

Planning Commission Caucus - Wednesday, July 19, 2006 7:15 P.M.

Present: Council Representative Don Willey, Victor Bull, Tony Sandora, Mayor Cathy Luks, Chairman Edward McGrath, Joe Hartman, Zoning Inspector Building Department, Clark Merdes, P.E., City Engineer, Donna Vozar, 2nd Assistant Prosecutor, Larry Antoskiewicz, Council Ward Five, Paula Recker, Representatives of Ryan Homes, Laurie Pribish, Steven Runyon, Students of North Royalton High School and Brenda L. Fashempour, Secretary.

Planning Commission Agenda for 7-19-06 discussed.

Discussion held on 05-166 Banner Legislation and the new legislation being proposed on signs.

Planning Commission Caucus ended at 7:25 P.M.

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

The **Planning Commission** of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, July 19, 2006 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Edward McGrath at 7:30 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

Roll call: Chairman Edward McGrath, Mayor Cathy J. Luks, Don Willey, Council Representative, Tony Sandora, Vice Chairman, Victor Bull, Joe Hartman, Zoning Inspector Building Department, Clark Merdes, P.E., City Engineer, Donna Vozar, 2nd Assistant Prosecutor and Brenda L. Fashempour, Secretary.

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

Public Hearing

Ryan Homes, Worthington Subdivision, Property Owner Laura Pribish, Abbey/Royalton LLC. - The Public Hearing will be on the question of granting a Conditional Use Permit for Ryan Homes, Worthington Subdivision, Property Owner Laurie Pribish, Abbey/Royalton LLC., 11622 Worthington Way, SL 36, R1-B Zoning. The Conditional Use Permit is for a parking area on the lot adjacent to their model home in the Worthington Community. The proposed parking area would be on lot 36, 11622 Worthington Way. The parking area would sit entirely behind the right-of-way, with the exception of the apron and drive. The proposed drive has been located so the curb cut can also be used for a future home on this site. No landscape design as of yet but typically the parking area is surrounded with white vinyl fence and shrubs. The main purpose of putting this parking area on a lot is for the safety of our potential customers and eventually the customers that reside in the community. From the parking area, customers and residents can use the installed city sidewalks to access the model home or the entrance of the community. This parking area would help prevent numerous cars parking on the street. As potential customers enter the community they will enter off of Abbey Road and most likely park on the south side of the street, directly across from the model. This parking area would prevent future complaints from the customers that purchase lots 1 and 2. Ryan Homes is requesting this Conditional Use Permit be granted until we close the model home, approximately 2 years.

Secretary read the Public Hearing Notice. Public Hearing Notice posted at the City Public Posting Places and mailed to residents within 500'.

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

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

Chairman McGrath stated no one wishing to be heard, is there a motion to refer this matter to the Regular Order of Business.

So moved Victor Bull.

Second Tony Sandora.

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

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

Chairman McGrath stated it is so referred.

Adjournment.

Chairman McGrath stated we will now call to order the Regular Meeting.

Ms. Fashempour stated she needs a motion to adjourn the Public Hearing Mr. McGrath.

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

So moved Don Willey.

Second Victor Bull.

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

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

Chairman McGrath stated we are adjourned.

Planning Commission Public Hearing adjourned at 7:35 P.M.

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

The **Planning Commission** of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, July 19, 2006 in regular session. The meeting was called to order by Chairman Edward McGrath at 7:36 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

Present: Mayor Cathy J. Luks, Don Willey, Council Representative, Tony Sandora, Vice Chairman, Victor Bull, Chairman Edward McGrath, Joe Hartman, Zoning Inspector Building Department, Clark Merdes, P.E., Donna Vozar, 2nd Assistant Prosecutor and Brenda L. Fashempour, Secretary.

Approval of minutes: July 12, 2006. Ms. Fashempour stated Approval of Minutes, July 12, 2006 if you so choose, **she needs a motion to excuse Victor Bull first.**

So moved Don Willey.

Second Tony Sandora.

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.

Ms. Fashempour stated and if you so choose to approve those, she would need a motion.

Tony Sandora stated motion to approve.

Don Willey 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.

Old Business:

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

Ms. Fashempour stated it is tabled, if the Commission so chooses she needs a motion to remove it from the table.

Tony Sandora stated motion to remove.

Victor Bull stated second.

Chairman McGrath stated moved and seconded.

Chairman McGrath stated this has been pending for a very long time and it's now been probably superceded by Legislation more recently introduced in the North Royalton Council Agenda, for that purpose he is recommending, he is moving that we recommend defeat of proposed Ordinance 05-166.

Ms. Fashempour stated Mr. Chairman, can she have a roll call on the removal from the table.

Chairman McGrath stated oh, okay.

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

Chairman McGrath stated it's been moved from the table.

Ms. Fashempour stated and any motions have to be made in the affirmative to Council, so it would be a recommend, motion to recommend adoption of 05-166 and then you choose to defeat, you vote no.

Chairman McGrath stated Thank You, he recommends adoption of 05-166.

Mayor Luks stated second.

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

Ms. Fashempour stated Don Willey.

Don Willey stated am I voting on the yeah or nay.

Chairman McGrath stated yes.

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

Ms. Fashempour stated it's been defeated.

Chairman McGrath stated 05-166, recommendation has been defeated.

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 and also in conjunction with it is;

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, if she can get a motion to remove both of those from the table, the Applicant is here this evening.

So moved Don Willey.

Victor Bull stated second.

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

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

Chairman McGrath stated he sees Ms. Pribish is here, please step forward, remember you are being recorded and share with us what you will.

Laurie Pribish for Hinckley Ridge, Ltd., 1425 Center Road, Hinckley, Ohio 44233.

Ms. Pribish stated we are here tonight in regard to our town home proposal, since we met, last met with the Planning Commission we have met with the Architectural Review Board and she does believe that we have addressed all of Clark's comments, she knows that last time we met, the Mayor asked us to see if we could turn the buildings sideways and it was really, it did not work out she means you get to close to your sanitary and your sewer and also we feel that we are spending considerable amount of extra money on the front elevations and the landscaping to make a, when you drive down the street that they will really make a nice appearance and she knows sometimes its hard to tell from a two dimensional drawing but based on the staggers this is what the Architectural Review Board, you know, they really like the way we staggered the buildings and it's really kind of hard to see when you just look at a two dimensional drawing but we did add a lot of brick and a windows along the doorways and some a you know a lot of nice landscaping along the front so that you will get a real nice street appeal from that.

Ms. Pribish stated the Architectural Review Board did also ask us to use two different siding colors and two different brick colors to where the first building would be one siding color and one brick color, the next building would be another siding and another brick color and then we would intermix the two to where we would have four different schemes of buildings. Ms. Pribish stated she did bring samples with her tonight.

Chairman McGrath stated good, Thank You.

