

Planning Commission Caucus - North Royalton City Hall Council Caucus Room, 13834 Ridge Road, North Royalton, Ohio, May 17<sup>th</sup>, 2006, 7:05 P.M. Present: Chairman Edward McGrath, Tony Sandora, Vice Chairman, Mayor Cathy J. Luks, Don Willey, Council Representative, Victor Bull, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, Lisa Uffman-Kirsch, Council Ward Six, Denise Bobulsky, Council Ward One, Mr. Fogarty, at&t, High School Students, Residents and Brenda L. Fashempour, Secretary.

Planning Commission Agenda for 5-17-06 reviewed. Items for action noted.

Discussion held regarding Banner Ordinance 05-166. Much discussion took place on time allowed for banners to be placed, what constitutes time period of taking down and reinstalling. Does the info on the banner need to change, are some banners installed longer than allowed, some never change. Discussion on Government Banners, what is exempt, public service announcements, city sponsored events. Discussion held on seasonal businesses needing banners to advertise items. How are banners installed, our Zoning Inspector wants them installed with poles and stakes so as not to have them flying around. Architectural Review Board has discussed banners, window signage, new signs in Town Center District, what should be allowed, will be allowed, what constitutes amount of signage, no banners in Town Center District, banners repealed? Discussion held regarding Giant Eagle, Rego's, selling flowers, wooden shelves, now steel shelves.

Ended 7:25 P.M.

*Chairman McGrath stated it being at least 7:30, we will call the May 17<sup>th</sup> 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, May 17<sup>th</sup>, 2006 in regular session. The meeting was called to order by Chairman Edward McGrath.**

Chairman McGrath stated please a, if the Secretary will please call the roll.

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

**Opening Ceremony - Pledge of Allegiance. Chairman McGrath stated Pledge of Allegiance please. Pledge of Allegiance recited.**

**Approval of minutes:** Ms. Fashempour stated under approval of minutes, she is going to ask the Commission for a motion to amend the meeting minutes of April 26<sup>th</sup>, page 22, in your comments about being fortunate to have dedicated employees, she typed unfortunately, therefore she requests a motion to amend page 22 word unfortunately to fortunate. So moved Mayor Luks. Second Don Willey. Chairman McGrath stated moved and seconded, discussion, we are fortunate, Secretary please call the roll. Roll call: Yeas: Five - Willey, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Approval of minutes of May 10<sup>th</sup>, 2006 if you so choose. So moved Tony Sandora. Don Willey. Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll. Roll call: Yeas: Five - Sandora, Bull, Mayor Luks, Willey, Chairman McGrath. Nays: None. Motion carried. Chairman McGrath stated minutes are approved.

**Old Business:**

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

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

**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 there will be no action on Ordinance No. 05-166.

**Recreation Allocation - Abbeyville Townhouses**, Hinckley Ridge LLC., 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 there will be no action on Abbeyville Townhouses for the recreation allocation.

**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 there will be no action on Abbeyville Townhouses for the preliminary plan.

**Columbia Gas of Ohio** plans to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive South, Berkshire Way and Bentley Drive - Approval. **Tabled.**

Ms. Fashempour stated no action on Columbia Gas of Ohio, Glen Drive South, Berkshire Way and Bentley.

**Columbia Gas of Ohio** plans to install 1080' of 3" and 1800' 2" new plastic distribution main in Bentley Drive, Richland Drive and Yorkshire Way - Approval. **Tabled.**

Ms. Fashempour stated no action on Columbia Gas for Bentley Drive, Richland Drive and Yorkshire Way.

**Columbia Gas of Ohio** plans to install 1620' of 3" and 540' of 2" new plastic distribution main on Bentley Drive and Coventry Court - Approval. **Tabled.**

Ms. Fashempour stated and no action on Columbia Gas of Ohio, Bentley Drive, Coventry Court.

### **New Business**

#### **Sign Approval**

**Royalton Office Center**, 5171 Wallings Road, Local Business Zoning. Sign Approval.

Ms. Fashempour stated is the Applicant here this evening.

Chairman McGrath stated one more time, is the Applicant here this evening for Royalton Office Center.

Mr. Behra stated Royalton Office Center.

Chairman McGrath stated yes.

Mr. Behra stated oh, he didn't realize we were going to go right to new business.

Chairman McGrath stated well there is no Old Business so here we are.

Mr. Behra stated that sounds good.

Chairman McGrath stated good.

Mr. Behra stated he appreciates it, my name is John Behra he works with Boyer Signs. Mr. Behra stated basically what we are asking is for permission to a install a ground sign at the Royalton Office Center. Mr. Behra stated we a submitted a drawing to show the way the sign would look as well as the sign would be installed as well as the landscaping plan. Mr. Behra stated he believes today you got the site plan, it's going to be 25' setback and we are asking for the City permission to install this.

Chairman McGrath stated first he would like to Thank You for a complete application for the sign with the landscaping plan, it's nice to see that come in.

Mr. Behra stated Thank You.

Chairman McGrath stated all at the same time, we appreciate that.

Mr. Behra stated yeah.

Chairman McGrath stated to the Building Department anything please.

Mr. Alvarez stated Mr. Chairman, one of his notes was that the sign had to be 25' from the edge of road.

Mr. Behra stated yes.

Mr. Alvarez stated he sees there is one that says just 5'.

Mr. Behra stated the original plan.

Mr. Alvarez stated does he have the right one now.

Mr. Behra stated he is sorry, what's that.

Mr. Alvarez stated does he have the correct plan.

