

Planning Commission Caucus 7:12 P.M. - 7:35 P.M.

Attendees: Chairman Edward McGrath, Vice Chairman Tony Sandora, Mayor Cathy Luks, Victor Bull, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, North Royalton High School Students, Laurie Pribish, Steve Runyon, Denise Bobulsky, Council Ward One, Lisa Uffman Kirsch, Council Ward Six, Paul Recker, Brenda L. Fashempour, Secretary.

Planning Commission Agenda 6-7-06 reviewed.

Ordinance No. 05-166 discussed. Awaiting ARB Minutes.

Discussion held regarding window banners and percentage permitted.

Ordinance No. 06-73 discussed, proposed amendments read, discussion with Lisa Uffman-Kirsch regarding Codified Ordinances and Chapters 1492 and 1466.

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

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road, on Wednesday, June 7, 2006 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Edward McGrath at 7:36 P.M.

Chairman McGrath stated will the Secretary please call the roll.

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

Absent : Council Representative Don Willey. Chairman McGrath stated is there a motion to excuse Don Willey. So moved Tony Sandora. Second Victor Bull. Chairman McGrath stated moved and seconded, Secretary please call the roll. Roll call: Yeas: Four - Bull, Mayor Luks, Sandora, Chairman McGrath. Nays: None. Motion carried.

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

Public Hearings

Ordinances

Ordinance No. 06-72 - An Ordinance repealing Chapter 1280 Planned Unit Development of the Codified Ordinances of the City of North Royalton, Ohio, and Declaring an Emergency.

Secretary read the Public Hearing Notice. Public Hearing Notice posted at the City's public posting places.

Chairman McGrath stated is there anyone wishing to be heard on proposed Ordinance 06-72.

Chairman McGrath stated one more time, anyone wishing to be heard on 06-72.

Chairman McGrath stated is there a motion to refer 06-72 to the Regular Order of Business.

So moved Tony Sandora.

Second Victor Bull.

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

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

Chairman McGrath stated referred to the Regular Order of Business.

Ordinance No. 06-73 - An Ordinance amending Part Twelve Planning and Zoning Code, Title Six Zoning, Chapter 1281 Traditional Town Center/Main Street District, Sections 1281.05(a)(3), 1281.16, and 1281.17(a), and enacting Section 1281.19 of the Codified Ordinances of the City of North Royalton pertaining to Development Review Procedures, and Declaring an Emergency.

Secretary read the Public Hearing Notice. Public Hearing Notice posted at the City's public posting places.

Chairman McGrath stated is there anyone wising to be heard on proposed Ordinance 06-73.

Chairman McGrath stated one more time, anyone wishing to be heard on 06-73, are there proposed amendments to 06-73.

Ms. Fashempour stated yes Mr. Chairman there are, would like me to read them now.

Chairman McGrath stated would you read please.

Ms. Fashempour stated read them now or would you like to wait until we act on it at the Regular Order of Business.

Chairman McGrath stated he would, his preference is, we refer this and then read them at that time.

Ms. Fashempour stated okay, that would be fine.

Chairman McGrath stated no one wising to be heard, is there a motion to refer 06-73 to the Regular Order of Business.

So moved Tony Sandora.

Second Victor Bull.

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

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

Chairman McGrath stated referred to the Regular Order of Business.

Conditional Use Permit

The Public Hearing will be on the question of granting a Conditional Use Permit for Carlo Chiuchiarelli of 10200 Investment Group, LLC and Jill Jester of Hair by Jill for the purpose of operating a Hair Salon at 10300 Royalton Road Unit A, PPN 483-13-014, General Industrial Zoning. Jill Jester, Hair by Jill is looking to move her business from Brooklyn to our City. Proposed hours of operation 10 A.M. to 6 P.M. or by appointment, Monday thru Saturday.

Secretary read the Public Hearing Notice. The Public Hearing Notice was posted at the City's public posting places and mailed to property owners within 500.

Chairman McGrath stated is there anyone wishing to be heard on the proposed Conditional Use.

Ms. Fashempour stated and Mr. Chairman, she does have a letter from Mr. Chiuchiarelli she would like to read into the record.

Chairman McGrath stated good.

June 7, 2006

City of North Royalton Planning Commission

Dear Members of the Board.

This letter is in regards to the request for a Conditional Use Permit for one of his units at 10300 Royalton Road. Unfortunately he will not be able to attend this evenings meeting due to his twins graduation ceremony, however my partner Rich Chiucharielli and Frank Colabianchi will be in attendance to address any of your concerns. At this time Jill Jester of Hair by Jill has requested to lease unit A from 10200 Investments Group LLC for the purpose of operating her Hair Salon. Jill is a resident of North Royalton and looking to move her business from Brooklyn to our City. The proposed business will not impact normal traffic flow, her business will not create any objectionable noise, smoke or nuisance to nearby neighbors. Hair by Jill normal hours of operation is 10 A.M. to 6 P.M. or by appointment, Monday thru Saturday. Hours of operation are concentrated but not limited to those hours consistent with clients schedules. Jill and I request a Conditional Use Permit because we feel that this type of business will enhance the quality of life for North Royalton residents. If any further information is needed, please feel free to call me, he would be more than happy to discuss this matter.

Sincerely

Carlo Chiuchiarelli

Chairman McGrath stated Thank You.

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

So moved Tony Sandora.

Mayor Luks stated second.

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

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

Chairman McGrath stated referred to the Regular Order of Business.

Adjournment

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

So moved Mayor Luks.

Second Tony Sandora.

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

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

Chairman McGrath stated the Public Hearing is adjourned.

Planning Commission Public Hearing adjourned at 7:46 P.M.

Chairman McGrath stated we will now call to order the Regular Meeting of the North Royalton Planning Commission.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, June 7, 2006** in regular session. The meeting was called to order by Chairman Edward McGrath at 7:47 P.M.

Chairman McGrath stated Secretary please call the roll.

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

Absent : Council Representative Don Willey. Chairman McGrath is there a motion to excuse Don Willey. So moved Victor Bull. Second Mayor Luks. Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll. Roll call: Yeas: Four - Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Approval of minutes: May 17, 2006.

Chairman McGrath stated is there a motion to approve the minutes of meeting of May 17, 2006.

So moved Mayor Luks.

Second Tony Sandora.

Chairman McGrath stated moved and seconded, discussion.

Chairman McGrath stated Secretary please call the roll.

Roll call: Yeas: Four - Bull, Mayor Luks, Sandora, 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 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.

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 Area 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.**

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 the above two run hand and hand, would you like to remove them both from the table at this time and discuss them both and then make separate motions if you so choose.

Chairman McGrath stated motion to remove from the table.

Ms. Fashempour stated Number 3 and Number 4.

Chairman McGrath stated Number 3 and 4 both.

Tony Sandora stated second.

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

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

Ms. Fashempour stated the Applicant is here this evening.

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

Good Evening, Laurie Pribish for Hinckley Ridge Ltd., 1425 Center Road, Hinckley, Ohio 44233. Ms. Pribish stated we are here tonight in regards to the Abbeyville Town home project on Abbey Road, just south of the Worthington site. Ms. Pribish stated since our last meeting, we have spent a great deal of time working on our town homes, the actual design of the town homes and staggering the fronts, some things that the ARB would like to have seen. Ms. Pribish stated we did receive some comments from Clark, she was kind of hoping we could go through tonight, she sees we still have some things we need to address.

Chairman McGrath stated good, Thank You.

Chairman McGrath stated to the Engineer please, comments.

Mr. Merdes stated Thank You.

Mr. Merdes stated he will more or less a, go through the report that he did when he was reviewing this plan. Mr. Merdes stated first clarification he guessed he needs is, is this property going to remain one property.

Ms. Pribish stated yes it is, they will be fee simple and it will remain one property and maintained by the Homeowners Association as a, as a unit.

Mr. Merdes stated the town home, all 38 town homes.

Ms. Pribish stated correct.

Mr. Merdes stated will sit on one property.

Ms. Pribish stated correct as a group development.

Mr. Merdes stated uh um.

Mr. Merdes stated but each town home will be owned by a separate.

Ms. Pribish stated correct, they are for sale units, they are not apartment or rental units, so each unit will have a fee simple deed but the parcel as a whole will stay as one parcel and the Homeowners Association will maintain all of the land, all the landscaping, all the outdoor maintenance, all of those issues.

Mr. Merdes stated has anyone gone through the Section 1270.06 which has the formulas for calculating buildings to buildings and those distances.

Ms. Pribish stated yes we did and a it didn't get put on the plan and we were hoping, they may change based on what the ARB wants us to do with the fronts and the backs because then the side yards change but we did do the calculations based on this plan and these layouts, they for some reason just did not get on the preliminary plan.

Mr. Merdes stated okay those will have to be added.

Ms. Pribish stated yeah, gotcha.

Mr. Merdes stated what can you, can you help to, as far as an explanation about, we have one, we have a street with, with development only on one side of the street, a had you considered other options.

Ms. Pribish stated well there's really not a lot of options because of the layout of the property she means, eventually you know these folks son will sell their property but right now they would like to live out their life there to where it will, you know it would end up with being a two sided street you know with their piece as the same type of product.

Ms. Pribish stated with your side yard requirements and rear yard requirements there is really no other options there.

