they feel is in the spirit of the Code. Parking along the building is required to be 10' but they are providing a setback of 8' - 2'' due to trying to meet the building setback requirement on the eastern property line. They are also able to provide the landscape buffer that is required along the parking and sidewalk areas. They are providing a detached pergola area for the occupants of the building for some exterior space which meets requirements for setbacks and square footage.

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Mr. Bishop said that in concept, this building is very attractive and they just have to work out the details. To clarify, Mr. Bishop, Mr. DeMarco and Mr. Capka were all Commission members in 2016 and they are familiar with what was proposed previously. He said that no variance was ever granted for the 41' height. The Commission recommended the variance but the applicant never went before the BZA. There is no parking setback variance that was granted and they are basically starting from scratch, so they are still bound by the Code regarding those setbacks. He does not believe that the 8' - 2'' parking setback along the building is really a variance but rather it is whether the Commission feels that the overall project justifies some leniency in some areas because they are doing some better things in other areas. The biggest concern with the parking setbacks will be abutting residential and non-residential. They consider the development to the east a residential development. Astor Place to the south is a residential development and the portion to the west, behind Bearden's, is also residential. The Code permits the Planning Commission can provide leniency on the setbacks if they are well buffered. Astor Place is losing some of their buffering and it is very bare at the lower sections, which may cause the applicant to have to approach those setbacks differently. The Code calculates parking based on the gross square footage and it already anticipates "usable" square footage, so they never really listen to the argument that because someone only has so much usable square footage so they should get to have less parking. They just have to figure out what the right number would be. The parking shortage will require a variance and they will just need to decide what the correct final number for the variance request should be.

Mr. Bishop said that he feels that this is perhaps better than the previous proposal architecturally. He said that the 45' height is not a dramatic ask compared to what is there now. At the ridge, Astor Place is probably higher than that. Regarding the Design Guidelines, he feels that the front is well designed and it almost looks like an entrance in a sense. Mr. Bishop asked if there is a need for a dumpster and whether it can be located internally. Ms. Trott said that they can consider locating the dumpster inside the building but they have a place on the exterior that can support it. Mr. Bishop said that they will be faced with 2 issues. He requested that they enhance the zoning overview and the Krueger Group could provide a good example of how to include everything. Lot coverage needs to be noted so they know where they stand on that. Drive lane dimensions, the parking space counts in each bank should be labeled on the site plan and he requested they eliminate where it says, "Existing 5' parking setback" because it does not exist.

Mr. Bishop said that the Planning Commission was not given the opportunity to approve the lot split that was done. They have to work through getting Bearden's back to the right number of parking spaces and they have changed the parking space configuration on the lot without Planning Commission approval which has created a dangerous traffic pattern on the site. Mr. Bishop said that the old parking layout gives them at least 6 more spaces and Bearden's has taken away some spaces throughout this timeframe.

Discussion was had relating to the cross-easement and traffic easement and what it really means to the site and to the parking scenario. Mr. Sean Kennedy, property owner, said that there is a shared parking agreement on the back lot which gives them the right to have overflow parking there if required. They also have an easement to use their 15 or 22 spots at any given time in

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their restaurant. Bearden's does not have an easement to use any of the parking on the former Mike's Gas Station lot. Discussion was had relating to the fact that something such as a parking cross-easement can affect the number of spaces required to be provided on a certain lot. A cross-easement is weighed relating to how parking need relates to hours of operation. The more spaces that property has allows more spaces to benefit this project. By the other lot changing the parking layout and reducing the number of spaces, parking for this project has been impacted. The safety of the traffic flow is also a problem on that lot. The number of spaces each property needs must be calculated how much total parking the cross-easement alleviates. The fact that the neighboring property altered the number of spaces and the configuration on their lot, it affects the cross-easement. Mr. Bishop said that Bearden's and this project are under parked. However, when you put two parking lots together by way of an easement, you get the benefit of hours of operation, etc.

Mr. Bishop said that the applicant has 15 parking spaces on the Bearden's lot. However, those 15 parking spaces mean nothing to this project because they are unapproved in their layout and form, so until it is corrected, he is not sure they will give them benefit for it. Mr. DeMarco said that Bearden's is shorting this project on parking because they have taken away enough spaces by reconfiguring the parking layout that would prevent the Kennedy from complying with the zoning requirement. Law Director O'Shea said that he would like to make clear that it is not the City's position that we will do anything to Bearden's as a condition precedent to this project going forward. Bearden's just have to comply with the law, regardless of what happens here.

Mr. McAleer said that he thinks the building looks great and he does not have any issues with the 45' height because it is not quite as tall as Astor Place. He has no issue with the building entrance on the west side and he thinks the Lake Rd. elevation looks very nice. Mr. Capka said that whether the 10' variance request would be right up against the street may play a part in the request. Ms. Trott said that the building is currently setback at 25'. There are exterior terraces on the third floor that are set back 10' from the building edge, so the wall itself is pushed back 10'. Mr. Capka said that it would be helpful to articulate that when they come back. Show any layered design so that the height variance perhaps wouldn't strike him as very significant.

Mr. McAleer and Mr. DeMarco agree that they are able to blend the 12 spots on Bearden's lot to reach 85 parking stalls with this plan. Mr. Bishop said that they still need to consider the needs of Bearden's for parking. Mr. McAleer said that he feels that legally, this project can take all 12 spots in Bearden's parking lot for this project, which means they have 85 parking spots for this project. The enforcement of the Bearden's parking lot is not the Kennedy's problem. Building Commissioner Reich said that Bearden's has to fix their parking lot regardless of what happens on this Kennedy lot.

Mr. Bishop said that Bearden's ingress and egress as it was changed to the way it is today is included in their easement. However, it is dangerous as configured. They can't allow them to put 73 cars in the Kennedy parking lot that could exit through Bearden's because it is not safe. He said that he is not in favor, as Bearden's is configured at this time, of having ingress and egress for this project through the Bearden's property. Mr. DeMarco agree with Mr. Bishop.

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Ms. Trott said that she would like some direction on how this project can move forward. She said they will move forward to Design Board for a pre-preliminary to get their feedback. Once the number of required parking spots is resolved, they can make any modifications.

The Applicant thanked the Planning Commission for their input.

The meeting adjourned at 8:40 pm.

William Bishop, Chairman

Michael DeMarco, Vice Chairman

Date: