

*Planning Commission Caucus - July 12, 2006 - 7:15 P.M.*

Present: Chairman Edward McGrath, Mayor Cathy J. Luks, Vice Chairman Tony Sandora, Don Willey, Council Representative, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Denise Bobulsky, Council Ward One, Larry Antoskiewicz, Council Ward Five, Lisa Uffman Kirsch, Council Ward Six, Paula Recker, Jim Presot, Assistant to the Superintendent, North Royalton City Schools, School Board Members Cathy Bican, Heidi Dolezal, Applicants, Residents of Villa Grande, Lisa Lane, Wallings Road area and Brenda L. Fashempour, Secretary.

Planning Commission Agenda for 7-12-06 reviewed.

Discussion held regarding 06-89 - Architectural Review Board guidelines for Town Center District 4 and 5. Thoughts that the rest of the Town Center District should have similar or complimentary guidelines to the Town Center District 4 and 5. Mayor Luks stated that the Architectural Review Board will be working on this next.

Planning Commission Caucus ended at 7:26 P.M.

Chairman McGrath stated before we call the evening to order, there are a few simple ground rules that we probably need to make everyone aware of, there is one meeting, it's up here, there are no cell phone or audible pagers please in the room. Chairman McGrath stated if you have a cell phone or audible pager we ask that you please turn it off and leave it off for the duration of the meeting. Chairman McGrath stated we will speak one at a time, for those that wish to speak and we will also ask that if someone before you has said what it is you wish to say, you may simply stand up and say you agree with Smith, Jones, Mrs. Whoever and not feel it necessary to repeat for verbatim everything that the person ahead of you just said.

Chairman McGrath stated that being said, 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, July 12, 2006 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Edward McGrath at 7:35 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

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

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

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

**Public Hearing**

**Ordinance No. 06-89 - An Ordinance amending the Codified Ordinances of the City of North Royalton, part Twelve Planning and Zoning Code, Chapter 1246 Design Standards, by adding new section 1246.14, and Declaring an Emergency.**

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

Chairman McGrath stated Thank You, is there anyone wishing to be heard on proposed Ordinance 06-89. Chairman McGrath stated one more time, anyone wishing to be heard on proposed Ordinance 06-89.

**Chairman McGrath stated is there a motion to refer 06-89 to the Regular Order of Business.**

**So moved Mayor Luks.**

**Tony Sandora stated second.**

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

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

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

**Adjournment**

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

**So moved Tony Sandora.**

**Second Don Willey.**

**Chairman McGrath stated moved and seconded to adjourn the Public Hearing, will the Secretary please call the roll.**

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

Chairman McGrath stated we are adjourned.

*Planning Commission Public Hearing adjourned at 7:40 P.M.*

Chairman McGrath stated we will now call to order the Regular Meeting of the North Royalton Planning Commission for July 12<sup>th</sup>, 2006.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, July 12, 2006** in regular session. The meeting was called to order by Chairman Edward McGrath at 7:41 P.M.

Chairman McGrath stated will the Secretary please call the roll.

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

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

**Approval of minutes:** June 21, 2006. Ms. Fashempour stated approval of minutes, June 21<sup>st</sup>, 2006 if you so choose. So moved Don Willey. Second Tony Sandora. Chairman McGrath stated moved and seconded to approve the minutes of the meeting of June 21<sup>st</sup>, any discussion, Secretary please call the roll. Roll call: Yeas: Four - Sandora, Mayor Luks, Willey, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated they are approved.

**Old Business:**

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

Ms. Fashempour stated it is tabled, the Applicant was before us either at the last meeting or the meeting before, all the information was in order, we referred him to the Board of Zoning Appeals, they will be meeting August 3<sup>rd</sup>, she believes it is, would it be the Commissions thought to remove it from the table and then to act on it to approve it pending the BZA's approval of the variances granted.

**Mayor Luks stated Mr. Chairman she moves that we remove it from the table.**

**Tony Sandora stated second.**

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

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

**Mayor Luks stated Mr. Chairman, she moves that we approve conditional upon the approval of BZA.**

**Tony Sandora stated second.**

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

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

Chairman McGrath stated that approval is granted conditionally.

**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 Areas for Public Use (b) although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses - Approval. Tabled.

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

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

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

**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 it is tabled, there will be no action.

**Villas of Worthington formerly Huntington, York/Royalton, LLC., York Road, Sign Approval. Tabled.**

Ms. Fashempour stated this sign was also before us either at the last meeting or the meeting before, all their information was submitted to Planning Commission and, and was ready to be approved however they also required variance, or variances, would it be the Commissions thought to remove it from the table and send it on the BZA for approval pending BZA's variance.

**Mayor Luks stated Mr. Chairman she, she moves to remove it from the tabled.**

**Tony Sandora stated second.**

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

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

**Mayor Luks stated Mr. Chairman, she moves to approve conditional upon the approval of BZA.**

**Tony Sandora stated second.**

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

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

Chairman McGrath stated conditional approval is granted pending action of the BZA.

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

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

**Tony Sandora stated motion to remove.**

**Don Willey stated second.**

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

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

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

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

Albert Therrien, 16553 Timberline Drive, Strongsville, Ohio.

Chairman McGrath stated Thank You.

Rick Testr with Guenther Enterprise, we are his builder.

Chairman McGrath stated and your address Sir please, your address please.

Mr. Testr stated 24218 Normandy Drive, Olmsted Falls.

Chairman McGrath stated Thank You.

Jerry Burke with Guenther Engineering, 23413 Grist Meal Court, Olmsted Falls.

Chairman McGrath stated Thank You.

Mr. Therrien stated we would like to submit the opportunity to put a, an addition on our current existing facility, we have submitted the plans to the Planning Commission and we have done it to the Building Department other than that we are waiting for acknowledgment.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner, anything please.

Mr. Alvarez stated Thank You Mr. Chairman, yeah, he does have your plans at the Department and they are in the process of being reviewed, just since you have the Engineer here, will you please submit pre-engineered building plans of, you don't have those yet.

Mr. Burke stated yeah, we will do that.

Mr. Alvarez stated okay.

Mr. Burke stated he believes we have those Rick.

Mr. Testr stated yeah we have a stamped set.

Mr. Alvarez stated okay if you can just mail him a copy he would appreciate that and we will continue to review, that's all he has Mr. Chairman.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated he reviewed the resubmitted plan and a checked off the a, the revisions a, in relationship to his, his report, he did just have a couple questions, where the building addition is going now, what's the current land condition there.

Mr. Therrien stated it's a, probably a combination of, of a gravel and dirt.

Mr. Merdes stated okay, so it's, it's, somewhat of an impervious surface currently.

Mr. Therrien stated right.

Mr. Merdes stated okay and the water from the addition he believes is going to be tied into the existing storm sewer system on the, on the property and that storm sewer system will transport that water to your existing retention basin.

Mr. Therrien stated correct.

Mr. Merdes stated Thank you.

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

Chairman McGrath stated Thank You.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated Mr. Merdes is there a, a, a existing retention sufficient for the new addition.

Mr. Merdes stated he believe that it will be sufficient, a, the location of the addition which gets back to the first question he asked is essentially adjacent to their existing building, the existing surface being an impervious surface and that surface drains currently now to that basin, Applicant is that correct.

Mr. Therrien stated that's correct.

Mr. Burke stated if he can, if he can add.

Mr. Merdes stated sure.

Mr. Burke stated he thinks.

Chairman McGrath stated in the microphone please.

Mr. Burke stated the original design when the building was first set, there was a, the basin was designed for the entire site plus part of the neighbors site so he believes that was back in the mid 90's that was designed and constructed at that time so it should handle any additional.

Chairman McGrath stated Thank You.

Tony Sandora stated Thank You Mr. Merdes.

Mr. Merdes stated you are welcome.

Tony Sandora stated Mr. Chairman to the Applicant.

Chairman McGrath stated please.

Tony Sandora stated this addition will be, match to the existing.

Mr. Therrien stated yes.

Tony Sandora stated same colors and same so forth.

Mr. Therrien stated right, other than the natural fading.

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

Chairman McGrath stated Thank You, anyone else, anything.

**Mayor Luks stated Mr. Chairman, she moves to approve.**

**Don Willey stated second.**

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

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

Tony Sandora stated Thank You.

Chairman McGrath stated application is approved, Good Luck to you.

Tony Sandora stated Good Luck.

**Honeygirl Bake Shoppe, Inc., 5895 Royalton Road, Town Center District -  
2. Sign Approval. Tabled.**

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

**New Business:**

**Ordinance**

**Ordinance No. 06-89 - An Ordinance amending the Codified Ordinances of the City Of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1246 Design Standards, by adding new section 1246.14 and Declaring an Emergency.**

Chairman McGrath stated is there anyone here wishing to speak on behalf of 06-89.

Mayor Luks stated Mr. Chairman she will.

Chairman McGrath stated fine.

Mayor Luks stated if she may, Ordinance 06-89 is the first set of design standards that have been developed by our fairly newly created Architectural Review Board as they are design, are, are putting forth design standards they are trying to prioritize areas of the City that they feel are most critical, these design standards encompass the main project area for the new Downtown Development which is important to have design standards in place before the developer comes to the City with their actual proposed plans. Mayor Luks stated and that in a nut shell in general is what that is.

Chairman McGrath stated Thank You.

Chairman McGrath stated Building Department any comment.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, Engineering any comment.

Mr. Merdes stated no comments.

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

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated to the Mayor.

