

Chairman McGrath stated it being at least 7:30, we will call the January 18th, meeting of the North Royalton Planning Commission to order.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, January 18, 2006** in regular session. The meeting was called to order by **Chairman Edward McGrath** at **7:30 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 and Brenda L. Fashempour, Secretary.

Open Ceremony - Pledge of Allegiance. Chairman McGrath stated please stand for the Opening Ceremony, Pledge of Allegiance. Pledge of Allegiance recited.

Approval of minutes: January 4, 2006.

Ms. Fashempour stated Approval of minutes, January 4th, 2006 if you so choose. So moved Tony Sandora. Second Victor Bull. 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.

Old Business:

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

Ms. Fashempour stated it is tabled, there will be no action.

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

Ms. Fashempour stated it is tabled is the Applicant here.

Ms. Stopar acknowledged she was in the audience.

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

So moved Tony Sandora.

Don Willey 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 if the Applicant will step forward please and state your name, your home address, speak into the microphone and remember you are being recorded.

My name is Tina Stopar, home address 3928 Ramblewood, Richfield, Ohio 44286.

Chairman McGrath stated Thank You.

Ms. Stopar stated the proposal as submitted was for a building sign and you should have everything there in front of you, we did go with the recommendation of doing a building sign verses a ground sign so are there any questions that you have.

Chairman McGrath stated he doesn't, to the Engineering Department please.

Mr. Merdes stated for the building sign, he has no comments.

Chairman McGrath stated Thank You, to the Building Department please.

Mr. Alvarez stated Mr. Chairman from the Code, they are in compliance of the area for wall signs, his only comment other than that is that, if the Planning Commission approves this that a, bring the plans before the Building Department, at least indicate how they are being anchored to the building.

Ms. Stopar stated she is sorry, she didn't understand what you said.

Mr. Alvarez stated how are they going to be anchored.

Ms. Stopar stated how are they, gosh.

Mr. Alvarez stated you don't have to answer that now.

Ms. Stopar stated yeah, she, she.

Mr. Alvarez stated that information will be asked for.

Ms. Stopar stated yeah, she is assuming Northcoast Signs know, how to put them up, so she really didn't ask that question so.

Mr. Alvarez stated well he has to ask the obvious sometimes.

Ms. Stopar laughed.

Mr. Alvarez stated no further comment.

Chairman McGrath stated Thank You.

Chairman McGrath stated you understand however that your sign people will need to check with the Building Department to be sure that they are anchored in a correct fashion.

Ms. Stopar stated okay, so they just need to make contact with you.

Mr. Alvarez stated yes.

Ms. Stopar stated okay.

Ms. Fashempour stated and how many signs are you proposing.

Ms. Stopar stated there is a main sign in the front of the building and two smaller signs on either side, be able to see from the east or the west side down 82.

Chairman McGrath stated and there will not be any ground sign, pylon sign, monument sign, no ground sign.

Ms. Stopar stated correct, correct.

Chairman McGrath stated okay, he has nothing further, anyone else.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated she would only like to Thank Ms. Stopar for taking our recommendation to heart and, and coming back with this, she thinks it is going to work out better and she appreciates it, Thank You.

Ms. Stopar stated oh, that's for the recommendation.

Chairman McGrath stated Thank You.

Chairman McGrath stated anything else, motions.

Tony Sandora stated move to approve.

Don Willey stated second.

Chairman McGrath stated moved and seconded, 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 approved.

Ms. Stopar stated Thank You very much.

Chairman McGrath stated Good Luck to you.

Ms. Stopar stated Thank You.

Chairman McGrath stated Thank You.

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 1284.12 Banners/Pennants in Local and General Business Districts; Permit; Fee, Paragraph (a), and Declaring an Emergency. Tabled.

Ms. Fashempour stated Ordinance No. 05-166, there will be no action, she is going to request a ninety day time extension.

Tony Sandora stated so moved for ninety day extension.

Mayor Luks stated second.

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

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

Chairman McGrath stated extension granted.

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 it is tabled the Applicants are here this evening, she needs a motion to remove it from the table.

So moved Don Willey.

Second Victor Bull.

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

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

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

Good Evening Mr. Chairman and Members of the Planning Commission, this is Richard Mackay, he is Michael Mackay.

Chairman McGrath stated speak up please.

Mr. Mackay stated this is Richard Mackay, I am Michael Mackay and the address is 7017 Pearl Road, Middleburg Heights, Ohio, 44130. Mr. Mackay stated we were previously here obviously and we have resubmitted, we addressed the letter to the Planning Commission, he hopes you all have a copy of that, is that true.

Chairman McGrath stated yes.

Mr. Mackay stated okay, a, we are here to answer any questions in addition to those that were, that we, we, we feel that we have resolved. Mr. Mackay stated if there is anything else we can do or answer, we are here to do that and certainly anything you need to know or have a question about feel free to ask.

Chairman McGrath stated to the Engineering Department please.

Mr. Merdes stated Thank You. Mr. Merdes stated the previous comments he has were addressed by the, the revision, he also had a chance to sit down and talk with the Applicants to try and lay a framework to a or a start discussions about the, the two plans between this proposed and the, and the a proposed basin from our, our study. Mr. Merdes stated did you guys want to say anything.

Mr. Mackay stated sure.

Mr. Merdes stated a.

Mr. Mackay stated do you want us to, yeah, we, we can add a, an item or two if you want.

