

Chairman McGrath stated it being at least 7:30, we will call the February 1st, 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, February 1, 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, Tony Sandora, Vice Chairman, Donald Willey, Council Representative, 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 please stand for the Opening Ceremony, the Pledge of Allegiance. Pledge of Allegiance recited.

Approval of minutes: January 18, 2006. Ms. Fashempour stated approval of minutes, January 18th, 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.

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 it is tabled, there will be no action.

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

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

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, the Applicant is here this evening, if you so choose, she needs a motion to remove it from the tabled.

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 is here and would step forward please.

Chairman McGrath stated is there anything you wish to share before the Engineer shares his comments with us.

Mr. Goldberg stated other than to say that we have been a he thinks diligence over the last four weeks in providing the City with the various items that were on the punch list and resolving as many of them as possible.

Chairman McGrath stated Thank You.

Chairman McGrath stated and to the Engineer please.

Mr. Merdes stated he, he reviewed all the information that we received, there are a some cash that's, will still be do the City, can be paid a prior to the Council's approval of the dedication, he believes you are aware there is a five percent cashbond due from the Developer.

Mr. Goldberg stated that's correct, yes.

Mr. Merdes stated the recreation is a, is a fee so those funds will be due the City and, and any other funds that a need to zero the balance due the City.

Mr. Goldberg stated right, we understand.

Mr. Merdes stated okay.

Mr. Merdes stated a, it appears that the, the open trenches have all been filled in, the electrical utility a have one of those open trenches, it's, it's now filled in, is it all finished.

Mr. Goldberg stated he's not sure what percentage he has left to do there, all the underground work to his understanding is completed.

Mr. Merdes stated uh um, there only is underground work.

Mr. Goldberg stated right, well, if they are setting pedestals they haven't completed, he is not sure, he, it's a, not easy to communicate with them on those sorts of matters.

Mr. Merdes stated okay, he thinks that a your underground, Charlie Long from Snyder Excavating indicated he was trying to confirm there status.

Mr. Goldberg stated he under.

Mr. Merdes stated perhaps you could do that before Council.

Mr. Goldberg stated okay, he, he will see if he has heard from them yet at all.

Mr. Merdes stated and one other item he wanted to review would be the erosion and sediment control, your actual, there's, there is an inspect, there's a continuing obligation even after the a, the subdivision is dedicated, a some have to do with the individual sublots and then just an overall requirement that there, there's continual, there is like inspection reports and, and a, and just addressing anything that might come up.

Mr. Goldberg stated right, we are aware of that obligation as well and a as individual lots are sold to homeowners or builders, we take advantage of the Ohio EPA's individual lot NOI and have the buyer complete that and send it on to Columbus for their records so that any building that goes on on that individual lots and any related soil and erosion controls are then the obligation of that builder, homeowner.

Mr. Merdes stated uh um and also along the same lines some of the sediment and erosion controls are currently in a temporary state.

Mr. Goldberg stated correct.

Mr. Merdes stated and once things are stabilized the, essentially they, then the temporary erosion and sediment controls are removed and the permanent is finalized according to the approved drawings, there's a few items then that are, are then done.

Mr. Goldberg stated correct and he understands to and of course weather permitting.

Mr. Merdes stated okay.

Mr. Merdes stated a, one item that he just got today and he didn't have time to make a thorough review of, would be the, the one, the one subplot there when the lateral elevations were checked at the clean outs, it appeared that the, a when those laterals reached the home, where the home was going to be built, there, it was, it was going to be close but it looked as though, a the storm lateral and the sanitary lateral weren't going to a, weren't going to hit the right elevations a he received a proposal to a, to revise some of the, some of the design of the, the home on subplot 140 he thinks it will be all right, he would a just like to, to let you know that in the next couple of days he will, he will either approve it or get back to you with comments on that.

Mr. Goldberg stated okay.

Mr. Merdes stated everything is, is in order and if a, the, the Members choose they could approve it as, as noted, he thinks in his last report he, he included all of there, their commitments and if all of that is to your satisfaction this could a, he could recommend that we approve it and send it on to Council.