Mayor Luks stated uh um.

Tony Sandora stated as we brought up in the Caucus, if it's found that anything is needed in the TCD 1, 2 or 3, we will be able to amend and adjust the Ordinance accordingly.

Mayor Luks stated yes, yes, this will be added on to as they develop more design standards and branch out from the center of the project we will continue to add to these.

Tony Sandora stated okay because there are additional comments also from the Fire Department.

Mayor Luks stated okay.

Tony Sandora stated on this also so they will be addressed also.

Mayor Luks stated uh um, yes.

Tony Sandora stated Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else on the Commission, anyone in audience wishing to be heard on proposed Ordinance 06-89, any motions.

**Tony Sandora stated motion to approval.**

**Don Willey stated second.**

**Chairman McGrath stated motion to recommend approval.**

**Ms. Fashempour stated recommend Council.**

**Tony Sandora stated motion to recommend approval to Council.**

**Don Willey stated second.**

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

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

#### Sign Approval

**Express Auto Service & Tire**, 9925 Royalton Road, General Industrial zoning. Sign Approval - New Tenant.

Ms. Fashempour stated new tenant space, the existing sign stays, this is the placard below.

Ms. Fashempour stated is the Applicant here.

Applicant stated yes.

Ms. Fashempour stated please step forth.

Don Knight, 397 South Hampton, Aurora, Ohio.

Chairman McGrath stated share with us what you will, anything you would like to tell us.

Mr. Knight stated no, he submitted all the plans and the drawing and a, just looking to get approval for our sign.

Chairman McGrath stated good.

Chairman McGrath stated to the Building Commissioner, anything please.

Mr. Alvarez stated Thank You Mr. Chairman, the only comment he really has, is that this sign does show a phone number and it's at the discretion of this Board according to our Code to approve telephone numbers on signs, you should be aware of that. Mr. Alvarez stated other than that he recommends approval.

Chairman McGrath stated would you repeat that again please.

Mr. Alvarez stated in our Codified, telephone numbers will be permitted at the discretion of the Planning Commission in that section 1284.03d1c1.

Chairman McGrath stated he is asking to see a color sketch of this, the sketch that he has is in black and white.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated to the Building Commissioner, Mr. Alvarez, the sign meets the square footage allowed.

Mr. Alvarez stated yes it does.

Tony Sandora stated Thank You.

Tony Sandora stated and it's a replacement sign.

Mr. Alvarez stated yes.

Tony Sandora stated Thank You.

Chairman McGrath stated describe the sign in more detail if you would please, it's going on a stainless steel stanch for want of a better word.

Mr. Knight stated yeah, stainless steel, the print will be in black with a, where our Express logo is that's going to be like a red background with just a print in a standard black.

Chairman McGrath stated and the rest of the sign is going to be white or stainless.

Mr. Knight stated stainless.

Chairman McGrath stated okay so it will be, it will be in complement with what's done there now.

Mr. Knight stated with what's already there correct.

Chairman McGrath stated all right fine, that's, that's the question.

Chairman McGrath stated Thank You.

Chairman McGrath stated he has no further questions, anyone else.

**Chairman McGrath stated he moves to recommend approval.**

**Tony Sandora stated second.**

**Ms. Fashempour stated with the phone number.**

**Chairman McGrath stated with, with the phone number.**

**Tony Sandora stated with the phone number.**

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

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

Chairman McGrath stated approval granted, Good Luck to you.

Mr. Knight stated Thank You.

Chairman McGrath stated Thank You.

## Lot Consolidation

**Robert and Carol DeLorenzo**, 15879 York Road, PPN 485-05-010, 004, 013.  
Rural Residential Zoning. Lot Consolidation.

Ms. Fashempour stated is the Applicant here is evening.

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

Robert DeLorenzo, 19797 Lytle Road. Mr. DeLorenzo stated he is here requesting a lot consolidation for the proposed land to build a new home, he was through BZA last month and one of the requirements was for him to consolidate the parcels of land that he owns on York Road to make the lot large enough and wide enough to accommodate the area for the home and also to meet the zoning requirements. Mr. DeLorenz stated the plans were submitted back, last, couple weeks ago, he didn't know if you all had a chance to see them or not. Mr. DeLorenzo stated but there is an old existing building on the property on York Road, it was probably built in the late 40's he would think, 30's, 40's, pretty dilapidated and falling down and he was hoping to remove that building and build a nice new structure there, if you don't mind, he has pictures.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineering Department any comment, start with Engineering on this one.

Mr. Merdes stated Thank You Mr. Chairman.

Chairman McGrath stated Thank You.

Mr. Merdes stated as the Applicant has stated he has been to BZA to get the required variances or the required variance in order for this to be approved by Planning, his variance had two conditions, consolidating parcels and removing existing structure and this plan is consistent with that, so he reviewed it and had no additional comments to add.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner please.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated based on what the City Engineer mentioned, he would recommend to the Board approval of the lot consolidation.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone on the Commission questions.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated yes, Mr. Sandora.

Tony Sandora stated to the Applicant, Mr. DeLorenzo, do you plan on coming in off York Road or through the park with this.

Mr. DeLorenzo stated no, the driveway will be off of York Road.

Tony Sandora stated it will be off of York Road.

Mr. DeLorenzo stated if you look at the pictures.

Tony Sandora stated no, he knows, no, he knows, he has seen the property.

Mr. DeLorenzo stated it would be off of York Road and it will be the lot, the home will be built on the lot directly off of York Road.

Tony Sandora stated what is your time table for removing the building.

Mr. DeLorenzo stated that will be done as soon as the approval, will be done within the month, probably within a months time he will have that building removed, it will go through Building Department to get proper permits and take the building down and make sure there is proper erosion barriers and so forth put up to protect the neighbors property and the debris will be removed from site.

Tony Sandora stated okay can you give us a specific time, thirty days, sixty days, ninety days sufficient.

Mr. DeLorenzo stated he would say, today's the 15<sup>th</sup>, he would think within a months time, by the, August 15<sup>th</sup>.

Tony Sandora stated well give yourself, all he wants is for the record, is he, just wants something in the record that states that within you know 90 days, 120 days the building will be down, removed you know just in case that you know for some reason, you don't start building this home till, whatever happens, you know maybe you don't start building it for another year or whatever, he just wants the building down as soon as possible.

Mr. DeLorenzo stated okay, he will put it for the record that the building will be removed within 45 days of this meeting date.

Tony Sandora stated fine.

Chairman McGrath stated good, Thank You, Thank You for clarifying that Mr. DeLorenzo.

Tony Sandora stated Thank You.

Chairman McGrath stated any further questions from the Board, anyone.

**Mayor Luks stated Mr. Chairman she moves to approve.**

**Tony Sandora stated second.**

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

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

Chairman McGrath stated approval granted, Good Luck to you.

Tony Sandora stated Thank You, Good Luck.

Mr. DeLorenzo stated Thank You.

### **Subdivision Approval**

**Huntington Park Phase 4**, Zillich Homes, Inc., Greg Zillich, Property Owner North Royalton City School District Board of Education, PPN 488-11-005, Part - Extension of Huntington Park Phase 1, Angelina Drive, R1-A Zoning. Sketch Plan Approval for 14 Lots.

Ms. Fashempour stated she has a letter that she would like to read into the record, if the Commission so chooses to let her do that.

Chairman McGrath stated please.

July 5, 2006

To: North Royalton Planning Commission

Re: Proposed sketch plan of Huntington Park Phase 4 Zillich Homes.

To: Whom It May Concern:

I cannot attend the July 12<sup>th</sup> meeting regarding this issue as I will be out of town. I would like my letter to be incorporated into the minutes of the meeting.

I have concerns and questions about the proposed development. My property is located at 11331 Villa Grande (lot 8 on sketch map mailed to residents.) My home was built in 1981.

Concerns:

Over the 25 years we have lived in North Royalton, we have never experienced flooding or backup of sewage into our home. If the area is developed, who repairs my home if all of a sudden flooding problems begin? I'm sure it will not fall on Mr. Zillich although he will have reaped the profits of the development.

Neighbors up the street never had flooding until after the Avalon Event Center was built. It is my understanding that the building of that facility has disrupted water flow and has caused the flooding in these homes. Hasn't the city experienced enough grief over this issue?

The population of North Royalton is growing quickly. The school system currently owns the property. Why would you sell property that may soon be needed to enlarge neighborhood schools like Valley Vista? If it's possible to build on that land, then the school board could use it to expand the current building rather than having to purchase land in the future at a much higher cost.

Wildlife, especially deer, have populated the woods where the proposed development sets. I've never had deer eat my plants and flowers in the past years. Since the cutting down of trees in Huntington Park Phase 1 & 2 began earlier this year, the deer have eaten many of the plants and

flowers in my yard. Their food source is being taken away and they are finding food wherever they can which appears to be my garden! Will Mr. Zillich replace my plants? Highly unlikely I'm sure.

One of the most attractive features of my home is looking out my family room and seeing a beautiful wooded area. First time visitors to the house have always commented on the beauty of the woods in the back yard. Twenty-five years ago we chose this property for that reason alone. The children in the neighborhood have used this area to hike in and discover nature. It has been a source of pleasure for all.

Questions:

Many developers across the nation are designing developments with green space. Why are we looking at taking away a natural area of trees and wildlife?

Has the EPA looked at the area? Is the area considered wetlands?

There are two ponds in the area. What will happen to the vegetation and animals in those two areas?