Mr. Behra stated if that's the one you received today, that's the correct one yes.

Mr. Alvarez stated the one that says 25' setback.

Mr. Behra stated yes.

Mr. Alvarez stated okay.

Mr. Behra stated yes.

Mr. Alvarez stated the reason he says that is he made a field measurement this evening, this afternoon, there is enough in that strip of green there, there is enough distance there they can meet that requirement in terms of placing the sign 25' from the edge of the road. Mr. Alvarez stated the sign, height wise and overall area just meets Code, other than that, if the Planning Commission approves this we would require some drawings, construction drawings submitted to the Building Department and he noticed that you have some electrical as well.

Mr. Behra stated the electrical is existing, normally well there is electrical there to, to the site. Mr. Behra stated normally we don't pull the electrical permit, the reason being is that electrical in our contracts reads electrical by others, so the electrical would have to be pulled by someone else, he means we can, we do have a licensed electrician but it's not something that we would normally do but it is something that we can do.

Mr. Alvarez stated okay, what he would recommend then if the Planning Commission approves it that a when you have the construction drawings submitted to us and again we will review it and we will, whatever comments we have we will definitely address that at that time.

Mr. Behra stated yes, that's fine.

Mr. Alvarez stated no further comments Mr. Chairman.

Chairman McGrath stated good would you then be comfortable with approval conditional upon your approving the details or are you suggesting that we hold off.

Mr. Alvarez stated no, a, if you approve it now, that's fine, the conditions that he is referring to, our Building Code requirements.

Chairman McGrath stated right understood.

Mr. Alvarez stated so.

Chairman McGrath stated but you are not suggesting that we, we defer action until those conditions are.

Mr. Alvarez stated no he is recommending approval.

Chairman McGrath stated okay, with, with the caveat that the Building Code requirements will be addressed.

Mr. Alvarez stated definitely.

Chairman McGrath stated Thank You.

Chairman McGrath stated anything, Engineering anything.

Mr. Merdes stated Thank You Mr. Chairman.

Chairman McGrath stated you are welcome.

Mr. Merdes stated one thing in addition, there is a discrepancy between the application stating that one steel pole attached to supporting arms is the support of the, of the sign and then later on in the submittal it refers to the, the, the base being masonry construction, perhaps the applicant could, could clarify.

Mr. Behra stated not a problem, was it you that he talked to on the phone.

Mr. Merdes stated yes.

Mr. Behra stated okay, basically all ground signs are a pole mounted. Mr. Behra stated though we build the base up to the sign they are still pole mounted. Mr. Behra stated so the the pole goes down into the ground, we put cement in around the pole and then we build the brick up to the sign so it may have a, a look of a brick base the pole is what really supports the sign itself and it basically, it's a much better way of creating a sign.

Mr. Merdes stated he believes that meets the Code, because there is a requirement for that masonry base.

Mr. Behra stated right.

Mr. Merdes stated for two poles.

Mr. Behra stated okay, yeah.

Mr. Merdes stated but he thinks that he just wanted you to clarify that.

Mr. Behra stated sure.

Mr. Merdes stated that two things were listed differently.

Mr. Behra stated oh, these are, both of these things are issues that were sent to us in the mail the other day and he did his best to address them before we got to the meeting this evening and he hopes that he has addressed them this evening as well.

Mr. Merdes stated he is fine, Thank You.

Chairman McGrath stated Thank You very much, anything else.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated so then to the Applicant, you, this sign will be built as your drawing that you submitted, because the drawing that you submitted shows two poles going into the ground with a masonry base.

Mr. Behra stated yes.

Tony Sandora stated so that's the way it will be built.

Mr. Behra stated yes.

Tony Sandora stated okay, Thank You.

Chairman McGrath stated good, anyone else, anything.

**Tony Sandora stated make a motion to approve the sign for Royalton Office Center as per the drawing.**

**Victor Bull 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.**

Mr. Behra stated Thank You.

Chairman McGrath stated that is approved, you are very welcome, Good Luck to you.

Tony Sandora stated Good Luck.

### **Subdivision Approval**

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

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

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

Good Evening, my name is Michael Mackay, his address is 7017 Pearl Road, Middleburg Heights, Ohio.

Chairman McGrath stated Thank You.

Mr. Mackay we are here for Sketch Plan Approval, we have a submitted our plan revised to you, we had previously submitted it and we have been here before, several times in front of you, we have updated the plan as you have requested with the wetlands delineation on it and a we have submitted to you with a the delineation on our project property as well as the, excuse him, the property that the City is considering for a regional detention basin, with that information in front of you and on the plan, we are asking for the Sketch Plan Approval either as our plan is shown or in the alternative, the detention basin, the regional basin that the City has desired so, that's what we are here for tonight.

Chairman McGrath stated good, Thank You.

Mr. Mackay stated Thank You.

Chairman McGrath stated is there.

Mayor Luks stated Mr., Mr., Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated may she jump in here for a moment because she thinks there needs to be some explanation. Mayor Luks stated we have been working with the Developer, who has been very helpful and very cooperative and she appreciates that to, to determine how the City could install this regional retention basin that was recommended by the Citizens Flooding Oversight Committee and their work and in fact they a, in their findings, that Committee prioritize the projects and she believes that this regional retention basin was second to the top of their priority list, because it will go a long way in alleviating the, the flooding problems and improving the situation. Mayor Luks stated we have discussed preliminarily how the City and, and the Developer will work collaboratively and we will iron out the definitive terms of that and she would, she would gather from her conversation with the Law Director, put that into the Developer's Agreement, she in Executive Session last night, discussed this matter with Council and have their commitment to support this going forward, it is going to require that the City hire a Consultant to perform wetlands studies on the portion of land that we are intending to acquire through an easement separate from the land that they have on an adjoining property owners property and it's going to require that we obtain the appropriate permits for disturbing wetlands in order to create this retention basin. Mayor Luks stated but the Developer and the City have basically agreed that we are going to work together to, to get this done.