Chairman McGrath stated he would defer to you on that one, he would be inclined to approve it subject to the notations that you have mentioned if you are comfortable with that, with that approval.

Mr. Merdes stated a.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated he has a question if he may.

Chairman McGrath stated certainly.

Tony Sandora stated and you know, he knows you are committed to this project and he knows that you have all the intentions in the world of, of a committing, of a, to correct or all these problems but there are quite a few problems, you have eleven written commitments that you agreed to have done in a certain period of time, he guessed his question is, would be, that and we have had nice weather now, okay, but we don't know what we are going to come in to and there is probably a good chance that if it gets bad you may not be able to get them all corrected by the time it goes to Council all right, in the one letter from the Excavating Company, there are saying that, it would take them 21 days to probably do everything they have to do now, he doesn't know if some of these things have been corrected or not, you would know better than he would Mr. Merdes. Tony Sandora stated but they are saying like April 6th or something like that, you know so that would be, he is just wondering if, we okay it and it goes to Council and they okay it before all of these are done is there any kind of a, a safe guard set up that they, they still would need completed.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated please.

Mr. Merdes stated he can only offer that we ask for a commitment, we have it in writing, a the only items, he thinks five of those items with, the ones with the longest dates are pavement items and he would recommend that we not attempt even, even in a mild winter to have those deficiencies tried to be done a because first of all they are not the deficiencies are not what he would consider major, there, they are relatively minor, and second that to, to try to, we could hold it and require it to be done but he thinks if those pavement items, we would pretty much be dissatisfied with the results and, and in two years when when the bond period comes up probably all five of those items would have to be redone.

Tony Sandora stated and he could agree with you Mr. Merdes, exactly, the only thing he wants then is for the Applicant to, to, for the record that he would state that any of, anything that, that he has a written committed on that it would be done in the proper manner at the proper time.

Mr. Goldberg stated and he has no problem with that, if you would like for the record to state that we will at the proper, at the appropriate time, take the proper, appropriate corrective action to take care and remedy any of those items that remain on a the City Engineer's punch list if you will.

Tony Sandora stated okay, Thank You.

Chairman McGrath stated if we are to vague in, in stating at the proper and appropriate time we will take the proper and appropriate measures, are we okay with this.

Mr. O'Donnell stated he would, it's, it's great vague language but he, he thinks we all know what he means, what he thinks he is talking about is you know weather permitting.

Chairman McGrath stated right.

Mr. O'Donnell stated Clark just indicated you can't do cement work even in a mild winter so you have got to wait until the Spring gets here, he, he, that's his understanding of what he is saying so he doesn't know how better to say that yeah, April or May he imagines when the weather breaks they will get started working on some of these and finish them this, as quickly and expeditiously as possible and, and Mr. Goldberg, they have a good track record they, they have done a, pretty good and we, we do have the Developer's agreement which a has warranties and has certain requirements in it that if, you can fall back on that will, you know make sure that those get done.

Chairman McGrath stated good Thank You.

Tony Sandora stated and Mr. Chairman.

Chairman McGrath stated please.

Tony Sandora stated he is not discounting that he just wanted him to state that for the record so that we have something.

Chairman McGrath stated um uh.

Mr. Goldberg stated and Mr. Chairman if he may.

Chairman McGrath stated please.

Mr. Goldberg stated on a, on a matter related the, to this phase, it came out just before this meeting that a, regarding three lots that this rear backs up to State Road that we in speaking with our Council Representative Lisa Uffman Kirsch are agreeable to place a scenic buffer easement similar to what we did, inaudible, on certain sublots within the prior Phase, Phase Five along sublots 144, 143 and part of 142, those are the lots that currently have vegetation that provides a barrier from State Road those are in the rear, that is in the rear of those three lots and so we would agreeable to recording a, and making that noted on the plat as well as he believes in the amendment to the Homeowners, the amendment to the Declaration, adding this land to the Homeowners Association, we would similarly use language just like we used on the deeds in the fifth phase of Pinestream in an effort to screen out State Road from the subdivision and the houses that will eventually be built within it.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else on the Commission anything.