I understand Broadview Hts., has proposed an ordinance in which builders will be responsible for any flooding issues in their developments for a period of two years after the homes are completed. Can we institute this same idea?

According to the building dept, one of the reasons the old section of Villa Grande was connected to Lisa Lane was for safety purposes. We were told that all streets in N. Royalton in the future would not be cul-de-sacs without another egress. The only egress I can see on the site map is through Royalwood which means only one way in and one way out. Snowplows, emergency vehicles, busses, etc will not be able to turn around. Don't the safety rules apply anymore?

Mr. Zillich himself told people who built houses on the new section of Villa Grande, that their backyards would stay wooded because the school board owned the property and there was a gas easement back there. It would remain undeveloped by a builder. Was he lying?

As a teacher at St. Albert the Great, I instruct my third grade class on the importance of helping to maintain the environment and protect our wildlife. As a taxpayer, I am asking you, the planning commission body of North Royalton, to help maintain our environment and protect our wildlife for all of us.

Terese Kaminski  
11331 Villa Grande Drive  
North Royalton, Ohio 44133

440 237-2174

cc: Mayor Cathy Luks  
Mr. Vincent Gentile City Councilman Ward 2  
Randy Boroff School Superintendent  
Clark Merdes Office of City Engineers  
Brenda L. Fashempour, Planning Commission Secretary

Ms. Fashempour stated one other thing before we go any further, the proposed sketch plan that was submitted to the Planning Commission is on the table, the City Engineer received that, had some comments, the comments went back to Developer and Engineer, a new sketch plan has been resubmitted, it is on the table, it will be up to the Chairman if he wishes to have anybody in the audience, like to come up and take a look at it before we go further or what is your thought process.

Chairman McGrath stated sure at this point if there is anyone that wishes to step forward and look at the revised sketch plan it is here on the table and if after that, we will ask Mr. Zillich since he is the Applicant and, and traditionally we ask the Applicant to speak first, we will ask Mr. Zillich to come forward and share with us what he will, so if there is anyone who wants to come up and look at the new sketch, this would be the time to do that.

Interested parties approached the table, reviewed revised sketch plan.

Chairman McGrath stated okay, we will ask Mr. Zillich then to come forward and begin and perhaps he and, perhaps he and his Engineer may come forward and explain what they will and tell us and anyone else that you have with you that's going to speak with you but since you are the Applicant, you are the primary spokesperson here right now.

Greg Zillich, 7619 Pleasant Run, Seven Hills, Ohio.

Chairman McGrath stated Thank You.

Jim Presot, North Royalton City Schools, home address is 6520 Tulip Trail, Independence, Ohio.

Chairman McGrath stated Thank you.

Chairman McGrath stated and, did you have your Engineer with you also.

Mr. Zillich stated no.

Chairman McGrath stated okay, fine.

Chairman McGrath stated then share with us what you will and tell us what you are, what you are proposing and what you are asking.

Mr. Zillich stated he is here proposing phase 4 preliminary sketch plan for 14 lots, extension of Huntington Park.

Chairman McGrath stated good Thank You.

Chairman McGrath stated Mr. Presot anything you wish to add.

Mr. Presot stated yes as the, as the Representative of the Property Owner of the North Royalton City Schools we are here tonight to a, approach the Planning or, Planning Commission from the standpoint that this, we are seeking preliminary sketch plan approval with Mr. Zillich for the potential sale of the property, now once the Planning Commission determines the actual approval of the plan then we could potentially get into further negotiations since Mr. Zillich has approached the Board of Education not only about the purchase of the property but the transfer of the property that is indicated on the sketch plan as well.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineer, Building Commissioner first please.

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

Chairman McGrath stated Thank You, to the Engineer next then please.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated first of all to the applicant, you say your Engineer is not here tonight.

Mr. Zillich stated no he is not.

Mr. Merdes stated okay. Mr. Merdes stated could he have that 8 ½ by 11.

Mr. Zillich handed the paper to Mr. Merdes.

Mr. Merdes stated um, he guessed he will start off by, by trying to, to clarify a, some of the things that, that you may have observed different in, in the plan that's on the table from one that you might have come down and seen before. Mr. Merdes stated the, his report had asked for the lines existing and proposed all be labeled, there are labels now on this plan. Mr. Merdes stated there, the sanitary sewer had not extended all the way to all the sublots that is now shown. Mr. Merdes stated he had a question about these homes and whether or not they could be served by gravity sewer he believes it's, it's stated that, it would be nice to get them all by gravity sewer but it looks as though there are two sublots, the two most northern sublots, it says note, sublots 51 and 52 and possibly others may require sewage grinder pumps depending on the grading and the slope of the sanitary sewers so it may be possible that there will be two homes that are being proposed that would have, have grinder pumps for their sanitary sewage. Mr. Merdes stated the water utility was just shown as a line, the water line is, now comes down and looped. Mr. Merdes stated the proposed street and the proposed sidewalks are on this drawing and there is a slight movement of the proposed right of way so that it is and it's utilities easement along with it are clear of the gas transmission easement that's was going, that essentially the easements were in conflict so they needed to be clear of each other, certainly our right of way that's proposed has to be clear of all other easements. Mr. Merdes stated the, is there is an easement shown from the, from the cul-de-sac between sublots 50 and 51 which is, is called as a sidewalk easement more less to a continue access to the, to the north for potentially for pedestrians to travel there. Mr. Merdes stated a the, there was a, there is a temporary cul-de-sac shown at, at, it is shown so, because it's going to need to be removed when the streets continue, the date was brought to the correct date, this, this second drawing also has the riparian setback shown on it, that's a code requirement and a he believes that there, there's a something in his report asks about wetlands, he thinks they are, we received something initially that, that states that there maybe no wetlands present where this is proposed that is subject to verification

by the Army Corps of Engineers and is actually not required until the, should this be approved the, the following approval. Mr. Merdes stated so that essentially is comments that he had from reviewing the, the first sketch plan and, and resulting changes that are shown on this sketch plan and he will let others talk now, Thanks.

Chairman McGrath stated Mr. Zillich he, he is somewhere between puzzled and stunned, is there a reason your Engineer isn't with you tonight, knowing that there was a great interest in this proposed development and knowing that there were questions that were to be addressed.

Mr. Zillich stated we reviewed all the, we received the questions and answered them before we came, if there are any other question's he, he possibly could answer them, if there are any other engineering questions.

Chairman McGrath stated so you felt it wasn't necessary to have your Engineer with you.

Mr. Zillich stated we received the comments from the Engineer's Office and we had answered them prior to coming, he didn't know if there were any additional comments other than what we received.

Chairman McGrath stated either he is not asking the right question or he is not understanding your answer but, we will move forward.

Chairman McGrath stated anyone else on the Commission, questions.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey please.

Don Willey stated he would assume that a should this be approved that a the development retention area would have to be expanded to accommodate additional, additional runoff, would that be true Mr. Merdes.

Mr. Merdes stated that's correct Mr. Willey, yeah, because this proposal essentially is taking this, is Phase 4 and it's stormwater is collected and is shown then to be transported to the, what's labeled as an existing basin that's actually the location of the basin that is going to be built for phases 1 and 2. Mr. Merdes stated so certainly that a, that's the case that if you believe that you are going to bring more water to a retention basin you would have to build that retention basin larger, he doesn't believe these will get built at the same time so the, the, the basin will get built probably oversized for phase 1 and 2, have a certain ability to control the stormwater and then that would, would have to be modified when, when more water was brought to it essentially taking up more capacity and a again modifying the control structures so that again you, you had a basin that was compliant with the City's regulations.

Don Willey stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated anyone else on the Commission any questions.

Chairman McGrath stated anyone in the audience wishing to speak.

Tony Sandora stated well Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated he is just going to ask the Applicant a question, this is four phases.

Mr. Zillich stated this is listed as phase 4, we had, ours is 1 and 2 and then there was a, the other side is phase 3 and we are calling this phase 4, actually it's the second phase but the way it was presented it was 1 and 2.

Tony Sandora stated okay but, what is the length of time period you feel that this would all take place.

Mr. Zillich stated depending on approval of, of our drawings we would start immediately.

Tony Sandora stated well what, what, you are going to start which phase, how are you going to work this he guessed his question is.

Mr. Zillich stated the first phases are already started, 1 and 2 are already started, he doesn't know what will happen with phase 3 because the property doesn't belong to him but we will proceed immediately upon approvals on approvals.

Tony Sandora stated okay, that's all Mr. Chairman.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone in the audience any questions, comments, anyone wishing to be heard.

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

My name is Patricia Harris, 15578 Martin Drive, which is in Ward 5 and she is also a member of the Friends of Chippewa Creek, she, she has a question she would like to pose to the Commission and or Mr. Zillich when were the core sample studies completed on this area property, that Mr. Zillich is proposing to buy from the school board.

Mr. Zillich stated core samples.

Mrs. Harris stated yes.

Mrs. Harris stated not to build, we don't need core samplings for percolation.

Mr. Zillich stated there are no septic tanks there.

