

Chairman McGrath stated before we begin, we will mention one more time that the discussion of the Conditional Use Permit for Cingular Wireless for the Property on Sprague Road will not take place tonight, that item will not be considered and removed from the Agenda, so if there is anyone here tonight that is here specifically on that issue perhaps we can save you some time and tell you that there will be no discussion of that this evening, Thank You.

*Chairman McGrath stated it being at least 7:30 we will call the Public Hearing to order.*

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road, on **Wednesday, January 4, 2006** to conduct a **Public Hearing**. The **Public Hearing** was called to order by **Chairman Edward McGrath** at **7:35 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

**Present:** Chairman Edward McGrath, Mayor Cathy J. Luks, Vice Chairman Tony Sandora, Council Representative Donald Willey, Victor Bull, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director and Brenda L. Fashempour, Secretary.

**Opening Ceremony - Pledge of Allegiance.** Chairman McGrath stated will you all stand for the Opening Ceremony, Pledge of Allegiance.

Pledge of Allegiance recited.

#### **Public Hearings**

**Recreation Allocation - Abbeyville Townhouses.** The Hearing will address the approval of the proposed Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b), although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses.

Secretary read Public Hearing Notice. Public Hearing Notice posted at City's Public Posting Places and appeared in the Sun Star.

Chairman McGrath stated is there anyone here wishing to be heard on the Recreation Allocation for Abbeyville Townhouses.

Chairman McGrath stated no one wishing to be heard, is there a motion to refer this to the Regular Order of Business.

So moved Mayor Luks.

Tony Sandora stated second.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Willey, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that is referred to the Regular Order of Business.

**Mount Royal Villa Care Center, 13900 Bennett Road, Public Facility Zoning. Revised Site Plan Approval for Sidewalks and Driveway.**

Secretary read the Public Hearing Notice. Public Hearing Notice posted at the City's Public Posting Places and mailed to Property Owners within 500'.

Chairman McGrath stated is there anyone wishing to be heard on the subject of the Mount Royal Villa Care Center proposal.

Applicant stated yes.

Chairman McGrath stated yes Sir.

Applicant stated John Clark, Maintenance Director Mount Royal.

Chairman McGrath stated step forward speak into the microphone, state your name, your home address and you want to be heard on this now or did you want to be heard in the Regular Order of Business which would be the more appropriate time to share with us what you will.

Mr. Clark stated okay, the Regular Business will be fine.

Chairman McGrath stated unless you, fine, Thank You very much.

Mr. Clark stated Thank You.

Chairman McGrath stated is there anyone else wishing to be heard.

**Chairman McGrath stated is there a motion to refer to the Regular Order of Business.**

**So moved Don Willey.**

**Second Tony Sandora.**

**Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.**

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

Chairman McGrath stated that is referred to the Regular Order of Business.

**Conditional Use Permit - Cingular Wireless, Applicant GPD Associates, Property Owner City of North Royalton, 11355 West Sprague Road, PPN 481-07-026, Public Facility Zoning. Cingular Wireless, GPD Associates is proposing to build a Telecommunications site consisting of a 190' monopole tower and a radio equipment shelter (unmanned) on the City of North Royalton Wastewater Treatment Plant B Property.**

Chairman McGrath stated the Conditional Use Permit for Cingular Wireless, there will be no action, no discussion tonight and we will entertain a motion to remove from the Agenda of the Public Hearing and from the Agenda of the Planning Commission Meeting with a subsequent refund of the Applicant's fees even though there has been time and expense involved by the City in terms of the notification of those potentially involved by this proposal.

Mayor Luks stated so moved Mr. Chairman.

Tony Sandora stated second.

Chairman McGrath stated moved and seconded, any further discussion, will the Secretary please call the roll.

Roll call: Yeas: Five - Sandora, Bull, Mayor Luks, Willey, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that subject has been removed from the Public Hearing Agenda as well as the Planning Commission Agenda.

Adjournment

Chairman McGrath stated is there a motion to adjourn the Public Hearing.

So moved Tony Sandora.

Second Don Willey.

Chairman McGrath stated moved and second, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Bull, Mayor Luks, Willey, Sandora, Chairman McGrath. Nays: None. Motion carried.

Planning Commission Public Hearing adjourned at 7:44 P.M.

*Chairman McGrath stated Public Hearing is adjourned, we will now call to order the Regular Meeting of the January 4<sup>th</sup> meeting of the North Royalton Planning Commission.*

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, January 4, 2006 in regular session.** The meeting was called to order by **Chairman Edward McGrath** at **7:45 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

**Present:** Chairman Edward McGrath, Mayor Cathy J. Luks, Vice Chairman Tony Sandora, Council Representative Don Willey, Victor Bull, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, and Brenda L. Fashempour, Secretary.

**Approval of minutes: December 14, 2005.**

Chairman McGrath stated is there a motion to approve the minutes of the meeting of December 14, 2005.

So moved Victor Bull.

Second Tony Sandora.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

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

Chairman McGrath stated minutes are approved.

**Old Business:**

**Speedway Super America, LLC**, 9191 Royalton Road, Motorist Service Zoning. Cooler Approval. Tabled.

Ms. Fashempour stated there will be no action on Speedway Super America, LLC.

Tina M. Stopar, **State Farm Insurance**, 5701 Royalton Road, Town Center District - 2. Sign Approval. Tabled.

Ms. Fashempour stated there will be no action on State Farm Insurance.

**Ordinance No. 05-166** - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning & Zoning Code, Chapter 1284 Signs, Section 1284.18 Banners/Pennants in Local and General Business Districts; Permit; Fee, Paragraph (a), and Declaring an Emergency. Tabled.

Ms. Fashempour stated no action on Ordinance 05-166.

**North Royalton High School**, 14713 Ridge Road, Public Facility Zoning. Sign Approval. Tabled.

**Ms. Fashempour stated is the Applicant here this evening, the Applicant is here, if you so choose she needs a motion to remove it from the table.**

**So moved Tony Sandora.**

**Victor Bull stated second.**

**Chairman McGrath stated moved and seconded, Secretary please call the roll.**

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

Chairman McGrath stated the Applicant please will step forward, state their name, their address and speak into the microphone and remember you are being recorded.

Jim Presot, 6520 Tulip Trail, Independence, Ohio representing North Royalton City Schools. Mr. Presot stated we are here back tonight to seek approval for a electronic sign board for or an electronic sign for the front of North Royalton High School, 14713 Ridge Road, it was tabled and sent forth, forward to the the Zoning Board, we did go to, in front of the Zoning Board and did seek and receive an approved variance a little over a month, not even a month ago and we are back here tonight to seek approval from the Planning Commission.

Chairman McGrath stated and the variance that you received was specifically for.

Mr. Presot stated the for installation and, and for the, for the sign board for, for there.

Chairman McGrath stated for the size, for the location, for the position or for the type of verbiage, he means he knows you wanted the electronic changeable letters.

Mr. Presot stated both.

Chairman McGrath stated and both were approved.

Mr. Presot stated to the best of his knowledge we received a variance for, for the application that we presented to them which would have been the size and, and everything.

Chairman McGrath stated okay.

Mr. Presot stated they did not indicate that there was one or one was conditional on another.

Chairman McGrath stated so everything that you requested was granted.

Mr. Presot stated correct.

Chairman McGrath stated Thank You, Thanks for the clarification.

Chairman McGrath stated to the Building Department any questions.

Mr. Alvarez stated no comment Sir.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated nothing.

Chairman McGrath stated Thank You.

Chairman McGrath stated Law Department anything.

Mr. O'Donnell stated no nothing.

Chairman McGrath stated Thank You, anyone on the Council or Commission anything.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated Mr. Presot.

Mr. Presot stated yes.

Tony Sandora stated can you tell us what hours of operation this sign will be used for.