Don Willey stated Mr. Chairman

Chairman McGrath stated Mr. Willey.

Don Willey stated point of order, a, the a, Mr. Goldberg didn't give his name and address when he came to the microphone.

Mr. Goldberg stated Scott Goldberg, 31180 Emery Road, Moreland Hills, Ohio 44022.

Chairman McGrath stated if he recalls correctly you haven't moved since the last time you were here.

Mr. Goldberg stated you are correct, you are correct.

Laughs

Chairman McGrath stated anyone in the audience wish to add anything.

Chairman McGrath stated Building any comments.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You.

Chairman McGrath stated he will move to grant approval, to recommend approval, to recommend accepting the dedication based on the comments made by the Engineer and the subsequent agreements made by Mr. Goldberg relative to the completion of the certain relatively short punch list of items yet to be done in a timely fashion at the Spring Weather, Spring of 06 weather permits.

Tony Sandora 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.

Mr. Goldberg stated Thank You very much.

Chairman McGrath stated granted, Thank You and Good Luck to you.

Mr. Goldberg stated Thank You.

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. 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.

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

Ms. Fashempour stated it is tabled the Applicant is there this evening, so 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 - Bull, Mayor Luks, Willey, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated if the Applicant would step forward then, state your name, your home address, speak into the microphone and remember you are being recorded and share with us what you will.

Yes, my name is Stan LaBuda, he lives at 6239 Crossview Road, Seven Hills, Ohio 44131.

Chairman McGrath stated and what would you like to share with us.

Mr. LaBuda stated he is back here tonight, he is sorry.

Chairman McGrath stated what would you share with us.

Mr. LaBuda stated he is back here tonight, there was a few questions regarding his survey that was done on the property, the 8165 Royalton, Mr. Merdes actually took some time out of his day and contacted the Survey Company that he used and relayed his concerns to him and he believes that he bought the new plot map up to date.

Chairman McGrath stated and we will go then to Mr. Merdes, if that completes your comments please.

Mr. Merdes stated yes, the, his questions have been answered, his comments have been addressed by a revised drawing that a he received and and has a few copies of and he reviewed and everything is acceptable.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Law Department any comment please.

Mr. O'Donnell stated a yes, the question came to him he believed last week whether or not this could be approved even though there would appear to be an encroachment and the answer is yeah, you could still approve it, the encroachment does not become an issue until the second lot, the lot A is actually sold and the remedy for that would be providing an easement for the encroachment but that would be something that the current owner of the lot would have to provide to the next owner of the lot.

Mr. LaBuda stated okay, he understand that.

Mr. O'Donnell stated when you sell it.

Mr. LaBuda stated well his.

Mr. O'Donnell stated when you sell Lot A.

Mr. LaBuda stated well his intentions actually are not to sell Lot A, it's to sell the existing home on B and then to build a home on A.

Mr. O'Donnell stated when you sell either one.

Mr. LaBuda stated oh okay.

Mr. O'Donnell stated you are going to have to provide some form of an easement to the next owner, if you are going to own A, the encroachment is on A there is a procedure, you could, dedicate an easement essentially to yourself, you, you, and record that, it's a little bit he doesn't know hokey he guessed, but it's, it's doable, it's easier if you are granting the easement to a new party but somehow an easement has to be granted to show that, that is no longer an encroachment when the property transfer to somebody else.

Mr. LaBuda stated okay.

Mr. O'Donnell stated so if you transfer the B lot to Joe Fabeats, his lot then will be encroaching on your lot, his driveway he means.

Mr. LaBuda stated correct.

Mr. O'Donnell stated and so he would have, you would have to have an easement to correct that and the best time to do it is when you actually sell one or both lots.

Mr. LaBuda stated is that something that, will he need to come back before Council.

Mr. O'Donnell stated no.

Mr. LaBuda stated okay.

Mr. O'Donnell stated no, it's a title issue.

Mr. LaBuda stated okay.