Mrs. Harris stated okay, well, that didn't work but, she will continue on anyways, at the July 5<sup>th</sup> City Council Meeting Mayor Luks announced

that the Cities of North Royalton, Broadview Heights and Brecksville, had successfully applied for grant money from ODNR for support via their NOAA funded costal management assistance program for the development of the watershed management plan for Chippewa Creek. The Cuyahoga River RAP has been awarded \$35,000.00 to support development of a watershed management plan for Chippewa Creek. Mrs. Harris stated RAP also has received an award of \$9,600.00 from the Ohio Lake Erie Fund to supplement the Chippewa Creek plan project with additional analysis of wetlands within the watershed, this parcel is in, within the watershed, the resident in the adjoining area and the Friends of Chippewa Creek proposed excuse me, the residents in the adjoining area and of the Friends of Chippewa Creek of this proposed land sale by the School Board demand that these wetlands studies be completed and reported before the sale of this property. Mrs. Harris stated obviously the hydro-dynamics in this area have changed or been altered so much that residents of up to 20 years plus have experienced first time flooding, examples of these are Apollo Drive, behind the Avalon Event Center which is the headwaters of Chippewa Creek, the Foxwood area and Villa Grande and she would like to submit this letter and a map of the Chippewa Creek watershed to the Board if she could.

Letter and Map submitted to Secretary.

Chairman McGrath stated Thank You, is there anyone else wishing to be heard, yes, step, step forward, state your yes.

Mrs. Grasso stated she thought she heard you say yes.

Tape flipped.

Chairman McGrath stated he said yes.

My name is Karen Kelly Grasso, her residential address is 13050 Mariner Drive in, here in North Royalton, her business address is 11 South Forge Street in Akron, she is an attorney and she has been retained to represent a number of the residents of North Royalton both residents who have property directly adjoining the proposed development and residents throughout the community who are concerned with both ecological and watershed issues, i.e. flooding.

Mrs. Grasso stated we are here to present a number of concerns this evening and she will start with the most obvious, the application that is currently pending before this Board was not legally authorized by the Board of Education of the North Royalton City School District as the Members of the Planning Commission as, as you know duly appointed public officials know public authorities act through formal motions and resolutions adopted at public meetings with due notice. Mrs. Grasso stated there is no resolution that authorized any person to make application to the Planning Commission for the Board of Education as owner to make a development of the property behind the Valley Vista School. Mrs. Grasso stated had such a resolution been proposed and motion made it would have been a matter of public record weeks ago and it would have afforded parties the opportunity to, to more formerly approach the School Board and, and to discuss this matter, the first that the resident neighbors learn that the land was subject to sale potentially was when they received notice from the Planning Commission

that the Board of Education through Mr. Zillich was applying for approval of the development. Mrs. Grasso stated in fact there is, as of today no resolution authorizing the application before this Board so the application is in fact a nullity. Mrs. Grasso stated more important, equally important, Mr. Zillich may not be the ultimate owner of this property, on Monday night at the meeting of the Board of Education we were repeatedly told that this was not a done deal, we were invited to make a proposal to the Board, this afternoon a letter was sent to the Board of Education on behalf of her clients, indicating to them that we intend to make a proposal and requesting a meeting for the opportunity to engage in discussions about what the nature of that proposal should be. Mrs. Grasso stated so we have in front of you an application for an owner where the owner did not properly take as a Board of Education action to make such application by a person purporting to be in the process of buying property that they may ultimately never purchase. Mrs. Grasso stated there is a letter in the record from Mr. Presot who is the Assistant to the Superintendent of the Board of Education, that letter purports to authorize Mr. Zillich to act on behalf of the Board of Education at these proceedings this evening. Mrs. Grasso stated without formal board resolution the Ohio Revised Code is absolutely clear, a Board must act by public vote to make an appointment of a person as an agent or employee, it, it's, it's very straight forward, very unambiguous. Mrs. Grasso stated the Board must also act by public vote with respect to the sale of property, those things haven't happen, tonight's proceeding are truly legally null. Mrs. Grasso stated now there is another issue here, there is a number of questions that can and should have been posed to Mr. Zillich's Engineer, she frankly is concerned that the absent of the Engineer is an effort to avoid those questions. Mrs. Grasso stated one of the questions that was just asked about the retention basin and about water flow, we need to understand what assumptions were worked into the calculations of what the retention basin needs to do and what the water flow is, we understand that certain studies were done in 2003, well quite frankly if you are really on studies and analysis of rainfall from 2003, we have had 2 hundred year floods since 2003 and that data may not be reliable and she thinks this Commission is entitled to ask the Engineer what precisely went into those assumptions. Mrs. Grasso stated this evening, the Board has before it, the Planning Commission has before it an application that is of no legal affect, it should not take action because it's not got a proper application, otherwise it is giving improper impetus to a development proposal that should not properly be at this stage of proceedings. Mrs. Grasso stated a number of her clients and neighbors of the property tonight can speak eloquently to its, its special nature, to the significance and to the water shed issues that any development in that region will have but she urges you to take great caution in light of the legal status of this application and to not go forward tonight to make the preliminary approval, Thank You.

Chairman McGrath stated Thank You, you raise administrative questions, the Chief Administrator, the Mayor will.

Mayor Luks stated Mr. Chairman if.

Mayor Luks stated if she may address some of that.

Chairman McGrath stated Mayor please.

Mayor Luks stated not necessarily in the order that you raised the issues. Mayor Luks stated the questions regarding drainage, the retention basin, wetland issues all of those types of issues do not get addressed in an application at sketch plan. Mayor Luks stated sketch plan is a conceptual approval the more detailed issues are brought out after the developer does it's due diligence and, and goes through the Army Corps and gets it's permits and gets it's affirmation of, of it's wetlands delineation, all that information is brought back to the Planning Commission and that is reviewed at the Preliminary Plan stage this is the sketch plan stage, it is merely a conceptual snapshot of what the developer hopes to do, we say yes or no, we agree to the snapshot when he comes back, then he, then he invests the money and the time to do all of the studies necessary to meet all of the city's requirements and she guarantees you he will most certainly have his Engineer here to answer those questions at that time or he won't be able to move forward, this is not the time we ask those questions. Mayor Luks stated a sketch plan shows a layout and this Planning Commission looks to see whether or not that layout in general meets our codes and in general whether or not it can proceed. Mayor Luks stated when he comes back at preliminary plan stage we have the hydrologics information, the wetlands information all of that other stuff, at that point we have the right to say you know that this layout isn't going to work for a, b, c, or d. Mayor Luks stated this layout is subject to change, because it is only sketch plat, it, plan, it is at preliminary plan that we address those detailed issues and, and once approved at preliminary plan level then the layout is set and we don't get to change it after that if the developer chooses to he has to go through a re-approval process but we don't, this is only conceptual. Mayor Luks stated in terms of your legal issues or whether or not they can be in front of us, she has had discussions with our Law Director who is not here this evening, about several things that have been raised to her prior to this evening, one being whether or not the schools have gone about the purchase and or sale advertising and so on and so forth correctly, whether or not they have the authorized at this point to let the developer present and in her discussions with the Law Director we agreed that whatever legal issues there may exist in terms of what the school has done procedurally, it's not our issue, take it up with the Schools, take it up with the Court, we are not going to make that determination, we are not the body to make that determination, in the past every single time the school has come here to do anything on their property, Mr. Presot has been there to represent the schools and it's never been a problem, he is here this evening. Mayor Luks stated so, if you want to, if you want to challenge that, it's not going to be with us, it's not going to be with us, we are going to proceed as though we have perfectly legal application because in our minds we have no reason to believe otherwise and that is not our call to make.

Mrs. Grasso stated actually your, Mayor just respectfully; it is your burden to determine if you have a proper application before you and if her colleagues and her clients determine that it's appropriate we may in fact challenge the sketch approval by the Planning Commission, she doesn't want that to come as a surprise.

Mayor Luks stated that's certainly your, your right, but she is not going to hold this up tonight because of whether or not the Board had to authorize Mr. Presot to stand up here and explain this proposal, he is

an agent of the School System and he is standing here in front of us telling us this proposal. Mayor Luks stated so, she, if you have a challenge you can certainly make that challenge but we are proceeding.

Mrs. Grasso stated and she just wants the Members of the Planning Commission to understand Mayor Luks has expressed her view, our view is it is your obligation to require Mr. Zillich and the Owners to show that they are in fact authorized to be before, that's your preliminary question, so please understand that if you choose to go forward on that basis we may have to take action, she is not, she, she is not making this as a threat, but with Ms. Luks explaining that you will not be a party to that she wants you to understand in our view, the Planning Commission would be a party to that action.

Chairman McGrath stated if that wasn't a threat Ma'am what is it.

Mrs. Grasso stated Ms. Luks is.

Mayor Luks stated it's Mayor Luks.

Mrs. Grasso stated Mayor Luks is.

Mayor Luks stated Thank You.

Mrs. Grasso stated the Mayor Luks is telling you this evening that the Planning Commission would not be involved in such an action and she simply.

Mayor Luks stated no.

Mrs. Grasso stated well that was what she understood you.

Mayor Luks stated Mr. Chairman what she is saying to you is that this isn't going to stop us this evening, if, if, at some point in time it is determined that the School needed to proceed differently so be it, we are moving forward tonight.

Mrs. Grasso stated well that's, that's a rephrasing of what she said and she thinks that, that is a correct statement but prior you had said you would not be a party to it and that was.

Mayor Luks stated no, she said we are not going to make that decision whatever the issues are as far as their procedurals this board isn't gong to be the ones to determine it.

Mrs. Grasso stated okay, so you, you, you are.

Mayor Luks stated take it to another venue, take it to court, this is, it is not for the Planning Commission to decide whether or not the Schools technically follow what they are suppose to follow, she is not going to make that decision and she has had the conversation with the Law Director so we are going to proceed this evening and if you find out that they were improperly here well then she guessed they can come back.