Chairman McGrath stated good Thank You.

Mayor Luks stated Thank You.

Chairman McGrath stated well there appears to be a larger than usual crowd, more than we usually get when we talked about signs, so let's start with if there is anyone in the audience that wishes to be heard, a couple ground rules, step forward, state your name, your home address, share with us what you will without being repetitive and if you just want to say me too after somebody else has already said what you want to say, just say me too and that's adequate but just to repeat what somebody ahead of you said really doesn't serve any purpose. Chairman McGrath stated that having been said, is there anyone wishing to be heard on, on the Chesapeake Subdivision this evening.

Chairman McGrath stated one more time, anyone here wishing to be heard on the Chesapeake Subdivision, okay Thank You.

Chairman McGrath stated in that case, he will go to the Building Department, any comment that you wish to make.

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

Chairman McGrath stated Thank You, then to the Engineering Department.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated he has nothing to.

Chairman McGrath stated nothing further.

Mr. Merdes stated nothing further.

Chairman McGrath stated okay, anyone on the Commission anything.

Chairman McGrath stated given the fact that the Mayor has indicated that there are additional things that need to be done, unless anyone on the Commission has a contrary thought, he believes it is appropriate to table this at this point.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated they have met what they need to meet for Sketch Plan Approval in her opinion and there is no reason to delay them.

Chairman McGrath stated okay.

Mayor Luks stated she guessed what she was getting at is that as this moves to the next the step we will have more detailed information about this regional retention basin, it's size and all of that, at this stage we wouldn't have done all of the detailed work but she believes it would be appropriate to let them move through Sketch Plan Approval to begin the the more detailed work.

Chairman McGrath stated good, Thank You.

Chairman McGrath stated would you make a motion in that regard then.

Mayor Luks stated yes, she moves to approve.

Chairman McGrath stated he seconds.

Don Willey stated second.

Chairman McGrath stated it's been 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 Sketch Plan Approval is granted Good Luck to you Gentleman.

Mr. Mackay stated Thank You.

Mr. Mackey stated Thanks.

Chairman McGrath stated Thanks, Thanks for the clarification Mayor.

Mayor Luks stated sure, she is sorry, she guessed she was rambling.

River's Edge Properties, LLC, **Rivers Edge Subdivision**, PPN 485-12-006 and PPN 485-11-001, Bennett Road, Rural Residential Zoning. Sketch Plan Approval.

Chairman McGrath stated if the Applicant or their representative is here and he sees that they are, state your name, your home address, speak into the microphone and share with us what you will please.

Steve Sokol, 4064 Shenandoah Parkway. Mr. Sokol stated Thank You. Mr. Sokol stated we are back before you tonight here with the River's Edge Subdivision, again, it's a continuation of what's been a long process over the last almost 3 ½ years of going through and trying to work with the US Army Corps of Engineers in getting a wetlands permit for this project. Mr. Sokol stated at this point we are at the process of being able to have that permit as, as part of that what we have agreed to and he thinks an integral part of this project is taking the 65 acres of the existing project and doing as a donation to the Metro Parks, almost half, 30 acres of the available ground including the area immediately adjacent to the East Branch of the, excuse me, Rocky River. Mr. Sokol stated he thinks that's a very dramatic statement going towards the public use and keeping this corridor free and open as far as not getting more encroachment onto the flood plain area adjacent to the river area. Mr. Sokol stated in addition what this project is, is it's 21 sublots on a cul-de-sac, actually a cul-de-sac and spur coming off of the cul-de-sac as was previously determined, it would be feed by a, oh he is sorry, the sanitary sewer would be a, would be a pump station to be determined pumping to a direction, other than that, like he said, a lot of that would just be rehashing what's going over, but the same, it's the same concept, the only changes would be, is now we are finally at the point of having a permit for the wetlands but it, since that point has been enacted the Riparian Zone Ordinances for the City of North Royalton, so were, were kind of here to just get the project back started tonight, have some open discussion and a see where we are.

Chairman McGrath stated Thank You, that having been since and since no one was here for the other subdivision, perhaps there is someone here who would like to be heard on this subdivision if so, please indicate that, step, is there anyone wishing to be heard, okay Thank You.