Ms. Pribish stated we are trying to stay in the same color family but we would use these two, two different siding samples and the two different, two different brick samples, one is more textured and one is, one is smoother, it will give you a little bit of different appearance. Ms. Pribish stated so the first building would have say this siding and this brick, the next building would be that siding and this brick and then we would alternate the two, so you would actually have four different buildings with different siding and different brick. Ms. Pribish stated we also have some different trim options that we can do, she knows that you had suggested that we possibly change them so that each unit looks a little bit different. Ms. Pribish stated now the Architectural Review Board didn't want to see different colors and things like that but we did change it to where each doorway may have, is going to have a different window, trim will be a little bit different on each building, she means on each unit, the trim you know might have like a oval, where the window is oval, the trim will be oval, where the window is square, the trim will be square. Ms. Pribish stated she thinks that's it.

Tony Sandora stated Mr. Chairman, can he ask the Applicant a question please.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated Ms. Pribish did a, what you are showing us tonight, have you shown this to the ARB.

Ms. Pribish stated no, we meet with them next Monday.

Tony Sandora stated okay.

Ms. Pribish stated she means we met with them once and they saw, they saw our plans.

Tony Sandora stated right.

Ms. Pribish stated and they wanted us to do the two different siding shades.

Tony Sandora stated no, he understands that, he just was wondering if you showed them, you know the, the siding and the brick and how you are going to do it.

Ms. Pribish stated no.

Tony Sandora stated if, if that stuff was shown to them.

Ms. Pribish stated no, no, Monday night we are on the Agenda.

Tony Sandora stated okay, Thank You, Thank You.

Chairman McGrath stated he appreciates the work you have done, he guessed he is still concerned that for example when a homeowner comes, tells his friends, he lives in the beige house with the red brick trim, unless you are truly attuned to degrees of beige-ness for want of a better word or which is the red brick verses the terracotta brick or whatever the technical terms are, it's not the, it's not the variety that he was hoping to see and he realizes that your, your caught between what the ARB would like to see and perhaps what at least he would like to see but he was hoping for maybe beige with red brick here and something else with brown brick there and something else with gray and blue and mixing it, not necessarily in a carnivalistic fashion but certainly to give each unit more individuality then circle verses square and you have to look at the dormer to see what shape the vent light is and it's probably a good start in his opinion but doesn't go where he had hoped it would go.

Ms. Pribish stated okay she means you know the Architectural Review Board didn't want us to make you know one unit one color and then next unit another color.

Chairman McGrath stated so you are caught in the middle because he would like them each to be a different color, that's just his personal opinion.

Ms. Pribish stated yeah, she means the first time we met with Architectural Review Board, that was the second time we met with them, we had two different you know sketches of things and one was each unit was completely different colors and they thought that was way to much, to much, carnival, like you said, carnival looking.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated elevations, are they all, is everything going to be in a row, even.

Ms. Pribish stated well they are, they are staggered. Ms. Pribish showed plan. Ms. Pribish stated you know each, like this is a unit and then it staggers back, you, it's staggers, each unit staggers.

Chairman McGrath stated what about roof lines, do they stagger.

Ms. Pribish stated well a, we are going to have some buildings different than others, they wanted to see not every building look the same so based on the topography that we had, like these three buildings will have a roof stagger and the other building, where it's flat topography, we are going to kind of let the topography dictate, we would have the flat inaudible roof.

Mayor Luks stated okay.

Ms. Pribish stated so each building would have a slight adjustment.

Mayor Luks stated alright.

Chairman McGrath stated what about shingle colors.

Ms. Pribish stated oh, she has got that, somewhere. Ms. Pribish stated it's kind of hard to see, she has changed their minds since they got the samples, we are going to use this colonial slate to kind of deal with the tan and reds, to tie the brick and the siding together.

Chairman McGrath stated on everything.

Ms. Pribish stated yes.

Chairman McGrath stated do we have to do it that way, and again only thinking.

Ms. Pribish stated was inaudible.

Mayor Luks stated a, a, Mr.

Chairman McGrath stated go ahead.

Mayor Luks stated she is sorry Mr. Chairman.

Chairman McGrath stated please.

Mayor Luks stated as, although she is as you are, she is also interested in seeing what they are thinking here but ultimately they are going to have to meet with the ARB's approval before.

Chairman McGrath stated right.

Mayor Luks stated and she has no idea what the ARB is going to think of the shingles or the colors that they have chosen because ARB hasn't seen them yet either so she doesn't know that they are necessarily really caught in the middle because ARB hasn't seen this stuff yet either.

Chairman McGrath stated he guessed he is hoping that if for example we went with what is more beige and what is more brown then we could have a shingle that is distinctive to that pattern and conversely if we went with what is more gray for in terms of contrast and what is more red, there could be perhaps a shingle that compliments that so that there is a subtle difference.

Ms. Pribish stated you would like to see two different shingles.

Chairman McGrath stated he would like to see the units look distinctive, a little more then they do here now and again in terms of whether it is the vent, the window, the whatever, the circular, in, in, in terms of being of compatible with the door, or, or square in compatible with something else, he thinks, he thinks when you are directly friends, neighbors, relatives to a holiday gathering and beyond, on that to the overall character of the neighborhood that we are developing, a, a, a bigger variance in front elevation both in terms, both architecturally and stylistically would be his preference but again, we need as the Mayor points out the input from the ARB as well.

Ms. Pribish stated and you know, you know we will gladly work with the ARB and you know their color selections and you know she means if they don't like our colors or would like us to change it or make it more drastic we would gladly work with them.

Mayor Luks stated sure.

Ms. Pribish stated you know what they would like to see.

Chairman McGrath stated sure.

Mayor Luks stated Mr. Chairman she, she would kind of like to address the layout and the footprint and the utilities and see if, you said that you thought you addressed all our Clarks concerns and she guessed she would like to hear from the City Engineer on those issues.

Mr. Merdes stated Thank You.

Mr. Merdes stated he hasn't had the opportunity to properly review any of the new information that's been submitted, so he can not tell you whether or not his comments have been addressed or not.

Chairman McGrath stated that's a fair comment, good, Thank You.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey please.

Don Willey stated he has a question, were, what accommodations have you for guest parking.

Ms. Pribish stated she believes there is 20 spaces, 20 extra spaces.

Don Willey stated those would be beside, behind the building.

Ms. Pribish stated they are in-between the buildings where they, where we have to give them access to the sanitary where the grass pavers are, they are in front of that.

Don Willey stated so.

Ms. Pribish stated they are in-between the parking.

Don Willey stated okay, do you think that's a, do you think that's adequate for a what are there, 36 families, 40 families in there.

Ms. Pribish stated a, we just put in what the Code, you know what the Code asked for.

Don Willey stated yeah, he, he understand.

Don Willey stated one, one of a, one of the things that we are finding out in, in clusters and, and this type of housing is that if a family has a big family get together something like that then, and assuming they can only park on one side of the street there seems to be a congestion situation, that's why he is raising that question okay, Thanks.

Chairman McGrath stated anyone else anything.

Chairman McGrath stated anyone in the audience any comments.