Chairman McGrath stated he guessed he needs to state at this point in his mind for the record that he is holding an application and it says that the name of the Applicant is Zillich, Greg Zillich, GZ has initialed the application and he is looking at an application submitted by Mr. Zillich and that is the application that he is considering this evening, um.

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

Chairman McGrath stated Mr. Gentile please.

Vince Gentile, Ward Two.

Mr. Gentile stated Mr. Zillich do you know the acreage that this creek here drains, the amount of area that you show here, 25' back.

Mr. Zillich stated no he does not.

Mr. Gentile stated all right.

Mr. Zillich stated our water is held completely, our stormwater is held completely on site in a detention, our detention has been increased by it could pass by 50%, you need approximately 35% to accommodate the lots.

Mr. Gentile stated uh um.

Mr. Zillich stated so our water does not drain to the creek, we must hold our water completely on site and then it flows, outlets into the creek through the means of the headwall in there which is controlled, it is a controlled exit into the creek, our subdivision is not draining to the creek anymore, right now it does drain but we have to hold our entire water supply on site and we have, like he said, we have increased our detention by 50% of the initial and we are probably looking at probably we only need a 30, 35%.

Mr. Gentile stated uh um, he would like, you know since your Engineer is not here tonight you said that you could.

Mr. Zillich stated he is prepared to answer, he, he, everybody is like dodging but.

Mr. Gentile stated right, you know we have certain requirements here on, on the amount of riparian setback required in our Code.

Mr. Zillich stated we are at 25'.

Mr. Gentile stated inaudible, yeah it's 25' and he wanted to know what the area is because it changes, varies on how much it drains.

Mr. Gentile stated address the Chairman now, Mr. Chairman, as you heard tonight you know, we got the letter from, the Mayor read from the Cuyahoga RAP and a study and a, you know he knows that the Planning Commission is going to abide by the Laws and the City Codified Ordinances but he asks them to look very deeply into this to give the City a chance to use that money and study this area, this watershed is a considered one of the most pristine watersheds on the upper Cuyahoga and it is under a lot of stress from uncontrolled development as the Cuyahoga River RAP says and to give it some time and he appeals to the School Board to impose a self imposed moratorium on this property and delay this action to allow the City to move forward not in planning a development but to move forward to use this money to thoroughly study this land and the rest of this watershed that lies within our

boundaries, our municipal boundary prior to allowing a sale to go through and allowing this process to go through, this is, this is, be a benefit to the entire community so we can understand exactly what's going on in here and what type of planning as our City Planners, we may have to change for this area in the future because it's environmental sensitivity on, on such a small a fragile watershed, Thank You Mr. Chairman.

Chairman McGrath stated Thank You.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated if she could respond to, to that, in terms of the watershed management planning grant that we received, we in fact did receive word last Friday that we were awarded that grant, but and Councilman Gentile she believes you know this, with, first of all Mr. Zillich's phases she believes one and two are well into the system, already approved, this application is already submitted and in front of us, Mr. Callas' phase is already approved so you know that legally we can not hold them up once they are in process, you know that. Mayor Luks stated and, and so a had the Friends of Chippewa Creek become publicly known some time ago and had there been an awareness on any of our parts that they were doing any kind of planning or fund raising to work toward conservation of land in the Chippewa Creek watershed then any one of us could have sponsored a moratorium back then, now we can't, we can certainly sponsor a moratorium moving forward but it would not cover any of the applications that are already in process, legally it can't and, and she is certain you know that and she did double check that with the Law Director she knows that's the way it's always been in the past, she double checked and he assured her that, that is legally the way we need to proceed. Mayor Luks stated in terms of concerns over flooding she certainly can respect and, and understand why people have those concerns after the 2 hundred year storms that we have had, there's no question about it, it's a concern of hers. Mayor Luks stated but she will say to that end that all of the information that comes in at preliminary plan is going to be critical, that it's review to make certain that it's done correctly and that after the 2004 flood the administration worked with City Council and passed many, many new parts of, to our Code, to our Planning and Zoning Code which much, much more stringent requirements in terms of riparian setbacks and protection of those, in terms of protection of watersheds and in terms of retention and stormwater runoff and sediment control and all of those things so any new construction that goes on now is going on under those new requirements that are much improved then what they were before a, and, and we are diligent in making certain that as the new construction happens that those things are, are enforced, beyond on that it's an issue that we will look at, at preliminary plan stage, the timing of this is not ideal, however, there is, this Planning Commission has to operate based on, on the law, we have a plan in front of us that for the purposes of sketch plan shows us what we need to see and moving forward, you will want to find out, your residents that are interested, you will want to either leave your name with the Planning Commission Secretary or check in to see when this plan is coming back for preliminary stage because you won't receive 500' notices for that, you only get them at the beginning so you will want to check in so you can make certain you come back at that time for those meetings so that you can hear the information about the drainage and the retention and so on and so forth.

Mayor Luks stated Thank You Mr. Chairman.

Law Director Thomas O'Donnell arrived.

Chairman McGrath stated Thank You Mayor and Mrs. Kelly Grasso since our Law Director has just joined us if you would concisely, scenarioly bring him up to speed on the point that you raised, he would appreciate it.

Mrs. Grasso stated she, she appreciates the opportunity Mr. McGrath, she will let Mr. O'Donnell finish consulting with the Mayor.

Chairman McGrath stated Thank You.

Mrs. Grasso stated the issue that was raised has perhaps been unlined by what Mayor Luks just said in response to Mr. Gentile. Mrs. Grasso stated Mr. Zillich is here today with an application purporting to seek approval for the develop, for a development on land that is currently owned by the Board of Education where the Board of Education prior to the submission of this plan had no resolution adopted, authorizing an app., such an application and in fact gave no public notice of it's intent to consider sale of property after it abandoned it's auction over 15 months ago. Mrs. Grasso stated the absence of a resolution makes the action by the Board to make an application, there was no action by the Board to make application and unlike work on a high school building which is within the ordinary course of what a school district does, development of this site is, is quite extraordinary, if the Planning Commission ignores the first line question, do we have a proper application before us, Mr. Zillich will get the benefit of an improper application because his application will be deemed to have been filed as of the June 15<sup>th</sup> or June 16<sup>th</sup> date when it was submitted to this Commission, if it's in fact a defective commission, then it is legally in a different position, by ignoring the question as to whether the Board acted properly and this is a proper application you are tastily affording Mr. Zillich legal right which he may not have, the Board of Education is by Ohio Revised Code required to act by resolution to take steps with respect to the purchase or sale of real property and with respects to any of, type of extraordinary action such as authorizing someone to seek authority to, to do a development on land that continues to be owned by the Board of Education, we object to that and we will take all necessary legal steps to preserve the rights of their clients to make appropriate objection going forward, she thinks that's what she said prior Mr. McGrath.

Chairman McGrath stated Thanks very much.

Chairman McGrath stated he guessed that raises the question Mr. O'Donnell, since Ms. Kelly Grasso has questioned the validity of the application a, could you opine to us please on your, your response to that, to that, to that point.

Mr. O'Donnell stated well first he cannot comment on the Laws as it relates to the School Board and how the School Board operates, he assumes that the School Board has adequate and competent counsel that advises the School Board. Mr. O'Donnell stated what we have is an applicant who represents himself as having authority to present this application, we only have Ms. Grasso's word that this not appropriate,

he has, was not here and did not hear any of the other comments or testimony of the, of the people present so he doesn't know what Mr. Presot said or what Members of the Board have presented to this body, if, somehow it is determined that Mr. Zillich did not have authority then certainly they have rights to proceed, he, he, the application certainly could be amended.

Mayor Luks stated right now.

Mr. O'Donnell stated he thinks we have been told that Mr. Zillich did have authority at least prior to this hearing because that was a question that, that we had and it's be represented to the Administration that you had authority to proceed on this.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated however there is nothing stopping the school from amending or Mr. Zillich from requesting that the application be amended that is in front of us to state the North Royalton School System as the Applicant as opposed to Mr. Zillich.

Mr. O'Donnell stated or in conjunction.

Mayor Luks stated or in conjunction, we can do that.

Mr. Presot stated Mayor Luks may I speak.

Mayor Luks stated uh um.

Mr. Presot stated yes, on behalf of the North Royalton Board of Education acting as it's representative okay, as part of his duties and job responsibilities and maintaining facilities and all the buildings and grounds within the District, we have had prior discussions about publicly selling this property, it was put up for public sale, it was advertised and bid out there and subsequently to that Mr. Zillich has approached the School Board about a private land sale and transfer of property which it is within the Ohio Revised Codes and gives us legal authority to do that, we have our Legal Representative here tonight to speak to that as well and answer some of Mrs. Grasso's concerns and a yeah we, we would be more than willing to amend the application so that the North Royalton City Schools is also named on that application as well from the standpoint that we are here because to move forward and determine the actual potential sale price for the property we need to know what the land or the total acreage amount is that's in question and in meeting with representatives, this is the only way for us to go forward and determine that amount by him seeking and being granted preliminary sketch plan approval because in the future when we sit down and negotiate should we so choose to sell that property we would need to know exactly the, the amount of land and acreage that we would be talking about.

Chairman McGrath stated Thank You.