Mr. Merdes stated the drive can't move back and forth between fronts and backs of the units.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated please Mayor.

Mayor Luks stated Mr. Merdes may she piggyback on that, clarify.

Mayor Luks stated Clark is asking what she was going to ask so she is going to jump in, a, you have Abbeyville Lane coming in.

Ms. Pribish stated uh um.

Mayor Luks stated what is the reason that prevents you from having drives off of Abbeyville Lane onto the property with buildings turned the other way facing those drives coming in so that, instead of.

Ms. Pribish approached the dais.

Mayor Luks stated instead of your buildings lined up in this manner, why couldn't you have drives in with buildings situated facing these drives in.

Ms. Pribish stated ohhh.

Mayor Luks stated so that you don't have one long road.

Ms. Pribish stated you want the building cocked not the road.

Mayor Luks stated right, right, drives in with two buildings facing this way, two buildings facing, you know something like that, why couldn't you do it that way is that what you were getting at.

Ms. Pribish stated well.

Mr. Merdes stated he just wondered if there weren't other options.

Mayor Luks stated right and that was what she was wondering.

Mr. Runyon stated there is no back door on the units.

Ms. Pribish stated we would be infringing more on the rear yard, you know what she is saying when you start, you would be infringing on the front yard and, and rear yard.

Mayor Luks stated well would that still be the rear yard or would that then be the side yard.

Ms. Pribish stated well she doesn't know.

Mayor Luks stated well, she thinks, she thinks it would then be the side yard.

Ms. Pribish stated okay.

Mayor Luks stated she thinks, is she, Clark.

Mr. Merdes stated yes he means the Code sort of tries to, to, to point you in the direction it's, he means it has, in order to provide greater flexibility, design more attractive arrangement of buildings, greater utilization of open spaces, yard regulations for multifamily dwellings are established by, by all of those different formulas that really try to, to get a, a different arrangement of, of, of structures rather than all, all in a line, it's more the intent of the Code to, to get something different then, then what's shown right now.

Ms. Pribish stated okay, we can look at trying to cock, you know cock the buildings, she knows that the ARB wanted us to staggered them and then also to make the buildings different, the topography lends itself on part of the buildings to have a drop in the roof line and some of it doesn't, so some of the building will have a roof line drop and some won't, so that they won't, they aren't all going to look identical, does that make sense.

Mr. Runyon stated this plan may not show it.

Ms. Pribish stated you know it may not be exactly this drop but maybe a drop here and then another drop or it may be depending on the topography.

Mayor Luks stated are you finished.

Mr. Merdes stated no.

Mayor Luks stated she is sorry, go ahead.

Mr. Merdes stated okay, continuing, there is actually a requirement to see landscaping at this point.

Ms. Pribish stated yeah, she, she, she must have misread that, she thought it was at final plan stage, but we are working on it and we have it, we have it pretty much done so that shouldn't be an issue, she can resubmit that.

Mr. Merdes stated let's see, the preliminary plan of a group development area subject to the requirements of this section, the developers shall submit to the Planning Commission a preliminary plan of a group development by filing 10 copies with the Planning Commission. The Preliminary Plan of a ground development shall indicate the location, arrangement of all uses of the group development area and shall unless waived by the Planning Commission as not being applicable indicate the following items, the topography at two foot contour intervals of the proposed development area including property line easements street right of ways, existing structures, trees, landscape features and including a certification by a registered architect or survey of the gross area of the development in acres and square feet.

Mr. Merdes stated he guessed more information is the, the drive being that it is all, the larger property that all these units, it's on is, is on, is then the, the driveway, well he guessed it belong to everyone then.

Ms. Pribish stated right, correct.

Mr. Merdes stated okay, how about the sanitary sewer which would be dedicated to the City that there's probably going to be an easement that's going to be needed for, for sanitary, for water, Cleveland Water would want to see an easement.

Ms. Pribish stated okay.

Mr. Merdes stated your, the storm, the storm water facility, probably another easement there, there is, there's some information still lacking that we need to see in order to, to really complete the review and a, that was pretty much the comment that the plan still remains deficient of required information in particular property lines and easements.

Mr. Merdes stated property lines was because he didn't know if it was all staying as one property so it's, it's less, the subplot property line but more the easements.

Ms. Pribish stated okay.

Mr. Merdes stated private streets are required to be built in accordance with the City Standards, on the previous application it was actually closer to City Standards then this one, a, the pavement width is 25', vertical curbs, 4' sidewalks, properly dimensioned cul-de-sac, inverted crown pavement is, is not standard.

Ms. Pribish stated is it something that we can possibly do, she means, were, because of all the curb cuts for the driveways we were hoping to get, to use a rolled curb so that the driveway could sit on top of the curb instead of cutting out all the, she means this is going to be you

know, to try to maintain, to have a better maintenance and a better product to where the driveway sits right on top of the curb. Ms. Pribish stated a, they have done it in many places and she did bring an ODOT Standard that shows you what, what there standard is, it's a rolled curb and then the driveway actually comes to the top of the curb, you don't actually cut the curb out with all the curb cuts being so close together you are going to have these little pieces of curb.

Mr. Merdes stated uh um.

Ms. Pribish stated so to try to, to make it a nicer product and not such a maintenance nightmare we would like to go with this rolled curb.

Mr. Merdes stated well he guessed he would like to reserve the recommendation on that until he actually sees if all of these units and all of these driveways are still going to remain.

Ms. Pribish stated okay.

Mr. Merdes stated the, there is no reason to do an inverted crown on the pavement.

Ms. Pribish stated okay.

Mr. Merdes stated he sees the sanitary sewer is actually moved from, from what he would have considered standard running along side the roadway to now it's in the rear of the, of the units that's there, is a big access problem, a, for most of, these sanitary sewers that leave leave the pavements, we, we end up building access driveways pavements back there a.

Ms. Pribish stated what we were thinking about is, is maybe use, putting some of the parking in-between the buildings and that way you would have access to all the manholes.

Mayor Luks stated if you turn the buildings.

Ms. Pribish stated well right, same thing and then you would have access to that sanitary line.

Mr. Merdes stated uh um.

Ms. Pribish stated and then like the Mayor is pointing out, by changing the units on that, would give you the access.

Mr. Merdes stated yeah, it's going to have to be better than what's shown now.

Ms. Pribish stated yeah, okay.

Mr. Merdes stated the storm, the storm a, the storm water, storm sewers, again, they will probably move from, from beneath the center of the roadway because that's not standard and if he, if he sees this, it appears as though there is a curb, storm sewer and, and even a change in alignment without a structure, he means, those, you, that can't be done.

Ms. Pribish stated okay.

Mr. Merdes stated it, it's, as you bend on the cul-de-sac it appears as though the, the storm sewer is continuing around the centerline in, in a curved alignment.

Ms. Pribish stated gotcha.

Mr. Merdes stated so that's why he said that structures are required in all changes of directions and no curved alignments of the storm sewers.

Mr. Merdes stated now we come to the Stormwater Management that he had concerns about before and he has more concerns about now a, the, the units he believes all of them have, have basement.

Ms. Pribish stated correct.

Mr. Merdes stated you are bringing then all of the stormwater down to a proposed retention pond and it's outlet, this is the largest concern, it's outlet is, is actually a storm sewer.

Ms. Pribish stated correct.

Mr. Merdes stated Stormwater Management, your basins are designed to accommodate 100 year storms, storm sewers only accommodate 10 years and actually the storm sewer that you are connecting to already is carrying stormwater.

Ms. Pribish stated she talked with the Engineer's about this and she means, she can get something in writing from them, the way they explained it to her was that five acres of, what water was coming off that five acres was taken into calculation when they designed Worthington and then we are going to detain any new stormwater in our detention pond and release it, what he told her was actually at a slower rate than what it currently is, was being sent over there on just the regular five acres, does that make any sense, he might be able to write it better than what he can explain it.

Mr. Merdes stated your basins, first of all he wonders if it is going to be, just if it works for the basements, that put aside, the fact that you have to design the stormwater basin to accommodate a 100 year storm it will have to be huge to what you are talking about it is practically limiting a 100 year incoming storm to an, an out flow of, of a much smaller storm it.

Ms. Pribish stated she will have to have them call you and let that, you know you can talk to them direct about you know the Engineering of it.

Mr. Merdes stated yeah because he means, aside from that there's, there's, actually it's a 100 year storm and then there is actually an overland, there is suppose to be an overland flow route that it in an emergency situation should be something happen at the basin, control structure is, is damaged, blocked, something goes wrong, there should be, and it's, it's, it's a requirement to that there is now an overland flow path which he doesn't see either here.

Ms. Pribish stated uh, is this something new, is it something we did at Worthington.

Mr. Merdes stated yeah.

Ms. Pribish stated oh, okay.

Mr. Merdes stated at the, at the cul-e-sac there is actually two, two overland flow routes and from the storm sewers towards the basin and then from the basin into the, the Biro ditch.

Ms. Pribish stated okay.

Mr. Merdes stated the Traffic Study, it appears it didn't consider Worthington Subdivision, Indian Trail Subdivision or Huntington's PUD.

Ms. Pribish stated she, she left a message for Lynn today, so she will have her re-do it.

Mr. Merdes stated a.

Ms. Pribish stated she can get that information from you, whatever she might need.