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

Certainly, my name is Robert Meiners, he lives at 11250 Abbey Road, North Royalton. Mr. Meiners stated basically across the street from the development, he understands the land is going to be developed and it will add value to his property, he appreciates the concern you have for the appearance for him as the neighbor, once again he would like to bring up a couple concerns, his wife a originally addressed one of them when it came to the street and then access to this development and the possibility of entering it either from Clubhouse or Worthington Drive and forfeiting one of the building lots, the argument at that time that was rebutting to his wife was that you know we need to have immediate access for the Police Department but having lived in various subdivisions here that's not a valid argument but the valid argument that he presents is that he believes it was in 95 there was already one fatality accident there at Clubhouse Drive and Abbey Road, you have a high point on that road as far as access for visibility, if you don't mind he will give you a map here to look at just and excuse him it's very crude but.

Chairman McGrath stated Thank, Thank You.

Mr. Mainers stated if you face it so that this is Albion, so that's heading north, he recommends that you give access to this property or development and he would like again, he would like to restate that he really values the a suggestions that you are making for the quality of the development to add and enhance to his property value but understanding that based on this your, you are already looking at now

they are already in construction of the other development, nine streets coming in, in less than 4 tenths of a mile or nine accesses with a multiple in addition to that if you look on the right side of the page where at the top of the page it says Albion, all those lots going down that road have the potential being future developments, so he guessed we are going to have a new street coming in for every two lots that are purchased that then becomes 10 acres which then becomes 38 more town homes he believes a little planning needs to be developed as far as how many streets we allow to enter into the main street for our infrastructure, how are you going to limit or control traffic in the future because at this point in time none of these streets are across from each other, on Sunday morning we had a near fatal collision, the road, the vehicle, a SUV ran off the road into the property that was that is suggested here and it miss broad siding a new Cadillac that came out of Woodridge, so that's issue number one, he thinks we really need to get a new traffic study, he is all for the development of the property to enhance his property value, he knows this vacant land will be developed but he thinks some thought has to go into the infrastructure and the property and how we access this property, he doesn't think a quarter mile around the corner is going to, to buy it as far as Police and Fire protection because having lived on Cottonwood Lane, off of Bennett, off of Tanglewood, off of never mind, he could go on there, you know, this access is, is relevant and it's relevant to eliminate future accidents and fatalities. Mr. Meiners stated a 35 mile an hour zone road which is used a cut across because 82 becomes a deadlock during both rush hours. Mr. Meiners stated so the future of many more roads coming out on this has to be reviewed number one, number two, this property was a lake, and he knows that Clark had some concerns about the retention of flood water and their proposal, this was a lake at that time which we forwarded photos to you, he knows Brenda responded saying she received these photos, that land did not drain until overnight. Mr. Meiners stated Abbey Road was a lake there, he has two heavy railroad ties that line his road or his driveway across the street from this, they floated out, the only thing that kept them from the middle of the street was his mailbox, so he would like to make sure that there is adequate consideration given to the safety and a traffic study done that includes all the proposed developments, not just Worthington or Abbeyville but also the other development and the potential future developments that is maybe done by the City and then secondly you know a, a further review, he knows depending on what side of the fence you are on, you know there is not global warming and this second 100 year storm and a, in two years is all the Mayor's fault, ha, ha, you know, there's not anything we can do about that but having you know lived-in the neighborhood and saw what happened on Industrial, in the industrial area, on York Road, on Abbey Road, at the end of Worthington Road where they are starting to build now, at the end of that cul-de-sac, the turn around, it was a lake, it was over, there, there retention ponds there were flooding and running over into the condominium association and that drainage ditch was at it's peak and starting to crest, it's, if you scalp this land and put in 38 units, maybe it would be better to have 24 units and additional parking so we don't give parking tickets to everybody that has a graduation party and that the soil can absolutely absorb or put another retention pond in, he just would like to see these other considerations given for safety sake and then also for the future of our City that we don't have more claims and lawsuits of the failure of our leadership to prevent flooding which is beyond our control but he thinks this map will show you that in the future there is the probability in that 4 tenths of a mile of at least two more streets coming in to this area too. Mr. Meiners and like he said, there has already been one fatality there in the last ten years.

Mr. Meiners stated Thank You for your time.

Chairman McGrath stated Thank You.

Mayor Luks stated Mr. Chairman if she could response to.

Chairman McGrath stated Mayor please.

Mayor Luks stated some of this. Mayor Luks stated Sir, she thinks your idea of not having another street enter out onto Abbey is a good one and has merit and she thinks it's a good thought, she doesn't think Clubhouse Drive is an option because if she's not mistaken that's a privately owned road and so owned by the homeowners that live within that complex so she's not certain how that would work because that's not a public road, that would take some sort of arrangement or agreement on the part of the owners of that roadway, not to say it's impossible but it's, it has issues. Mayor Luks stated she doesn't recall anyone saying that it wasn't an option because of safety reasons a.

Mr. Meiners stated a in the last meeting that we attended, yeah, it was a.

Mayor Luks stated okay.

Mr. Meiners stated the rebuttal was that you know, we need to make this as direct as possible but that's irrelevant, the relevancy is, is that.

Mayor Luks stated well.

Mr. Meiners stated you know you, if you look at that map, you have Clubhouse Drive, you have Woodridge, you are going to now have that, then you are going to have Worthington.

Mayor Luks stated she, she understands what you are getting at, she, and she thinks it is, a valid, a very valid concern that we do need to look at, you mentioned something about more town homes and that area there is the last area zoned for town homes.

Mr. Meiners stated okay.

Mayor Luks stated everything else that might come in off of Albion would have to be single family, just, just so you know.

Mr. Meiners stated he understands.

Mayor Luks stated just so you are not expecting to get barrage with town homes.

Mr. Meiners stated no, he, he does though expect to see three more Worthington Drives come in within 2 tenths at most of the same spectrum of this stretch of road and then, within the next five years.

Mayor Luks stated uh um.

Mr. Meiners stated take that out of the picture but just deal with what's on the picture and the number of units and the traffic that we have on this street, take into consideration that you can take a and

forfeit one of the lots off of Worthington and easily have access to these town homes from the backside with minimal costs in the construction of the street, probably an exact cost of entering it onto Abbey, you may forfeit a lot but then beyond that like he said, he knows this land is going to be developed and he does sincerely appreciate your concern as a, as a Council Members and City and the whole planning thing and taking such detail as to looking at the type of shingles or whatever to because he, he wants quality in his neighbor, that's why they bought there but the other concern is, is like he said, he knows that Clark addressed it in the meeting that was initially attended, there plan for the a storm sewers to be contained in the a, existing plan for Worthington, if you look at the photo's that we sent that were a few hours after the storm and like he said he knows Brenda acknowledge receipt of them so you have them at your availability, that land was a lake. Mr. Meiners stated Abbey Road in front of that was flooded, so his second concern is that there, so that's two safety concerns, he doesn't know where the water is going to go and he does understand percolation of soil and everything else so the water situation is one problem that he thinks that the City really needs to address and the second one is the safety issue, like he said, he, he, was not aware of it but he found out from the neighbors just in, that, met him in front of his house for this near accident where the SUV ended up in the front yard of this property from people trying to come out of Woodridge because if you drive down the street at Clubhouse Road and Woodridge, if you look south from there that's a blind spot.