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

My name is Karrie Kalail, she is an Attorney with the Law Firm of Britton, Smith, Peters and Kalail, her home address is 167 White Pond Drive, Akron, Ohio 44313. Ms. Kalail stated we are here on behalf of the Board of Education, she thinks the amended application and the name of Mr. Zillich and the Board of Education certainly would, would moot, moot all of the points raised by Mrs. Grasso with relation to the legal requirement, also a Board resolution on the sale of the property is totally premature at this point in time, if in fact the preliminary plans go forward, if in fact a deal is struck that is acceptable to the Board of Education, it would be at that point that the Board of Education would adopt a resolution entering into a sale, she, she is not sure what, what the Board of Education would resolve at this point in time, the Assistant Superintendent, the Superintendent, three Board Members are here this evening and with the amended application, she doesn't think there is any legal problem with respect to the Commission hearing this application tonight.

Chairman McGrath stated Thank You very much.

Ms. Kalail stated Thank You.

Mrs. Grasso stated we are going to object to the amendment of the application, a Board does not act by having three members at a Planning Commission Meeting, a Board acts by taking due notice, holding a public meeting as required, making the motion whether it be pursuant to the rules, an emergency motion immediately adopted but it must conform to statute, it must conform to the Law. Mrs. Grasso stated the Assistant to the Superintendent does not have as one of his normal duties the proposal of residential real estate development, this is not a ordinary action by a School Board, we now have the North Royalton City School District before here standing as a developer, that may well even be beyond the powers of the board, now she agrees with her colleague that had the Board made a proper motion to authorize Mr. Presot who is the Assistant to the Superintendent and to authorize Mr. Zillich to come before the Planning Commission we would not be having the discussion, the neighbors would also have had notice of the proposal with respect to this land, the auction was in either late February or early March a year ago, it has been that long, Mr. Zillich did not bid at that auction, instead he has followed up and he has had his private conversation with the Board and he has used the fact that this was all private to now be before the board where as Ms. Luks said, Mayor Luks said no one knew that Friends of Chippewa Creek was out there, well that's because Friends of Chippewa Creek didn't realize the threat was imminent, there are reasons why we have statutes about public notice, about actions by Board Resolution after public hearing and discussion. Mrs. Grasso stated standing up here tonight and saying I have three board members here we will amend this doesn't cure the fundamental problem, when this application was submitted, it was not legally affective, Mr. Zillich is now trying to piggyback and be presented in front of you with, with a bundle of legal rights by the actions here, it hasn't been cured, and she, she, she cautions you to, to be, be very cautious, you are public official, you understand opening meetings, notice, motions, action by resolution so, so she urges you not to move on this application this evening.

Chairman McGrath stated Thank You.

Chairman McGrath stated Mr. O'Donnell when you are ready, when you, when it's appropriate he guessed we will need you to respond to one or both of the points that were just raised, there has been a suggestion from Mrs. Kalail and also a suggestion, follow-up from Ms. Grasso that this action may or may not be appropriate for us to consider, could you concisely tell us should we move forward and, and they can sort this out among themselves or how could we best do this at this point, what is the appropriate action for this Commission to take at this point.

Mr. O'Donnell stated he certainly agrees with Ms. Grasso that the fact that there are three Board members present does not constitute a proper public meeting for the board and there certainly not telling us that they made a decision here tonight, his understanding is Mr. Presot has told us that he has the authority to as part of his duties to present this application and to seek an amendment, this is merely a sketch plan, this is not going to solidify anything with regard to this project, it is merely a proposal at this time, his understanding is basically this is a land swap, Mr. Zillich owns land that he wants to transfer to the Board, the Board has land that they would like to use for development, he doesn't know if that constitutes a sale, but in terms of this Board and the City it's been represented to us by the applicants that they have the authority that, to present this application, he feels that we have the right to accept that, this Board has the right to accept that representation, certainly Counsel for the Board is present and has advised, his understanding is advising that their application is appropriate and a, if it somehow turns out to not be appropriate, that will be a matter between Mrs. Grasso and, and the Board and she can take whatever legal action she deems necessary. Mr. O'Donnell stated but at this point he thinks that the Board has the right to accept the application and to take action on it and to allow amendment.

Chairman McGrath stated Thank You very much.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey please.

Don Willey stated he, he heard a couple things, he is, he is a little concerned about number one is that, that the reason this sketch plan is to determine a market value, that's why there are appraisers and he is a little concerned that the Planning Commissions possibly being used to determine a market value of, of school property, it would seem rather inappropriate to him that a developer or any, any two parties coming before the Planning Commission with an idea, that's what a sketch plan is it's an idea, a concept and a, determining what the input from the City Engineer, the Planning Commission and so forth on a conceptual idea that may never happen and Mr. Prescot if he under, Presot, if he understood you correctly.

Mr. Presot stated could he respond to that.

Don Willey stated absolutely.

Chairman McGrath stated please do.

Mr. Presot stated yeah, in response to that we have had the property appraised by a, by a real estate appraiser, we do know the fair market value of the property and that is not in question, the question is, is in terms of the transfer of the property that as well as the additional total acreage that would be ultimately as part of that, we have already established a potential idea of where we will be but not knowing until we determine, or you help us determine what the acreage would be by the approval, if you did, if you turned, turned around and did not approve this plan during the sketch plan and said well because of whatever requirements that you would have to add more property or take more property away for the sketch plan to be approved then that would change our negotiations in term of total acreage we would be selling to Mr. Zillich potentially if we went forward with that.

Don Willey stated a, Thank You, Mr.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks sated she is sorry, did she interrupt you Mr. Willey, did you have more.

Don Willey stated yeah, he had one question.

Mayor Luks stated go ahead, she is sorry, she thought you were finished.

Don Willey stated does, does that fall within, Mr. O'Donnell does that fall within the realm of our responsibility on the Planning Commission to indirectly determine the value of the land or the swapped value whatever the transaction is but and number one and number two is at arms length transaction, he, that's.

Mr. O'Donnell stated he, well, he thinks it's a multiple part question but he thinks there is some a little, some confusion here it's not our job to find out whether this is an arms length transaction, we have a proper action in front of the Board, they are asking for Sketch Plan approval, Mr. Zillich previously had approval of a plan, he wants to amend that plan to show, to change the location of the, of the recreation area that's something the Board has authority to do, in making that determination, this Board will then be helping the School Board make a decision as to how much land it needs to be involved in Mr. Zillich's plan and for it's own purposes, he means, our focus is not what there deal really is about, our focus is the project that's being presented by Mr. Zillich, he has previously obtained approval of recreation area, he wants to change that and that's, that's the question before the Board, the sketch plan will give them an idea of what the Planning Commission thinks is appropriate with regard to this recreation area and then they can go forward and do what they need to do as Ms. Kalail has said, it's, they don't have a final deal, there, there still working on it, certainly, his understanding is it's going to take more action by the Board at a public meeting or to finalize any deal and he is certain that the residents will have the opportunity to voice any further opposition before the School Board when they make that decision.

Chairman McGrath stated Thank You Mr. O'Donnell.

Chairman McGrath stated is there anyone else in the audience wishing to be heard, Gentleman in the back, yes you were first and then the gentleman ahead of you will be next.

Chairman McGrath stated your name, your home address speak into the microphone, remember you are being recorded.

Yes, my name is Joe Wolfe, he is at 11301 Villa Grande. Mr. Wolfe stated he just had a quick question, it's more of a, relating to some of the earlier questions we had about at the beginning of the meeting, some he thinks it was the City Engineer said something about, he asked a question about a grinding sewer pump or something like and he was just wondering, first of all what that is because he is not familiar with it and two what, why that question was asked, is there something that has to do with that to, that could make you know, impact flooding more, or something like that, just for his own personal knowledge and he will step back now.

Chairman McGrath stated Thank You, Thanks.

Mr. Merdes stated he'll, he'll answer the question, because it's really more of a general question than the particular to this subdivision. Mr. Merdes stated the, the question was raised about essentially whether or not that all the homes that are proposed could reach the sanitary sewers by gravity. Mr. Merdes stated this is preferred all the way. Mr. Merdes stated if you live on Villa Grande your, your actual home goes into a gravity into the sanitary sewer main but then Villa Grande actually has a pump station, as you come down Wallings Road it, a few homes down in the tree lawn there is a some a, some structures that are about waist high, underneath the ground there is a pump station, the City has always attempted to discourage developers developing land that require pump stations which are then turned over to the City and then the, the the burden of maintaining and operating those pump stations is, is the City's so, the question asked at, at the beginning of any proposal can the sewage get all the way to essentially the treatment plant by gravity. Mr. Merdes stated apparently here the thought is that, 12 he believes, they are only indicating that 2 of the homes may not, since you have the vast majority and, and again it's it's to early to tell, even those two maybe be able to make it, but should they not be able to make it those actual homes, rather than having a developer build a pump station and then turn it over to the City, for two homes, this grinder pump essentially is, those two homes inside their homes, they would have a grinder pump to lift the sewage back up high enough to get back into the sanitary sewer, many homes have this for storm water, if you have a, a sump pump in your basement, that sump is for storm water, is, is collecting water that comes into your home goes into the sump, there is a sump pump pumps it up and discharges it at a higher elevation, very common for storm water a, it's the same thing not for the storm water but for the wastewater of a home and that is, that's a grinder pump and that's, that's what, that's the purpose and that's, that's what it would would essentially, it would carry the wastewater from the home, it would go down into again a little basin which would have a pump, it's called a grinder because in wastewater you have the possibility of having solids, objects that need to be ground up before they could be free flowing so, it grinds and, and then, and then pumps it out, that's, that's what we are talking about.

Mayor Luks stated to, to much information.

Don Willey stated too much info.

Mr. Wolfe stated he was inaudible about it, inaudible.

Chairman McGrath stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated Thank You.

Tape changed.