Mr. Merdes stated yeah, let me just, maybe the only thing that, that he would see is the sketch plan would, would need, would be those, those existing storm conduits would would need to be shown on the drawing, the, those bootlegged or, or semi.

Mr. Mackay stated yes.

Mr. Mackey stated he would like to show you this picture if he may, this is, the owner of the property put these pipes in, this is what we are talking about.

Mr. Mackay stated they are not even pipes, they, they are plastic barrels.

Mr. Mackay stated barrels.

Mr. Mackay stated they were put in the backyard.

Mr. Merdes stated right.

Mr. Mackay stated by a, Mrs., Mrs. Huffman.

Mr. Mackay stated that is what it is.

Mr. Merdes stated yeah, he actually went out there and.

Mr. Mackay stated that's not a storm sewer, a whatever, you want us to show it on the sketch plan.

Mr. Merdes stated yeah because it's, they might end up having to be removed.

Mr. Mackay stated yes.

Mr. Merdes stated you know if during construction, if it's not a.

Mr. Mackay stated well if.

Mr. Merdes stated if it's not a storm sewer it's really an obstruction of the waterway.

Chairman McGrath stated we would like you to show it to acknowledge that something exists, whatever it is so.

Mr. Merdes stated it's an existing.

Mr. Mackay stated we can put it on the preliminary plan if you want it.

Mr. Merdes stated yeah, you just have to add it to, onto one of the plans.

Mr. Mackay stated oh yeah, no problem at all.

Mr. Mackay stated okay, that's no problem.

Mr. Merdes stated yeah, he did have a chance to go out and, and look at the site after we had talked and it's, it's, right, it's questionable whether you would call those storm sewers or not. Mr. Merdes stated maybe then you could talk about a, because he sees then, the, the real issue remaining is the, the, that the basin, the proposal that you have, the other proposal with the basin and he didn't know if you wanted to add anything about your storm water basin.

Mr. Mackay stated okay.

Mr. Mackay stated well, the, the first issue if we can address the basin that is proposed by the Stormwater Committee let's call it, we have talked and, and obviously we are here to, to, to, to commit to work with the City on resolving just exactly where that should go or how it should be installed and where it needs to go and you know we, we offer our expertise, we are both Engineer's so we, were here, he knows Developer's don't always have the best reputations, but you know we, were actually here to say, tell you what we, we feel in our honest opinion is as Engineers', so looking at it and you know Richard has been in the business for 50 years or 60 years.

Mr. Mackay stated too long.

Mr. Mackay stated you, you can see that where they have that shown on that plan is not the best place for the basin in the City's, for the City's best interest, it should be moved farther down stream and that's for two reasons because that's, where the ravine is deeper and that's where you are going to get the best storage, so those are things that we can certainly get into more detail with you and, and discussion with you and the City Engineer, as well we don't really feel that it conflicts with this extension, certainly there's an impact, certainly there's, that's some affect that one has on the other but even, even the Consultants Report who prepared the, proposed a location, indicates that he feels that extension of Chesapeake which we are proposing should go forward, it will continue to go forward and he, to quote it, it simply, it says right in the report, the property north of the proposed location can still be developed into the extension of the Chesapeake Subdivision so it's, it's in their report. Mr. Mackay stated it just has to be worked out, some of the details, a and, and were, like he said were here to say that we are willing to do that and offer our expertise in helping you in doing that, a, oh and as far as the other issue Mr. Merdes has mentioned that we did meet with or, or talk with the residents in the adjoining Chesapeake Number Four Subdivision about possibly utilizing that existing detention basin that's already in their subdivision in which this development would drain to, we haven't heard back from them yet, as to, as to whether they would allow us to do that this, these particular four lots, it wasn't envisioned as being part of that subdivision or that Homeowners Association, that Homeowners Association does not provide for the addition of this land to it, so there would have to be some legal amendment to their, their Association he suppose, they have to come back to us and let us know if they are willing to do that but if the City is allowing, would allow us to do that, that would save one detention basin, it would save maybe some trees back there and it will be a little more palatable for those neighboring lots, again we are willing to work with them, we, we have indicated that we would and we have called them and we are waiting to hear back from them, we think there is adequate capacity in that existing basin but we have to study it further.

Mr. Mackay stated did you want to add anything.

Mr. Mackay stated well he wanted to reaffirm what Michael had said about that, the location of the detention basin shown by your Committee, simply won't work where you have it, you can't store enough water, it's not deep, the ravine doesn't, isn't deep enough there to be able to store that water to make any difference on the, on the a people down stream from York Road but if you move it farther to the west you could store enough water, you are limited to what you can do by the State of Ohio in the height of the dam, you can't have a dam more than 10' high

so that's, that limits how much water you can store there in these basins, but our idea or our thoughts were, you would probably have a series of basins in a row down the entire, not the entire length but a simple length of the area parallel to Albion Road but that, that land we own it's just not going to work as far as being able to store water.