Mayor Luks stated uh um.

Mr. Meiners stated because the, the road crests there, now you are going to add another street coming in and it's a, already kind of difficult getting in and out of his driveway but fortunately it's not a major concerns for his wife and he at this time but, or the, the other neighbors because we are retired but in the future or for the other residents of the street, it, it is a concern and then if you take and go down just as it was explained in the first meeting we attended, the reason the town homes were going to face one side of the street was because the current resident that owns the property was not willing to sell and wanted to live out there time there that tells him and he is sure that you can assume this too that other side will be developed into 38 more town homes. Mr. Meiners stated you go down the street past Abbey Road there are, past Worthington, there are multiple to other multi acre lots that will be purchased and developed into very nice residential homes that he may want to purchase one day but at the same point and time this is become a main street in North Royalton in rush hour traffic and it is going to be a very serious safety concern because there is no way you can put up four way stop signs with these types streets entering Abbey Road in every direction you know.

Mayor Luks stated uh um.

Mr. Meiners stated instead of maybe planning a service street, or re-evaluating the access to this property by either eliminating one of the lots and tying it in like you would any other subdivision and then hopefully in the future as we are here for meetings for other developers

we look at the fact that you know there will be a street with cul-de-sacs instead of every two lots that are purchased that are five acre lots be another street coming on to Abbey Road unless you are going to reduce the speed limit to 15 miles an hour, he thinks you have a real safety issue there.

Mr. Meiners stated and he thinks if you look at your Police Records you will see that we already have had several situations on Abbey Road so those are, those are concerns as living on the street, he greatly appreciates your concerns, like he says he fully understand whoever owns this land, that land is gold and it will be developed and he wouldn't mind having one of those homes especially if it's developed to those specifications, so Thank You very much for your concerns to look out for our welfare but he does have safety concerns that he would like you to consider, just consider, think about and then the other one is to reinforced what Clark had said about the, at the first meeting we attended with the flooding, there is a a major problem there with water, stormwater control and he doesn't think there is a, any simple answer there but he does believe that maybe an additional retention pond that could absorb that five acres of spread out water that is six inches deep that would maybe be a half an acre at three foot deep would maybe settle that situation otherwise he thinks the condominiums are going to be flooded and if at the end of Worthington Road was already a lake during this storm, during the next 100 year storm that happens in two years it will be a a river.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated she, she thinks we understand your concerns and as she said before she thinks they are valid ones and we will certainly take those into consideration.

Mr. Meiners stated Thank You very much.

Chairman McGrath stated Thank You, appreciate your courtesy and the insight that you brought to the meeting.

Mr. Meiners stated Thank You.

Chairman McGrath stated Thank You.

Don Willey stated Mr. Chairman.

Chairman McGrath sated Mr. Willey please.

Don Willey stated he, he concurs with the Mayor, he thinks that as you look at the visual handout that a, of Mr. Meiners handed out, a, uh, unfortunately a, you know, we don't have one, one builder to tie the whole thing together but he thinks there is, there is, they are valid and legitimate concerns that throughout our process we can a keep in mind, Thank You.

Chairman McGrath stated anyone else wishing to be heard on anything relative to this proposal.

Chairman McGrath stated motions.

Tony Sandora stated motion to table.

Don Willey stated second.

Chairman McGrath stated it's been moved and seconded, Secretary please call the roll.

Ms. Fashempour stated and that would be both for the recreation and the preliminary.

Chairman McGrath stated yes.

Tony Sandora stated for the recreation and the preliminary plan.

Ms. Fashempour stated Thank You.

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

Chairman McGrath stated that is tabled.

Ms. Pribish stated she is sorry, will she be able to get, will you be able to review this before she means she knows you guys are going on break next week, will she get comments from you based on what she has submitted Clark before you know, in time to make the next submittal to make it to September's meeting. Ms. Pribish stated will you still review what she has already submitted to you and send her comments.

Mr. Merdes stated yes.

Ms. Pribish stated is her question.

Mr. Merdes stated yes.

Ms. Pribish stated okay, great, Thank You.

Chairman McGrath stated Thank You, Good Luck with BZA.

Ms. Fashempour stated ARB.

Don Willey stated ARB.

Chairman McGrath stated ARB he is sorry.

Chairman McGrath stated Thank You.

Mayor Luks stated too many acronyms.

Chairman McGrath stated yes.

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' 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.

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

Conditional Use Permit

Ryan Homes, **Worthington Subdivision**, Property Owner Laura Pribish, Abbey/Royalton LLC. - Conditional Use Permit for Ryan Homes, Worthington Subdivision, Property Owner Laurie Pribish, Abbey/Royalton LLC., 11622 Worthington Way, SL 36, R1-B Zoning. The Conditional Use Permit is for a parking area on the lot adjacent to their model home in the Worthington Community. The proposed parking area would be on lot 36, 11622 Worthington Way. The parking area would sit entirely behind the right-of-way, with the exception of the Apron and Drive. The proposed drive has been located so the curb cut can also be used for a future home on this site. No landscape design as of yet but typically the parking area is surrounded with white vinyl fence and shrubs. The main purpose of putting this parking area on a lot is for the safety of our potential customers and eventually the customers that reside in the community. From the parking area, customers and residents can use the installed city sidewalks to access the model home or the entrance of the community. This parking area would help prevent numerous cars parking on the street. As potential customers enter the community they will enter off of Abbey Road and most likely park on the south side of the street, directly across from the model. This parking area would prevent future complaints from the customers that purchase lots 1 and 2. Ryan Homes is requesting this Conditional Use Permit be granted until we close the model home, approximately 2 years.

Chairman McGrath stated is the Applicant or their Representative here.

Chairman McGrath stated and step forward, share with us anything additional that you may have and remember you are being recorded, state your name, your home address, remember you are being recorded.

My name is Mark Fair and he lives in Massillon Ohio, 360 Joshua Street.

Mr. Fair stated additional materials he has a very rough landscaping sketch shows a white vinyl fence along the back and then various shrubs, boxwoods, burning bushes in the front, two post lights on either end to light that area up and then he also has a letter signed by the homeowner that will be SL 35, they will be on the opposite side of the parking lot from the model you know agreeing to this, to this parking area going in.

Chairman McGrath stated good Thank You.

Mr. Fair stated would you like copies of that.

Ms. Fashempour stated yes please.

Chairman McGrath stated Brenda probably would yes.

Chairman McGrath stated to the Building Department any comment.

Mr. Hartman stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, to the Engineer any comment.

Mr. Merdes stated Thank You Mr. Chairman, he has one comment and that would be that the sanitary, storm and water service utilities seem to be in conflict with the parking lot that's laid out.