Mr. Presot stated well in talking to the Planning Commission it is going to be as the present sign is, going to be on continuous however if there is any concern or problems with any of the neighbors we do have the ability to turn it off and regulate it so we can then deem to say you

know for example, between 11 P.M. and 5 A.M. we would, we would turn that sign off, in terms of the brightness of the sign, it would be you know at the same level as it is today, but again if that was to be a problem or a concern of any of the neighbors and so forth we can lower that as well if that would be an issue and we did also, we did tell that to the Zoning Board and if that was a problem that is in the records of the minutes as well.

Tony Sandora stated okay Mr. Presot he means, so you are saying that right now, the sign will be on 24 hours a day unless somebody complains.

Mr. Presot stated well were, were,

Tony Sandora stated seven days a week, 24 hours a day.

Mr. Presot stated it would be on but if that's a problem or a concern we would be glad to address that, that's, that's not something he doesn't think we would have a you know, a problem with addressing or saying if the Board felt that it needed to be off at certain times that would be acceptable.

Tony Sandora stated he means you really feel that there would be any need let's say after 10 or 11 o'clock at night to have that sign run.

Mayor Luks stated Mr., if she may.

Chairman McGrath stated Mayor, please.

Mayor Luks stated Mr. Chairman. Mayor Luks stated she, she thinks we need to give some consideration to events such as school closings where at some point possibly after 11 o'clock at night it's determined that the school is going to be closed the following day because there's a whether issue, or no heat or what have you, it would be a benefit for it to be on in case anyone is happening by, a just to start getting the word out, so she, she thinks, she thinks that we should a, in her personal opinion she thinks that we should let the school get this operational and test it out, see how it's, how it's working for them and then if there is an issue she is sure that we can work those out, it's possible that at 4 in the morning or 5 in the morning when people are leaving for work they'll want to let them get information as well or 6 in the morning so she is reluctant to establish set times, she would prefer to let them play with it, she is sure that they will make an effort to be a good neighbor and if not we can get them, we will get them.

Chairman McGrath stated Thank You Mayor.

Tony Sandora stated that's all he has Mr. Chairman.

**Chairman McGrath stated Thank You anyone else on the Commission anything, anyone in the audience any comments, questions, quires, posers, is there a motion.**

**Don Willey stated motion to approve.**

**Tony Sandora stated second.**

Chairman McGrath stated moved and seconded, any further discussion, will the Secretary please call the roll.

Roll call: Yeas: Five - Sandora, Bull, Mayor Luks, Willey, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that motion is approved, Good Luck to You, Thank You for your patience and your help with working thru the system.

Mr. Presot stated Thank You very much.

Ms. Fashempour stated and you do have your landscaping plan for Architecture Review Board, right, they have that already.

Mr. Presot stated yes, and we have copy and he has also talked to.

Ms. Fashempour stated Donna.

Mr. Presot stated Donna as well as Ray Priest this afternoon.

Ms. Fashempour stated okay.

Mr. Presot stated and he has a list of plants so we should be all set for Monday evening.

Ms. Fashempour stated night, very good.

Mr. Presot stated Thank You.

Tartan Development Company, **Chesapeake Subdivision No. 5**, extension of Chesapeake Drive, Part PPN 482-08-003 and 002, R1-A Zoning. Sketch Plan Approval for 4 lots. Tabled.

Ms. Fashempour stated Chesapeake Subdivision No. 5, no action.

## **New Business**

### **Ordinance**

**Ordinance No. 05-184** - An Ordinance accepting the Dedication of 787.78 feet of Hedgebrook Drive in the Pinestream Subdivision Phase 6 from Saks & Goldberg Companies, and Declaring an Emergency.

Chairman McGrath stated is the Applicant here please.

Chairman McGrath stated step forward, state your name, your home address, speak into the microphone and share with us what you will please.

Good Evening, Scott Goldberg, 31180 Emery Road, Moreland Hills, 44022 and tonight we have before you the dedication request for our 6<sup>th</sup> Phase of Pinestream Subdivision.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineer, please.

Mr. Merdes stated Thank You Mr. Chairman, the Engineering Department was able today to get out to the subdivision and do a walk thru which some of the weather kept us from, from doing earlier and certainly he didn't have it done in time for, for the report, the Members could expect that with the, the next report, before the next meeting, he also talked briefly with the Applicants before the meeting about, about where we were at with, with all that's required, in the next couple of days he will be getting him more information and a distributing the, the information that we already have and the new information that comes in to the various City Department's as well as informing him of any deficiencies that we found so it would expect that optimistically perhaps the Board would take some action next meeting or pessimistically the meeting after that or the meeting after that.

Laughs.

Chairman McGrath stated or some time in the future.

Mr. Merdes stated sometime in the future.

Chairman McGrath stated Thank You, Thank You, to the Building Department any kind of comments.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anyone on the Commission comments or questions.

Don Willey stated yeah he has one question.

Chairman McGrath stated Mr. Willey.

Don Willey stated so a Mr. Merdes what you are saying is they, the final walk thru and so forth at this point is a not completed in terms of your tally report is that correct.

Mr. Merdes stated correct.

Don Willey stated were there deficiencies that or would you rather wait until we get the report.

Mr. Merdes stated there, there are some deficiencies that he would be asking to be addressed before recommending approval other deficiencies that he would probably be asking for a written commitment again due to some of the weather conditions, they may be impossible to achieve it at this time of the year or to try to achieve them would not produce a quality product a, so and a he does provide a, a report and he attaches it his regular Planning Commission Report so that he means, major/minor is somewhat subjective, they will be, they will be written down and you can review them and determine for yourself whether or not you think they are major or minor or want to vote to move forward or not.

Don Willey stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated anyone else on the Commission anything, anyone in the audience anything.

Chairman McGrath stated motion to table.

So moved Don Willey.

Second Tony Sandora.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Bull, Mayor Luks, Willey, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that is tabled, at least until the next meeting.

Mr. Goldberg stated Thank You optimistically.

Chairman McGrath stated Thank You very much.

### Sign Approval

**A & S Cycle**, 6027 Royalton Road, Town center District - 2. Signs Approval.

Chairman McGrath stated is the Applicant or their Representative here please.

Chairman McGrath stated again, step forward, state your name your home address, speak into the microphone and remember you are being recorded please.

Good Evening, Steve Marzella, 9634 York Road, North Royalton, Ohio.

Chairman McGrath stated Thank You and share with us what you will please.

Mr. Marzella stated he is seeking approval for two signs, one on the front of the building and one out in the front by the street, he believes that you all already have pictures they were submitted, Brenda told us we could put our signs up for one day to take some pictures so you could have some idea of what we were up against. Mr. Marzella stated he does know that there is a question as far as Joe Hartman's concern, at some kind of a distance which would be from the Subway Sign on Phil Heim's property to his sign of approximately he told us 20' that would put his sign in the middle of Main Street Grill and Pub Parking Lot, in their driveway but then the 20' that would be required between his sign and his brothers sign is only like 17 or 18'.

Chairman McGrath stated and your brother's sign is which sign.

Mr. Marzella stated Main Street Grill and Pub.

Chairman McGrath stated okay.

Mr. Marzella stated and you know that's kind of huge with all the concrete and the brick and all that work that meant that would have to be moved over, he does have two letters, one from Phil Heim owning the property on the left side Subway and the other one from his brother the

owner of Main Street saying that they have no problems with the signs in the position that it has been in from the Sign Shop and the Gun Shop before which the best we can figure is somewhere around 12 years it's been in that same spot, so and he does have a foliage plan, he had brought it back the day after he filed for his permit and Brenda was out of the office and Joe Hartman was the one who took care of me, he knows me from the restaurant and suggested instead of leaving it with him to just bring the foliage plan tonight.

Chairman McGrath stated Thank You and strictly as a matter of curiosity, A & S Cycle is bicycle or motorcycles.