Chairman McGrath stated to the Building Department anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, to the Engineering Department.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated he took a review of the, of what was submitted and he will start with what's required for this, this first approval, the Sketch Plan Approval and that's general subdivision information which shall describe or outline existing conditions of the site and the proposed development as necessary and the proposed development as necessary to supplement the drawings required in this section. Mr. Merdes stated the information shall include data on existing covenants, land characteristics, the availability of community facilities and utilities as well as information describing the subdivision proposal such as the number of lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants, proposed utilities and proposed street arrangements and improvements. Mr. Merdes stated some of that information is not currently on this, this drawing and some of the important ones that are probably missing is this subdivision is proposed in a Rural Residential District and then when he looked at Rural Residential Districts there is a, a, a site development evaluation that should lead to one of three options in that one is RRV and there is RR2 and a RR3 and they have different schedule of area, yard and height regulations and from what he can tell there are some of this, these, these properties, this information shown in a table on a drawing but he couldn't tell, it seems to be pieces and parts out of different ones and he couldn't tell if this is proposed as, as which of the three options, so we are going, you are going to need, to certainly do the site development evaluation and, and choose one of them, RRV, RR2 or RR3. Mr. Merdes stated then it will facilitate a a more thorough review. Mr. Merdes stated he did have a question about the sanitary, mostly because it appears, obviously that yes, it is a pump station situation and from this area there the nearest gravity sewers being in two direction but there it, if, there is Bennett Road northeast direction which leads you to a gravity sewer which then continues gravity all the way to the treatment plant or there is Bennett Road to the southwest direction which takes you to a gravity sewer that empties into an existing pump station that pumps the sewage into a gravity sewer that drops into another pump station and that pump station finally then lifts that sewage forces it up to a gravity sewer that goes into the, the Wastewater Treatment Plant, certainly, so there is going to have to be a decision made as to what, what's proposed so that, that could be properly reviewed also.

Mr. Merdes stated then since he believes part of the, bringing this to the Planning Commission is, is so that it can be shown, it can be discussed, he looked at, he looked at the Riparian and Wetland Setback

Ordinance because those are shown on this submittal, well, the Wetland Setback is shown he, he couldn't see the, the Riparian Setback and that probably should be shown also on the drawing, now the Planning Commission received a letter tonight that was received by the Engineering Department today from the Metro Parks, part of that letter speaks toward, towards this a, this issue that they, they realize that the a, this Ordinance exists and they, he also, they appear to be offering to, to help the City in, in reviewing how to meet the intent of the, of the Ordinance using some of their expertise, some of their resources perhaps to to a and they may even be more familiar with the site than any of us outside of yourself are because he believes, believes in these discussion with them they have been to the site so that he thinks is going to be really helpful in, in, in the review of of this proposal with regards to that Ordinance. Mr. Merdes stated there is another Ordinance that he, he thinks, needs to be considered and that is a the Flood Damage Prevention Ordinance, because also on this, this drawing is the Flood Plain and there is development shown inside the boundary of the flood plain there, there is also whole sublots right now that are within that flood plain, he thinks that he would suggest that you review that Ordinance and see if your, if that, if you want to revise or change anything because as you move forward there, it, that Ordinance is something that has different stipulations that are going to in his belief he thinks you have to, you have to follow that but it, he means you can read through and there is a, there is a, it's a pretty comprehensive Ordinance and that ones not new, that one is actually one that, that has been in the City for a, a long time, it was recently revised but it's, it's, that one is not a new Ordinance not that, that makes any difference.

Mr. Merdes stated he guessed in general those are his comments right now, he also prepared a report that has a a little more detail in it but for this discussion he guessed he will stop talking and let others talk, Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone on the Commission anything you wish to add or question.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey please.

Don Willey stated if he is reading the a, a, the sketch correctly Mr. a, a Merdes, indicated that there was not a riparian indicator on here if he is reading this correctly there was a riparian on either side of the river and it's, it's indicated by kind of hairy lines and it goes all the way, all the way through but it isn't on your key on the bottom here, if he is reading it correctly.

Mr. Sokol stated yeah but, as, as he is agreeing with Mr. Merdes also though that there area couple of smaller tributaries that need to have identification like, it, it, he guessed we are at a point where we are looking for more communication tonight and those are some of the items that he agrees he will make sure that read more accurately, specify what's, what, you know that's on the plan, there is no question about that, he agrees with Mr. Merdes.

Don Willey stated Thank You, that's all Mr. Chairman.

Mr. Sokol stated he guessed, if he could, he, he, you know, the thing that we are trying, he thinks that the real issue tonight or what we like to really discuss is, is looking, you know, Mr. Merdes brought up about the Flood Plain Ordinance, he will read the Flood Plain Ordinance and orientate himself into that but the Riparian slash, you know slash wetlands area, he thinks that's the real point of discussion, he would like to get kind of a more, of a generalization of where you know where we are going, when you, when you get into the Ordinance itself you know, it takes you into the point of basically a final design is, is his understanding before you can get to the point of saying okay, this is going to be acceptable and our big, he doesn't know, our big or big fear, big, the problem we have with that is that by the time we get into a final design and spend all this time and all this effort then we still haven't gotten to the point is this something that the City would like to see, you know again the concept of 21 basically one acre you know lots in this, in this area here, houses and he will prepare as was, as was brought out he will prepare more of a statement as far as what the subdivide actually is but in general, we are talking about, about probably three quarter million dollar houses, it is going to be an upscale, a very upscale development but we are looking for the general, if we get to those points, it was very, very, kind of the Metro Parks to say that they are going to jump and we were, fully supportive of that we appreciate that they are going to jump in and, and help us get to the point but, were, our concern is we are going to work with the Metro Parks, we are going to get this thing as environmentally friendly as, as we possibly can, we are going to get you know the issues as far as flood plain issues squared away but then we get back and then we come back and we say well you know what this is really isn't what the City of North Royalton had or desires of this area and we are just kind of looking for some feel so that if we go back tonight, we weren't looking for approval tonight, we are looking for discussion tonight and some direction.

Chairman McGrath stated Thank You.

Chairman McGrath stated that having been said since it's the function of the Commission to primarily grant approval or not grant approval he is going to look to the Administration for some input relative to the points that you raised because ultimately the Engineer has raised several points, visa via whole sublots that are in the flood plain, things of that nature that by the very nature of that situation causes us approval issues but if you want to talk about concepts he is going to suggest that perhaps the Mayor, the Law Director, and or the Engineer could, could have that exchange more appropriately.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated please.