Mr. Mackay stated but like Michael said, we will work with you and we have put a lot of them in, like he has said before we've been, we are Engineers and Municipal Engineers as well and we have done a lot of retention basins, we Developed a lot of subdivisions, so you know we know what we are doing, we are not trying to blow smoke at you, inaudible.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated she, she appreciates the fact that, that you are a trying to assist us in, in solving our issue, but she, she guessed we need to acknowledge that your profession is a not quite like Lawyers where they all give you ten different opinions but we are getting varying opinions from varying Engineers and at this point in time she thinks it's important for everyone to understand because it's kind of murky here, we are talking about what she refers to as regional retention basin to address drainage in that western portion of the City and at the same time we are talking about your retention to deal with just the stormwater generated from those four lots, so we are talking about two separate retentions. Mayor Luks stated the regional retention you feel and there, and she will acknowledge that there, there very may, well may be some, some sound merit to what you are telling us in terms of locating that retention a however and we have been, the Administration has been looking at this issue and trying to move forward with this issue but we are not at a point yet that we can say that we know for certain where exactly it should go, where it's going to do the most amount of good, is the most cost effective manor whether it is something that we should acquire by easement, whether it is something that we should acquire by purchase we are not far enough along in this and in our work to be able to comfortably sit here and state to you, we will forever give up an opportunity of placing, of this basin on a part of your proposed development, she is not comfortable yet, not knowing enough yet to be able to move forward on it, in you letter you talked about the fact that, that the City does not have definitive plans and, and that the City does not necessarily have available funding to move forward and she wanted to comment on that. Mayor Luks stated it, the results from the Oversight Committee in terms of government time is rather recent and we are looking at ways to move forward on all of those projects, this being an important one of those projects, we are moving forward to, to identify funding sources to be able to do these projects and we do have funding available in our future capital fund to certainly acquire easements or, or appropriate property so that we reserve the ability to to move forward onto that project as we put all the pieces together and so while she absolutely, do not want to, to unfairly detain or, or detain you she guess or keep you kind of at a, in a, limbo, she thinks that with a couple more weeks or so of us doing our work and our homework and, and continuing to determine where best this should be and possibly another meeting with you a then we should be able to have a clearer picture of how to best move forward and she guessed she would ask you one question now and that is in terms of ownership of this property you said, you made the statement the property we own, do you in fact own the property or are you exercising an option at this point.

Mr. Mackay stated options.

Mr. Mackey stated we have options on both properties right.

Mayor Luks stated you have options, okay.

Mayor Luks stated so we certainly will take into consideration what you have said, we certainly would welcome a opportunity to investigate this further and talk with you more but as far as she is concerned the City can't make a decision on this sketch plan this evening, we are not ready.

Chairman McGrath stated he would agree.

Mr. Mackay stated could, could, just, he is sorry if he may make a request.

Chairman McGrath stated please.

Mr. Mackay stated what he said and what Richard and said about working with you, it, you know we are sincere about that.

Mayor Luks stated Thank You.

Mr. Mackay stated and when you say you know you need some time, it sounded like a reasonable amount of time as long as we can.

Mayor Luks stated sure.

Mr. Mackay stated and you know like you said sometimes those times can kind of expand and we have options, they have time limits so we, we need to move and is there something, would there be some sort of, can you give her some sort of an idea what the schedule would be so that we can, and again if you need us to sit with you and help you with that, we are willing to do that, we would like to know that if there is some limit.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated she, she can't, she can't tell right now that it will be absolutely two weeks and no longer she thinks we can get this done in a reasonable amount of time, we will certainly, will attempt to, working in Government things happen and so for her to make an absolute commitment to you no but she, she will commit to you that we are going to continue to work on this and move forward and she is not talking months, she is talking weeks, okay.

Mr. Mackay stated okay.

Chairman McGrath stated let me shirttail on what the Mayor said and assure you that it is the intent of the Administration, of this Administration and this Commission to keep things moving timely while doing are due diligence in terms of review and also soliciting input from concerned residents, some of which may be here tonight, if there is anyone here tonight that wishes to be heard on this subject please raise

your hand, step forward, state your name, your home address, speak into the microphone and share with us what you will, other than I don't want it in my backyard, if that's all you have to say, come on, come on forward.

I am John Graven, he is at 9213 Roanoke, he is directly west of the proposed detention basin, retention basin as it were, his comment first of all for the record is that he would like to put our condolences out to the Patrolman and our prayers for his safe recovery.

Mayor Luks stated Thank You.

Mr. Graven stated he was on his way home and happen to see the accident so it was, we hope the best.

Mr. Graven stated his, his comment is very simple he thinks that with the advent of what is happening right near his property and what he has been finding out and reading and doing a little more research on, is that the easements, the water problems that may be, Chesapeake Number Four may have created inadvertently you know through great design and desire may affect our neighbors downstream and those people by Ordinance he believes, correct him if he is wrong are not subject to be notified to these meetings, fair statement, he thinks it is a 500' or that.

Mayor Luks stated ah, um.

Mr. Graven stated and that maybe the concerns of those citizens are there, he wasn't approached nor was he called or talked to by Mackay at all about the retention basin, his neighbor Larry, he thinks you were over today, his next door neighbor.

Mr. Mackay stated the one, the neighbor said he was one of the members on the Board.

Mr. Graven stated oh, that would be Doug.

Mr. Mackay stated okay that's who he talked to.

Mr. Graven stated right, so, so he didn't have a chance to find out or hear or discuss that, he believes that an independent Engineering Company like a Company like BBC & M which he is not affiliated with but is an environmental studies group that did work for one of his clients in Mentor in a 100 year flood plain would be a very, he would say judicious thing to do getting a third party, he knows you have had a ton of these guys, he is just making a suggestion, we certainly are not trying to restrict anybody's constitutional rights to sell he thinks the property owners and he was approached by a property owner on his way out from the last meeting who was further east of the proposed four sites saying they would you like to buy his property, he thinks that there is, there is a ground swell of, of desire by other residents with these long lots behind there to go so he thinks that this is the tip of the ice berg of what might start happening.