Mr. Marzella stated motorcycles.

Mr. Marzella stated he is associated with a 5 Police Departments that he does service work for, he is associated with approximately 65 to 70 Blue Knights for, is Law Enforcement Motorcycle Endorsed Club, we are actually in the process of a negotiating with State Farm to become a authorized State Farm Collision Repair Center and you know he has been doing motorcycles approximately 32 years.

Chairman McGrath stated okay, Thank You.

Chairman McGrath stated your, your point is well taken that sign was there for donkey years as far as he can remember 12-15 years in that same location if you look it is the same post.

Mr. Marzella stated actually if you have the picture there the, the sign from the sign shop that, that is the sign shop sign we just lifted it up out of the brackets and re-lettered it, we removed the sign shop lettering and re-lettered it and put it back into the brackets.

Chairman McGrath stated Thank You.

Mr. Marzella stated and then as far as the one on the front of the building is concerned, the specifications and the size that a, Mr. Hartman gave me all that, we are under, he told me it was like 5'2 by 4'6 and we are only 3' by 4' on the one that would actually be on the front of the building.

Chairman McGrath stated Thank You, to the Building Department any further comment.

Mr. Alvarez stated yes Mr. Chairman, well taking both these separately, the wall sign on the building that is in compliance with the Zoning Code, so he really doesn't have a problem in that respect, the ground sign, he was hoping that we would at least have a site plan.

Mr. Marzella stated excuse me.

Mr. Alvarez stated at least have a site plan, at least look at the site plan at where this sign is, as a result of that Mr. Hartman did go out there and did some measurement.

Mr. Marzella stated right, it, it is actually, it is actually on the property like, like, Phil's property you know, between two buildings it would be like the white, right.

Mr. Alvarez stated okay.

Mr. Marzella stated the Subway Sign is on that, and if you were to look at it approximately 3 to 4 has been like a flower bed was built on the property that 6027 which is his address, it actually sits in front of the building.

Mr. Alvarez stated typically that is all fine and good but a everyone here likes to look at pictures and drawings you know in terms of a actual location but that's fine. Mr. Alvarez stated the other comment, Thanks to Brenda he briefly found out that there was a Board of Zoning Appeals back in 91 concerning the location and although those are existing poles that have been there for.

Mr. Marzella stated correct, they have been there from, all the way back to the Gun Shop from, from the history that he has acquired.

Mr. Alvarez stated that, that may eliminate a lot of problems going to the Zoning, Board of Zoning again because it's already been approved.

Mr. Marzella stated we have no lights, no flashing arrow or lights or anything like that, it's just a sign board, identical to what was originally there with Signs and Signs is what it is said from the past tenant.

Mr. Alvarez stated so if that Zoning Appeal was approved back in 91 that's still good and the area and height is in compliance with our Code so, that is basically all he has in regards to comments.

Chairman McGrath stated Thank You.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated yes please.

Tony Sandora stated Mr. Alvarez do you still want a site plan.

Mr. Alvarez stated he would still like to see a site plan.

Tony Sandora stated yeah to the Applicant what the Building Commissioner is requesting is not this a photo that you sent in, but a, a drawing, an actual drawing of the actual, where the sign is placed, how many feet from the road right of way, how many feet from the sideyard setback, how many feet from your building to that sign so that we have it on file in the Building Department.

Mr. Marzella stated no problem he can have it for you tomorrow, does he drop it off with Brenda.

Chairman McGrath stated that would be, that would be one way of handling it.

Tony Sandora stated Thank You.

Chairman McGrath stated Thank You.

Mr. Fashempour stated just for the record, there was a variance, February 25<sup>th</sup>, 1991, Erie Gun, 6027 Royalton Road, for a ground sign, approve a 20' side yard setback.

Chairman McGrath stated Thank you.

Mr. O'Donnell stated Mr. Chairman.

Chairman McGrath stated Mr. O'Donnell.

Mr. O'Donnell stated somebody correct him if he is wrong, a, is, the picture that he is holding here showing that sign, is that how you want this to look.

Mr. Marzella stated correct.

Mr. O'Donnell stated so the A & S Cycle portion of the sign is going to be about 3 or 4 feet off the ground.

Mr. Marzella stated it is approximately 3' from the ground to the bottom of the sign and to the top of the sign it is 5'.

Mr. O'Donnell stated okay, all right. Mr. O'Donnell stated his question is and his understanding of the Code is, depending on the size of the sign, it determines how high it can be off the ground.

Mr. Marzella stated it's in the exact placement that the previous two businesses had although.

Mr. O'Donnell stated he don't, for the, for the height of the sign.

Mr. Marzella stated it's actually lower than what the Subway Sign is, he is approximately a half of a foot lower than that sign.

Mr. O'Donnell stated no, no, no, you not, not understanding his issue, the, our Sign Code has a height limitation of 7' so the Subway Sign would go up to 7' and then has those various signs in-between. Mr. O'Donnell stated yours is a singular sign for your business only and he believes that our Code has a requirement as to how high it can be off the ground based on the size of the sign, it is certainly going to be within the 7', the question is, should it be 3' off the ground or does our Code require it only to be one foot off the ground because of the size.

Ms. Fashempour stated Mr. O'Donnell stated can she also state that they also received a variance back in 91 to include that the bottom of the sign would be 2' off the ground and the top of the sign would be approximately 6' off the ground.

Mr. O'Donnell stated okay, but he didn't know that so if that's the case then.

Mr. Marzella stated he means he can, he can drop.

Mr. O'Donnell stated then you have to lower it to the 2'.

Mr. Marzella stated he can lower it a foot without a problem.

Mr. O'Donnell stated right, well that's what he was getting at because, if there wasn't a variance on that issue then he thinks you would have to comply with the lowest, the, the bottom part of the sign being a certain height off the ground based on what our Code reads today, but because of the variance you, you could be a minimum 2' off the ground.

Mr. Marzella stated no there, there would be no problem lowering it, the tracks, like he said when he took the screws out, the sign slide out and when we put it back in, he put it in the same spot but there's more depth to the grooves on the post, we can lower the sign without a problem.

Mr. O'Donnell stated so, yeah.

Chairman McGrath stated Thank You.

Mr. Alvarez stated Mr. Chairman.

Chairman McGrath stated please.

Mr. Alvarez stated when you do bring the plans, you should show all that information, the dimensionality of the sign, the height above the ground and so forth so that you know we, know for a fact that's what is going out there.

Mr. Marzella stated okay.

Chairman McGrath stated and the Building Department can work with you to make sure that it's oriented as the variance indicated and as you want it to be and as they need it to be and when you put your heads together tomorrow morning or, or as soon as possible presuming that.

Mr. Marzella stated yeah, tomorrow afternoon he will drop everything off.

Chairman McGrath stated okay.

Mr. Marzella stated as far as the one on the front of the building, it's only to put that one back up then.

Chairman McGrath stated that's not an issue, well there will be a vote tonight to grant you approval contingent on all this stuff happening tomorrow.

Ms. Fashempour stated and you will have to get a permit for it, you will have to get a permit before you put it up.

Chairman McGrath stated and then you will have to get a permit and things like that.

Chairman McGrath stated yes, we can do all that contingent upon you coming into compliance tomorrow afternoon and doing that.

Mr. Marzella stated Thank You.

**Chairman McGrath stated you are welcome and we will take a vote in probably a minute, unless anyone has any questions, motions.**

Tony Sandora stated motion to approve.

Don Willey stated second.

Chairman McGrath stated with the understanding that those, that the conditions will be met by the end of the week.

Don Willey stated correct.

Tony Sandora stated correct.

Chairman McGrath stated moved and seconded, any further discussion, Secretary please call the roll. Roll call: Yeas: Five - Bull, Mayor Luks, Willey, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated Good Luck to you.