Mr. O'Donnell stated it's not, it's not a lot split issue, it's really a title issue that the Company issuing title insurance, the title commitments will raise the issue and they will want you to resolve it through the form of an easement.

Mr. LaBuda stated okay, he understands.

Mr. O'Donnell stated that's how that will happen.

Chairman McGrath stated and does that need to be noted Mr. O'Donnell at this point as we grant the.

Mr. O'Donnell stated well you know, you can ask the Applicant to in other words, that he will agree to do that so that when you do subdivide you will correct the encroachment through the form of an easement as advised by your Lawyer or the Title Company when you transfer, one or both of the properties.

Mr. LaBuda stated yeah, absolutely, he agrees to that.

Chairman McGrath stated okay, Thank You.

Chairman McGrath stated to the Building Department anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anything else from the Engineering Department.

Mr. Merdes stated nothing.

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

Mayor Luks stated Mr. Chairman she moves to approve.

Don Willey 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 a, has been granted.

Ms. Fashempour stated you need to bring in the original and she will sign it, and you can take it down and have it recorded.

Mr. LaBuda stated okay he will stop, he will try to pick that up for you this week if not, next, he appreciates it, appreciate the help and the guidance through the process.

Ms. Fashempour stated no problem.

Mr. LaBuda stated Thank You.

Ms. Fashempour stated have a good night.

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

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

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

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

New Business:

Sign Approval

WD Partners, **BP Products**, North America, Inc., 14043 State Road, Town Center District - 2. Sign Approval, re-face monument sign.

Ms. Fashempour stated and she believes that the Applicant is here this evening.

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

Ryan Shrimplin, he is with WD Partners, his home address is 1807 Sawgrass Drive, Reynoldsburg, Ohio 43068.

Mr. Shrimplin stated again, he is with WD Partners, we are the Architecture Engineering Firm, that's been working on this project for BP, he believes this is the last part of the a, re-image program, that BP has been doing as part of their Wild Bean Café, they are simply looking for approval to a change out panel on the existing two panels on the existing free standing sign and replace them with a single panel that would amount to the same size.

Chairman McGrath stated to the Building Department any comment please.

Mr. Alvarez stated Mr. Chairman this is just a refacing a, there is no increase in existing signage therefore he expects your approval.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated no comments.

Chairman McGrath stated Thank You, anyone on the Commission any questions.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated the Fire Department in their report they are requesting the vertical edge of the sign, facing have the address on it, 4" minimum, they were suppose to put that on he believes the last time they were here, but they are requesting again the address on the vertical edge of the sign.

Chairman McGrath stated it's the outside vertical edge.

Tony Sandora stated right, with 4" minimum letters in height.

Mr. Shrimplin stated the Applicant agrees to that, they have no problem with that.

Chairman McGrath stated Good, Thank You.

Chairman McGrath stated any further, questions, comments or motions.

Tony Sandora stated motion to approve with the addition that they put on the address on the edge.

Don Willey stated second.

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

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

Chairman McGrath stated approval is granted.

Mr. Shrimplin stated Thank You.

Chairman McGrath stated Good Luck to you.

Lot Consolidation/Split

Thomas P. O'Donnell, 8137 Forest Court, PPN 489-14-075, 489-14-077, R1-A Zoning. Lot Consolidation.

Chairman McGrath stated the Applicant is here, does the Engineering Department have any comments please.

Mr. Merdes stated does the Applicant have anything to say.

Chairman McGrath stated he thought we would get to the Applicant based on your comments.

Mr. O'Donnell stated does the Applicant have to leave the dais.

Chairman McGrath stated in the opinion of the Chairman no.

Mr. O'Donnell stated okay, Thank You. Mr. O'Donnell stated for the record Thomas O'Donnell, 8137 Forest Court, North Royalton. Mr. O'Donnell stated the Applicant just says that the a the lot split corrects a previous mistake by the original developer, there should not have been two lots and a combining these lots allows the current and the next owner to then fully use them.

Chairman McGrath stated Thank You.

Mr. O'Donnell stated currently you can not build a shed on the second lot because it's not permitted, but if it's combined one would be permitted.