Mr. Merdes stated Indian Trails, we will have that information there for her.

Ms. Pribish stated okay.

Mr. Merdes stated and the flood plain note contains a statement regarding zone b, if zone b is actually here on this property it's going to have to be delineated and, and we will need to know a, that, where it's at.

Ms. Pribish stated okay.

Mr. Merdes stated the typical pavement section actually has a something labeled, building setbacks which is not, not correct.

Ms. Pribish stated yeah, she noticed that it's.

Mr. Merdes stated a, he thinks there is suppose to be a, a something, a square foot either the property in square feet or the whole 38 units, the amount of square feet they take up he thinks it is the square feet of the units should be on there total.

Mr. Merdes stated Wetlands, you submitted a sort of a letter report that will have to be confirmed by the Army Corps of Engineers before final Engineering Department's Approval and finally there was some discussion last time you were here about the buildings and the number of units and if you got over a certain number of units, about the ADA compliance, he doesn't know if that's been addressed.

Ms. Pribish stated no, she has researched it and the Architects are telling her we need to, will have to make two of the units ADA compliant based on the Fair Housing Act, so we are proposing to make two of the larger units ADA compliant where they can have a downstairs bedroom and wider doors and all the things that go along with that.

Mr. Merdes stated that concludes his report.

Chairman McGrath stated Thank You.

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 anything.

Victor Bull stated Mr. Chairman.

Chairman McGrath stated please.

Victor Bull stated the Police Department in their report did note that a they are requesting a stop sign be put on the private road.

Ms. Pribish stated of course.

Chairman McGrath stated Thank You.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated Ms. Pribish he knows that you have worked diligent on this plan and everything but he has, has to tell you, you know looking at your rendering and everything it just, there is really something missing there okay in his, in his view. Tony Sandora stated to follow up with what the Mayor brought up about maybe turning these buildings, what the ARB said about the different.

Ms. Pribish stated uh um.

Tony Sandora stated you know styles or heights of them or something, you know it's almost as if he doesn't know, it's almost as if there is so many, so many units there on a, on that property that's not conducive for it you know, he means it's just, it, it, it just doesn't look right, in some way there has to be something to offset it, to set it, to make it look unique in some way he guessed that's what he is trying to say a, it just looks like it is a, it's just a row of building, like apartment building or something, it's row after row after row you know and it's but that's, that's just his opinion you know of it, so if you are going to work on this he doesn't know and maybe with the ARB could come up with something to help you along or something, he doesn't know what the answer would be but a just.

Ms. Pribish stated are you wanting to see the units look more different from one another or.

Tony Sandora stated well something to break up the monotone of it he guessed, you know he means it's just a to him there's just not something there that catches his eye you know what he is trying to say.

Tony Sandora stated he doesn't know how, how it would go for you as a selling standpoint, you know he means he just, he really don't know.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated a, she, she agrees with Mr. Sandora, it, it's, to her the most troubling part of, of this is the fact that it, the way it's laid out it gives you kind of barracks feel.

Tony Sandora stated yes.

Mayor Luks stated and, and it's all on one side of the road which is why he really feels, she would really like to see a, a drawing that, that changes that arrangement like we discussed earlier because she thinks that coupled with the ARB suggestion may change the entire feel and look of the whole thing, and, and it may even afford you of an opportunity to implement the ARB's recommendations if you are treating that, you know what is now the backyard would then be the side yard.

Ms. Pribish stated right.

Mayor Luks stated she thinks, it may even give you more flexibility.

Ms. Pribish stated right, we haven't, we haven't.

Mayor Luks stated so, she would really like to see that.

Mr. Runyon stated it may not only fit but there might be only one entrance.

Ms. Pribish stated well no, you would still have front and back door it just makes your rear yard not over here, it's over here.

Mayor Luks stated right.

Ms. Pribish stated you would still have a front and back door.

Mayor Luks stated it would break, it would break it up more.

Ms. Pribish stated we haven't been back to ARB since we came up with the plans and things, so it will be kind of interesting, just, you know, haven't got any comments or anything from them so.

Mayor Luks stated yeah, and she doesn't know how they will feel about her suggestion but she would like to, she would like you to explore it a little because.

Ms. Pribish stated okay, sure.

Mayor Luks stated it, this whole thing of everything being on one side of the road is, it just doesn't, it just doesn't seem right, it just doesn't look right.

Ms. Pribish stated okay.

Ms. Pribish stated we are on the Agenda for ARB are we not at this point, okay.

Chairman McGrath stated if he may to go back and shirrtail on Mr. Sandora's comment, he to would concur and if you turn the page please to, to the next page, a the word barracks hadn't come to mind until the Mayor mentioned it but yeah that's, that's probably a pretty good description and if you can, especially with the staggering that the ARB had suggested or that you had done after your talk, if you could vary the front elevation of each one slightly yet consistently, perhaps shutters on one, different trim on the another, not drastically but if each unit is going to be offset slightly yet each could be unique yet complementary.

Ms. Pribish stated maybe a different doorway.

Mayor Luks stated awning, no awning.

Chairman McGrath stated at least and one with shutters and one without and one with a round vent and one with a square vent and something to give them some character.

Tony Sandora stated maybe not a gable on, on each one like that, maybe a mansard.

Chairman McGrath stated right.

Tony Sandora stated maybe something, something just to constantly off change it you know so it's.

Chairman McGrath stated dutch, dutch colonial, inaudible.

Tony Sandora stated he means if you look at that it is just like a.

Chairman McGrath stated and he has seen row houses in other cities where the whole block is basically the same style yet each one has it's own for want of a better word façade or character.

Ms. Pribish stated right when we went to the first ARB meeting, we took two different drawings and the one they said was like too much different.

Chairman McGrath stated well then.

Ms. Pribish stated because each one had you know was like one was like a yellow, one was a green, one was a, you know.

Chairman McGrath stated well okay, but then somewhere maybe perhaps.

Ms. Pribish stated somewhere in-between.

Chairman McGrath stated somewhere in-between there may be a, a common ground.

Ms. Pribish stated okay.

Chairman McGrath stated but, your, your hearing what they said, you are hearing what we are saying and it sure does look like an apartment house from here, you know and.

Ms. Pribish stated gotcha.

Tony Sandora stated he might go home one night and go into the wrong place.

Chairman McGrath stated yeah.

Laughs.

Mayor Luks stated Mr. Chairman, she is sure that no one here has experienced that though.

Chairman McGrath stated he won't go there.

Laughs.

Chairman McGrath stated but again.

Ms. Pribish stated she, she has gotcha.

Chairman McGrath stated consistent with Mr. Sandora and the Mayor's comments, you have worked long and hard you're a, you're a pleasure to work with and it seems like were getting close.

Ms. Pribish stated gotcha, great.

Chairman McGrath stated we look forward to the next time you come back and.

Ms. Pribish stated great.

Chairman McGrath stated address any of the comments of the Engineer and the comments of the Commission.

Chairman McGrath stated is there, before we wrap this up, is there anyone in the audience that wishes to share anything at this time, yes please, step forward, state your name, your home address, speak into the microphone and remember you are being recorded.

Janice Meiners, 11250 Abbey Road. Mrs. Meiners stated is that it, is that all you needed, a we received a plot here and she guessed she didn't, oh she is sorry, she guessed she didn't realize there was road coming off onto Abbey right there and her concern is because she thought it was coming off of Worthington Way coming through the back and it was going to, you know the road was going for the Abbeyville town homes was going to come up that way, her concern is, there are several roads coming off onto Abbey right there, there's the Clubhouse Drive, Woodridge, the new Worthington Way and then she knows that you know that they have a Glen Abbey down the road and then there is another new subdivision going in on the, the east side maybe 10 houses down from her house, 11250 she knows there is another new subdivision on the left there, so that's several roads bringing many houses onto one road and she guessed her concern is Clubhouse Drive and Woodridge are right there

and now they are going to put another road out with 38 homes, it's just a, a little bit of a cluster to deal with at different times of days and just different traffic patterns and she know, and she heard something about a traffic study and she would have come to the January meeting but she didn't, like she said, she didn't realize there was a road there from this and then she stopped down at North Royalton there and looked at the plans so she doesn't know if that's a concern for any of you but the road is pretty close to the other two main roads coming out there.

Chairman McGrath stated you make a good point and that is the reason for the traffic study and that's the reason that the Engineer asked that the traffic study be more inclusive and reference some of the other subdivisions and he believes he referenced three that he wanted to see included.

Mrs. Meiners stated okay.

Chairman McGrath stated and yes it, it is a concern to all of us and we are looking at that and we will continue to do that.

Mayor Luks stated uh um.

Mrs. Meiners stated but as, as a suggestion she knows you are working on this, she doesn't know if that is an option to come down Worthington Way and she knows you would loose a, a one of your lots coming in through the back way and coming up to the proposed Abbeyville and she doesn't how it's working, she is not an Engineer either but then you would gain a lot in the front or something or two for the town homes and you know that way you wouldn't have another road coming right out onto Abbey because like she said, we have people flying passed us trying to get around from the Apartments even just going in and out of our drives as it is and it just seems like another road is, is just another cluster that's kind of her concern.