#### **Conditional Use Permit**

**Conditional Use Permit - Cingular Wireless, Applicant GPD Associates, Property Owner City of North Royalton**, 11355 West Sprague Road, PPN 481-07-026, Public Facility zoning. Cingular Wireless, GPD Associates is proposing to build a Telecommunications site consisting of a 190' monopole tower and a radio equipment shelter (unmanned) on the City of North Royalton Wastewater Treatment Plant B Property, Approval.

Ms. Fashempour stated the Conditional Use Permit of course has been removed from the a, Public Hearing Agenda and also the Regular Agenda.

#### **Site Plan Approval**

**Mount Royal Villa Care Center**, 13900 Bennett Road, Public Facility Zoning. Revised Site Plan Approval for Sidewalks and Driveway.

Chairman McGrath stated is the Applicant or their Representative here please.

Chairman McGrath stated and if you will step forward then, state your name, your home address, speak into the microphone and tell us what you will.

Good Evening Ellen Lang, 37378 Euclid Avenue, Willoughby, Ohio 44094.

Chairman McGrath stated and you are.

Ms. Lang stated the Administrator of the Facility. Ms. Lang stated what brings us here tonight is under Ohio Department of Health Guidelines, Life, Safety Code, they are requiring us to install hard surfaces on all fire exits, therefore we are requesting permission to install the driveway and two sidewalks off the three exits. Ms. Lang stated we have brought the blueprints tonight for your review which specify ADA compliance and the other questions that were put back to us so.

Chairman McGrath stated okay, Thank You.

Chairman McGrath stated we will hold on that for now until we see if there is any questions.

Ms. Lang stated okay.

Chairman McGrath stated to the Engineer or the Building Department, which ever chooses to go first.

Mr. Alvarez stated he has no comment.

Chairman McGrath stated no comment from Building, Engineering any comment.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated the, if you get approval for this, you need to still get a permit and at that point they will want to see, you say, you have ADA compliance plans.

Ms. Lang stated correct.

Mr. Merdes stated okay. Mr. Merdes stated he did want to ask for clarification about a notation shown on the drawing, the words installation considered Spring of 06, can you explain what considered means.

Ms. Lang stated that is.

Chairman McGrath stated no, your turn, name, home address, speak into the microphone, tell us your relationship to the project please.

John Clark, Maintenance Director, Mount Royal Villa, address is 1771 Rolling Hills Drive, Twinsburg, Ohio 44087. Mr. Clark stated what he has here is the prints showing the compliance with the ADA compliance, the Spring of 06 statement was something that was put in by the Contractor in case we ended up having a problem with the freezing of the surface and we couldn't get the concrete poured before the freeze, the intention is that once it is approved as long as we have weather similar to what we are having right now, he is going to get it poured immediately.

Chairman McGrath stated Thank You.

Chairman McGrath stated and not later than.

Mr. Clark stated not later, the latest it will be installed would be Spring of 06.

Chairman McGrath stated Thank You.

Mr. Merdes stated it's actually work that's going to be done and work that you are asking for approval of.

Mr. Clark stated right, as soon as it's approved we are going to try and get it done right away.

Mr. Merdes stated Thank You.

Mr. Merdes stated and he just mentioned that, the work that's going to be performed is going to need to comply with our Chapter 1488 of our Codified Ordinances called Controlling Construction Site Soil Erosion and Sediment and other Wastes and Stormwater Runoff.

Mr. Clark stated this will be complied with the Contractor.

Mr. Merdes stated Thank You.

Mr. Merdes stated Thank You Mr. Chairman.

**Chairman McGrath stated anyone on the Commission, questions, comments, anyone in the audience questions, issues, motions.**

**Don Willey stated move to approve.**

**Tony Sandora stated second.**

**Chairman McGrath stated moved and seconded, any further discussion, Secretary please call the roll.**

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

Chairman McGrath stated that Site Plan Approval has been granted, Good Luck to you.

Mr. Clark stated okay, Thank You very much.

Ms. Fashempour stated why don't you pull me out three of those for right now, yeah, and hang on to the other ones because you will need to fill out a building permit and you will have to attached those to those.

Ms. Fashempour stated she has, she has the permit, when you bring those in, we will attached that to it and run it through the process, but give me three of those for tonight, and then stop in tomorrow, okay.

Mr. Clark stated okay.

Chairman McGrath stated Thank You and Good Night now.

Ms. Fashempour stated Thanks, don't forget she needs those before you leave.

Mr. Clark stated no, he is going to do it right now.

#### **Subdivision/Group Development**

Harry Hayes, Timberlane Farms, **Timberlane Estates No. 5**, R1-A Zoning. Revised Sketch Plan Approval.

Chairman McGrath stated Mr. Hayes, if you would step forward please and share with us what you will.

Harry Hayes, excuse me, Harry Hayes, President of Timberlane Farms, 9650 Boston Road. Mr. Hayes stated we have revised our Sketch Plan for Phase 5, we started on this probably a year and half ago or better and we have

been with the Corps for almost a year he guessed and talking to them it's, we are number 12 and they expect two months before they will back with some kind of a written report on our wetland which then we can go ahead with the rest of plan, so we revised this, the main thing the roadway going through Phase 5 will go closer the dam and at the edge of the dam to try and minimize the affect on the outlet or outflow from the detention basin in Phase 2, the a, all of the lots are the same, roughly there are 27 lots in there the same as other plan was, he has resubmitted a contour plan which we overlooked he guessed last time, we should have submitted it before and it does have the sidewalks on it as requested and a turnaround, temporary turnaround.

Chairman McGrath stated Thank You, to the Engineering Department comments please.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated in regards to the sidewalks, at the intersections, probably additional curb ramps are going to be required.

Mr. Hayes stated pardon.

Mr. Merdes stated you are probably going to be required to have additional curb ramps at the intersections, each intersecting street you show two curb ramps, you will need them opposite the intersection, you need four, he just wants that noted.

Mr. Hayes stated okay, okay.

Mr. Merdes stated as you move forward, the Stormwater Easement that's shown and will that, will that be he guessed the right of way now and that stormwater easement occupies the same area.

Mr. Hayes sated that is right, that is owned by Timberlane Farms, it's an easement from Timberlane Farms and we would intend to when we get the road by, transfer it over to the Homeowners Association and you would have access from the existing road to the stormwater detention basin for maintenance and such.

Mr. Merdes stated so the actual stormwater easement will yield then to the new right of way when it's created.

Mr. Hayes stated that is correct, that is correct.

Mr. Merdes stated Thank You.

Mr. Merdes stated then the rest is just, as you, as you move forward that a he thinks that all these lots conform to the requirements, it, it's a sketch a.

Mr. Hayes stated it's, that's correct.

Mr. Merdes stated as you have it, it's fine, he, they just in the next phase they will have to all be dimensioned.

Mr. Hayes stated Erick says they do, he doesn't know the computer says it but he doesn't know just how much he checked but we will, we have variance there that we can, they will conform on the preliminary plans or whatever.

Mr. Merdes stated Thank You.

Mr. Merdes stated and he is making an assumption that that this phase is going to be developed with regards to the sanitary sewer crossing the ravine in an earth embankment similar to how it happen in Phase Four, he knows that in Phase Four it was, it was changeling environmentally and and engineering wise to get that accomplished and it appears that, that's the plan right now and until you know more information, we are not going to know if that's the case.

Mr. Hayes stated we will know for sure, no, but he thinks it's all right and it also is further across, it was awful tight on Phase 4 and hard to build being further it will take a lot more dirt but it will be easier to build and construct and he doesn't see a problem, this ravine has a lot more area to it at the bottom and should be way more ample and then four does for anything we need.

Mr. Merdes stated those are the comments that he has on this plan.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone on the Commission any questions.

Chairman McGrath stated anyone in the audience, questions or comments.