Mayor Luks stated yeah.

Mr. Graven stated and again, no offense to the resident, he doesn't know her name but he understands why she came here, obviously there is money to be made, you know in that respect so their constitutional right to sell their property as RA1 is not impeded by not being able to develop a

new property, they still have very good properties and they are very good so his only comment was, he thinks an Environmental Engineering Company would be advantageous to all of us, that's all.

Chairman McGrath stated Thank You very much.

Mayor Luks stated Mr. Chairman if she could respond please.

Chairman McGrath stated Mayor please.

Mayor Luks stated first of all Thank You for your prayers for the Officer and for everyone that's concerned his prognosis is to make a full recovery, it is just going to take time and a there has been an outpouring of support and she will pass that on and Thank You.

Mayor Luks stated it, it your right only 500' from the area is notified, property owners, however is, he can assure you that, not only herself but this Board as well and your Council Member are intimately aware of the concerns that the people have downstream a, we have certainly heard from them quite a bit and we are taking the, the job of correcting the situation as we can afford very, very seriously, it's a high priority she wants to make sure we do it right and a, and so and that's why she needs to take the time to make certain that were, were doing it absolutely right, the Engineering Firm that we hired, we did hire an outside consultant, Engineering Firm that worked with the residents Oversight Committee who came up with these recommendations and projects and while it didn't get into the detail Engineering of the projects there are a very good reputable firm, it is certainly possible that as we are looking at this and we get into the details things could change slightly at that's, that's pretty typical but we are dealing with some very good, very talented Engineers including our own City Engineer and we will make sure that what we do is right.

Mr. Graven stated he appreciates that your Honor, Thank You very much, Thank You Members.

Mayor Luks stated okay.

Chairman McGrath stated Thank You very much, is there anyone else wishing to be heard, one more time, anyone else wishing to be heard, no one indicating that, is there a 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 - Mayor Luks, Willey, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that issue is table.

Ms. Fashempour stated may she get a ninety day time extension please.

Tony Sandora stated so moved for ninety days.

Chairman McGrath stated second.

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

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

Chairman McGrath stated that has been extended.

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. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

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. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

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

Ms. Fashempour stated it is tabled, there will be no action.

New Business

Lot Split

Stanley Paul LaBuda, 8165 Royalton Road, PPN 483-31-016, R1-B Zoning. Lot Split.

Chairman McGrath stated is the Applicant or their Representative here.

Applicant stated yes.

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

My name is Stan LaBuda, he lives at 6239 Crossview Road in Seven Hills, 44131. Mr. LaBuda stated he owns the property 8165 Royalton Road, he submitted an application to do a lot split on the property and he is here to answer any questions or concerns that you may have.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineer please any comment.

Mr. Merdes stated Thank You, yes. Mr. Merdes stated on the Lot Split a, when he looks at it, it appears that the, there's a an encroachment with the driveway.

Mr. LaBuda stated that is correct.

Mr. Merdes stated normally when, when essentially encroachments would, you would seek to remove the encroachment before you, you created a, a new, a new parcel, it's a known encroachment it should be removed before the parcel is created a and, and there is an easement and he thinks the easement is still going to be required, a just for maintenance and and if that driveway ever needed to be replaced the, the one homeowner who owned the driveway would need the driveway plus a little bit of room to put in a new driveway a so the easements probably correct, the, the encroachment though should be, should be removed, the actual place where the driveway goes on to someone else's property.

Mr. LaBuda stated okay, he was under the understanding from the Company that he hired to do the survey, this is new to him so, this is his first time ever to do a thing like this.

Mr. Merdes stated uh um.

Mr. LaBuda stated he was understanding from them that if we had the easement on there and you know as long as, he means him being own, being the property owner now that it wouldn't be as much of a problem to put, have the easement on record along with the lot split, it would make for a very narrow driveway, he considered doing that removing you know the part of the driveway that encroaches on the land that he wanted to split.

Mr. Merdes stated uh um.

Mr. Merdes stated well, how about the, the fence that's shown on the very western side of the property and it says fence 1.7' clear, 2.3' clear now is that your fence.

Mr. LaBuda stated that's his fence, yes.

Mr. Merdes stated your fence, so that's not the the 8337 dwellings fence.

Mr. LaBuda stated no, no.

Mr. Merdes stated okay so that's not an encroachment.

Mr. LaBuda stated no, he was concerned about the brick retaining wall you can see there near the street but as you see, it's clearly off his property.

Mr. Merdes stated right, right, that appears to be clear of the property as the fence belongs to you then it's on the property a, but there is still an issue of a driveway being over, being over the, the new property line.

Mr. Merdes stated outside of that there is also the the front yard depth is shown to be 48.1 feet, the required depth is 50' you wouldn't know if there was a variance granted for the home when it was built.

Mr. LaBuda state the original part of the structure of this home is over, well over 125 years old so he doesn't to be honest with, he doesn't know anything in regards to, to the current, the existing house.

Mr. Merdes stated uh um.

Mr. LaBuda stated he means obviously if he was, if he, if we were able to do the lot split and able to build a home on the new lot you know it will definitely fall within any requirements of the City.

Mr. Merdes stated right but it doesn't necessarily have to be you that's building on the new lot, once it's created you could sell it, a new person could buy it.

Mr. LaBuda stated correct.