Mayor Luks stated a, she guessed Mr. Sokol she needs just a little more clarification from you, when you are talking about, she understands what you, that you want some dialog, obviously with the, with the information that's lacking we wouldn't be able to do anything here tonight in terms

of an approval but she is not sure what your concern is over are you saying that to be able to answer the issues that Clark has raised that's going to require a great deal on in-depth detailed planning a, is that what, those issues.

Mr. Sokol stated no, that's not, the issues Clark has raised he thinks we can move forward on.

Mayor Luks stated okay.

Mr. Sokol stated he might not be able to get to 100% on every issue that Clark has raised but he thinks we can satisfactorily address the issues Clark has raised it's the, the hurdle gets to the next step beyond, beyond that, that he doesn't want to be beating a dead horse if, if we, you know if we can get to that and he feels that we can address those issues so that we can keep communicating, the question is specifically when we talk about you know the Riparian Zones and that and again we, we are wholeheartedly committed, you know we have already, we have gotten a Corps, we've got a Corps Permit the only thing we haven't done is we haven't signed it because of it's, you know, we sign it now we are on the clock again.

Mayor Luks stated sure.

Mr. Sokol stated and you know, he can, he makes the statement, we have a Corps Permit but in the three years or three and half years it took to get to that Corps Permit which was, which was almost let's just say the last hurdle from an environment, now we have gotten to the point well now we have another hurdle and that hurdle is this Riparian Zone and we are looking at that and saying well we are going to work with the Metro Parks and we will work the Soil Conservation Service but are we going back, are we going to be going backwards instead of forwards when we are done here.

Mayor Luks stated and, and Mr. President if she may continue, a, perhaps you had discussion with the Metro Parks and you have some idea of, of what they are saying when when they are talking about working collaboratively with us to achieve a, a final development plan that would achieve the resource protection goals of the setback ordinance she frankly has no clue what that means unless they could explain that to her and she thinks it would be easier for us to, to give you some sort of indicator of of whether or not we feel this is all going to end up being doable if you address Clark's items and if we could hear from the Metro Parks as to what thoughts they have on that a, and so and she is uncertain at this point whether that should be they come to the next Planning Commission Meeting or if that should be a Engineer's and Metro Parks that type of a sit down in a room and let's you know but, but or maybe both of those, maybe the Metro Parks and the Engineer sit down in a room and then come back and, and report that to this Planning Commission, but that would be her suggestion because these are, these are complex issues that a in some respects deal with new restrictions in this City that were sort of feeling our way on and she, she thinks to gain a more meaningful understanding of what's involved here it would be worthwhile to have that meeting with the Metro Parks and then we could probably give you more input in addition to you performing the items that Clark has asked for, does that make since, she is not trying to blow you off but.

Mr. Sokol stated no, no, that's.

Mayor Luks stated but we are just sort of feeling our way here and she doesn't want to mislead you and but she wants to make sure that we do this correctly.

Chairman McGrath stated Thank You Mayor.

Chairman McGrath stated is there anyone else wishing to be heard, step forward again, state your name and your position and or address and speak into the microphone.

Thank You Mr. Chairman, Councilwoman Lisa Uffman-Kirsch. Mrs. Uffman Kirsch stated that at this stage just a quick point, on the bottom of the plat in the box that says flood note, it talks about the different a flood zones that this proposed development is in and it says that it is not in a special flood, flood hazard area, unless she is mistaken it is in a special flood hazard area which would make it a, have to comply with the Chapter 1466, the Flood Damage Reduction Chapter and she would just feel more comfortable if the plat was corrected to state that it is in a Flood Hazard area, Thank You.

Chairman McGrath stated Thank You very much, appreciate that.

Chairman McGrath stated he thinks the Mayor and, and Councilwoman Uffman Kirsch both made valid points, obviously that notation needs to be corrected and the dialog needs to occur with perhaps your Engineers, our Engineers, Metro Parks, whoever their Representatives are to determine before coming back here, to determine what you are coming back here with and so that we understand what it is you need from, from us and they understand what it is you are prepared to do or capable of doing and to see if this whole thing is doable before coming back to Planning Commission so that in much the same way as Council works with a committee system, have your committee meeting ironed out and bring it back here for the business meeting and we, and we will flush it out and discuss it.

Chairman McGrath stated one last time, anyone in the audience wishing to be heard on anything, good, okay Thank you, yes Sir, step forward state your name, your home address, speak into the microphone and remember you are being recorded.

Jim Freed and he is with Steve Sokol and his.

Chairman McGrath stated and your address please.

Mr. Freed stated 387 Medina Road.

Chairman McGrath stated okay.

Mr. Freed stated just a, a, to acknowledge with regards to the Riparian Setbacks and the Wetlands, there has been you know constant dialog and communication between all three parties, ourselves and the Metro Parks and the Corps, Army Corps of Engineers to get to the stage where we are at with regards to the donation and of the land and such so it's, it's

actually a good suggestion in order to bring the Engineering Department from the City if we could with, with Metro Parks that would be you know something he thinks that they would favor as well so that they can speak outside of a public forum, they can sit down with the plans and go over that and he thinks that is something that they would like to do as well so that wouldn't be a problem.

Chairman McGrath stated it sounds like we are all on the same page.