Chairman McGrath stated that, that would, that may be a what seems to be and again without doing the Engineering on it, might seem to be an easy solution however it may cause a much longer and more surrealistic route which could be a safety issue relative to Fire and Police vehicles that may have to get back in there if they have to wind there way through one to get to another and that's why we have that situation where Sunrise and Independence back up where they have the gate that will allow access one to the other.

Mrs. Meiners stated okay.

Chairman McGrath stated should they need to a.

Mrs. Minors stated okay.

Chairman McGrath stated a, there's, there's more consideration, there are many considerations beyond the number of roads that a, flow into any one particular street but they are all issues that the Engineering Department will work with the Developer with to ensure that the project is done the way that it works best for the developer and for the City and for the residents.

Mayor Luks stated right.

Mrs. Meiners stated could she, could she make another suggestion, also Clubhouse Drive comes up here and she doesn't know she heard something about easements and she didn't know if that could be an option coming off of Clubhouse Drive from Harbour Light.

Chairman McGrath stated well that's, now we are into different owners, different developers.

Mrs. Meiners stated right.

Chairman McGrath stated and if we.

Mrs. Meiners stated she, but she didn't know if that could be an easement with them or something because that would be another option coming in off the, instead of coming in off of Worthington Way and taking one of those lot, lots, there is a Clubhouse Drive right on the other side so.

Someone uh um.

Mrs. Meiners stated she doesn't, just a suggestion maybe something we could look at.

Chairman McGrath stated okay.

Mrs. Meiners stated okay.

Chairman McGrath stated Thank You very much.

Mrs. Meiners stated Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else wishing to be heard.

Chairman McGrath stated is there a motion.

Tony Sandora stated Mr. Chairman move to table Abbeyville Townhouses 3 and 4.

Chairman McGrath stated he will second, it has been moved and seconded, Secretary please call the roll.

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

Tony Sandora stated Thank You.

Chairman McGrath stated Thank You.

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 it is tabled, there will be no action.

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

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

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 it is tabled, there will be no action.

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. **Tabled.**

Ms. Fashempour stated River's Edge Properties, LLC, Rivers Edge Subdivision, it is tabled, she is going to request a ninety day time extension from Council please.

So moved Mayor Luks.

Second Victor Bull.

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

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

New Business:

Ordinances

Ordinance No. 06-72 - An Ordinance repealing Chapter 1280 Planned Unit Development of the Codified Ordinances of the City of North Royalton, Ohio, and Declaring an Emergency.

Chairman McGrath stated is the Applicant or their Representative or anyone here that wishes to speak on this proposed Ordinance.

Mayor Luks stated Mr. Chairman she will.

Chairman McGrath stated okay, Thank You Mayor.

Mayor Luks stated a, there a, is a general consensus that the Codes that are in place for Planned Unit Development need adjusting and because of that there was a Interim Control placed on Planned Unit Developments to afford time to do that and as it turns out it is going to take longer than anticipated because there is still a real question as to what we as a City want the goals of a Planned Unit Development to accomplish especially considering the fact that we have the Mixed Use District now in our Town Center and, and so afford more time to take a look at that and study that issue is was decided to just simply repeal those Codes until better Codes can be developed and that's what this will accomplish.

Chairman McGrath stated Thank You, anyone else anything, Building anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Engineer anything.

Mr. Merdes stated no comments.

Chairman McGrath stated Law Department.

Mr. O'Donnell stated no comment.

Chairman McGrath stated anyone in the audience.

Chairman McGrath stated anyone on the Commission.

Chairman McGrath stated any motions.

Tony Sandora stated motion to approve.

Victor Bull stated second.

Chairman McGrath stated moved and second to recommend to approval, will the Secretary please call the roll.

Ms. Fashempour stated recommend to Council approval.

Chairman McGrath stated right Council approval.

Tony Sandora stated oh he is sorry.

Chairman McGrath stated good.

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

Ordinance No. 06-73 - An Ordinance amending Part Twelve Planning and Zoning Code, Title Six Zoning, Chapter 1281 Traditional Town Center/Main Street District, Sections 1281.05(a)(3), 1281.16, and 1281.17(a), and enacting Section 1281.19 of the Codified Ordinances of the City of North Royalton pertaining to Development Review Procedures, and Declaring an Emergency.

Chairman McGrath stated is there anyone wishing to be heard relative to 06-73.

Chairman McGrath stated are there proposed amendments to 06-73.

Ms. Fashempour stated yes Mr. Chairman there are.

Chairman McGrath stated would you read those please.

Ms. Fashempour stated 06-73 if you look at Exhibit B, 1281.16 Preliminary Development Plan, proposed amendment and Mr. O'Donnell we can make all these in one motion, right as she reads them.

Mr. O'Donnell stated yes.

Ms. Fashempour stated 1281.16 Preliminary Development Plan, first paragraph second sentence shall read; The preliminary development plan required in this chapter shall be defined as per section 1281.19 and in addition shall contain the following information.

Ms. Fashempour stated Exhibit D, 1281.19 Development Plan Review. Proposed amendment (a) third sentence shall read; Twenty-four copies of the required plans shall be submitted to the Secretary of the Planning Commission and a Public Hearing shall be held.

Ms. Fashempour stated (1) shall read; The topography, at two foot contours intervals, of the proposed development area, including permanent parcels with parcel numbers and dimensions of all parcels or portions contained and adjacent to the development area, property lines, easements, street rights-of-way and existing structures, trees and landscape features existing thereon, and a certificate by a registered engineer, architect or surveyor, of the gross area of the development area in acres and square feet.

Ms. Fashempour stated (7) shall read; Wetlands plan approved by the Army Corps of Engineers and OhioEPA.

Ms. Fashempour stated (8) shall read: Such other relevant information as the Planning Commission may require.

Ms. Fashempour stated (b) shall read: Referral for Review and Reports. Upon receipt of a Preliminary plan of a development area, the Secretary of the Planning Commission shall transmit a copy of the Preliminary Plan to the City Engineer, Planning Commission, Mayor, Building Commissioner, Fire Department, Police Department, Economic Developer Director, Architectural Review Board, Council, Director of Legislative Services, Law Director and City Planner (or a planning consultant) for their review, report and recommendations. The Secretary shall also transmit a copy of all covenants, restrictions and easement to be recorded, and covenants for maintenance, to the Law Director for his or her review, report and recommendations. The Law Director, City Engineer, Building Commissioner, Police Department, Fire Department, Economic Development Director, Architectural Review Board and City Planner (or a planning consultant) shall each, within thirty days from the date of receiving a Preliminary Plan of the development area, provide and furnish to the Planning Commission Secretary a report upon their respective jurisdictions. The Planning Commission Secretary shall distribute copies of the reports to: Planning Commission, Mayor, Council, Architectural Review Board, City Engineer, City Planner (or planning consultant), Building Commissioner, Fire Department, Police Department, Economic Developer Director, Applicant, and one copy shall be filed with the Director of Legislative Services, who shall maintain such copy open to public inspection.

Ms. Fashempour stated (c) three paragraph shall read; The report of the Planning Commission, shall be filed with the Director of Legislative Services for submission to Council, Mayor, Law Director, City Engineer, City Planner (or a planning consultant), Building Commissioner, Fire Department, Police Department, Economic Developer Director, Architectural Review Board, Planning Commission.

Ms. Fashempour stated continuing on (f) shall read; Final Plan of Development Area. Upon completion of the subdivision improvements as required in Chapter 1244, 1246 and 1248, the Developer shall apply for Final Plan approval as permitted in Chapter 1248 and shall submit twenty-four (24) copies of the Final Plan of the Development Area. Said application for Final Plan approval shall comply with Chapter 1248.

Ms. Fashempour stated (i) first two sentences shall read; Amendments to Plans. At any time after the approval of a Preliminary Plan and before submission of a Final Plan of a development area, the City on its own accord based on information indicating a substantial change in the Plan or the owner/Developer may request an amendment be made of the approval or conditional approval of the Preliminary Plan.

Ms. Fashempour stated and those would be the amendments to 06-73.

Mayor Luks stated Mr. Chairman and she moves to amend as read.

Chairman McGrath stated he will second.

Chairman McGrath stated is there any discussion on the proposed amendments.

Chairman McGrath stated will the Secretary please call the roll on the proposed amendments.

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

Ms. Fashempour stated and then if you so choose to recommend that to Council for adoption, she would need a motion to do so as amended.

Chairman McGrath stated he will move to recommend proposed 06-73 to Council as amended.

Victor Bull stated second.

Chairman McGrath stated it's been moved and seconded, is there any further discussion.

Chairman McGrath stated will the Secretary please call the roll.

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

Chairman McGrath stated it is recommended to Council.

Conditional Use Permit

Conditional Use Permit for Carlo Chiuchiarelli of 10200 Investment Group, LLC and Jill Jester of **Hair by Jill** for the purpose of operating a Hair Salon at 10300 Royalton Road Unit A, PPN 483-13-014, General Industrial Zoning. Jill Jester, Hair by Jill is looking to move her business from Brooklyn to our City. Proposed hours of operation 10 A.M. to 6 P.M. or by appointment, Monday thru Saturday, Approval.

Ms. Fashempour stated and the Applicants are here this evening.

Chairman McGrath stated good, will the Applicants step forward please.

Chairman McGrath stated and once again, state your name, your home address, speak into the microphone and remember you are being recorded and share with us what you will.