Chairman McGrath stated step forward, state your name, your home address, remember you are being recorded.

Chairman McGrath stated in the microphone please.

Sure, my name is Ed Valentine, he lives at 11361 Villa Grande with his wife Patty, he is one of the residents that is in this room and he wanted to express from it, we have heard from Lawyers and we have heard from School Board Representatives and he wanted to express what a resident feels about this thing, this development in this area and he thinks if you didn't send out 250 letters we wouldn't have known about, whether it was publicly bid or publicly advertised, we didn't see the parcel number in the Sun Post or wherever it was but we always thought there was a commitment by the School Board or by the School District to let the neighbors know that something was happening in their backyard. Mr. Valentine stated his backyard is right behind the property that's going to be developed so he has, he has a vested concern in what's going to go on, he is interested with other homeowners in putting a, putting a proposal together to buy some property and that's our issue with the School Board and we went to the School Board on Monday evening, mentioned that, the School Board graciously said maybe put together a proposal. Mr. Valentine stated he is a little bit disappointed to hear Mr. Presot say, we going forward, we are driving, we moving along, this is going, this is really going to be put together. Mr. Valentine stated he was very disappointing to hear Mr. Zillich say, when am I starting, he is starting immediately, immediately could be, he doesn't know what immediately means, it could be after the EPA, Class One, Class Two, Three wetlands, it could be, it could be starting clearing right now, he feels and he believes and he knows they are clearing in phase one and phase two right now that they have crossed the line and started clearing in phase four, it's before the sketch plan has even been approved. Mr. Valentine stated and he knows that's a fact because it's behind his other neighbor Ed over here, his property is here, it's, it's cleared into his property and that's not even, he has overstepped his bound. Mr. Valentine stated so what he wants to say is, he wants to tell you that, the neighbors are upset about this, the neighbors want an opportunity to save green space for the City, the neighbors have talked to Mr. Gentile about Chippewa Creek and headwaters and things, we would like to investigate if the recreation board would also be interested in going, going forward with creating green space in the City, it's one of the few green spaces left in the northeast corridor of the City and we thinks there are better opportunities to be served with a win win situation with homeowners then to develop another area that could flood or whatever. Mr. Valentine stated the irony of this all is when he

bought his home 16 years ago, one of the selling points for his home was the School owns the property behind you and it probably will never be developed, the irony is he lives in a Zillich home, and it was told to him by the Zillich Company, so that's 16 years ago, you received a letter from one of his neighbors also, Terri Kaminski, she expresses the same voice, we could go on about deer and everything else but that's all been mentioned but there, as a homeowner and somebody that would want to see developed as a green space and not tear things down and work, work together, maybe with the school board, he is disappointed to hear immediately and he hears you say sketch plan and everything else but sometimes sketch plans turn into formal plans, formal plans turn into EPA approval and, and things we don't get no, he will put his name on the list to be notified for future Planning Commissions but he is concerned that the snowball starts growing and the homeowner and the, the residents of Villa Grande get left in the dark and that's what he would like to say, Thank You very much.

Chairman McGrath stated Thank You, well put, Thank You very much.

Mayor Luks stated Mr. Chairman, could she respond.

Chairman McGrath stated Mayor, certainly.

Mayor Luks stated Sir, everyone up here certainly has a, a, a appreciation for preserving the a rural character wherever we can in our community, it's the reason why we all got behind Master Planning, it's the reason why we had Issue 61 rezoning on the ballot, it's actually the reason why she became politically active at all. Mayor Luks stated but the fact of the matter is that as much as we care about wanting to save areas from being cleared and protect the natural habitat for the wildlife and preserve the beauty that you get to look out your window and see and we do want to preserve that, we only have so many legal mechanisms available to us by which to do that and we are obligated to follow laws and statutes and right now the fact that you would all like to organize and preserve that land while she can, she can appreciate your desire to want to do that we have an application in front of us that if it meets our regulations and our Codes at this level, we have no reason to deny and it, and it, it's allowed to proceed to the next level to see if it meets all of the regulations and, and Codes at that level, that is by Law how we have to do things here so it's not that we don't appreciate or have a respect for your feelings and your sentiments about that area or your desires, we do but that's not a legal reason for us to hold this up or say no and in order to do that we need a legal reason.

Chairman McGrath stated Thank You.

Chairman McGrath stated Mr. Zillich, a question was raised about you clearing in phase four, are you doing any, are you doing any clearing in phase four.

Mr. Zillich stated the clearing limits were set by Elewski's and Don Saylor the, the surveyor and he has walked with Mr. Ron Koprowski, his name is, he doesn't know if he is pronouncing.

Mr. Valentine stated he's a neighbor.

Mr. Zillich stated okay, he went back, if you would like he can walk you back and he will show you the stakes and the property pins, he is up to the pins and he hasn't passed, that question was brought to him, we have clearing stakes up by an Engineer and that's as far as we have gone.

Chairman McGrath stated Thanks.

Mr. Zillich stated they are marked back there, the stakes are still there, he has talked to the Engineer, he has talked to the surveyor and he hasn't crossed on the the school board property.

Chairman McGrath stated Thank You very much.

Mr. Zillich stated Thank You.

Chairman McGrath stated Paris please.

Hi I am Paris Butvin, she is nervous sorry, she lives at 11261 Villa Grande and the reason she is up here, she wanted to know about the nature center are we still going to have that, is it still going to be preserved, she had the pleasure of being a homeroom mother and when her kids were little which are 26 and 24 now, we used to always go back there, being a homeroom mom, we took kids back there, there was a little boy, when he was in second grade and she doesn't remember his name, she was with the kids there was a frog that jumped in the pond, this little kid lit up like a birthday cake, he was so excited, he never saw a frog jump into a pond, he never saw a frog, he had moved here from Garfield, she just hates to see the kids loose that and she knows the High School kids they go back there and they make the paths and they have the tree branches, they make the paths and the little benches and inaudible, but that is just so beautiful, you go back there, she doesn't know if any of you have seen Harry Potter or read the book but you feel like you are in another land going back, it's just so beautiful and she would hate to see it not there anymore.

Chairman McGrath stated Thank You.

Mr. Presot stated yes, a when we first received the proposal from Mr. Zillich several years ago, one of the very first concerns and questions from the Board of Education was what, you know what area of properties was he interested in purchasing and so forth as well as because as she just indicated we do have a nature center there, we have our environmentally biology students that's a course within our High School as well as the students of Valley Vista that regularly use that property yes that property that nature center will, will be maintained, as a matter of fact there are two ponds on that property, or on the properties we are not selling any of that portion of the property, matter of fact the property that would be transferred to the School Board, one parcel that Mr. Zillich owns as well as the other parcel that he had initially given for recreational space will not only it will expand and enhance the nature center, it is our intent to maintain that we are not looking to take down any of those trees, again, now are students can go further beyond the property limits that we presently own to expand that, so no we are not looking to take down any of those trees or disturb our, our current nature center, no.

Chairman McGrath stated Thank You very much.

Chairman McGrath stated anyone else, yes please.

Hello, my name is Charles Hambly, he is with the Cuyahoga River RAP, he lives at 2755 Berkshire Road, Cleveland Heights, 44106. Mr. Hambley stated and just to, just to update you on a couple of those grants, the costal management systems grant was to look at the Chippewa Creek Watershed, identify you know all the existing natural resources so that the three communities that are within the watershed can basically you know preserve or you know, you know successfully mitigate those, those natural resources as you guys develop. Mr. Hambly stated the other grant was the Lake Erie protection fund grant that was to look at all the existing wetlands within the watershed, to identify basically the quality of them, what, what information does exist and a again develop some mitigation plans for those, for those wetlands should they be, should they be impacted. Mr. Hambly stated unfortunately tonight he wasn't able to see if there was any wetlands on that existing property but should this development move forward we certainly like to help, help out any way possible to see what the quality of the wetland is to see, make sure that the wetlands do get mitigated within the Chippewa Creek watershed so that flooding capacity, stormwater management stays the same, if you mitigate the wetland out of the watershed, Chippewa Creek loses that capacity to manage the stormwater.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated Thank You Mr. Hambley, she has a meeting scheduled for she believes sometime next week, it's not confirmed yet to meet with James White.

Mr. Hambly stated okay.

Mayor Luks stated and Mayors Hruby and Goodwin and she received word on that grant last Friday, she doesn't know if you arrived late.

Mr. Hambly stated no.

Mayor Luks stated but we discussed that early that you know that grant might be a basis to issue a moratorium for building in the watershed area until the plan is developed we have done that in the past in this City for various types of things however, this application is already in the process we do have very stringent codes in terms of setbacks from wetlands, from riparian area, we have the most stringent that there are and of course we always go through the Soil and Water Conservation District as well so we will be thoroughly reviewing all of that.

Mr. Hambly stated he understands, Thank You and look forward to working with you.

Mayor Luks stated Thanks.

Mr. Hambly stated and would, just, again just encourage on that make sure that these plans do go through the SWC and make sure that they.

Mayor Luks stated it's a requirement in our Codes.

Mr. Hambly stated okay, very good, Thank You.

Chairman McGrath stated Thank You very much.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated Mr. Merdes please.

Mr. Merdes stated he has a question for the Gentleman.

Chairman McGrath stated Sir, Sir.

Mayor Luks stated Mr. Hambly, if you could come back up.

Chairman McGrath stated the Engineer has a question for you please.