Chairman McGrath stated Mrs. Uffman-Kirsch please.

Thank You Mr. Chairman, Councilwoman Uffman-Kirsch, she just has a question please, on the proposed detention basin area for Phase 5, it's looking to her uneducated eyes like that is actually in the waterway channel, the actual basin area is, she guessed she is addressing this to the Engineer, is that, is that basin in the actual.

Mr. Hayes stated in the stream bank.

Mrs. Uffman-Kirsch stated in the stream bank, so the basin is the actual bed of the stream.

Mr. Hayes stated yes, in fact there is very little water in the, very little water as a stream because it's just the back runoff from the lots, there is no, it's all cut off up here from Phase 4 so there is, the stream is just down here but it is a wide bottom of a wide stream, intermittent stream, he doesn't know, it's what, it is tagged, as far as we know at this time.

Mrs. Uffman-Kirsch stated she guessed her question would be to the Engineer Mr. Chairman, is that acceptable to have a detention basin with the actual perimeter of the basin itself, the boundaries of the basin itself to be in a stream channel, she is thinking about control, outflow control of that, is that an issue or is that allowed.

Mr. Merdes stated he believes at this point in the process it's allowed to be proposed.

Mrs. Uffman-Kirsch stated proposed okay.

Mr. Merdes stated and it's similar to how a previous phase was, was done.

Mrs. Uffman-Kirsch stated all right.

Mr. Merdes stated there were difficulties in doing it and there may be difficulties again in, in accomplishing it but he doesn't know that that's there is anything that prohibits it from it being proposed at sketch plan.

Mrs. Uffman-Kirsch stated at Sketch Plan.

Mr. Merdes stated at Sketch Plan.

Mrs. Uffman-Kirsch stated all right, Thank You.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willey stated he, he thinks there is a precedent for that Mrs. Kirsch if a over in Southampton and, and Sherwood, those two developments there, there is still existing intermitter, intermediary or a intermittent streams that are running into retention, retention areas, you know coming off the woods and so forth with heavy rains and so on so just for your information.

Mrs. Uffman-Kirsch stated all right Thank You.

Don Willey stated Thanks.

Chairman McGrath stated Thank You.

Chairman McGrath stated any further comment anyone, question to the Engineer then, is there any reason that we could not grant, Sketch Plan Approval this evening based on the conversations that have taken place with the Applicant.

Mr. Merdes stated he believe everything we need to discuss has been discussed for a, Revising the Sketch Plan.

Chairman McGrath stated to this point.

Mr. Merdes stated correct.

Chairman McGrath stated Thank You.

**Chairman McGrath stated that being the case, is there a motion to grant Revised Sketch Plan Approval.**

**So moved Don Willey.**

**Second Tony Sandora.**

**Chairman McGrath stated moved and second to grant Revised Sketch Plan Approval for Timberlane Estates No. 5, any further discussion.**

**Chairman McGrath stated will the Secretary please call the roll.**

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

Chairman McGrath stated that approval is granted, Good Luck to you, Thank You, Sir.

Mr. Hayes stated Thank You.

Ms. Fashempour stated at this particular point she is going to ask the Commission if they want to look at the Recreation Allocation for Abbeyville Townhouses and the Preliminary Plan at the same time, if so, she will read them both and then when we get to that point we will just have to separate them out for motions if you so choose, if that's all right with the Board.

**Recreation Allocation - Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish**, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b) although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses - Approval.

**Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish**, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning. Preliminary Plan Approval for 38 Townhouses.

Chairman McGrath stated is the Applicant or their Representative here please.

Good Evening, Laurie Pribish, 1425 Center Road, Hinckley, Ohio 44233, for Hinckley Ridge Ltd. Ms. Pribish stated we are here tonight asking, or in regards to Preliminary Plan Approval for a 38 unit townhouse subdivision, off of Abbey Road, just south of the Worthington site, on the east side of the road, it is RM-D Zoning and the parcel is 4.8 acres. Ms. Pribish stated she has received comments from Mr. Merdes in regards to additional information that he is going to be needing from us and a we will address those comments, Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineering Department please, you have additional comments to share.

Mr. Merdes stated well, the Applicant stated that the comments would be addressed, perhaps he would just like to run down what he has in the report and, and touch upon maybe something where he still has a question or two. Mr. Merdes stated there is, he did have a request that we needed the yard regulation information shown for the multifamily dwellings and as part of that he asked for some type of explanation about the development being only on one side of the, of the roadway.

Ms. Pribish stated ah yes, we have spoken with the neighbors there and they would like to stay there and live out there, the rest of their years and a, so the width of the lot and your side yard requirements only allows for units to be on one side, it is a private drive, so the City would incur no maintenance issues because of that, it would be maintained by the Homeowners Association.

Mr. Merdes stated a, is it impossible then to have units on both sides of the drive.

Ms. Pribish stated until you, yes, until you get back so far, because of your, you know, you have to have, you have to be 30' off the private drive and then your rear yard requirements because of the size of the building.

Mr. Merdes stated well, he means, the Code is somewhat, he means, it mentions that it, it wants to encourage flexibility and design and attract an arrangement of buildings, utilization of open spaces.

Ms. Pribish stated would you have some other suggestion, she means they would be open to you know.

Mr. Merdes stated well.

Ms. Pribish stated we were just trying to meet your Code requirements, try to stay within and see there, there not, like your saying for building arrangement we were trying to start with something that, you know actually meet all of the Code requirements.

Mr. Merdes stated well there is probably a multitude of arrangements that meet the requirement, he means in most, this is probably the most, the most, the one that meets the requirement and he doesn't know because all of the, all of the information isn't here but it certainly appears to get a lot of units in, in this arrangement with all of the, all of the structures lined up as you go right down the access of the, of the roadway, he would have to imagine there is all kinds of different arrangements that could be done.

Mr. Pribish stated because of the, because of the width of the property it, you know it limits you now if we can get closer to the, are you saying that you would prefer to see a different arrangement and maybe have different setback requirements and rear yard requirements.

Ms. Pribish stated she means, you know if you put the road right down the middle you are not going to meet your required, your setback requirements, where if you try to curve the road in and out, you may not, you know you are not going to meet the setback requirements from your rear and your side, you know your front and your side, your backyards.

Mr. Merdes stated how were you going to address the, the utilities that are going to be public in the development, you are going to, at a minimum have a public water, public sanitary.

Ms. Pribish stated well, correct, electric, gas.

Mr. Merdes stated but as far as the ones that are public, how is, what are you proposing for, for access to those public parts of the development.

Ms. Pribish stated she is not exactly sure of your question. Ms. Pribish stated how would we, how would we give the Utility Companies access.

Mr. Merdes stated well, them, them also but, to begin with there will be a public water line, there will be a public sanitary sewer.

Ms. Pribish stated correct.

Mr. Merdes stated how is, how are you proposing that access is granted to these public utilities.

Mayor Luks stated for repairs.

Mr. Merdes stated right.

Ms. Pribish stated wouldn't it be through easements the same as it would be if it was a dedicated road.

Mr. Merdes stated it could be with easements.

Ms. Pribish stated okay, is that something you would like us to address.

Mr. Merdes stated he thinks they need to be shown.

Ms. Pribish stated okay, they are not shown on there, the sewer and the water.

Mr. Merdes stated well the utilities are shown, the easement are not shown.

Ms. Pribish stated easements, okay, gotcha, okay.

Mr. Merdes stated except where the utilities seem to leave the site.

Ms. Pribish stated okay.

Mr. Merdes stated and then we get into a situation where the sanitary sewer leaves the site and he, he don't, he then sees an offsite easement, he doesn't see, he doesn't see an access provided.

Ms. Pribish stated okay.

Mr. Merdes stated with that, that's going to need to be addressed.

Ms. Pribish stated okay.