Chairman McGrath stated Thank You.

Chairman McGrath stated now to the Engineering Department please.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated this lot consolidation conforms with our schedule area, yard and height regulations Chapter 1270.05.

Chairman McGrath stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated to the Building Department please.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, anyone on the Commission, anyone in the audience.

Chairman McGrath stated motion.

Don Willey stated motion to approve.

Tony Sandora stated second.

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

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

Chairman McGrath stated Lot Consolidation is granted, to the Applicant, Good Luck.

Mr. O'Donnell stated Thank You.

Chairman McGrath stated you are welcome.

Zillich Interiors, Wallings Road, PPN 488-11-004, R1-A Zoning. Lot Split.

David Bradt, 774 Starlight Drive, Berea. Mr. Bradt stated this is more or less a house keeping item for the Huntington Park Subdivision, we are taking that a subplot on, or a that on Wallings Road and a splitting off the back half which will be come blocks G & H of the, a, of the proposed subdivision and the remain, the front half of the lot will be sold off as a single family residence.

Chairman McGrath stated good, Thank You.

Chairman McGrath stated Engineering, anything please.

Mr. Merdes stated a the approved preliminary plan for Huntington Park indicated this lot had 3.96 acres, this lot application now has 4.05 acres. Mr. Merdes stated is there a reason why it's a different amount.

Mr. Bradt stated yeah, after proceeding with a detail design we a, determined that we did not need as much property in the, in the detention block as a proposed on the a preliminary plan so we shifted the property lines, there will still be the 2.0 acres in the a recreation block.

Chairman McGrath stated Thank You.

Chairman McGrath stated back to Engineering, is that satisfactory.

Mr. Merdes stated a, it doesn't amount to much of a difference.

Mr. Bradt stated yeah, according to his calculations, it's a 37' difference between where the line is roughly plus or minus.

Mr. Merdes stated uh um.

Mr. Merdes stated he certainly would be more concerned if, if it affected a, the recreation allocation. Mr. Merdes stated a.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated Mr. Merdes would it have any affect on the detention basin, the amount of water control or anything.

Mr. Merdes stated well the basin, we haven't seen the design for the basin, all it was, was really a schematic location just showing that this was the area chosen for the basin.

Tony Sandora stated and this area being smaller would it, so you don't know if right now if it would have consensus on that.

Mr. Merdes stated he doesn't have anything to compare it to.

Tony Sandora stated uh um.

Mr. Merdes stated ultimately the, the stormwater system has to function correctly so.

Tony Sandora stated could he ask the Applicant what was the reason for, for a downsizing it.

Mr. Bradt stated it really wasn't downsized, it was, we just a took a guess at a size and once we went through and did all the calculations and determined the best place on the lot to a locate it, then we determined where the, the property lines could be form there, the preliminary, preliminary plan we didn't have that information available at that time because we hadn't gone through enough calculations yet.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey please.

Don Willey stated the, a, Mr. Chairman.

Chairman McGrath stated please.

Don Willey stated oh, he is sorry, did you, do a a volume, have you done the volume analysis of roughly what the, the depth and so forth what size retention basin you will have to put in there.

Mr. Bradt stated yeah, we have all those calculations that the City will require to approve it.

Don Willey stated so it's adequate to handle the whole, the whole development and, and the a runoff from other areas then.

Mr. Bradt stated right.

Chairman McGrath stated there is some thought that perhaps the Applicant should come up with a revised preliminary plan, how would the Applicant react to that fact.

Chairman McGrath stated in other words defer it for two weeks, is two weeks going to be an issue.

Mr. Zillich stated he is sorry, he didn't hear that.

Mr. Bradt stated they, they, they want us to a, we are showing the block on or the part on Wallings Road, we are showing it larger on the lot split than what we showed on the preliminary plan, they want us to submit, resubmit the preliminary plan with the larger a, to match up with this lot split now.

Chairman McGrath stated and to provide the bearings and distances for all boundaries as mentioned in the Engineer's request.