Mr. Fair stated the laterals for those three will be underneath of the parking area, we will have the Engineer as built their location, where the laterals end and construct his parking lot over it once we remove it we will have those laterals re-staked so that we can use them for the future home that we will build on subplot 36. Mr. Fair stated but it is completely out of the right of way but it will be covering the utility easement.

Mr. Fair stated he believes that mains go down through the right of way.

Chairman McGrath stated which means his question to the Engineer, it would have to be, are you comfortable with that.

Mr. Merdes stated these laterals sometimes end up in in driveways, the clean outs, they try to avoid them by locating them near the center of a lot.

Mr. Fair stated uh um.

Mr. Merdes stated on a rare occasion they still end up being, being located in a pavement area, normally they are not, they are not buried under the pavement, there, they are at grade, there, there given a metal, they may be set in concrete box with a metal cap that he would see as a more typical way of dealing with, with a conflict like this.

Mr. Fair stated if he is not mistaken when, when that occurs on a house the, the brass cap is used to, to provide access to the clean out, we won't build a home here until we have removed the parking area therefore we don't need it, we will not need cleanouts, in other words basically all that's above surface right now are the four, four by four posts marking the end of the laterals, we will just remove those four posts,

the laterals will remain out of use underground, we will find those, those laterals once we go to build the home, connect to them and if, if those would end up in the drive of the future home we will put brass caps on those or relocate the water service out of the drive.

Mr. Merdes stated he guessed he still be concerned that we are loosing an access point and, and you are proposing to loose the access point and essentially park vehicles on top of it so.

Mr. Fair stated do you mean access to the mains.

Mr. Merdes stated access to the lateral, if they are buried and a heavy vehicle rides over the top of them, you could have damage occur and then there is no access there there would be no way of, of seeing if that's actually the place where the damage is, we can't see from the main, we, were not, we don't have the ability to go up laterals with a camera but when you have a lateral we can put a camera down on the lateral and, and look from the lateral to the main.

Mr. Fair stated but he thinks that laterals will remain under, underground.

Mr. Fair stated it, it, it essentially be the, that they will be under a driveway we jut won't be providing a brass cap to, to access that lateral or there will be no clean out to access it, the storm, the storm drains are typically six to seven feet underground in this community and the, and the, and the sewers are nine to ten feet he believes so he thinks that's.

Mr. Merdes stated right, but, but at the clean out even though the, the main or the lateral is deep within the ground, right at the clean out is a t fitting and then a vertical plastic, just a vertical plastic riser that comes up to the surface and depending on, on pavement that's proposed it, it may be enough to support any weight of a vehicle from transferring that load onto essentially this plastic shaft which at the bottom of it sits in a t or it may not be, it may be that the pavement is not strong enough or a vehicle comes along that's, that has enough weight to, to essentially put pressure on that vertical shaft, cause a problem at the t right there and he is more concerned about the sanitary because should it crack now you have ground water getting in the sanitary sewer and then since that's also the access point we would have really no way of investigating that though he gets back, he guessed he gets back to when, when we see the situation where you can't avoid having a lateral outside of a pavement, it's going to be in a pavement, you don't loose the access point you look to bring it up to the pavement grade and put the brass cap on it as the normal standard treatment for that, he would like to see that done rather than, then burying them.

Mr. Fair stated he thinks.

Tape flipped.

Mr. Fair stated we could keep that to grade, that has the metal one inch riser on it, he believes we install the sanitary and storm cleanouts when we dig the, dig the, connect to the lateral.

Mr. Merdes stated no the cleanouts are there.

Mr. Fair stated they are there.

Don Willey stated yeah, they are there.

Mr. Fair stated then we could definitely put, will, if, if that's recommended will we put brass caps on them.

Mr. Merdes stated Thank You, no further comments.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr., to the Building Department please, or Mr. Willey he is sorry.

Don Willey stated oh, okay, yeah, is the a, the cleanouts currently there correct.

Someone stated yes.

Don Willey stated where, where it's, located in terms of this lot, in the middle, to the side, or do you have an idea.

Mr. Fair stated we were intending on taking up pretty much the width of the lot so they definitely be in there.

Don Willey stated somewhere something would be in the.

Mr. Fair stated absolutely.

Don Willey stated so if it's right in the middle or a third of the way down the lot then it could very well be in the traffic pattern, he concurs with the Engineer and he is not an Engineer but it, it it very well could happen.

Mr. Fair stated he agrees, if they are in there.

Don Willey stated that could happen to me, the house was built in 75 and that's, that's what happen in construction, they drove over it, cracked the t on the bottom, never had a problem for 8 years.

Mr. Fair stated if need be we will install the brass caps if, when time comes to construct the home there, we can camera the, the laterals, the storm and the sewer lateral and provide you with a you know a, a video of the laterals show they are in tact and everything is okay, that's not a problem, we will have those both open up.

Tony Sandora stated is that okay with you Clark.

Mr. Merdes stated yeah, yes, and actually when they go to build the home, they will be exposing that very same lateral at the t because that's where their trench will commence so we will be able to, it get's exposed and, and the, they start there with their trench for the home so, we will actually all have the opportunity to see that when, when that home gets built, it was in the meantime that he was concerned about.

Chairman McGrath stated anyone else on the Commission, questions, comments. Chairman McGrath sated anyone in the audience, any motions.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated he will make a motion to grant a Conditional Use Permit for a parking lot on subplot 36 for Ryan Homes, Worthington for a period not to exceed two years.

Chairman McGrath stated Thank You.

Don Willey stated second.

Mayor Luks stated a.

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

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated she is sorry, could the movement include the Engineer's stipulation on the riser and the brass cap and all that good stuff in the motion please.

Chairman McGrath stated sure it could.

Chairman McGrath stated and it is included he believes, is that correct.

Chairman McGrath stated you have included the Engineer's recommendation.

Tony Sandora stated he will include the Engineer's recommendation.

Chairman McGrath stated and the second includes that as well.

Don Willey stated he would second that yes.

Chairman McGrath stated Thank You.

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

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

Chairman McGrath stated Conditional Use Permit is granted.

Ms. Fashempour stated okay, now that has to go before Council, they won't meet until September, September 5th, she believes is their meeting date, but you are, your though this process and then she will get the information to her and then she will have the legislation drawn up and you will be on for that.

Chairman McGrath stated so basically we have recommended to Council the approval of your Conditional Use Permit.

Chairman McGrath stated and you are next up on the Agenda, so if you want to stay around.

Sign Approval

Worthington - Ryan Homes - Abbey/Royalton LLC. - Laurie Pribish.
Worthington Way and Abbey Road, R1-B Zoning. Temporary Entrance Sign Approval.

Chairman McGrath stated share with us what you will please.