Mr. Merdes stated sidewalks.

Ms. Pribish stated the, yes.

Mr. Merdes stated it's a question.

Ms. Pribish stated she believes you would, you would prefer to see sidewalks would you not, she means if we are required to put sidewalks in.

Mr. Merdes stated he believes that they are required.

Ms. Pribish stated yes, okay.

Mr. Merdes stated but they are required on both sides of the roadway and now we have a roadway that's tucked up against a property on just something that needs to be addressed.

Mr. Merdes stated you didn't meet Abbey Road at a 90 degree intersection, he is not quite sure why we are angling away from a 90 degree intersection with Abbey Road.

Ms. Pribish stated a, she thinks it was to get the apron in, are you talking, is that where you are talking at the intersection.

Mr. Merdes stated the radius.

Ms. Pribish stated correct.

Mr. Merdes stated once you meet the right of way that intersection can be built inside the right of way.

Ms. Pribish stated oh, okay.

Mr. Merdes stated you don't need to keep the a, a private drive intersection on, on the projection of the property.

Ms. Pribish stated okay.

Mr. Merdes stated but we do get now another intersection on Abbey Road in the vicinity where we, we have Woodridge, we have this proposal, we have Worthington down a little farther, a little farther than that another subdivision, he doesn't know the distance but all of the sudden there's, there's about to be a number of intersecting streets, from the east, from the west, none of them actually aligned with each other.

Ms. Pribish stated okay, are you looking for a traffic study, she noticed that was one of your comments.

Mr. Merdes stated yes.

Ms. Pribish stated okay, that should address some of those issues.

Mr. Merdes stated and going back to the utilities, there's, there's a requirement that we need to see the layout of, of, he thinks there are two typical units.

Ms. Pribish stated correct.

Mr. Merdes stated there, he, they are two stories.

Ms. Pribish stated correct.

Mr. Merdes stated without basements.

Ms. Pribish stated no with basements, she understands you would probably, are you probably going to want to see actual plans, drawings.

Mr. Merdes stated he thinks there is a requirement about it, seeing the layout of the, of the dwelling unit or something.

Ms. Pribish stated okay, okay.

Mr. Merdes stated a, now he has a larger concern if those units actually have basements with the, the stormwater.

Ms. Pribish stated she means, that's not set in stone, were, you know, if basements aren't feasible but we would prefer to put you know to put them on basements.

Mr. Merdes stated uh um.

Mr. Merdes stated he would like to see a lot more information about the a, proposed stormwater system.

Ms. Pribish stated okay.

Mr. Merdes stated as to, because he has, he has a question whether or not it will work and ultimately it's, it works and ultimately it, it's how and this plan shown tying in to a storm sewer that's just been built in Worthington and where this connects he doesn't believe that storm sewer, it's not where this drainage water would have entered that storm system, so whether or not there's much extra capacity in that storm sewer to accept this drainage area in a, you know, in a subdivision that a majority of those homes are built with sump pumps there's, there's been difficulty, it's been a difficult design and build stormwater wise, eight next store and certainly it would, there would be careful consideration as to introducing stormwater into that system where it wasn't designed to see that stormwater.

Ms. Pribish stated right, oh, she under, she understands, we have lots of engineering yet to do and, and like she said we are, you know, we are not opposed to not putting them on basements if that's a better fit or you know a better product, something that's not going to cause problems.

Mr. Merdes stated right, he, he, he doesn't believe that you would want to build a, all these units with, with basements that, that you know.

Chairman McGrath stated excuse me, feel free to grab a chair if that helps you.

Ms. Pribish stated oh, okay, she is just creaking and cracking up here.

Chairman McGrath stated just take the mic, just take the mic, take the mic and walk over to the chair that will work.

Chairman McGrath stated we have the opposite problem, we sitting here, sitting here for the last couple hours so.

Ms. Pribish stated yeah, she means she understands that we have a lot of issues still to address so.

Mr. Merdes stated there is a statement on the plan that there are no wetlands, we will need more than just a statement.

Ms. Pribish stated correct.

Mr. Merdes stated to that affect.

Ms. Pribish stated we have had our Consultant out and he has looked at it, um, would you, she means are you asking for something specific like, like a letter from the Corps saying that.

Mr. Merdes stated that would be great.

Ms. Pribish stated verify location, okay.

Mr. Merdes stated sure.

Mr. Merdes stated how about ADA compliance with these units, have you reviewed what, what's required when those requirements come in as, when you are putting dwelling units together in one structure, have you had a discussion or a review of, of that part of the requirements.

Ms. Pribish stated she has not but she, we will definitely address that comment also.

Mr. Merdes stated because that may affect, he means we go back to affecting the higher layout of, of what you are proposing.

Ms. Pribish stated okay, as far as like what in particular is there something in particular you are.

Mr. Merdes stated he believes in this type of development and he is not that familiar with the regulations but he thinks there is a threshold about the number of dwellings in a structure and once you pass it may be three, then there are different regulations, there are different things that are required then when you have only like a two fam, a two or three unit structure.

Ms. Pribish stated what type of things, she means, she can research it but she just, you know right off top of your head.

Mr. Alvarez stated if he may add.

Don Willey stated Mr., oh.

Mr. Merdes stated oh yeah, please.

Chairman McGrath stated please.

Mr. Alvarez stated in the Building Code the, the State of Ohio basically says, you treat them as residential, one, two or three family units, you have here five in one building, so we treat it as a commercial even though these are residential units, they are considered commercial and go under the Commercial Code.

Ms. Pribish stated okay.

Mr. Alvarez stated and once that occurs, there are stipulations regarding ADA compliance and height and area requirements and so forth.

Ms. Pribish stated okay.

Mr. Alvarez stated you, your looking at a different Building Code per say rather than a Single Residential Code that we use for one, two and three family.

Ms. Pribish stated okay.

Mr. Alvarez stated so the, the degree of difficulty if you want to use it as that word.

Ms. Pribish stated it's worse.

Mr. Alvarez stated you need a design professional to come up with these plans rather than someone that, that a builder that can come up with a plan.

Ms. Pribish stated right, she understands, okay.

Mr. Alvarez stated so you do have a whole lot of, a lot of information that has to, those are the Building Codes, that's fine.

Mr. Pribish stated right, okay, okay.

Don Willey stated Mr. Chairman.

Don Willey stated are these all going to be separate units, fee simple, are you going to sell these.

Ms. Pribish stated yes, yes, these are, these are four sale units there that.

Don Willey stated he would assume then Mr. Building Commissioner that a if they are separate as clusters or condominiums and so forth that the multi-family would not apply to that regarding ADA, if he understands it correctly, it is for 3 and 4 multi units within one enclosure and then, then there is a legal requirement for ADA for that there is non-discrimination involved in leasing or renting them, but if these are fee simple whether they were divided by a simple fire wall or 25' he would think that they, they still become a single family dwellings.

Chairman McGrath stated he will ask the Building Department and or the Engineering Department to response to that to.

Mr. Alvarez stated okay a, what he has to do is actually look at the plan.

Ms. Pribish stated okay.

Mr. Alvarez stated okay, rather than giving you some example of a some way of looking at what you want to do at this point.

Ms. Pribish stated right.

Mr. Alvarez stated he would rather look at the plan, see if, for example what Don Willey is referring to is, you have a rated wall between each unit, from the basement all the way up through the roof.

Ms. Pribish stated right.

Mr. Alvarez stated and one might, one might be a fire separation wall.

Ms. Pribish stated right.

Mr. Alvarez stated or it could be a, a fire wall instead of a fire separation wall so the big difference is in the Building Code so, granted when you, when you design these thing there is a lot of flexibility in what you can and can't do it all depends on how your designer is going to come up with, how he meets the height and area and if indeed he is going to call this a townhouse and we want to see everything that looks like a townhouse.