Mr. Merdes stated you talked a lot about mitigation and we have had a goal that we would certainly like to see because we end up seeing a lot of development still in North Royalton and, and things are getting mitigated for development but ultimately all our mitigation is going on to Lorain, Avon, outlining counties.

Mr. Hambly stated yes.

Mr. Merdes stated it, something that, that we, we feel that we are at a disadvantage that, that the, the government agencies above are, are approving these and yet we, we have no, were not seeing mitigation preserved lands in our City.

Mr. Hambly stated exactly.

Mr. Merdes stated what, what your going to do and, and the study that, that's going to be done is that a mechanism for getting this movement that would, that would put things in place so that mitigation could, could be essentially used then in our City.

Mr. Hambly stated yes, yes.

Mr. Merdes stated Thank you.

Mr. Hambly stated yeah, a and your not alone he means mitigation, typically falls to the cheapest land and that always, out of, putting much of Cuyahoga County and the Cuyahoga County River Water Shed and it's, and in, in, you have to identify sites, get, get, you know conceptual plans where you want to improve wetlands, you have to get that ready so that the EPA and Army Corps recognize that and the mitigation will come to you then and that's part of this, part of this management plan.

Mr. Merdes stated Thank You, that will help us a lot.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated she has appealed to our legislators to try to do something about this because we have creeks, many, we are part of, several numerous watersheds in this City and we have many creeks that

could use some sort of bank restoration and we have homes built in flood plains where we need to restore flood plains and there are a ton of ways that we could use mitigation dollars so.

Mr. Hambly stated sure.

Mayor Luks stated anything we can move in that direction would be great.

Mr. Hambly stated okay, Thank You very good.

Mayor Luks stated Thanks.

Chairman McGrath stated Thank You very much.

Chairman McGrath stated anyone else wish to be heard.

Chairman McGrath stated yes please.

She guessed she will have to lower this, she is Pat Czarnecki, 11490 Lisa Lane and her house is the corner home on Lisa and White Bark Circle. Mrs. Czarnecki stated she wasn't really prepared to talk today she just wanted to find out what a Planning Commission does and so forth, however and her question that she has may or may not be direct to the situation but if she may be able to ask Mr. Zillich a question.

Chairman McGrath stated certainly.

Mr. Zillich stated yes.

Mrs. Czarnecki stated in the home that she has in the last rain and the rains prior to that, her land seems to dip and water flows all the way from the corner of Lisa Lane, the old section and down and her backyard gets very flooded and she has had to deal with Mr. Gentile and different people trying to resolve the water that comes all the way to her back to the extent that she can not walk out in the backyard and so she has been dealt with the fact that there is she believes it's called a culvert in the back section on her property and it does not seem to hold, to take on the volume of water that comes down and the last rain that we had it has swirled around so bad there was no place for the water to go it actually came down toward her house and this is after spending \$2,000.00 putting in drain tiles to try to solve the problem. Mrs. Czarnecki stated and she still has the problem and it was terrible this last time, she has sump pump, when she built, had the house built by you, she was really was not prepared to have a sump pump, she did not want to have one, at that time she had, while the house was being built, she had approached the people when they were digging, excavating the property and a she said, you know it seems to her that you have dug the basement to low and the man looked up from the hole and Lady, you don't know what you are talking about and she said she believes she does and she believes that you are about 8 to 10" to deep and he looks at her like, you know so she had no recourse, she is not in that field, she is not knowledgeable only by the fact that she was the Real Estate Agent working Lentz for which we represented you and.

Chairman McGrath stated a, now, a excuse me please, behind you, your question would be what please.

Mrs. Czarnecki stated okay her question is in putting up this development, is this going to increase her problem of the water that she is having and the water that is on the street of Lisa Lane right now you can not go around the corner, how can that be resolved and how can you prove that we are not going to have more as a result of this.

Chairman McGrath stated Mr. Zillich would you respond to the please.

Mrs. Czarnecki stated and can you correct her problem.

Mr. Zillich stated he can get your name and number before you leave here.

Mrs. Czarnecki stated oh.

Mr. Zillich stated like he said before, we are required by the Code to retain the entire storm runoff of our property in an 100 year flood in our detention basin, so all the water coming from our subdivision stays on that subdivision with a controlled release, it never goes to Villa Grande, he doesn't know how else to answer that.

Chairman McGrath stated Thank, Thank You very much and he will get your number separately away from here then, Thank You.

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

Chairman McGrath stated anyone on the Commission anything.

**Mayor Luks stated Mr. Chairman she moves to approve.**

**Chairman McGrath stated we have a motion, he will second.**

**Chairman McGrath stated we have a motion and a second, is there any further discussion, Secretary please call the roll.**

**Roll call: Three- Sandora, Mayor Luks, Chairman McGrath. Nays: One - Willey. Motion carried.**

Chairman McGrath stated motion is approved, Sketch Plan Approval has been granted.

#### **Miscellaneous**

Chairman McGrath stated Miscellaneous.

**Ms. Fashempour stated Mr. Chairman under Miscellaneous she has a request to add a Columbia Gas, plan to install a 2" service tap to serve a well setting located on State Road south of the Metro Parks Drive, if you so choose she needs a motion to add that.**

**Chairman McGrath stated he will move to add.**

**Don Willey stated second.**

Chairman McGrath stated moved and seconded anything further to read, all right is there a motion to approve.

Mr. Merdes stated Mr. Chairman.

Ms. Fashempour stated to add it.

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

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

Chairman McGrath stated that has been added, Mr. Merdes please.

Mr. Merdes stated Thank You Mr. Chairman, on behalf of Columbia Gas this is a connection, it's actually, it's a service connection but he believes it's a service from a new well that was drilled on that property and the service is actually to bring the natural gas from the well to the a, to their transportation and delivery system for, for everyone's on the Commission's information, Thank You.

Chairman McGrath stated Thank You.

Mr. Merdes stated you are welcome.

Chairman McGrath stated any further comments from the Building Department.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anything, questions Commission.

**Mayor Luks stated move to approve.**

**Second Tony Sandora.**

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

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

Chairman McGrath stated approval is granted.

Ms. Fashempour stated she has nothing else Mr. Chairman.

Chairman McGrath stated Thank You, he has nothing else.

**Adjournment**

**Mayor Luks stated moved to adjourn.**

**Don Willey stated second.**

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

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

*Chairman McGrath stated we are adjourned.*

*Planning Commission Meeting adjourned at 9:20 P.M.*

Approved: Edward McGrath  
Chairman - Planning Commission

Attest : Brenda L. Fashempour  
Secretary - Planning Commission

Date : July 19, 2006

FROM: PATRICIA HARRIS,  
15578 MARTIN DR.  
N. ROYALTON, OH 44133

WARD 5 RESIDENT  
MEMBER 'FRIENDS OF CHIPPEWA CREEK'

TO THE PLANNING COMMISSION:

WHEN WERE THE CORE SAMPLE  
STUDIES COMPLETED ON THE PROPERTY  
THAT MR. ZILICH IS PROPOSING TO  
BUY FROM THE SCHOOL BOARD?

(PLEASE WAIT FOR RESPONSE BEFORE)  
CONTINUING

AT THE JULY 5<sup>TH</sup> CITY COUNCIL MEETING  
MAYOR LUKS ANNOUNCED THAT THE CITIES OF  
NORTH ROYALTON, BROADVIEW HTS., AND BREEKSVILLE  
HAD SUCCESSFULLY APPLIED FOR GRANT MONEY  
FROM ODNR FOR SUPPORT VIA THEIR NOAA-  
FUNDED COASTAL MANAGEMENT ASSISTANCE  
PROGRAM FOR THE DEVELOPMENT OF A  
WATERSHED MANAGEMENT PLAN FOR THE  
CHIPPEWA CREEK. THE CUYAHOGA RIVER  
RAP HAS BEEN AWARDED \$35,000 TO  
SUPPORT DEVELOPMENT OF A WATERSHED  
MANAGEMENT PLAN FOR CHIPPEWA CREEK.  
RAP ALSO RECEIVED AN AWARD OF  
\$9,600 FROM THE OHIO LAKE ERIE FUND  
TO SUPPLEMENT THE CHIPPEWA CREEK PLAN  
PROJECT WITH ADDITIONAL ANALYSIS OF  
WETLANDS WITHIN THE WATERSHED.  
THIS PARCEL IS WITHIN THIS WATERSHED.  
(OVER)

AND FRIENDS OF CHIPPEWA CREEK  
RESIDENTS IN ADJOINING AREAS OF THIS  
PROPOSED LAND SALE BY THE SCHOOL BOARD  
DEMAND THAT NEW CORE SAMPLING  
STUDIES AND THE AFORE MENTIONED  
WETLANDS STUDIES BE COMPLETED &  
REPORTED BEFORE THE SALE OF THIS  
PROPERTY.

OBVIOUSLY, THE HYDRO-DYNAMICS IN  
THIS AREA HAVE CHANGED OR BEEN  
ALTERED SO MUCH SO THAT RESIDENTS  
OF UP TO 20 YRS' HAVE EXPERIENCED  
FIRST TIME FLOODING.

EXAMPLES ARE ① APOLLO DR  
② BEHIND AVAALON EVENT  
CENTER AT HEADWATERS  
OF CHIPPEWA CREEK  
③ FOXWOOD AREA  
④ VILVA GRANDE DR.

RESPECTFULLY SUBMITTED,  
PATRICIA HARRIS

# Chippewa Creek Watershed Municipalities



## Legend

- Chippewa Creek
- Cuyahoga River
- Rocky River



Data Source: ODNR