Sure, my name is Steve Lacinski, 7756 Oakhill Road, North Royalton, Ohio. Mr. Lacinski stated we are requesting permission to install a temporary 4 x 8 sign on the corner of Worthington Way and Abbey Road as part of a, directing traffic into our community and also as an advertisement, it's basically a trademark of our community, these, these signs, have provided you with a, a drawing of the sign the layout, the location, he also has a letter here, he believes you also have it, with the permission from the neighbor granting us permission on our variance from, the sign will be within 100 feet of his property and granting us permission to place a sign in this location.

Mr. Lacinski stated you may have seen the sign before, it's a sign that we have about a quarter mile up the road at our Glen Abbey Subdivision, we also had it at The Trails Subdivision down on Valley Parkway a few years back, you may see them at our other communities throughout the City so that's it.

Chairman McGrath stated to the Building Department please, anything.

Mr. Hartman stated in this particular situation he would probably need two variances for the sign, the sign is 2' higher than allowed and it's within 100' of a residence.

Chairman McGrath stated Thank You.

Chairman McGrath stated Engineering anything.

Mr. Merdes stated he agrees that there are two variances required, and also that the approval be for one year.

Chairman McGrath stated and that the expiration date should appear on the sign.

Mr. Merdes stated yes.

Chairman McGrath stated as required by our Ordinance.

Mr. Lacinski stated okay.

Mr. Lacinski stated at the end of that year is it possible to re-apply.

Chairman McGrath stated yes you can always, you can re-apply at that point.

Mr. Lacinski stated okay.

Chairman McGrath stated is there any consideration giving to, given to granting conditional approval pending their appearance before the BZA.

Don Willey stated Mr. Chairman.

Chairman McGrath stated anyone comfortable doing that.

Don Willey stated he, he has no problem.

Chairman McGrath stated good.

Mayor Luks stated Mr. Chairman.

Don Willey stated he.

Chairman McGrath stated Mayor.

Mayor Luks stated she, she would be comfortable doing that with one variance but with two variances she kind of thinks we ought to let them go to BZA and come back in her opinion.

Chairman McGrath stated okay.

Mayor Luks stated that's just her.

Chairman McGrath stated it makes good sense because BZA does meet next month as he recalls.

Mr. Lacinski stated correct.

Chairman McGrath stated so you could be back before us the first meeting in September if that works for you.

Mr. Lacinski stated sure.

Chairman McGrath stated Good, Good Luck to you then.

Mr. Lacinski stated all right, Thank You.

Chairman McGrath stated is there a motion to tabled.

Mayor Luks stated so moved.

Tony Sandora stated so moved.

Mayor Luks stated second.

Tony Sandora stated second.

Chairman McGrath stated moved and seconded.

Mayor Luks stated take your pick Brenda.

Chairman McGrath stated will the Secretary please call the roll.

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

Chairman McGrath stated tabled.

Mr. Fair and Mr. Lacinski stated Thank You.

Chairman McGrath stated Thank You, Good Luck.

Utility Plan Approval

at&t request permission to place an above ground cabinet in the right of way near 9175 State Road - Approval.

Yeah, Hi, Mike Williams from at&t a requesting for.

Chairman McGrath stated your address please Mike.

Mr. Williams stated pardon.

Chairman McGrath stated address, please, your address please.

Mr. Williams stated 16515 Clare Avenue, Cleveland, Ohio.

Chairman McGrath stated Thank You.

Chairman McGrath stated share with us what you will.

Mr. Williams stated requesting to place an above ground cabinet at the right of way of the site at 9175 State Road.

Chairman McGrath stated and to the Building Commissioner, anything, Building Department.

Mr. Hartman stated no comment Mr. Chairman.

Chairman McGrath stated Thank You, Engineering any comment.

Mr. Merdes stated a, yes, Thank You. Mr. Merdes stated he would like to state that the permit is required and the plans need to be done by a registered engineer, that's required for the permit. Mr. Merdes stated you need to perform all work in accordance with the City Ordinances and contact the City Engineering Department 72 hours prior to commencing the work, full time inspection is required for all work performed within the City right of way and that is billed to the applicant or the owner, all areas of disturbance are required to be restored, we do not allow open cutting of roadway pavements, sidewalk replacements have to be full slabs and videotaping of the work area is required prior to doing the work and a copy of the, that video shall be given to the City, also all homeowners along the installation should be given 48 hours written notice and a copy of that submitted to the City.

Mr. Williams stated he has a copy of that, what you sent to us.

Mr. Merdes stated and that's acceptable.

Mr. Williams stated yes.

Mr. Merdes stated Thank You.

Chairman McGrath stated good, Thank You.

Chairman McGrath stated anyone else, anything, anyone in the audience any comments.

Mayor Luks stated Mr. Chairman she moves to approve.

Chairman McGrath stated Thank You.

Don Willey stated second.

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

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

Chairman McGrath stated that approval is granted.

Mr. Williams stated Thank You.

Chairman McGrath stated Thank You.

Miscellaneous

Praxair, 14788 York Road, PPN 483-27-014, General Industrial zoning. Additional Parking Lot Approval.

Hello, my name is Larry Krznaric, address is 19239 Loden Parkway, Strongsville, Ohio.

Chairman McGrath stated share with us what you will please.

Mr. Krznaric stated here because at the Praxair we have expanded our work force, we are almost 60 employees now, we have three shifts running Monday-Friday and we have inadequate parking, people are parking in the grass, we are having to use the bus station across the street or we are just having to jam cars into our current parking lot and a we wanted to put a new parking lot on the north side of our building and he has some maps of the a property also where the, where the new parking is going to be it is going to be on the Akron Welding and Supply that's also Praxair, they just never changed the name.

Chairman McGrath stated Thank You very much.

Mr. Krznaric handed out maps.

Mr. Krznaric stated there were some a design concerns, the area will be blocked by the trees that are currently on York Road, the existing lighting will be able to light the, the parking lot that we have on the perimeter of the plant and a the, the parking spots will have a paved curb and we can change the, the isle from 21' to 24', he thinks the biggest issue is the stormwater management which he kind of needs some guidance on.

Chairman McGrath stated okay, perhaps the Engineer can guide you.

Mr. Merdes stated okay, yes he can. Mr. Merdes stated the Stormwater Management is required.

Mr. Krznaric stated okay.

Mr. Merdes stated so that will have to be incorporated into the, the plan before you can get a permit. Mr. Merdes stated what you brought

tonight does that show how far this is from, from property line, from York Road, that's been so far missing.

Mr. Krznic stated no it doesn't.

Mr. Merdes stated right.

Mr. Krznic stated it's about 30'.

Mr. Merdes stated actual, the actual plan again for the permit would have to comply with, with Section 1278.06 Yard Regulations, he doesn't know if about 30' would comply or not but you would have to comply with how far you are to, away from, from the, the boundaries of the property.

Mr. Krznic stated and a do you know how far away we have to be from the boundary of the property.

Mr. Merdes stated no he doesn't know.

Mr. Krznic stated okay.

Mr. Merdes stated he doesn't know.

Mr. Merdes stated the property would you know the topography of that property where the parking is proposed as far as is there any water courses on that property.