Mr. Freed stated but again it was just a, just a, you know, wanted to clarify the fact that we did bring them in, it's not like we, were just kind of suggesting that the, they go along with this, it is something that they have been a part of, we have kept them apprised of what we have been doing with the Corps and it's kind of where we are at with the Corps permit, ready to sign it and making sure that there is an acknowledgement of the donation of the land that we are giving for the natural amenities along side the river and something that the Metro Parks really would like to, to have under their direct control not just as an easement but actually own that part of the River and at the same were, were looking for the acknowledgement of the fact that we are looking for a 20 some lots in the subdivision.

Chairman McGrath stated Thank You.

**Chairman McGrath stated all that having been said, is there 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.

Applicants stated Thank You very much.

Chairman McGrath stated Thank You and Good Luck to you.

#### **Utility Plan Approval**

**at&t** requests to place an above ground cabinet in the road right of way near 9793 Independence Drive, Approval.

Ms. Fashempour stated there is a Representative present this evening from at&t.

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

Tom Fogarty, at&t Design Manager, here to seek approval for seven locations one which is in the right of way, seven which are in existing easements to further push our fiber into the neighborhood for project light speed.

Chairman McGrath stated to the Engineer, to the Building Department, any comment please.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, to the Engineering Department any comment on the first of the at&t requests on Independence Drive.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated he will read his comments and ask that they be kept in mind and for this, this agenda item and, and all the following similar agenda items, in his reports there all, there all the same essentially there's, there's a permit required if this is approved by the Planning Commission, to obtain the permit, plans needs to be done by a registered engineer, all work needs to be performed in accordance with the City Codified Ordinances, the City Engineering Department needs to be contacted 72 hours prior to the work commencing and there is full time inspection required for all work performed within the City right of way, that time is billed to the Applicant, any areas disturbed are required to be restored, the City's standard backfill requirements are more stringent then those proposed by the Applicant in, in their letter and compliance is required. Mr. Merdes stated he doesn't think he attached the detail to this report, he attached the detail to a previous report.

Mr. Fogarty stated and we have that detail.

Mr. Merdes stated Thank You.

Chairman McGrath stated good.

Mr. Merdes stated we don't allow open cuts of the roadway pavements, and if sidewalks are going to be replaced, they need to be put back per full slab, videotaping of the work is required prior to the work and the City would like a copy of the video, Thanks.

Chairman McGrath stated Thank You.

Chairman McGrath stated any comment from the Building Department please.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anyone in the audience wishing to comment.

Chairman McGrath stated anyone on the Commission wishing to comment.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willey stated he, he just has a question, Mr. Fogarty, a, how many a, a, customers do each one of these serve, will each one serve.

Mr. Fogarty stated he would say on an average of around 250 to some 400, each distribution area where we put these boxes is different, they are the gateway to the neighborhood so one of them, if one was at the beginning of a subdivision and it was a 300 home subdivision around 300 homes but around anywhere from 200 to around 400.

Don Willey stated Thanks.

Chairman McGrath stated anyone else anything else.

Chairman McGrath stated any motions.

**Don Willey stated motion to approve.**

**Victor Bull stated second.**

**Chairman McGrath stated with the understanding of the backfill requirements and other points that the Engineer has raised.**

**Don Willey stated with.**

Mr. Fogarty stated yes and, and Mr. Merdes your comments about the, were going to, we have amended our standard and added that so we make sure we have the right backfill requirements on our letter to you and we are going to attempt to get that drawing, your backfill requirement sketch into cad and provided with the drawing each time we submit them.

Mr. Merdes stated Thank You.

Chairman McGrath stated so then as a, as a statement up front, any approvals that may be given tonight will be with the understanding that they are all with the understanding that all the engineering requirements as outlined by Mr. Merdes and as indicated in the Codified will be adhere to.

Mr. Fogarty stated yes.

Chairman McGrath stated Thank You.

**Chairman McGrath stated we have a motion do we have a second.**

**Tony Sandora stated second.**

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

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

Chairman McGrath stated an approval is granted.

**at&t** requests to place an above ground cabinet within an easement near 12500 Royalton Road, Approval.

Chairman McGrath stated anything additional you wish to add.

Mr. Fogarty stated just that they are the exact same cabinets, different neighborhood.

Chairman McGrath stated okay, Building anything.

Mr. Alvarez stated no comment.

Chairman McGrath stated Engineering anything further.

Mr. Merdes stated exact comments as before.

Ms. Fashempour stated this is in an easement though, so you will be providing landscaping correct.

Mr. Fogarty stated yes, oh yes, yes it is and it was provided with the packet.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated yeah because this one here is in an easement, this will be landscaped.

Mr. Fogarty stated yes.

Tony Sandora stated and who will maintain that.

Mr. Fogarty stated we will guarantee it for 18 months and then it would the property owner would take care of it.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated if, if, an if she can just raise the issue that we, we changed the Code requiring the Property Owner to a maintain the landscaping so that we have the capability of enforcement.

Chairman McGrath stated good, great, good, Thank You.

Tony Sandora stated and Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated to the Applicant, the owner then will be aware of that, that after your 18 months they will be required to maintain this.

Mr. Fogarty stated it's, not to his, not to his knowledge that they, that they know this at this time.

Tony Sandora stated these are easements that you purchased from property owners is he right.

Mr. Fogarty stated they are existing easements that we have had yes.

Tony Sandora stated okay so when you, when you made your easement agreement with them is there anything in there that, that you have in their that says you will maintain it for 18 months and that they will be responsible for it after that.

Mr. Fogarty stated no, that, that is not in the language, it's not.

Tony Sandora stated um.

Chairman McGrath stated and will the Property Owner be notified by your Company.