Mr. Merdes stated and since this is being created this is when you would seek to remove any known encroachment it just, which goes back to the driveway.

Mr. LaBuda stated his, his intention is if we do the lot split is to sell the property listed as B with the existing home and maintain, maintain the property for future, to possibly build a home on it in the future.

Mr. Merdes stated uh um.

Mr. LaBuda stated so he figured you know, he being the one actually still owning property A and having an easement accessed on the driveway would be on record when the house, when the house would go on the market to be sold, he didn't see if there would be a conflict there.

Mr. Merdes stated well, he.

Mr. LaBuda stated but he means he is willing, he is willing to do what he needs to do to.

Mr. Merdes stated believe this.

Mr. LaBuda stated he is kind of in a financial situation with this property, he bought this property back in 2003 to be, to make our home and the house, he means we rehabbed the house, put a ton of money in the house and it's just not suitable for our needs right now so really just to recapture part of what he has into the property this is kind of why he he had decided to do this because then if we want to come to Royalton and build he has the land.

Mayor Luks stated well we can't, maybe we need to talk to the Law Director.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated she thinks what we have here is a, is a question for the Law Department.

Chairman McGrath stated he would agree.

Mayor Luks stated and so she thinks she would ask Mr. LaBuda for some patience to allow us to consult with legal, you know the question is can you split the lot and, and continue to maintain the encroachment via an

easement and she needs to, we need to know that from, from our Law Department so, until we get that answered she is afraid we are not going to be able to make a decision.

Mr. LaBuda stated that's understandable.

Chairman McGrath stated Thank You.

Mr. LaBuda stated any a, any kind of time frame that maybe he can.

Mayor Luks stated she would say by our next meeting we will have that answer.

Mr. LaBuda stated well, okay, is there anything further that he would need to submit to the Commission for the split.

Mayor Luks stated she would ask that of the other Members or our.

Chairman McGrath stated his thought is not at this time depending on what the Law Department requests.

Mayor Luks stated okay.

Chairman McGrath stated he thinks we will know better, you have done all you can do at this point until we hear from the Law Department relative to any additional information that they may request unless someone else on the Commission has something they would like to see.

Chairman McGrath stated hearing nothing; we would entertain a motion to table.

So moved Don Willey.

Second Victor Bull.

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

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

Chairman McGrath stated tabled hopefully we will see you next time around, please check with Brenda in the Engineering Department she will tell you if you are on the Agenda or what's, if we have the answers to the questions at the next meeting.

Mr. LaBuda stated okay, all right, Thank You for your time.

Site Plan Approval

Imagination Station, York Road, PPN 482-27-006, General Business Zoning. Site Plan Approval.

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

Yes James Quinn, 20982 Fawnhaven Drive, North Royalton. Mr. Quinn stated he is here this evening to ask for permission to have a review on this plan that we would like to build for a customer. Mr. Quinn stated they would like to bring a daycare to the General Business Area of York Road, if there are any questions.

Chairman McGrath stated we will start with the Building Department please.

Mr. Alvarez stated he has no comment Mr. Chairman.

Don Willey stated he, Mr. Chairman.

Chairman McGrath stated please.

Don Willey stated he thinks it is admiral, admirable that a, that you are opening a day care center and certainly there is the need for it in our community and the layout that he has seen so far looks every practical, especially the washrooms there are plenty of those and a so he thinks you should be commended on that.

Mr. Quinn stated Thank You.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated Thank You Mr. Chairman, a the first comment he had was there is no utility information shown on the drawing.

Mr. Quinn stated yes and he apologizes a, he, he was a little mis-under, informed, he a, we were just trying to bring this to you to see if this is something that the City would like to see, he didn't go that far into it but a since being notified that through letters and he appreciates that, we have, have that now and he has copies he can distribute to you, it does show the utilities where we would attach in, how they would enter the basin, the sanitary hookup via an easement through the adjacent property with the a, the owner of both properties being involved in granting an easement to us for the sanitary sewers, if he may.

Chairman McGrath stated sure.

Chairman McGrath stated Thank You.

Mr. Merdes stated he will just continue with what he reviewed from what was previously submitted.

Mr. Quinn stated the previous yeah, okay.

Mr. Merdes stated there is an item about asking about illumination of the parking area, are they, is it planned to have a, have lights in the exterior of the building.

Mr. Quinn stated yes it is and we were going to go through the proper channel, this is Joe Cooper he is the Architect that is going to be designing the building, were going to work through all the recommendations and all the Ordinances in the City as there requirements, you spelled some of them out in your notes and yes we are going to do that, as far as parking we are going to try and adjust

everything to meet, he knows there was a situation in the back of the zoning so we just moved it to the 20' just to make sure, even though it is zoned into the business end, we set it up for the a residential 20' just to give a little more, more space.

Mr. Merdes stated yes he thinks that the only place with a 5' from the building comment applies is, three spaces shown on the front.

Mr. Quinn stated correct.

Mr. Merdes stated and there, the he means, the one that's closet to the building is too close.

Mr. Quinn stated yes and, and there again like he said, this is preliminary and we may adjust this to fit any requirements that you may have.

Mr. Merdes stated yeah he thinks and he might be wrong but the only time Planning Commission will see this is for Site Plan Approval sometimes when you say preliminary that's because there is preliminary step and final step but he thinks.

Mr. Quinn stated correct, okay.

Mr. Merdes stated this site plan is, this is the only time so Planning will need to see certain things prior to.

Mr. Quinn stated oh okay.