Hi, I am Frank Colabianchi and this is Rick Chiuchiarelli we are from 10200 Investment Group, the address is 10300 Royalton Road and Jill Jester is here, come on up Jill of Hair by Jill so we would like to answer any questions you may have.

Chairman McGrath stated anything else you want to add Jill.

Ms. Jester stated not really, she has been living in North Royalton for a year now and she loves the Community and would like to move her business here.

Chairman McGrath stated glad to have you here and hope this all works out.

Ms. Jester stated Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner anything.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated he just made a note that a you know that the State Building Codes are in affect here as well as the City Approvals and any alterations as far as layout plumbing, electric you name it, you know we have to see plans in our office for review according to the Ohio Building Code.

Mr. Colabianchi stated what we are going to do is going to be very minimal but whatever we do we will get a drawing to you so.

Mr. Alvarez stated right, right because a, when you get a new use in any tenant like this occupant loads change and we would like to get a Certificate of Occupancy eventually to you, that you are required and so whatever you have in terms of alteration changes, please submit them and they should be by a Registered Design Professional for our review. Mr. Alvarez stated Thank You.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated no comments.

Chairman McGrath stated Thank You.

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

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

Mayor Luks stated Mr. Chairman.

Tony Sandora stated he will recommend to Council for approval.

Chairman McGrath stated Mayor.

Mayor Luks stated second.

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

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

Chairman McGrath stated recommended for approval, Good Luck to you.

Ms. Jester stated Thank You very much.

Chairman McGrath stated Thank You.

Sign Approval

Huntington Park, Zillich Interiors, Inc., Royalwood Road, R1-A Zoning.
Sign Approval.

Ms. Fashempour stated and Mr. Zillich is present tonight.

Chairman McGrath stated good, step forward please and share with us what you will.

Good Evening, John Zillich, 2078 Ridge Road, Hinckley. Mr. Zillich stated he is here tonight to ask you to approve a subdivision sign for Huntington Park Subdivision on Royalwood Road.

Chairman McGrath stated Thank You, to the Building Commissioner anything please.

Mr. Alvarez stated Mr. Chairman, the overall sign is in compliance with the Code however, as far as the location on the site, we do have some requirements in terms of setbacks that they have to comply with. Mr. Alvarez stated his understanding is they are already applying for a variance for the setbacks.

Mr. Zillich stated yes, yes we did and they are on the topography.

Mr. Alvarez stated on the docket.

Mr. Zillich stated and you also said here and he is not sure if it came from your office, the setback from the street, the plans that he submitted, there is a cross section on the right side looking at the plan tells you 10' inside the sidewalk.

Mr. Alvarez stated okay, what he was referring to, was not that 10' it is actually to the street edge, the pavement, 25'.

Mr. Zillich stated well it says here from the street, that's why.

Mr. Alvarez stated yeah, the street edge of pavement.

Mr. Zillich stated yeah.

Mr. Alvarez stated so, he scaled this thing, the dimensions should be there.

Mr. Zillich stated it's there.

Mr. Alvarez stated not the 10', the 25 he is referring to.

Mr. Zillich stated yes the 25'.

Mr. Alvarez stated okay and the other, other note that he had was that the sign is in the utility easement.

Mr. Zillich stated yes.

Mr. Alvarez stated that might be a concern.

Mr. Zillich stated there is no other way, it's on both sides, the utilities are coming in.

Mr. Alvarez stated okay.

Mr. Zillich stated it's a matter of being approved or not approved, without or without the sign.

Mr. Alvarez stated sure.

Mr. Zillich stated well those are the concerns he had Mr. Chairman looking at the plans.

Chairman McGrath stated to the Engineering Department.

Mr. Merdes stated he has nothing to add.

Chairman McGrath stated anyone in the audience anything.

Chairman McGrath stated anyone on the Commission anything.

Chairman McGrath stated is there a motion to approve pending the decision of the BZA since it is already going to the BZA.

Mayor Luks stated so moved.

Chairman McGrath stated he will second.

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

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

Chairman McGrath stated Good Luck at BZA and we have the other as well.

Ms. Fashempour stated different Applicant.

Huntington, York/Royalton, LLC., York Road, Sign Approval.

Ms. Fashempour stated and the Applicant is, Applicants are here.

Good Evening Laurie Pribish for York/Royalton, LLC., 1425 Center Road, Hinckley, Ohio 44233.

Ms. Pribish stated we are here tonight for sign approval for our permanent sign for the Huntington Subdivision and it was brought to our attention that we will need a variance she believes we are too close to the neighbors home, it was brought to someone's attention, is she correct.

Chairman McGrath stated have you applied to.

Ms. Pribish stated no she has to, but she will.

Chairman McGrath stated okay, start with the Building Commissioner, any comments please.

Mr. Alvarez stated okay Thank You Mr. Chairman. Mr. Alvarez stated the sign again, the sign itself is in compliance with the area and so forth you didn't note a height dimension on your, your rail fence there, it should be 42 max on the and he cites the section of the Code there for you.

Ms. Pribish stated correct, okay.

Mr. Alvarez stated he doesn't think that's a big problem.

Ms. Pribish stated okay.

Mr. Alvarez stated the other thing he has is, you have lighting shown here and as a result we don't like to issue the electric permits without knowing what's being installed or how it's being energized so, upon plan review that you probably should submit more details on that as well.

Ms. Pribish stated she is sorry, details as far as.

Mr. Alvarez stated as far as the wiring method that is going to be used for the lighting.

Ms. Pribish stated okay.

Mr. Alvarez stated that you have shown here.

Ms. Pribish stated okay.

Mr. Alvarez stated that's typical, depth of wiring, size of wiring and so forth.

Ms. Pribish stated gotcha.

Mr. Alvarez stated and if you have any questions, just call him and we will get into it a little bit more.

Ms. Pribish stated will do.

Mr. Alvarez stated on that end of it, other than that he doesn't have any other comments.

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

Mr. Merdes stated um, did you determine how many variances you were going to, you would need for the sign.

Ms. Pribish stated well she believes it, for the house and then for the, we are off of our property line correct.

Mr. Merdes stated yeah and then there was a dimension that was missing and he couldn't determine whether or not it was, it appeared it wouldn't be large enough.

Ms. Pribish stated correct.

Mr. Merdes stated okay.

Ms. Pribish stated close to the neighbors to the north.

Mr. Merdes stated just so you only go once to, to BZA once.

Ms. Pribish stated right.

Mr. Merdes stated and ask for the variances you need Thank You.

Chairman McGrath stated once again is there, we could approve pending action by the BZA, approve tentatively and refer to BZA for their final determination.

Chairman McGrath stated anyone on the Commission any thoughts.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated yes Mayor please.

Mayor Luks stated she is not going to make a big issue out of this.

Ms. Pribish stated okay.

Mayor Luks stated but she just has to bring it up, she means what are the odds that we have two developments with sign requests in front of us in one night and both of them are named Huntington all be it one is Huntington Park um, how entrenched are you in the name Huntington because the other Huntington came before you.

Ms. Pribish laughed, stated she means, she is not entrenched in it but if, it won't be a big deal and won't slow anything up, she means she doesn't have a problem changing it as long as you know it doesn't slow down her construction plan approval or, she means Tom already has her Developer's Agreement, is it going, is she going to have to re-do any of that kind of stuff to make anything.

Mr. O'Donnell stated no, on the Developer's Agreement, we will just do an addendum to change the name.

Ms. Pribish stated okay.

Mr. O'Donnell stated of the subdivision that's all.

Ms. Pribish stated okay, she, we will change it, not a problem.

Mayor Luks stated it just, if you could without too much of a problem.

Ms. Pribish stated sure.

Mayor Luks stated only because although she is sure safety forces could figure it out it just leaves a little.

Ms. Pribish stated she agrees.

Mayor Luks stated it's a little murky.

Ms. Pribish stated she agrees, she agrees and we do not, do not have a problem with that.

Mayor Luks stated okay.

Chairman McGrath stated and beyond the safety forces when the resident is having a holiday party and they say we live at Huntington.

Ms. Pribish stated oh sure.

Chairman McGrath stated and they wind up at the wrong Huntington and the numbers aren't right.

Ms. Pribish stated she agrees with you wholeheartedly.

Mayor Luks stated so, Thank You.

Ms. Pribish stated she doesn't have a problem changing it.

Tony Sandora stated especially because it's only one, one street away.

Ms. Pribish stated right, yeah, she doesn't have a problem changing the name, not at all.

Mayor Luks stated okay Thanks.

Ms. Pribish stated you are welcome sure.

Ms. Fashempour stated would you like to table it, so that you can see what the name is going to be or doesn't it make a difference.

Chairman McGrath stated well since you are coming back.

Mayor Luks stated no, she means, she is sorry Mr. Chairman.

Chairman McGrath stated he is thinking that since Ms. Pribish is coming back in the next, shortly any how with the other changes the Engineer just discussed in detail.

Mayor Luks stated okay.

Chairman McGrath stated perhaps if you came back with the same proposal, answer the Building Commissioner's questions relative to the lighting or the powering or the energizing of the lighting and even with the name on it so we know what it is we are approving a, specifically he means he like, he likes the appearance.

Tony Sandora stated very nice.

Ms. Pribish stated okay should she go to BZA first and then when she comes back do those.

Chairman McGrath stated yes, yes, right, or either way.