Ms. Pribish stated right.

Mr. Alvarez stated so each unit is rated separately, and you basically have got a property line right at that wall.

Ms. Pribish stated correct, that is our intention, there not, they are not apartments, there not, you know, inaudible.

Mr. Alvarez stated but then again, will, again, it doesn't have to be townhouses and still be together like so.

Ms. Pribish stated right.

Mr. Alvarez stated you have to tell us when you submit the plans.

Ms. Pribish stated okay, so if they are townhouses then we would not have the commercial ADA compliances requirements.

Mr. Alvarez stated it again, he doesn't want to get into that too much because it all depends, he has several opinions on that same.

Ms. Pribish stated once you get more information then you.

Mr. Alvarez stated exactly.

Ms. Pribish stated okay.

Mr. Alvarez stated because he has some rabid individuals that a, they don't care what you have here, it's going to be ADA regardless.

Ms. Pribish stated okay.

Mr. Alvarez stated and he gets several opinions from the State and even from the Feds at times and depending on who he talks to he might get a different opinion so he has to really look at your plan.

Ms. Pribish stated yeah, that's, okay.

Mr. Alvarez stated to give you that answer.

Ms. Pribish stated okay.

Chairman McGrath stated Thank You.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated Ms. Pribish, are you going to develop the land only or are you going to build these townhouses or whatever they come yourself.

Ms. Pribish stated well right now our intentions are to build them ourselves, a, we, we will see as long as you know everything goes okay, laughs.

Tony Sandora stated okay, his other question is this Guzik property here, that's next to your, he missed it, he was talking when you talked about them, the property in the front there, did you say that, that they, evidentially you must have brought the property from them.

Ms. Pribish stated the Zlatic's, the property that we are talking about, we have, we have a contract to purchase it.

Tony Sandora stated no the family a.

Ms. Pribish stated the 2 acres next to it.

Tony Sandora stated yeah.

Ms. Pribish stated yeah, we have approached them about trying, you know if they were interested in selling at this point and they would like to live out there, they, they are a, adamant about not wanting to sell.

Tony Sandora stated so you have no option on that property, you have nothing.

Ms. Pribish stated no.

Tony Sandora stated you have got anything.

Ms. Pribish stated no, no, they, she, she.

Tony Sandora stated because personally he would like to see this road line up with Woodridge.

Ms. Pribish stated she is sorry.

Tony Sandora stated you know if that was, if it was possible, he would like to see that road lined up with Woodridge if you, if you had the you know the potential of, of purchasing this property.

Ms. Pribish stated oh.

Tony Sandora stated and you know maybe swinging the road differently, to make a different design and a so forth and so on in there that might eliminate some problems.

Ms. Pribish stated right, she means we did approach them and they were, you know they are a elderly couple and they you know didn't want to hear anything about it.

Tony Sandora stated uh um, but you never know what can happen, you know.

Ms. Pribish stated well that's what we told them, you know, we told them that definitely you know, let us know if they were interested.

Tony Sandora stated and you know also the ARB has suggested that these front, the front line of these buildings be staggered and the rear yard flexible on this so.

Ms. Pribish stated well were willing to, more than willing to do.

Tony Sandora stated well we are trying to, you know, we are trying to see how we can fit something like this in there and still be attractive and accommodating and everything so a it's going to be a lot of work, this private drive that's going to be coming, put in there Clark.

Mr. Merdes stated yes.

Tony Sandora stated this road still will be built just like any other road in the City right.

Mr. Merdes stated it's required to be built to City Standards.

Tony Sandora stated okay.

Ms. Pribish stated right.

Tony Sandora stated for the record.

Don Willey stated a, a, a, Clark.

Mr. Merdes stated yes.

Don Willy stated excuse me, when you say City Standards do you mean the street, for instance it would be a conforming serviceable street if, if the, but it would not be dedicated correct.

Mr. Merdes stated correct.

Don Willey stated okay.

Mr. Merdes stated except for the dedication it would it would be built to the same standards as if it was going to be dedicated.

Don Willey stated okay Thanks.

Mr. Merdes stated and from what you are looking at on this plan, he believes the width is a, the cul-de-sac is not a and there is no sidewalks shown.

Tony Sandora stated right.

Mr. Merdes stated there is no depth, it actually has a typical section, it doesn't give a depth of the pavement but, it's, it doesn't appear to far away from, from our standard but it needs a little more information.

Tony Sandora stated it needs a little more work on it.

Mr. Merdes stated and the cul-de-sac needs to be correctly sized.

Tony Sandora stated that is all he has Mr. Chairman.

Chairman McGrath stated Thank You, to Ms. Pribish, to re-emphasize on Mr. Sandora say, the Fire Department continues to emphasize the interconnectably of streets and if there is some way that this can be brought together so that this will connect with other potentially contiguous streets, it would make everyone within the Safety Forces and the Service Department happy campers.

Ms. Pribish stated right, we will continue to try and work with the neighbor, you know, hopefully, you know you never know they change their mind.

Chairman McGrath stated right, we appreciate that. Chairman McGrath stated anyone else on the Commission anything.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated she, she, she wants to offer just her opinion her a little, a, it's her opinion looking at this layout that and, and reading the Code that this layout doesn't meet, the intent of the Code, it was, the Code sections are cited in in Clarks Report which she is sure you have a copy of but she personally would would like to see some, something more creative and, and something that lends itself more toward privacy between the buildings or between the, attached units so that they have some sort of private entryways and, and she would like to see landscaping something other than a bunch of buildings straight in a row, a, that's, that's just, that's her feeling and her opinion and, and she too, she has difficulty with units on one side of road that even though it is a private drive, she just hates to see that happen, to her it isn't good planning, so that, for what it's worth those are her, those are her initial thoughts, she is hoping you are going to come back with something more creative.

Ms. Pribish stated she is getting from you that there will be more flexibility on your front and rear yard side, you would rather see something more creative and be a little flexible on your yard requirements.

Mayor Luks stated the Code encourages some flexibility for that purpose and, and she would say within reason.

Ms. Pribish stated okay, well right, she means she wouldn't want to, you know.

Mayor Luks stated right.

Ms. Pribish stated on top of each other either but.

Mayor Luks stated yeah, we just.

Ms. Pribish stated we just were trying to work with a plan and meet your, you know meet all of the requirements as a start.

Mayor Luks stated she understands but sometimes maybe you don't have enough land to do the project if, if it's going to be, she thinks you are selling it short.

Ms. Pribish stated well we considered doing an apartment, you know just a small apartment complex on the back which wouldn't, would eliminate the rows of housing but she means, we felt that the neighborhood having the condominiums and the single family homes on the other side and the people from the condominiums have expressed interest, they have asked if there was going to be, she means we feel there is a demand for this product, it will be a for sale product as opposed to a rental product, felt that the City would be more apt to want to see something like that then opposed to a for rent apartment type of facility back there.

Mayor Luks stated understood, she just, the layout needs to improve.

Chairman McGrath stated is there anyone in the.

Mayor Luks stated that's her opinion.

Chairman McGrath stated he is sorry.

Mayor Luks stated that's okay, go ahead.

Chairman McGrath stated is there anyone in the audience wishing to be heard on anything relative to this proposal.

Chairman McGrath stated no one indicating that desire, anyone else on the Commission wishing to be heard.

Chairman McGrath stated his thought is we can do one of two things, we can consider, we can consider the rec allocation at this time or we can defer the entire project until they come back with a more complete and with a proposal that addresses the points that have been discussed this evening.

Chairman McGrath stated anyone on the Commission have a preference.

Tony Sandora stated feel that should probably be done.

**Chairman McGrath stated Thank You, therefore is there a motion to table both the Recreation Allocation and Preliminary Plan Approval.**

**Tony Sandora stated motion to table both the Recreation Allocation and the Sketch Plan Approval.**

**Victor Bull stated second.**

**Tony Sandora stated and the Preliminary Plan Approval.**

**Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.**

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

Chairman McGrath stated tabled, Good Luck to you.