Mr. Merdes stated he means it doesn't require the detail but per the Code certain items are required.

Mr. Quinn stated okay.

Mr. Merdes stated which brings us to the loading and unloading, something needs to be indicated on this drawing, you know there is, all the loading space needs to accommodate you know the type of supplies and and but it, it, you probably have the room to show it, it's just not indicated yet.

Mr. Quinn stated correct it, it, it is not there, there will be ample room for that because a, the, the type of facility we are putting here is, there will be probably a large van would be dropping off equipment and supplies you know through the month on a regular scheduled day, we do have the dumpster site set aside and that will be, you know, that will be, everything will be scheduled in, that's why we designed the a, the property, we kind of tried to fit the building to the property, and you will see as far as the other issues with this, we, extended the driveway back so it wouldn't, it would try not to create any issues with the a over, abundance of people coming in at certain times of the day, we tried to make it so that they can have a turn around so they can access, you know enter an access without having you know cause for injury or, or there again causing any traffic problems and we, we can indicate an area probably to the left, you know he would say, if looking at it from the front of the building it would be the right of the, walkway entrance to the opposite of the handicap, it would probably be, we could actually a put a signage there making it noted for drop off of equipment.

Mr. Merdes stated yeah he, he will review when you submit it, he doesn't know if he is not that familiar, it may have to be in the rear of the building, he is not.

Mr. Quinn stated well that would be, the rear, the rear parking.

Mr. Merdes stated is it.

Mr. Quinn stated yes.

Mr. Merdes stated the retention is shown, we get to the wetlands shown and the setback, has it been determined what category of wetlands.

Mr. Quinn stated yes it has, we have a wetlands delineation that was performed on a, by Flickinger.

Mr. Merdes stated yeah.

Mr. Quinn stated it's a, very low category one.

Mr. Merdes stated category one.

Mr. Quinn stated it's a category one, very low, he has all of that information, and also he looked in through, we a, the Army Corps has come down already from the, they came form Buffalo, they are already done their study on it, they, they have agreed with the wetlands study that was done by a private company and they are pretty much on board for a, they actually gave us recommendations to change what you see on here.

Mr. Merdes stated uh um.

Mr. Quinn stated we actually had changed this prior to submitting this, they are with us in this area but a also we are also aware of the fact that North Royalton has its own wetlands riparian setbacks.

Mr. Merdes stated do, in that report.

Mr. Quinn stated yes.

Mr. Merdes stated where, he guessed he, well he, he thinks it's attached maybe to the BZA application, where does it show the category in there, he didn't quite come across that.

Mrs. Quinn stated it actually, she submitted.

Chairman McGrath stated excuse me.

Mrs. Quinn stated oh she is sorry, I am Cindy Quinn, 20982 Fawnhaven Drive, North Royalton, Ohio.

Chairman McGrath stated Thank You.

Mrs. Quinn stated she submitted everything but this particular sheet, she didn't have it at the time on the wetlands information that we got and she does have this now that states it's a category one, she could bring this up to you.

Mr. Merdes stated sure.

Chairman McGrath stated Thank You.

Mr. Merdes stated Thank you.

Mr. Merdes stated moving on, you show a sign on the drawing, he is unsure whether you are asking for approval of the sign and, and other than showing it, it's not located on the site plan maybe you can clarify.

Mr. Quinn stated ah yes, we would like to be putting a sign, we have not yet because he believes there are some Ordinance that you are working to change as far as signage, he read some articles, he doesn't know if that's factual or not, we do show a sign, we would like to put a sign, we would like to put it in a fashion that's going to be agreeable to what the City would required but at the same time you know, this whole site is set up for the enrichment of children, it's to educate them, to give them some things to do, we have a theme going if you looked at the renderings, so we want to kind of keep with everything and make this a place that's appealing by driving by, not just to get people to come and leave their children there but a place for them to interact during the time that the parents need to have their own time and just for education and for other purposes also, so yes there is a signage on there to answer your question, we, we just want to show you exactly you know an idea of what we wanted to do, we are not asking for that at this time we will apply for that later.

Mr. Merdes stated okay, that's for that clarification, that concludes his remarks.

Chairman McGrath stated Thank You.

Mr. Merdes stated your welcome.

Chairman McGrath stated anyone else on the Commission questions, comments.

Chairman McGrath stated anyone in the audience questions or comments.

Chairman McGrath stated right, Mayor.

Mayor Luks stated well Mr. Chairman in light of, obviously you, you have heard some of these things you have to supply before we can give you a decision so she thinks what we will have to do is table this for this evening until you supply us with the additional items requested and then we will see you back here, okay, Mr. Chairman she moves to table.

Mr. Quinn stated okay.

Chairman McGrath stated he seconds.

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

Chairman McGrath stated Mayor moved, he seconded.

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

Chairman McGrath stated that is tabled Good Luck to you, hope to see you soon.

Mr. Quinn stated Thank You.

Fahim F. Gemayel, **Platinum Park Plaza**, Royalton Road, PPN 483-26-006, General Industrial Zoning. Site Plan Approval.