Ms. Fashempour stated you are coming back next meeting for the final.

Ms. Pribish stated um yes but she would have to pick a name out and get new plans to you before then, oh when would she have to have it turned in by.

Ms. Fashempour stated well it's tabled, so she means you know, you have got some time, all they are looking for is just what the name is going to be.

Ms. Pribish stated okay, okay, she doesn't have to have it turned in by.

Ms. Fashempour stated no, not like she asked you, not like she asked you to do for the other stuff tomorrow.

Ms. Pribish stated tomorrow.

Ms. Fashempour stated and then Rito, Mr. Alvarez, she is sure you could work with him as far as what he needs to see.

Chairman McGrath stated and so that we have something in our hand at the next meeting so and we are approving you know.

Ms. Fashempour stated the name.

Chairman McGrath stated Paddington rather than, for example.

Ms. Pribish stated right.

Chairman McGrath stated we know what it is we are doing and then you can go on and start your, start your BZA process.

Ms. Pribish stated okay, okay, and she can do the BZA at the same time.

Ms. Fashempour stated yes.

Ms. Pribish stated okay, we can do that.

Chairman McGrath stated that, that being said, is there a motion to table.

So moved Mayor Luks.

Second Victor Bull.

Chairman McGrath stated moved and seconded, Thank You, Thanks for your help.

Ms. Pribish stated Thank You.

Chairman McGrath stated please Secretary please call the roll.

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

Lot Split/Consolidation

Christopher Carson, York Beta Drive, PPN 483-06-019, General Industrial Zoning. Lot Split.

Ms. Fashempour stated Mr. Carson is here. Ms. Fashempour stated she believes he has a revised drawing showing the 12' easement rather than 10', we told him he could bring that with him tonight and Clark can address that.

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

Exchange of plats.

Chris Carson, 439 Hatch Road, Wadsworth, Ohio.

Chairman McGrath stated speak into the microphone, remember you need to speak up because you are being recorded please.

Chris Carson, 439 Hatch Road, Wadsworth, Ohio.

Chairman McGrath stated Thank You.

Chairman McGrath stated and what is it you are asking us to do tonight.

Mr. Carson stated create the lot that is before Clark there.

Mr. Merdes stated it's not actually for him.

Chairman McGrath stated maybe perhaps before you.

Mr. Merdes stated um, right, a the a, the lot split complies with our lot area and width regulations and our yard regulations, he a, he had one note about the utility easement, it's actually is platted at 12', it had been shown at 10', it's now shown at 12' so that removes any concerns he has and he would recommend approval.

Chairman McGrath stated Thank You.

Chairman McGrath stated Building Commissioner anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Law Department anything.

Mr. O'Donnell stated he didn't, he hasn't look at the plan, he just had a question, does that include that stem parcel piece that, that, no.

Mr. Carson stated that's something different.

Mr. O'Donnell stated he has no comment.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated can he ask the Applicant, what is the purpose of the lot split.

Mr. Carson stated the purpose is to make the whole piece sale, more saleable on the cul-de-sac there.

Tony Sandora stated okay.

Chairman McGrath stated Thank You, anyone in audience wishing to be heard on this, okay.

Chairman McGrath stated anyone else on the Commission anything on this.

Chairman McGrath stated he moves to recommend the lot split or grant the lot split.

Tony Sandora stated second.

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

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

Chairman McGrath stated lot split is recommended, Thank You very much.

Mr. Carson stated good.

Ms. Fashempour stated she will sign it tomorrow, will you call me, you can come pick it up.

Mr. Carson stated sure.

Chairman McGrath stated Good Luck to you.

Mr. Carson stated Thank You.

Site Plan Approval

Transport Services, Inc., Albert T. Therrien, 10499 Royalton Road, PPN 483-24-004, General Industrial Zoning. Site Plan Approval for an Addition.

Ms. Fashempour stated and she believes that Mr. Therrien is here this evening.

Chairman McGrath stated yes, Good Evening, Sir, how are you tonight.

Good Evening, Albert Therrien, 16553 Timberlane Drive, Strongsville. Mr. Therrien stated he is here this evening for approval on a site of an addition to their existing building.

Chairman McGrath stated Thank You, glad that things are going well for you and that you are expanding that's a good sign.

Mr. Therrien stated he hopes so.

Chairman McGrath stated Thank You.

Chairman McGrath stated Building Commissioner anything.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated the only comment he really has is a, if the Planning Commission does approve this, that the Design Professional should submit the construction plans to our office for plan review for compliance.

Mr. Therrien stated right.

Mr. Alvarez stated that's all he has.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated yes, Thank You Mr. Chairman. Mr. Merdes stated there needs to be some more information shown on the, on the plan so that it can be properly reviewed, he included just the, the, the really, just copy a part out of the Code that, that shows what else, what is required, he, he didn't have a chance to show, say what's there and what's lacking, but he would like to see a, a revised plan that had everything that we need to, to look at to review it properly. Mr. Merdes stated he did notice that, your, your putting on an addition with overhead garage doors, he couldn't, is there actually driveway drives and pavement to those doors.

Mr. Therrien stated there will be, it wasn't, it was omitted on the, on this initial plan because were going to do the concrete work ourselves.

Mr. Merdes stated okay.

Mr. Therrien stated we are going to get our own permit and just do that part of the pad ourselves, the interior is being done by, as part of the building itself.

Mr. Merdes stated okay.

Mr. Therrien stated it will be, it will be all concrete.

Mr. Merdes stated and then he had a note about a just a, a couple of Chapters, one is Stormwater Management the other one is controlling construction site soil erosion sediment and other wastes from stormwater runoff. Mr. Merdes stated just to let you know that those exist and if Planning Commission approves this then those, that information or the measures necessary to do that will have to be included in the submittal to the Building Department.

Mr. Merdes stated also put in his report that a, your stormwater storage facility was inspected like all of them in the City this year, it has some deficiencies, he has talked with your Engineer and he thinks you talked to someone else from our office, it's not that they are linked, it's not that we are looking for, he is looking for one to be done in order to get approval for the addition, he, he put it here because now you have Engineer working for you, you are about to do an addition and site improvements that this may be the time to address those deficiencies because they, they will be required to be addressed and to be corrected like all of them that we found from our inspections.

Mr. Therrien stated well he would like to submit this for record, regarding what we are going to do with that issue if you don't mind.

Mr. Merdes stated Thank You.

Mr. Therrien stated all, all it really does is just tie up the loose ends, we received this, we did that relocation of our detention basin in 1999 and it was inspected at the time presumably we, we applied for this Site Approval and then we received these deficiencies at the same time, we didn't know if it was a coincidence or one is tied into the other one, we will do whatever is necessary to rectify some of those problems but we, again it's been functioning more than adequately since 99 and we have never had a problem with it, so working with your Department, with our Engineer we will figure out how to, but he doesn't want to slow up this process of, of his addition.

Mr. Merdes stated yeah, he wouldn't want to do that either.

Mr. Therrien stated okay, appreciate it.

Mr. Merdes stated you are welcome.

Mr. Merdes stated that's all Mr. Chairman.

Chairman McGrath stated Thank You.

Chairman McGrath stated and not to put, to fine a point on it, you would be comfortable going forward with the understanding that we can resolve this issue.

Mr. Merdes stated yeah, he thinks tonight we have to table this plan because it needs revisions but we certainly can, can move forward on, looks like we will move forward on both issues separately.

Chairman McGrath stated okay, good.

Chairman McGrath stated anyone, Building, Building anything further.

Mr. Alvarez stated no comment.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated anyone on the Planning Commission.

Tony Sandora stated Mr.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated Mr. Therrien, the Fire Department, well first of all is this, this, addition will, will match the existing is that, he is sure.

Mr. Therrien stated yes, right.

Tony Sandora stated right.

Tony Sandora stated and a the Fire Department has requested the fire sprinkling system will have to be extended in that.

Mr. Therrien stated correct, that will be done also.

Tony Sandora stated you will do that also, have no problem.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else on the Commission, anyone in the audience, motion to table.

Tony Sandora stated move to table.

Chairman McGrath stated it's been moved, is there a second, he will second, it's been moved and seconded, Secretary please call the roll.

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

Chairman McGrath stated that is tabled.

Ms. Fashempour stated we meet again in two weeks.

Mr. Therrien stated okay.

Ms. Fashempour stated if your Engineer can get to the plans and, and get them to the point where you know we can resubmit them and, and the Gentleman have a couple days to, to look them over.

Mr. Therrien stated okay.

Ms. Fashempour stated you know instead of making you wait until July, we would be more than happy to work with you.

Mr. Therrien stated appreciate it.

Ms. Fashempour stated okay.

Chairman McGrath stated Thank You.

Mr. Therrien stated Thanks very much.

Chairman McGrath stated Good Luck to you.

Ms. Fashempour stated Thanks.

Tony Sandora stated Good Luck.

Main Street Bar & Grill, Thomas Marzella, 6031 Royalton Road, Town Center District - 2. Site Plan Approval for a Pavilion.

Tom Marzella, 5460 Riverview, North Royalton. Mr. Marzella stated Mr. Chairman.

Chairman McGrath stated how are you Sir?

Mr. Marzella stated good. Mr. Marzella stated seeking approval of this pavilion. Mr. Marzella stated he received comments from the Fire Chief and was it your comments, on the Building Department comments.