Mr. Fogarty stated he doesn't know specifically for this site but we have a contact with in many cases the easement owners to let them, to change easement language to allow an additional cabinet and things of that nature, he can't say on any of these sites that he knows that has happen, that's happened with another department.

Chairman McGrath stated can you follow up to assure us that it will happen, at the sites that we are talking about tonight.

Mr. Fogarty stated he can make, he can contact, he can have our surveyor who secures our easement Cole, Dick Cole go ahead and contact each easement owner out here, to that fact that we are going to landscape these and that we will maintain, we will guarantee the plant so for 18 months and they are responsible for it.

Chairman McGrath stated Thank You.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated if she may, um, she is, she would say it's probably safe to assume that when you contacted the property owner to change the language in the easements to allow for these additional cabinets that there was also additional compensation to the property owners.

Mr. Fogarty stated in, in, and no, in this case there wasn't.

Mayor Luks stated there wasn't.

Mr. Fogarty stated no.

Mayor Luks stated okay.

Mayor Luks stated a, but they initially were compensated for the easement.

Mr. Fogarty stated initially right when we first secured the easements and you know he can't say for sure, he's not positive but in most cases we do compensate the individual.

Mayor Luks stated compensate them, all right.

Mr. Fogarty stated and to be honest with you in these cases, though he is not positive that you know this is handled by another Department so there may have been.

Mayor Luks stated sure.

Mr. Fogarty stated but in his guess, in his estimation that at&t did not want to go out and secure, spend money on easement because the, the size of the project.

Mayor Luks stated uh um, okay.

Mayor Luks stated Mr. Chairman and she guessed, what she is trying to get to though and the reason why we put the Code in place that says the property owner is responsible for maintaining these is a when any property owner in this City does anything on their property like build a shed or what have you, there are Codes that apply and very often they are not necessarily informed of what those Codes are and the Company they go deal with to, to, to purchase the shed may not necessarily inform them of our Code, it's there responsibility she believes if they are doing something on their property to contact the City and, and, and become informed or aware of what, what this addition or change on their property may require of them and, and take some personal responsibility so she means, it would be great if at&t notified them that, that there are requirements but she doesn't, she thinks these property owners also have a responsibility when they are entering in into these agreements to find out what the City requires along with it.

Chairman McGrath stated you mean, instead of just taking the money and run.

Mayor Luks stated exactly.

Don Willey stated Mr. Chairman.

Chairman McGrath stated yes.

Don Willey stated would it, a, a, as a question he guessed to the Law Director, would it be appropriate at the time that we are having a public a discussion on these, these items and the resident is notified at that time and a that within the notification we quote the City Code stating that they would be responsible or for clarification their responsibility, would that be appropriate.

Chairman McGrath stated in his personal opinion it would not only because at some point when, when do people take responsibilities for their own actions rather than us taking them by the hand and holding their handkerchief and helping them blow their nose, you own the land, you are old enough to own the land, you are old enough to own the property, you are old enough to do the easement, you are old enough to benefit from the agreement, you are probably old enough to cut the grass and hopefully it goes without saying that you will, so, his, his gut is not to put another layer of bureaucracy in there.

Don Willey stated but, but he thinks a, Mr. Chairman a he thinks the issue is whether or not the, the property owner will be aware that they will be responsible at a point in time to, to maintain the landscaping and so forth if a, the, if at&t is going to do it for 18 months, you know, how do we or how does the, the homeowners know that they are now responsible out, outside of as the Mayor suggested in terms of the original easement agreement at&t or whoever the vendor may be.

Chairman McGrath stated Mayor would you have any thoughts on that.

Mayor Luks stated well her thought would be that as the Zoning Inspector's driving around town and sees dead landscaping they will find out pretty quickly.

Don Willey stated well, that resolves that.

Ms. Fashempour stated can she just make a comment that she did letters to the address and the people surrounding it so that they did know that the cabinets were coming, she believes a lot of these were existing easements, they weren't new easements that you just acquired they were existing easements.

Mr. Fogarty stated right all six of them.

Ms. Fashempour stated they were existing easements that already have boxes on them and things like that and you have done a little bit of work out there and she talked to a gentleman from Gross Developer's that takes care of the landscaping and, and she guessed the property down there where the two are going Deer Creek and Walnut Hills across from Spruce Run and he was really excited with the fact that they were going to be landscaped and was going to go back and talk to their people that took care of their property, see if they could water them and, and take care of it that way to make sure it grows, so you know, she doesn't know if that's going to help or not.

Mayor Luks stated sure.

Ms. Fashempour stated but she means, they are notified that it's coming and you know maybe the new easements that you acquire as you go through it, you know.

Mr. Fogarty stated new, new easements he is thinking, he thinks that we try to put that into the language now.

Ms. Fashempour stated okay.

Mr. Fogarty stated but these, these six sites, if you look at the landscaping there, there pretty nice sites already and look taken care of so, so he wouldn't have much concern about these six sites.

Ms. Fashempour stated and there were pictures attached to your packets as far as what was there originally and she believes these were just new cabinets on easements.

Chairman McGrath stated okay, Thank You.

Tony Sandora stated Mr. Chairman if he just may.

Chairman McGrath stated sure.

Tony Sandora stated he, he bought this up because of that fact, he knows these are mostly going on places that are commercial properties now, but pretty soon they are going to go on private individual homes some please and when that times comes we don't have to get into a situation where at&t leaves after the 18 months and then they you know, the homeowner says well, well, you know they were suppose to do it and now we are not going to do it, we, you know they got our money and they are gone so.