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

I am the Representative of the Applicant, my name is Terry Gerson, he is the Owner of William Gray Associates, the Engineering Firm that has done the Site Plan work. Mr. Gerson stated for those of you that may not remember this particular site plan came before your board about a year ago, the a, at that time it was his understanding we got approval of the site plan but a we were delayed extensively because a storm sewer connection that was to be provided by the seller had not yet been completed, there was some major delays between now and then getting first the plans approved and then secondly the construction completed, we would like to go forward at this time but apparently the one year time that has, there was first a six month approval and then an extension of six months so we are now at or about the one year anniversary of our original approval, your Engineer has indicated that they may or may not be additional site plan requirements that need to be modified, we are willing to examine what those are and comply but a, we are looking for approval of the site plan and or comments as to what yet needs to be done to be completed.

Chairman McGrath stated Thank You, to the Engineer please.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated from what he can tell it appears as though what was submitted is similar to what was previously approved.

Mr. Gerson stated yes.

Mr. Merdes stated minus the topographic information which we need.

Mr. Gerson stated he is sorry.

Mr. Merdes stated the topographic information was and is needed to be shown on the drawing.

Mr. Gerson stated well he will have to look at the site plan he believes it was on there if not, we have done topographic mapping which we can provide on there.

Mr. Merdes stated it was.

Mr. Gerson stated okay.

Mr. Merdes stated but it's not on this one.

Mr. Gerson stated oh, it, it would remain the same obviously in terms of the existing topography, we have shown, we can give you a copy of that earlier map but the topography hasn't change, there was nothing done on the property.

Mr. Merdes stated one other thing we had on the previous approval was two details showing a minimum practical turning radius, he doesn't.

Mr. Gerson stated he thinks that was resolved Clark, we met at your office, we did a provide some truck curve, radius curves.

Mr. Merdes stated right.

Mr. Gerson stated and that was acceptable to you at that time.

Mr. Merdes stated right and it was actually on the drawing.

Mr. Gerson stated yeah, and it was, it was off to the side, it was a detail.

Mr. Merdes stated yeah, right.

Mr. Gerson stated and we can still provide the same detail we just assumed that, that was, would be acceptable as it was before, we can add that detail to the drawing if that's the comment that you have.

Mr. Merdes stated okay and since we have seen you last we've updated and added some new Ordinances, one deals with wetlands, there needs to be some type of statement there are wetlands present, they may not be wetlands present if there are wetlands they need to be shown.

Mr. Gerson stated okay, to his knowledge there has not been a wetlands analysis of the property, there may have been, he is just not aware of it, it was not a requirement of the earlier submission, a, we, we were kind of caught, the owner was under the misconception that as long as his plans had been submitted by the anniversary date of the six month extension that there would be a review of the plans and then normal things would take place, we had not anticipated that we would be subjected to new Ordinances or, or resolutions, if we, if were to required to do that we are certainly required to do that, he is not arguing that issue but that's why the wetlands were never shown and that they weren't required originally.

Chairman McGrath stated they are currently required.

Mr. Gerson stated they are currently required, the question seems to be one of semantics as to whether or not our six month extension is applicable to the original conditions or whether it's new conditions being applied.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated if your actual plan approval has expired, Brenda is that the case, then your not in any way a grandfathered for a lack of a better word under the old regulations, you now have to comply with the new regulations and this Board is charged with the responsibility of making certain that anything that comes in front of us meet current regulations that are passed by City Council.

Mr. Gerson stated he understands your Honor.

Mayor Luks stated and so, kind of like you, we have no choice either.

Mr. Gerson stated he understands completely our, our question was simply one of semantics.

Mayor Luks stated sure.

Mr. Gerson stated he knows the the owner made a last minute effort to get drawings and plans in on the, he guessed it was the six month anniversary day, the argument, if there was an argument it was that, is this submission sufficient to say that we have exercised our option or does it require complete construction be completed in six months, he doesn't know, he is not prepared to argue that issue, that was the questions that was raised.

Chairman McGrath stated if he may, and before we beat this horse to much, he was on this Commission and he can't recall if he was Chairing it or sitting on it, but he was this Commission at the time that the original submission was made and things moved less easily then they might have in getting items accomplished and this particular proposal was not always easy.

Mr. Gerson stated that's correct.

Chairman McGrath stated and he doesn't know where the time went nor do you.

Mr. Gerson stated he is sorry.

Chairman McGrath stated he doesn't know where the time went between then and now nor do you but the fact that time has passed and the approvals have expired and were no longer for want of a better word as the Mayor has said, grandfathered, puts us in the situation that we now comply with the Laws and the Ordinances as they are so rather then bantering this back and forth too much longer about what constitutes what date the date we are going from is today's date and we are operating under the Codes and Ordinances that are in place today.

Chairman McGrath stated if, if he understands it correctly.

Mr. Gerson stated he doesn't know if we have argued the issue we have simply tried to explain what the concerns were.

Chairman McGrath stated and we, we heard you at least once and we understand that.

Mr. Gerson stated okay.

Chairman McGrath stated and just so you hear us at least one to please.

Mr. Gerson stated very well.

Chairman McGrath stated we are going forward from today, with today's Codes and Ordinances Thank You.

Mr. Gerson stated excuse me and he doesn't mean to, this is not meant to be confrontational Clark do you have enough information that you can give us a comment letter as to what we need to do to comply, he means you have mentioned two items, you know already, are there others that you know of or haven't you had a chance to review it.

Mr. Merdes stated the three items he knows of are, the return of the turning radius as to the drawing.

Mr. Gerson stated yeah.

Mr. Merdes stated the return of the topographic information to the drawing.

Mr. Gerson stated right.

Mr. Merdes stated and now a wetlands.

Mr. Gerson stated the wetlands issue okay, he lost track, he was thinking you mention two, you did mention three, okay.