Mr. Alvarez stated yes he sent them.

Mr. Marzella stated okay.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated please.

Chairman McGrath stated left for a moment.

Tony Sandora stated Mayor go ahead.

Mayor Luks stated a, she guessed her question is to Rito, Rito on the a, on your comments where you are discussing compliance with the minimum separation distance between pavilion and existing building shall be part of the Building Code Review, a what does that mean exactly.

Mr. Alvarez stated okay basically a, he went out there and there a, also the cycle shop is there, on that same property.

Mr. Marzella stated yes.

Mr. Alvarez stated and you have the Main Street Grill and you also have now the pavilion there.

Mayor Luks stated right.

Mr. Alvarez stated so there are sections in the Code that you can group all buildings together just that you don't have the fire rating on all walls or anything like this and that's basically what he was eluding to in terms of the plan wasn't adequate enough to really say what type of wall we have for Main Street Grill, is that a block wall?

Mr. Marzella stated it's a cinder block wall.

Mr. Alvarez stated which can technically if your designer would indicate that, that's like a 2 hour rated wall perhaps.

Mr. Marzella stated okay well this, that's actually a cinder block wall for about 8'.

Mr. Alvarez stated okay.

Mr. Marzella stated and then for the next three feet it's, it's wood it's, studs and T111.

Mr. Alvarez stated so we didn't have enough information in terms of exterior walls to really come up with and say okay, is that should he consider the pavilion part of the Main Street Grill, should he consider that a separate structure because there was a couple issues there that a perhaps the design professional could have answered.

Mayor Luks stated uh um.

Mr. Alvarez stated it could have been easily answered but yet, that's why he put that note there.

Mayor Luks stated all right so you didn't have enough information.

Mr. Alvarez stated that's correct.

Mayor Luks stated okay and you still don't.

Mr. Alvarez stated no, not with this drawing.

Mayor Luks stated all right and so based on what you do know though, the setback is an issue.

Mr. Alvarez stated yes the setback is still an issue the, the, the rear yard setback is still an issue and just for clarification because we did say there, there were other, there is another building there, this pavilion can somehow effect parking in this area, reduce parking and he knows when we were out there the other day you were saying how the people can get to and for, to the pavilion from the main building, that kind of thing we need to show on this plan.

Mr. Marzella stated that's, well that's a division of Liquor Control issue.

Mr. Alvarez stated well that's fine.

Mr. Marzella stated he doesn't know if that's a City issue.

Mr. Alvarez stated well in terms of how to get to the Building itself, you know, how, how the, your customers go there, where do they park, you know that sort of thing.

Mr. Marzella stated well, well not knowing that, that was a City issue we didn't include that in the plan now the 20' setback is that from the rear of the property.

Mr. Alvarez stated the rear.

Mr. Marzella stated and also from the building.

Mr. Alvarez stated no, no, not from the building.

Mr. Marzella stated the comments that the Fire Chief made was 20, keeping it 20' from any of the other, any other structure which would completely prohibit building this all together.

Mr. Alvarez stated you have to remember again we are talking about State Codes.

Mr. Marzella stated sure, he understands.

Mr. Alvarez stated are applying here so, ultimately that's State Code prevails in terms of Building construction.

Mayor Luks stated Mr., Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated Rito would the Fire Chief's comment hinge upon the information that you also said isn't on here in terms of distance from the building.

Mr. Alvarez stated no he only has 5' shown from the.

Mayor Luks stated she is talking about the Fire Marshall's comments about, she is sorry, Tom did you say, 20 minutes.

Mr. Alvarez stated he is sorry, he doesn't have his comments.

Mr. Marzella stated yeah the Fire Marshall.

Mayor Luks stated she means, 20 minutes.

Mr. Marzella stated yeah the Fire Marshall, the Fire comments were he was concerned if we were cooking out there, that if that caught on fire it could easily start to consume the other buildings.

Mayor Luks stated okay, and, and is it, are you intending to cook out there.

Mr. Marzella stated no we are not intending to do any cooking.

Mayor Luks stated okay then she doesn't believe that that's necessarily an issue.

Mr. Marzella stated well and actually, there's, there's another issue because if we keep it 20' without going for a variance, keeping it 20' from the rear of the property line he can't just move it up another 8' because he has his grease trap there.

Mr. Alvarez stated that's, that's correct.

Mr. Marzella stated it's 1000 gallon grease trap in the ground, he can't move that.

Mr. Marzella stated and the only other option would be is to completely turn it 180 degrees which then is probably going to take about 8 parking spaces and he's not really willing to give that up so if, if that's what he is up against then it, thinking in the last couple of days and just throwing something out here, what, he just puts, the Liquor Control Boards concerns with selling alcohol out there is that they have to enter, whatever he does out there from his building and exit from his building, so they actually have to go to the side door in his restaurant along a gated walkway and the Liquor Control Board is actually very flexible on this, they don't even care if it's just a chain going between it's just a deterrent because if somebody has a beer in their hand and wants to jump over a 3' railing, no one going to be able to stop the guy, so what he started to actually think was rather than building this and sacrificing the parking place, what if he once again, what if he just did the same walkway that he's planning on to get to this structure and just go to a temporary fence with patio tabled and umbrellas and he will have accomplished what he wants without a roof, it will be temporary and he can take it down, put it up in the summer and take it down and have and he will have it. Mr. Marzella stated he will have what he wants and he don't really, he is not building anything permanent. Mr. Marzella stated he is not sure that he even needs a building permit to do that.

Mr. Marzella stated he is not building anything.

Mr. Alvarez stated well his; again his concern is still that 12'2 that you have on the back there.

Mr. Marzella stated well, well then he doesn't mind moving it forward then because if, if, if moving this forward.

Mr. Alvarez stated yeah, moving it out, he would suggest that.

Mr. Marzella stated you know its okay for him to put a table on, sitting on a sewer lid, on a grease trap that he can move and they can still come an empty it but he can't drill a post and a, and a, and a cement column into that.

Mr. Alvarez stated his suggestion would be too simply to, you can go to the BZA and perhaps a, Board of Zoning Appeals and see if you can get a variance here.

Mr. Marzella stated he, he understands that.

Mr. Marzella stated and, and it's an opportunity that he might pursue but prior to pursuing that he may decide not to put a roof on there at all, he means finding out now what he is up against, he means and even if he gets a variance he still has you know, he has got, obviously he's got issues with the neighbors, they are going to need to step in there but if it seats the customers in the same general area without a structure all the Division of Liquor Control wants is a 3' temporary fence around them and he can accomplish the same thing without putting a permanent structure, it's tables with an umbrella.

Mayor Luks stated Mr. Chairman.

Tony Sandora stated.

Chairman McGrath stated Mayor.

Mayor Luks stated Rito, she, she, she would like us all to be clear on what the issues are, if you could help us with that, the issue is the rear yard setback which he could get a variance from, you don't have enough information to know if there are any other issues in terms of proximity to the building is that right or.

Mr. Alvarez stated yes that is correct.

Mayor Luks stated okay now are there any other issues.

Mr. Alvarez stated well.

Mayor Luks stated that we are aware of yet.

Mr. Alvarez stated the only other issue is with the structure if you are going to go with this, what about the grease interceptor like you were saying about that.

Mr. Marzella stated well yeah, he can't move that.

Mr. Marzella stated Clark knows where it is, he has no intention and how big it is, he has no intentions of moving that.

Mr. Merdes stated sure.

Tony Sandora stated but Mr.

Mr. Marzella stated it's huge.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated please.

Tony Sandora stated Mr. Marzella what you are saying though is even though you are not going to do any cooking out there now even if you, even if you put the pavilion up or you don't put the pavilion up you won't have any cooking out there.

Mr. Marzella stated no, that's, that's 12' from a pretty expensive kitchen, there's no reason for him to do any cooking out there.

Tony Sandora stated well, okay so then you.

Mr. Marzella stated that would also be Health Code problems to and he has no intention of doing any cooking out there.

Tony Sandora stated so you are not going, so the cooking goes away so then that would alleviate the Fire Department's concern.

Mayor Luks stated uh um.

Tony Sandora stated of the.

Mr. Marzella stated but he did talk to Chief Bohovic.

Tony Sandora stated Fabish.

Mr. Marzella stated is that, is he pronouncing that correctly.

Mayor Luks stated yeah but he's not a Chief, but that's okay.

Mr. Marzella stated he's not the Chief okay.

Tony Sandora stated Fire Inspector.

Mr. Marzella stated and his response to me was well if your not going to do any cooking out there people will still be smoking out there won't they, he didn't have an intelligent response to that because he doesn't know that a cigarette butt is going to catch an 8 x 8 wolmanized timber on fire but that's what he told me.

Tony Sandora stated the building itself on that side is block though is he correct.

Mr. Marzella stated it is block for 8', the top 3' to the gutter is T111 a wood product enclosing standard 2 x 4's.

Tony Sandora stated oh.

Mr. Marzella stated so, he means it's not going to give him a 2 hour burn time like a, like a fire wall in the kitchen that he installed it's not going to happen.

Mr. Marzella stated if that thing caught on fire out there it could catch the other buildings on fire, it wouldn't catch the property immediately to the east on fire because that's a tin roof and cinder block walls but it could catch that 3' of wall on fire.