Mr. Krznic stated there is a stream that, that runs our property but that he doesn't have listed here either.

Mr. Merdes stated a you said you are actually are going to curb the new parking lot.

Mr. Krznic stated yes, that's, that's part of the drawings.

Mr. Merdes stated that, it's actually not part of the current drawing.

Mr. Krznic stated okay.

Mr. Merdes stated well.

Mr. Krznic stated a when you mean curbed you mean when you park there needs to be like a concrete curb there.

Mr. Merdes stated no, that's shown.

Mr. Krznic stated okay.

Mr. Merdes stated he means more than, than the, than the parking there is actually, like you see on a roadway that type of curb is required, again it gets back to stormwater management and, and that essentially, all this stormwater is going to have to be collected and, and, and detained and then released.

Mr. Merdes stated you said you changed the isle to 24'. Mr. Merdes stated how close to the standard pavement, he thinks what you have proposed, you have proposed 8" of aggregate base, 2" of intermediate asphalt and 1" of surface asphalt. Mr. Merdes stated there's part, also part of the Code that requires the the pavement to be, to be in

accordance with the standard, that's not the standard, although our standard is, is probably more than you need for a parking lot it, it, but there may be, there may need to be a better asphalt pavement actually for a parking then, then what's proposed. Mr. Merdes stated he guessed are you willing to build a better pavement.

Mr. Krznaric stated he will be willing to do whatever, a, he, he really needs guidance he guessed as far as stormwater management, the the whole bit, he, he is not sure what, what you are looking for.

Mr. Merdes stated how about your Engineer is he on Board to bring this plan up, up to the Code is that, is that the task that's been assigned to him.

Mr. Krznaric stated yes he is.

Mr. Merdes stated okay, Thank You, he thinks between him and I we should be able to, to bring this plan into, into compliance prior to you getting the permit, he, and at the same time, he would try to explain everything as, as we go along to you as the, as the Applicant and then he guessed he would leave it up to the Planning Commission as to well let me ask you, when, when were you looking to build this parking lot.

Mr. Krznaric stated he was hoping to get started next week or in August just because the price of asphalt is going up.

Mr. Merdes stated normally something like we would wait for this until the next meeting, now our next meeting is not till September.

Mr. Krznaric stated correct.

Mr. Merdes stated a.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated if she may to the Engineer, are you comfortable with working out these details between the Applicant's Engineer and yourself prior to the permit if Council, if Planning Commission recommends approval tonight on the condition that it meets your approval prior to the permit.

Mr. Merdes stated he, he can do it, it's finding the time to do it, a, but certainly you are going to have to meet all these requirements before you get a permit and the review when, when, if you get past a Planning Commission Approval you come into the Building Department, submit your plans to the Building Department, in this case it would be a revised plan submitted to the Building Department, they will turn it over to Engineering and, and, and he will review it and certainly before you get your permit it has to be in compliance with everything in the report, so being you know, again he will go back to the Planning Commission and that, if we, if Planning Commission waits for this revised drawing, there, there will be no action taken until September.

Chairman McGrath stated understood.

Mr. Merdes stated he means you, you have, you have what was submitted in his report, if you feel comfortable approving it based upon the Applicant's confirmation that he will do what's required by Code prior to getting the permit then he can, he can ensure that, that will be done.

Chairman McGrath stated Thank You.

Chairman McGrath stated he concurs with you, obviously it's not going to be done until it complies with the Code and speaking only as an individual, he would have no problem with granting conditional approval pending your ultimate approval prior to construction.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey please.

Don Willey stated Sir, clarify a point for him please.

Mr. Krznaric stated sure.

Don Willey stated your, you're a, you are putting this parking space under the name of Praxair but you are putting it on where Akron Welding is, which is the same, same owner of the property correct.

Mr. Krznaric stated correct.

Don Willey stated but there two, two separate parcels, there is a dividing line between the properties, they are consolidated, correct.

Mr. Krznaric stated no, they are, they just never changed the name, if you look at the address of the owner of Akron Welding, it's our corporate office in Akron, Ohio.

Don Willey stated but a, a, maybe he is being a little technical but if, if the the Akron Welding Company even thought it's owned by the same owner and it's a separate parcel of land and, and what you are doing is, you are putting the space and of course there inaudible and then the question is, whose it in the name of Praxair or the other but would there be a, would this parking lot go right to the property line, he sees from your drawing, you come in where the current parking is and you drive right into this additional parking so he would assume that the parking is right to the line.

Mr. Krznaric stated that is correct yes.

Don Willey stated okay now he guessed the question he is going to ask to the Building Commissioner and the others on Planning is whether or not a variance, because they are two separate parcels of land whether or not.

Tony Sandora stated are they.

Mr. Krznaric stated no, they, they are all owned by Praxair.

Don Willey stated but they are two parcels of land according to this.

Mr. Krznaric stated yes.

Don Willey stated they are divided by a property line, so, is, would a variance be required by BZA.

Mrs. Vozar stated Mr. Chairman.

Don Willey stated can anyone answer that.

Chairman McGrath stated please.

Mrs. Vozar stated she thinks she might be able to help.

Mrs. Vozar stated first of all under 1276.08 it says that parking facilities on lots other than the one occupied by the main building, it is permitted, it is permitted when there is an agreement by the, the neighbor and since the neighbor is the same business or same corporation, what she would like to just clarify for the record if you could and hopefully you have the authority to do so, when the Applicant, when the application was taken out by Praxair, it probably should have been taken out Praxair/the name of who, whoever owns, whatever corporation owns that lot where the, it's going to go, are you entitled to speak for that Company also.

Mr. Krznaric stated yes, there, there is no more Akron Welding and Supply.

Mrs. Vozar stated okay, so that, it's, it is Praxair.

Mr. Krznaric stated correct.

Mrs. Vozar stated so, Praxair is the titled owner for both parcels.

Mr. Krznaric stated yes.

Mrs. Vozar stated wonderful and since it is an adjoining obviously there is no problem under 1276.08 so obviously they can use the property next door because it is owned by them, so there is no problem, Thank You.

Chairman McGrath stated Thank You.

Don Willey stated so as a point of clarification now they can use it and you know, they hand the ball over, are they required to have the variance because the parking ordinance, it has to be 10' from the property line and that's the point he is making is that there, there is a property, rather than both of those pieces of land having been consolidated is that, do you follow what he is getting at.

Mrs. Vozar stated well they are actually parking on, they are actually parking on the next lot.

Don Willey stated correct.

Don Willey stated so there asking, they are asking for approval to put a parking area.

Mrs. Vozar stated correct.

Don Willey stated on the, on the lot next door which is the same owner.

Mrs. Vozar stated correct.

Don Willey stated but in our, with our Building Codes, they are supposed to be 10' from a property line, doesn't say that the property line could or couldn't be the same owner, parking setback.

Mr. Merdes stated the parking setback.

Mrs. Vozar stated right.