Mr. Merdes stated did you have a copy of the report.

Mr. Gerson stated he is sorry.

Mr. Merdes stated if you get a copy of his report.

Mr. Gerson stated which report is that.

Mr. Merdes stated his report for the Planning Commission.

Mr. Gerson stated he has not.

Mr. Merdes stated okay, he will.

Mr. Gerson stated that's why he asked the question he hadn't see it.

Mr. Merdes stated you are the last item on the Agenda so he will make you a copy.

Mayor Luks stated he, he can have hers.

Mr. Merdes stated okay.

Mr. Gerson stated he has a copy of the Agenda, is that what we are talking about.

Chairman McGrath stated no.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated Mr. Merdes are you done.

Mr. Merdes stated yes.

Exchange of report.

Tony Sandora stated to the Applicant also, okay, the Fire Department has a in their report, he doesn't know if you have a copy of this either but a, a he needs, you need to show on here, they are requesting a 8" water main or a 8" in fire line installed according to the Cleveland Water Department specifications, the two hydrants to be located in a

protective island areas in the center parking lot they have to be in protective areas and that minimum of a 20' access to be maintained as a fire lane across, access around the perimeter of the entire development, we need to see that and just like what Mr. Merdes has said about the turning radius' and that's what we are looking for, we want to be able to get a fire truck to go down that 20' area through there and be able to make all these turns inside this layout here, that they be able to operate a fire truck and get it through there safely.

Mr. Gerson stated uh um.

Tony Sandora stated okay and also he is sure that driveway width is the same as it was before, is that, was the sufficient, Clark do you know, the entrance.

Mr. Merdes stated the, he thinks so yes.

Tony Sandora stated the driveway.

Exchange of report.

Tony Sandora stated that's all he wanted to bring up at this time.

Chairman McGrath stated Thank You Mr. Sandora.

Chairman McGrath stated and Mr. Gerson one, one final point just to reiterate it's, he is glad, he is personally glad to see you involved, he thinks you have a good handle on what we need, any of the points that Mr. Sandora raised were points that were raised originally in the original proposal.

Tony Sandora stated yes they were.

Chairman McGrath stated the turn, the turning radius, the, the need for the fire line, these were all things that were talked about the first time around.

Mr. Gerson stated he thought we had complied with those.

Chairman McGrath stated and.

Mr. Gerson stated the thing that was hanging he thinks in his opinion what he thought was hanging was the connection into the storm sewer and he explained we were delayed through circumstances beyond our control.

Chairman McGrath stated and we are aware of that.

Mr. Gerson stated yeah.

Chairman McGrath stated and we, we can emphasize with you for your working under situations that were not always within.

Mr. Gerson stated you have no control over that he understands.

Chairman McGrath stated your control.

Mr. Gerson stated he understands.

Chairman McGrath stated so he is glad to see you on board and hopefully we can move this forward timely and get it done and again speaking personally, he would love to see this come to fruition, he wished only the best for the Applicant, it will be good for him it will be good for the Community and glad to have you on board and hope you can shepherd this thing through to fruition.

Mr. Gerson stated he doesn't anticipate a problem with the the turning radius, he doesn't anticipate a problem with the width of the island nor with the fire hydrants.

Chairman McGrath stated good.

Mr. Gerson stated if there is a problem, if there is one it will probably be related to wetlands and that of course he has no knowledge of right now.

Chairman McGrath stated absolutely.

Mr. Gerson stated Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated is there a motion.

Tony Sandra stated motion to table.

Victor Bull stated second.

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 it is tabled.

Mr. Gerson stated excuse me.

Chairman McGrath stated sure.

Mr. Gerson stated the owner has asked a questions, he didn't quite here, he wants to know he thinks if, if we should be going before the Architectural Review Board simultaneously with our, he is not doing the building plans, he has an Architect that's doing that, is there a problem with him going forward with the Architectural Review Board, he can handle the site plan concerns.

Ms. Fashempour stated right, she believes he is scheduled for the Architectural Review Board, a let's see.

Mr. Gemayel stated February 13th.

Ms. Fashempour stated February 13th, correct, yeah you need to go before them and listen to what they have to say, and they will get back to us as far as if there is anything you know.

Mr. Gerson stated all right so what, what we are trying to make sure that we don't get one process going before the other is.

Ms. Fashempour stated right.

Mr. Gerson stated it doesn't appear to be that way.

Ms. Fashempour stated and she believes that Architectural Review Board can't approve it until Planning Commission actually approves.

Mayor Luks stated correct.

Ms. Fashempour stated you might have to go to them a couple times but the process works that way.

Mr. Gerson stated that may well be but it doesn't interfere with what we are doing here as far as the site plan concerns.

Ms. Fashempour stated right.

Chairman McGrath stated right, you are on the right track.

Mr. Gemayel stated was inaudible.

Chairman McGrath stated it's okay, were friendly come on up and talk.

Miscellaneous

Ms. Fashempour stated she has nothing else.

Adjournment

Chairman McGrath stated is there a motion.

Tony Sandora stated motion to adjourn.

Second Chairman McGrath.

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

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

Chairman McGrath stated we are adjourned.

Planning Commission Meeting for Wednesday, January 18, 2006 adjourned at 8:33 P.M.

**Approved: Edward McGrath
Chairman - Planning Commission**

**Attest : Brenda Lynn Fashempour
Secretary - Planning Commission**

Date : February 1, 2006