Mayor Luks stated Mr. Chairman.

Mr. Marzella stated don't know how that would actually catch on fire with somebody smoking.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Tony Sandora stated yeah he.

Mayor Luks stated to her this is similar to, to a if you had a deck attached to the restaurant and that you had some chairs where people who were waiting to be seated sat outside and, and they had a cigarette, she means you wouldn't tell them that the deck had to be so many feet away in case they caught the building on fire she is not, she is not seeing that unless, unless there is something she is missing, she is not seeing that as a major issue she thinks your major issues here are getting a variance for the setback and then Rito getting the information he needs to see if there's an issue about proximity for any other reason per State Code, correct.

Mr. Alvarez stated yes Mayor.

Mayor Luks stated and so we meet again in two weeks, you are undecided and it's completely up to you as to whether or not you want to go forward with this and go to BZA, in the meantime Rito could get the information that he needs from you to figure out what the other issues are if there are any.

Mr. Marzella stated sure.

Mayor Luks stated and that may help you make your decision as to what you want to do, how you want to go forward.

Mr. Marzella stated yeah because, he means, well this was something that he was thinking he could do to increase the revenue in the business short term over the next couple of years while the Town District Center is, is being built.

Mayor Luks stated uh um.

Mr. Marzella stated and while that is being built he is concerned about a lot of things with the business and certainly he is concerned about even keeping the business there once everything else opens up across the street. Mr. Marzella stated so he figured this was an inexpensive way to capitalize on six to nine months of business in a two to three year period and at the same time it's just as easy, easy to capitalized on that business without building this structure and putting tables and chairs on there with an umbrella and save him a heck of a lot of money and not putting a structure up there at all and he is concerned that he.

Mayor Luks stated Mr. Chairman, well that's, that's your decision.

Mr. Marzella stated he understands that, but if he goes for a variance, what is the typical time frames on a variance.

Mayor Luks stated but, for something like this not long.

Mr. Marzella stated okay.

Mayor Luks stated he doesn't imagine you would have to go to any more than one meeting and they have one every month.

Mr. Marzella stated okay.

Mayor Luks stated so, she doesn't see that as a major obstacle to but you need to decide how you want to go forward and let us know.

Mr. Marzella stated sure.

Mayor Luks stated and certainly outdoor seating at restaurant is an attractive and appealing thing which everybody enjoys.

Mr. Marzella stated it looks great back there.

Mayor Luks stated so.

Mr. Marzella stated except for the dumpster.

Chairman McGrath stated if he may there is one more issue that we talked around and you mentioned the Liquor Board suggested some a, of contain, containment.

Mr. Marzella stated it's not a suggestion it's a Law.

Chairman McGrath stated well but, all right, told you that, that would work but you can't put a temporary fence up without a permit either so we are in, somewhere or another you are going to have to get permission for something that you are doing.

Mr. Marzella stated okay.

Chairman McGrath stated and, and he knows that you are willing to do that and you have been a joy to work with at this point.

Mr. Marzella stated sure.

Chairman McGrath stated and we want to work with you, we want to see the local business succeed.

Mr. Marzella stated uh um.

Chairman McGrath stated since we are all here again in two weeks, perhaps you can talk with Rito and determine the specifics of first of all what you want, what you ultimately decide to choose to do and then what it is you are asking us, asking of us so that we can help make it happen.

Mr. Marzella stated this is my first preference.

Chairman McGrath stated okay well.

Mr. Marzella stated but not knowing exactly what the Fire Chief is going to finally decide if he does tell me he wants it 20' from each one of the buildings, this isn't possible, it's not big enough back and that's fine then he can take another which got him to thinking about another alternative.

Chairman McGrath stated which, which and you obviously thought this, thought and considered other alternatives.

Mr. Marzella stated sure.

Chairman McGrath stated which may prove.

Mr. Marzella stated yes.

Chairman McGrath stated short, short term to be more feasible.

Mr. Marzella stated sure.

Chairman McGrath stated but, if you have no objection since we have issues that need to be sorted out and you need to talk to the Building Commissioner to determine exactly what it is you are asking of us and maybe again talk to Lieutenant Bohovic and determine if what you are proposing is an alternative is viable.

Mr. Marzella stated uh um.

Chairman McGrath stated and we all get together in two weeks and try to bring it to closure.

Mr. Marzella stated okay, all right, he will call your office tomorrow.

Chairman McGrath stated good, Thank You, appreciate your help.

Mr. Alvarez stated okay.

Chairman McGrath stated motion to table.

So moved Mayor Luks.

Second Victor Bull.

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

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

Chairman McGrath stated it is tabled.

Utility Plan Approval

at&t request to place an above ground cabinet in the road right of way near 10640 Ridge Road.

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

Mike Williams from at&t.

Ms. Fashempour stated your last name.

Mr. Williams stated Williams.

Chairman McGrath stated share with us what you will please Sir.

Mr. Williams stated we request to place an above ground cabinet on the side of 10640 Ridge Road well it would actually be on Southampton Drive.

Chairman McGrath stated okay, Building any comment.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, Engineering any comment.

Mr. Merdes stated Thank You Mr. Chairman, a, like the other ones that have before in the last, recent weeks, permits required to do the work, if once Planning Commission gives their approval, plans needs to be submitted by a Registered Engineer, perform the work in accordance with the City's Codified Ordinances, contact the Engineering Department 72 hours before, he can make a copy of the report for you, 72 hours or 3 working days prior to commencing, full time inspection is required for all work performed within the City right of way and that's billed to the Applicant or owner, all areas of disturbances are required to be restored, the City standard backfill requirements are more stringent then, then proposed by the Applicant in your letter, he has seen already plans with our standard backfill detail put on them when they come to Engineering so, he would image this will follow the same course of action.

Mr. Merdes stated no open cut of the roadway pavement is allowed, sidewalks replaced in full slabs and videotaping of the work area is required prior to work and provide the City a copy of the videotape, that's all Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone on the Commission anything.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated will there be any open road cutting.

Mr. Williams stated he doesn't believe so, no.

Chairman McGrath stated you understand that open road cutting is not permitted.

Mr. Williams stated correct.

Chairman McGrath stated so the answer to that should be, should be, the answer to that should be no.

Mr. Williams stated correct there won't be, no.

Chairman McGrath stated okay, needs to be, needs to be no, okay.

Mr. Williams stated it is no.

Mr. Merdes stated Thank You.

Chairman McGrath stated good, Thank You.

Chairman McGrath stated anyone else anything.

Chairman McGrath stated landscaping, landscaping around this.

Mr. Williams stated if it's required.

Mr. Merdes stated it's in the right of way.

Chairman McGrath stated okay, Thank You.

Chairman McGrath stated motions.

Tony Sandora stated motion to approve.

Victor Bull stated second.

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

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

Chairman McGrath stated approved.

Mr. Williams stated Thank You.

Tony Sandora stated Thank You.

Miscellaneous

Ms. Fashempour stated she has nothing under Miscellaneous.

Chairman McGrath stated Miscellaneous; he has one quick question for the Law Director, could you update us on the current status of the Giant Eagle decorative wall, where we are, stand with all those fine people.

Mayor Luks stated Mr. Chairman if you don't mind she is going to have to answer that.

Chairman McGrath stated okay.

Mayor Luks stated the Law Director is a little out of the loop, actually that's something that Mr. Kosdrosky and she have been looking into at this point but because of what is happening right now with the Transportation Linkages Study that, that is, the study that has been funded through NOACA with stakeholders that include ODOT, NOACA, Metro parks, numerous other agencies and individuals, that study is centered around transportation linkages to the downtown area and what will need to happen on State Road, Ridge Road and Royalton Road in light of the Town Center project which is expected to break ground next year and we are at a point right now where were expecting that study to be completed, traffic counts were just conducted two weeks ago and we expect that study to be completed she believed by the end of June if not shortly thereafter, we would like to wait to see the outcome of that study before we require that, that fencing be put, put back because there is a strong possibility that it would have to be removed again.

Chairman McGrath stated good.

Mayor Luks stated so we are kind of in a state of flux.

Chairman McGrath stated Thank You very much.

Mayor Luks stated okay.

Chairman McGrath stated there is also a, a thought somewhere within the City that the Developer may have a proposal to us in the next 60 days.

Mayor Luks stated on the Downtown Project.

Chairman McGrath stated Downtown Project.

Mayor Luks stated the Developer may have a proposal to us within the 60 to 90 days yes, certainly by September at the latest.

Chairman McGrath stated good, good.

Mayor Luks stated and he is meeting in the near future, he told her and she doesn't remember if it's tomorrow but it's soon, he is meeting with Mintz Management to discuss that property and how to integrate it into the project so another reason why we want to hold off on requiring anything at this point in time.

Chairman McGrath stated good, super, Thank You very much.

Mayor Luks stated you are welcome.

Chairman McGrath stated he has nothing else.

Adjournment

Chairman McGrath stated motion to adjourn.

Tony Sandora motion to adjourn.

Second Victor Bull.

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

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

Chairman McGrath stated we are adjourned.

Planning Commission meeting for Wednesday, June 7, 2006 adjourned at 9:12 P.M.

Approved: Edward McGath
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour
Secretary - Planning Commission

Date : June 21, 2006