Mrs. Vozar stated they have to, they will have to comply with, unless they don't want to comply and they can obviously go to BZA and try to get a variance but she is not sure that they are requesting that, they intend she assumes to comply with all the requirements of the Building Code and the Building Department is that correct.

Mr. Krznaric stated that is correct.

Mrs. Vozar stated so if there is a setback it is required.

Don Willey stated where there is a common access also.

Mrs. Vozar stated a problem with access.

Don Willey stated well the, the common access is that they are going through an existing parking area into the new parking area, he thinks it is, by the way he thinks it is a terrific idea and its very practical to do that, he is just raising the question as to whether or not there are other compliances that they they don't get hoodwinked on.

Mrs. Vozar stated is there 10', is there.

Mr. Merdes stated they would have to be located 10' from the parking line.

Mrs. Vozar stated correct, are you saying, the Applicant is saying that he intends to comply with all the requirements correct.

Mr. Krznaric stated that's correct.

Mrs. Vozar stated so he is not seeking a variance, he intends to, if it's a 10' setback, he is indicated that obviously there is going to be some kind type of grass area or something there.

Don Willey stated okay, so, so at the, he is not sure how it's done but so he may have to grant himself an easement from one property to the other property for that 10' space until he gets to the parking lot, follow what he means, he, he's.

Mrs. Vozar stated she understands what you are saying but.

Don Willey stated or maybe not.

Mrs. Vozar stated no.

Don Willey stated the driveway is going to be at the property line.

Mrs. Vozar stated she understands.

Don Willey stated the driveway to access the parking lot, if the parking lot space setback is 10' he still have 10' of driveway to the parking line.

Mrs. Vozar stated a property owner is entitled to and it doesn't necessarily have to be an easement when it's himself more importantly but, the property owner can contact his neighbor and have an agreement whether it be an easement or something in writing and you, with land, obviously you would want to record it but the fact is that, he can enter into an agreement with his neighbor under 1276.08 that allows him to use his neighbor's property to park in but entering into that agreement that allows access to go obviously over his property.

Don Willey stated okay.

Mrs. Vozar stated in this case because he both, it's owned by the same corporation, both parcels and again it says the Planning Commission may require a copy of the agreement since he has just indicated that it both parcels are owned by Praxair, he doesn't think it is necessary for Planning Commission to required that.

Don Willey stated right.

Mrs. Vozar stated obviously if a, if in fact whatever reason they end up selling off that separate lot well then that new property owner could obviously at that point since there is no easement deny access to it, but since as we have indicated it's Praxair who, whose asking for it, they are the one actually who will who will have that burden if in fact they ever want to make that change, so there is no need to consolidate, obviously no need for us to have.

Don Willey stated right.

Mrs. Vozar stated in her opinion, to get that letter of agreement.

Chairman McGrath stated Thank You Mrs. Vozar.

Mr. Krznaric stated he has a question. Mr. Krznaric stated where, where the Praxair is listed there on the property line, there is a fence that actually goes around the Praxair part, the parking lot would, would start right at that fence line on the Akron Welding Supply parcel, are you saying that he would have to be 10' away, 10' away from the fence and then start paving.

Don Willey stated according to the Building current Building Codes now there would be a way, he doesn't know if they would grant it, he can't speak for them, you, you could ask for a variance from the BZA which would be another step.

Mr. Krznaric stated okay.

Don Willey stated so that's, that's why he brings up this whole issue so that you, you know you don't wait until the 11th, at the 11th hour, you figure you, you have got the trucks rolling in there and you don't, you can't.

Mr. Krznaric stated right.

Don Willey stated so that's why he is bringing this up, he is not trying to give you a hard time.

Mr. Krznaric stated no, because.

Don Willey stated he is trying to clarify the thing.

Mr. Krznaric stated because, because we have 35' before we have to start cutting down trees and if we could park up up to the fence we could avoid cutting down trees which he doesn't think the City wants us to do.

Ms. Fashempour stated couldn't they consolidate it.

Mr. Merdes stated yes.

Mrs. Vozar stated were talking about, if the Applicant is indicating that he wants this done now, then you would need to comply with all the Code, if what you want is to, to look at this and have options and seek variances and go before the Board of Zoning Appeals and have this take some time or if you want to consolidate the area so your wouldn't need to do that, again those are all time factors and if you are willing to do it the Board can table it, but you have indicated that you want it done yesterday that's.

Mr. Krznaric stated sure right.

Mrs. Vozar stated well then that means you need to comply with the Codes the way they exist if, if you want anything different then that then obviously you could ask the Board to table it and then obviously you can look into other avenues, consolidation or variances.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mr. Krznaric stated okay.

Mayor Luks stated and she doesn't know if you realize, consolidate, by consolidating what we are talking about is taking those two parcels and and, and going through the legal access of, of making them one.

Mr. Krznaric stated right.

Mayor Luks stated and then, therefore you don't have a setback issue because there is no parking line.

Mr. Kucarenk stated sure.

Mayor Luks stated at that point so that's an option, or going to our Board of Zoning Appeals and having them say you don't have to meet the 10' setback which is called granting a variance which if you explain the situation they may agree to that as an option, these are all your options but if you want to hurry and you want to get this done we only have authority to grant approval to you doing it by meeting the existing Codes under the existing situation.

Mr. Krznaric stated okay.

Mayor Luks stated okay, so what, what do you think.

Mr. Krznic stated yeap, he thinks we can do the 10' back from the fence.

Mayor Luks stated okay.

Mr. Krznic stated we have an 8' security standard any way from the fence, inaudible.

Mayor Luks stated all right, she guessed, she thinks we cleared it up did we.

Don Willey stated yeah.

Mayor Luks stated Mr. Chairman, she moves to approve on the condition that the Applicant works to meet all the Codes and demonstrates the same to the City Engineer prior to his issuing a permit.

Don Willey stated second.

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

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

Chairman McGrath stated approval is granted with those conditions, Good Luck to you.

Mr. Krznic stated Thank You.

Ms. Fashempour stated Thanks.

Tony Sandora stated Good Luck.

Ms. Fashempour stated one other item under Miscellaneous Mr. Chairman, you asked me to mention that our next Planning Commission Meeting will be September 6th 2006 and that's all she has.

Chairman McGrath stated Thank You.

Adjournment

Mayor Luks stated Mr. Chairman she moves to adjourn.

Tony Sandora stated second.

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

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

Chairman McGrath stated we are adjourned, see you in September.

Planning Commission Meeting for July 19th, 2006 adjourned at 8:50.

Approved: Edward McGrath
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour
Secretary - Planning Commission

Date : September 6, 2006

Albion

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Cut through

Glen Abbey

New

Drive ways

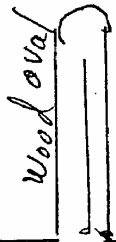
17 miles
2200 feet

Indian

New

Worthington

New



Subdivision
Wood Ridge

Town houses

or Worthington
↑
Why not
enter fac
club

R-MD

Club house

Satellite already

Satellite already

Condo's

Condo's

Apartment's