Mr. Fogarty stated he understands.

Tony Sandora stated he would appreciate, you know so if that language could be put into the new easements that's what he would like to see.

Mr. Fogarty stated he will see if he can get that done.

Chairman McGrath stated while we are waiting, is there anyone in the audience wishing to be heard on this installation at 12500 Royalton Road.

Chairman McGrath stated Thank You, any other comments, motions, and thoughts.

Tony Sandora stated motion to approve.

**Don Willey stated second.**

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

**Ms. Fashempour stated that's with the comments of the City Engineer correct.**

**Chairman McGrath stated yes, all, all of these approval will be with the comments, the agreement with the comments of the Engineer.**

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

Chairman McGrath stated approval granted.

**at&t** requests to place an above ground cabinet within an easement near 9520 Cedarwood Drive, Approval.

Chairman McGrath stated to the Applicant anything new.

Mr. Fogarty stated same, same type of cabinet being installed.

Chairman McGrath stated Thank You, Building Department any additional.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, Engineer anything further.

Mr. Merdes stated nothing to add.

Chairman McGrath stated anyone in the audience anything.

Chairman McGrath stated he will move.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated yes.

**Tony Sandora stated move to approve a cabinet placement at&t for 9520 Cedarwood Drive with the same requests as the other ones.**

**Chairman McGrath stated Thank You, he will second, it's 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 approval granted.

**at&t requests to place an above ground cabinet within an easement near 9499 Langdon Lane, Approval.**

Chairman McGrath stated Building anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Engineering anything.

Mr. Merdes stated no comment.

Chairman McGrath stated anyone in the audience wishing to be heard.

Chairman McGrath stated anyone on the Commission wishing to be heard.

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

**Don Willey stated second.**

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

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

Chairman McGrath stated approval granted with the same conditions.

**at&t requests to place an above ground cabinet within an easement near 11630 York Road, Approval.**

Mr. Fogarty stated same cabinet as previous.

Chairman McGrath stated same cabinet, Building anything.

Mr. Alvarez stated no comment, Mr. Chairman.

Chairman McGrath stated Engineering anything.

Mr. Merdes stated nothing to add.

Chairman McGrath stated Thank You, audience anything.

**Mayor Luks stated Mr. Chairman, she moves to approve with the conditions stated earlier by our City Engineer.**

Chairman McGrath stated Thank You.

Don Willey stated second.

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

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

Chairman McGrath stated approval is granted.

at&t requests to place an above ground cabinet within an easement near 12522 Royalton Road, Approval.

Mr. Fogarty stated same cabinet as previous.

Chairman McGrath stated just a question to the Applicant, why do we have one at 12500 and 12522.

Mr. Fogarty stated they are right across the street from each other one is cross connect box for north side and the other side for the left side, one is going to be on, they are both going to be on easements one is going to be in there with the easement with a cev.

Chairman McGrath stated okay, very good, Building anything.

Rm. Alvarez stated no comments Mr. Chairman.

Chairman McGrath stated Engineering anything.

Mr. Merdes stated nothing to add.

Chairman McGrath stated audience anything.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willy stated as a matter of interest they would have to be, the addresses couldn't be even if they are on the a opposite side of the street so they must be an approximation he took it to mean that one was for the apartment complex and one was for the other but it's got to be close proximity.

Mr. Fogarty stated they are, they are very close and they might be on the same, he may have misstated, they are across street but.

Ms. Fashempour stated she thinks one is Deer Creek and one on Walnut.

Don Willey stated right, right.

Mr. Fogarty stated yeah, across the same.

Don Willey stated they are on the same side of the street.

Ms. Fashempour stated same side of the street.

Chairman McGrath stated across the street on the same side of the street.

Don Willy stated right.

Ms. Fashempour stated across the drive she believes it is.

Don Willey stated yeah right.

Mr. Fogarty stated he shows it going across Royalton, we may have an address mistake.

**Don Willey stated Mr. Chairman, motion to approve the cabinetry at 12522 Royalton.**

**Chairman McGrath stated with the correct address changed.**

**Don Willey stated with the correct address.**

**Chairman McGrath stated with a phone call, by virtual of a phone call to the office tomorrow morning.**

**Tony Sandora stated second.**

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

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

**at&t requests to place an above ground cabinet within an easement near 12821 North Star Drive, Approval.**

Chairman McGrath stated Engineering anything.

Mr. Merdes stated nothing to add.

Chairman McGrath stated Building anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anyone in the audience anything.

Chairman McGrath stated anyone on the Commission anything.

**Tony Sandora stated move to approve the cabinet for 12821 North Star Drive with the same conditions as above.**

**Don Willey stated second.**

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

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

Chairman McGrath stated approval is granted, Thank You very much.

Mr. Fogarty stated Thank You for you time.

Ms. Fashempour stated Thank You.

Chairman McGrath stated you are very welcome, Good Luck to you.

**Miscellaneous**

Ms. Fashempour stated she has nothing under Miscellaneous.

Chairman McGrath stated he has nothing other than our next meeting is in three weeks.

Ms. Fashempour stated June 7<sup>th</sup>.

Chairman McGrath stated so since this is an extra Wednesday month, June 7<sup>th</sup>.

**Adjournment**

Chairman McGrath stated motion to adjourn.

Tony Sandora stated second.

Chairman McGrath stated 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, May 17<sup>th</sup>, 2006 adjourned at 8:35 P.M.

Approved: Edward McGrath  
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour  
Secretary - Planning Commission

Date : June 7, 2006