Mr. Bradt stated yeah, that's, that is not a problem we will make sure those are on the Mylar that we bring in.

Chairman McGrath stated is that something you could have for us in two weeks.

Mr. Bradt stated yeah.

Chairman McGrath stated for our next meeting, would that pose a, would that pose a hardship to you to do it that way.

Mr. Bradt stated would two weeks propose a hardship.

Mr. Zillich stated why don't we leave it the way it was on the preliminary, 4, some acres, that's approved.

Mr. Bradt stated if we change the lot split to a correspondence with the a preliminary plan instead of the other way around can we get it approved tonight.

Chairman McGrath stated he will defer to the Engineer.

Mr. Bradt stated with the revised distances.

Mr. Merdes stated yeah, he, he believes that the difficulty the Commission is having is, is having the knowledge of, of a preliminary plan that's been approved and then looking at a lot split/consolidation that that essentially we have been notified it varies so we will, so you are asking for approval of, of two things we know conflict so if, if this would comply with the preliminary then he would see no problem with saying that they would, they would then match, you could have approval for for that.

Mr. Zillich stated he would like to go that route, if that's acceptable.

Mr. Merdes stated that would be fine.

Chairman McGrath stated good then we are going with the original.

Mr. Merdes stated right.

Chairman McGrath stated okay.

Mr. Merdes stated this will match.

Ms. Fashempour stated the plat will be changed.

Mr. Merdes stated the prelim is.

Ms. Fashempour stated that lot split, will be changed.

Mr. Merdes stated Lot Split/Consolidation will match the Preliminary Plan.

Chairman McGrath stated okay, a good.

Chairman McGrath stated any other questions from the Commission.

Chairman McGrath stated anything from the audience, anything else from the Engineer.

Mr. Merdes stated yes, as you mentioned previously, to have the bearings and distances to all the boundaries on the a on the one that will actually get signed for approval.

Mr. Bradt stated he is assuming you are referring to the large parcel b on the map, he thinks that's where, there was a few distances missing on that.

Mr. Merdes stated yeah he believes that's where they are missing.

Mr. Bradt stated yeah, okay.

Chairman McGrath stated okay.

Chairman McGrath stated is there a motion then to recommend approval, or to approve as originally submitted.

Ms. Fashempour stated no, that's not what we want.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated she moves that we approve a Lot Split and Consolidation that will reflect a match to the Preliminary Plan already approved.

Chairman McGrath stated Thank You.

Tony Sandora 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.

Chairman McGrath stated that is granted, good night.

Mr. Bradt stated Thanks.

Utility Plan Request

Columbia Gas of Ohio, plan to install 450' of 2" new plastic distribution main on Private Drive for the Hampton Apartments Phase 3, Approval.

Chairman McGrath stated is the Applicant or their Representative here, does the Engineer have anything he wishes to share on behalf of the Applicant or the City.

Mr. Merdes stated yes, a he, this is an extension of a natural gas utility to provide service to a previously approved development, he would state that they need to perform all work in accordance with the City Codes and Ordinances, contact the Engineering Department 72 hours prior to commencing, full time inspection, may be required for all work performed within the City right of way which is billed to the Applicant or the owner and all areas of disturbance are required to be restored.

Chairman McGrath stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated Building Department anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You.

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

Tony Sandora stated moved to approve.

Second Don Willey.

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 is granted.

Miscellaneous

Chairman McGrath stated under Miscellaneous he will ask the Law Director to please comment briefly on a matter discussed at Caucus relative to the status of the decorative wall in front of the Giant Eagle Store.

Mr. O'Donnell stated a letter was sent to the Property Owner Caniglia, asking them to reinstall the decorative piers and fence and he has not heard any response.

Chairman McGrath stated Thank You very much, anything else in Miscellaneous.

Ms. Fashempour stated she has nothing else.

Chairman McGrath stated good.

Adjournment

Chairman McGrath stated motions.

Don Willey stated motion to adjourn.

Tony Sandora stated second.

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, February 1, 2006 at 8:09 P.M.

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

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

Date : February 15, 2006