Ms. Pribish stated Thank You.

Chairman McGrath stated Thank You for working with us.

**Ms. Fashempour stated may she get a ninety day time extension on the two.**

**Chairman McGrath stated yes, is there a motion to extend, grant ninety day extension.**

**So moved Tony Sandora.**

**Don Willey stated second.**

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Ms. Fashempour stated that's on both.

Roll call: Yeas: Five - Mayor Luks.

Mayor Luks stated she is sorry.

Chairman McGrath stated ninety day extension.

Roll call: Five - Mayor Luks, Willey, Sandora, Bull, Chairman McGrath.  
Nays: None. Motion carried.

Chairman McGrath stated extension is granted.

#### Utility Plan Approval

**Utilities Construction, MCI**, 12300 Ridge Road, Building approximately 70' of new conduit (1 ½") in sidewalk area for MCI - Approval.

Chairman McGrath stated is the Applicant or their Representative here please.

Good Evening, Rick Colello.

Chairman McGrath sated state your name, your home address, speak into the microphone and share with us what you will.

Rick Collelo, 6590 Doneden, Solon, Ohio 44139.

Chairman McGrath stated Thank You.

Mr. Collelo stated he is representing Utilities Construction, seeking approval to build new conduit into MCI's manholes for additional fiber optics for MCI within the right of way.

Chairman McGrath stated to the Engineering Department any comments.

Mr. Merdes stated he had a couple comments, did you get my report.

Mr. Collelo stated yes, he thought.

Mr. Merdes stated did you have any questions.

Mr. Collello stated your's was, he thought yours was approved a, there wasn't any comments on yours.

Mr. Merdes stated no, he had mention that after, after this Board takes action if it's a approved, you need to get a permit.

Mr. Collelo stated correct.

Mr. Merdes stated perform all work in accordance with the City Ordinances, contact the Engineering Department 72 hours or three working days prior to commencing, we will have inspection of the work being done inside our right of way and that is buildable to the Applicant or the Owner for reimbursements and any areas disturbed are required to be restored.

Mr. Collelo stated yes.

Mr. Merdes stated okay.

Chairman McGrath stated good.

Mr. Merdes stated Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated Building Department any comment.

MR. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated motions.

Tony Sandora stated Mr., a Chairman, he does have one question.

Chairman McGrath stated Mr. Sandora, yes please.

Tony Sandora stated a, there going to be only on the one side of Ridge Road Clark.

Mr. Collelo stated no.

Tony Sandora stated you are going from the east side of Ridge Road to the West side of Ridge Road.

Mr. Collelo stated no, we are going to be we have a little trench of 54' on the east side, bore from a manhole to a utility pole.

Tony Sandora stated so everything is on the east side of Ridge Road.

Mr. Collelo stated then we have a little he thinks it's a 12' open cut in the grass area on the west side right at MCI's driveway, which is off the road completely.

Tony Sandora stated where.

Chairman McGrath stated on the west side of Ridge.

Tony Sandora stated on the west side of the street.

Mr. Merdes stated two, two separate excavations.

Mr. Collelo stated tight, correct.

Tony Sandora stated all right, so how are we getting from the east side to the west side.

Mr. Collelo stated not.

Mr. Merdes stated they are not connected.

Tony Sandora stated there not, okay that was his only question.

Mr. Collelo stated that the first route into the building.

Tony Sandora stated because looking on the, looking on this drawing wherever it was, he was, seeing it going from the east to the west, he could have been wrong, yeah.

Mr. Collelo stated well the, he should explain himself, that conduit that MCI that's on there, that's existing, but we are just pulling the cable through there.

Tony Sandora stated okay so there's no, there's no boring, there's no drilling you are just pulling it through.

Mr. Collelo stated correct no.

Tony Sandora stated the conduit.

Mr. Collelo stated correct, correct.

Tony Sandora stated okay, that's all he has, Thank You.

**Chairman McGrath stated Thank You, any further discussion, motions.**

**Don Willey stated motion to approve.**

**Tony Sandora stated second.**

**Chairman McGrath stated moved and seconded, per the discussion, Secretary please call the roll.**

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

Chairman McGrath stated that request has been approved.

**Ms. Fashempour stated she has an add-on if you so choose, she needs a motion to add Columbia Gas of Ohio, for Worthington Way and Worthington Way and Abbey Road.**

So moved Tony Sandora.

Second Don Willey.

**Chairman McGrath stated moved and seconded, to add Columbia Gas, Secretary please call the roll.**

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

Chairman McGrath stated that has been added is the Applicant or the Representative here.

**Columbia Gas of Ohio - request revision to revised plan for utility installation for Worthington Way and Worthington Way and Abbey Road.**

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated Mr. Merdes please.

Mr. Merdes Stated Thank You.

Mr. Merdes stated the, this is actually a revision to a, an approval that was granted last month, on that approval we a, we were looking at a gas, a new gas line installation, they had chosen the same side of the pavement as the new water line, which is not usual, once this was discovered they resubmitted this application to, if not a majority, if not all the majority of their installation will now be opposite the water line installation, they also, the second one is somewhat of a field modification their, their, the field crew felt that this proposal is is more workable then what there office had submitted and asked for approval previously so this is, is the same, he believes it is the same work just in a different way and a, it's coming from their field crew forwarding it back to the office and, and asking for this approval.

Chairman McGrath stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated and your recommendation.

Mr. Merdes stated approval of both.

Chairman McGrath stated Building Department anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anyone on the panel anything.

**Mayor Luks stated move to approve Mr. Chairman.**

**Don Willey stated second.**

**Chairman McGrath stated moved and seconded, any further discussion, Secretary please call the roll.**

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

#### **Miscellaneous**

Chairman McGrath stated Miscellaneous, anything further.

Ms. Fashempour stated she has nothing.

Chairman McGrath stated gentleman in the back, is there a question.

Chairman McGrath stated step forward, state your name, your home address, speak into the microphone please.

My name is Ed Block, he is an Engineer with **GPD Associates**, the address is 520 South Main Street, Suite 2531, Akron, Ohio. **Mr. Block stated he was informed of Cingular, he is here for Cingular** Wireless and he was informed through Jim MacInturff who is the Real Estate Agent, that Cathy had called him later this afternoon and had indicated that there was a, her suggestion was that we probably, withdraw the request, he did not indicate to him that it was actually to be withdrawn so he came to the

meeting mainly he guessed to find out first of all whether he can get a feel for why this is being withdrawn and whether we have some means, he knows that there is a variance that needs to be addressed and he can certainly answer some other questions, but he guessed he just wanted to get a little feel for that if possible, okay.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated so that we can, so that we can answer you procedurally, it has been removed from the Agenda, it was announced prior to, prior to the beginning of the meeting and again at the beginning of the meeting that it would be removed from the Agenda and there would be no discussion, the Mayor and the Law Director are perfectly willing to discuss with you after the meeting if you would like, follow up to her conservation unless you have something you wanted to add now Mayor.

Mayor Luks stated no, we can discuss it.

Chairman McGrath stated but and Thank You very much and we appreciate your patience.

Chairman McGrath stated any further business.

Ms. Fashempour stated she has nothing else.

#### **Adjournment**

**Chairman McGrath stated motion to adjourn.**

**Don Willey stated second.**

**Chairman McGrath stated moved and second, Secretary please call he roll.**

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

Chairman McGrath stated meeting is adjourned.

**Planning Commission Meeting for Wednesday, January 4, 2006 adjourned at 8:55 P.M.**

**Approved: Edward McGrath - Chairman**

**Attest : Brenda L. Fashempour - Secretary**

**Date : January 18, 2006**