

Planning Commission Caucus 7:10 P.M. - Wednesday, May 16, 2007

Present: Mayor Cathy J. Luks, Victor Bull, Vice Chairman, Tony Sandora, Chairman, Anne Reinkober, Don Willey, Council Representative to Planning Commission, Paula Recker, Denise Bobulsky, Council Ward One, Lisa Uffman Kirsch, Council Ward Six, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Robert Nottrodt, John Gazzo, Residents, Brenda L. Fashempour, Secretary.

Public Hearing

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Public Hearing - Recreation Allocation - Chesapeake Subdivision No. 5. Secretary to read Public Hearing Notice, Posted and Sun Star. Applicant, Residents, Board. Motion to refer to Regulation Order of Business. Second. Roll call.

Adjournment. Motion to adjourn Public Hearing. Second, Roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes: April 25, 2007. Excuse Mayor Luks, Excuse Anne Reinkober - Second. Roll call. Motion to approve 4-25-07 Minutes, Second, Roll call.

Approval of minutes: May 2, 2007. Excuse Don Willey. Second. Roll call. Motion to Approval 5-2-07 minutes, second, roll call.

Old Business

Recreation Allocation - Abbeyville Townhouses - Tabled. No Action.

Abbeyville Townhouses - Preliminary Plan Approval for 38 Townhouses. Tabled. No Action.

Columbia Gas of Ohio - Tabled. No Action.

Columbia Gas of Ohio - Tabled. No Action.

Rivers Edge Subdivision - Sketch Plan Approval. Tabled. No Action.

Elizabeth Orosz- Site Plan Approval. Tabled. No Action.

C & C Management Group, LLC., Carlo Chiuchiarelli - Site Plan Approval. Tabled. No Action.

Stevens Painton Corp., Building Sign Approval. Tabled. No Action.

at&t - Tabled. No Action.

Gary Moyses - Site Plan Approval Tabled. No Action.

Conditional Use Permit - Ovindoli Investments, LLC, Carlo Chiuchiarelli - Frank Colabianchi - Farming 25 ± acres. Tabled. No Action.

Empire Tanning, Sign Approval. Tabled. If Applicant is present, motion to remove table. Second. Roll call. Motion, second, roll call.

at&t 10922 State Road. Tabled. If Applicant present, motion to remove table, second, roll call. Motion, second, roll call.

New Business

Sign Approval

Cresco Real Estate - Temporary Real Estate Sign Approval. Motion, second, roll call.

Fastsigns, Grubb & Ellis - Temporary Real Estate Sign Approval. Motion. Second, roll call.

Crystal Keg - Signs Approval. Motion, second, roll call.

Sign/Site Plan Approval

Tony D'Abramo, D-5 LLC - Temporary Real Estate Sign Approval. Motion, second, roll call.

Tony D'Abramo, D-5 LLC Site Plan Approval. Motion, second, roll call.

Lot split/Consolidation/Recreation Allocation/Subdivision Approval

Tartan Development Company, Imogene Huffman, Joseph Popovich, Lots splits/consolidations. Discussion, motion, second, roll call.

Recreation Allocation - Chesapeake Subdivision No. 5, discussion, motion, second, roll call.

Chesapeake Subdivision No. 5 - Preliminary Plan, discussion, motion, second, roll call.

North Royalton Board of Education, Zillich Interiors, Lot splits and consolidations, discussion, motion, second, roll call.

Huntington Park Subdivision Phase 4, Zillich, discussion, motion, second, roll call.

Utility Plan Approval

At& 14009 Pine Forest Drive - discussion, motion, second, roll call.

Miscellaneous

Motion to add Woodhill Properties, Humphrey's Property, Lot Split and Consolidation. Mr. Nottrodt, Mr. Gazzo present. Motion to add.

Second. Roll call. Motion to approve. Second. Roll call.

Adjournment

Motion to adjourn. Second. Roll call.

Planning Commission Caucus ended at 7:26 P.M. Wednesday, May 16, 2007.

Chairman Sandora stated Good Evening Ladies and Gentlemen, welcome to North Royalton Planning Commission Meeting for May 16th, 2007, this is the Public Hearing portion.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, May 16, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:30 P.M.

Chairman Sandora stated Ms. Fashempour, please call the roll.

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

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

Public Hearing - Recreation Allocation

The Hearing will address the approval of the proposed Chesapeake Subdivision No. 5, Tartan Development Company, extension of Chesapeake Drive, Part, PPN 482-08-003 and 002, R1-A 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.

Ms. Fashempour stated that the Public Hearing Notice appeared in the Sun Star on May 3rd and May 10th and also posted at the City's Public Posting Places.

Chairman Sandora stated is the Applicant here for Chesapeake, for the Recreation part of it, please step forward, state your name, your home address and present to us what you will.

Thank You, Good Evening Members, his name is Michael Mackay, he represents Tartan Development as well as Mackay Engineering and Surveying and their address is 7017 Pearl Road, Middleburg Heights, Ohio. Mr. Mackay stated on this particular issue we are here to a propose that in lieu of the land donation that we are, in lieu of that donating the money in accordance with the Ordinances of North Royalton.

Chairman Sandora stated Thank You.

Chairman Sandora stated is there anybody here in the audience that wishes to speak on the Recreation portion of this project, this is just for the recreation portion only.

Resident stated can he.

Chairman Sandora stated if you want to speak, you raise your hand, you come up to the microphone, but this is for the recreation portion only.

Resident stated he did.

Chairman Sandora stated state you name, your home address and say what you will.

John Graven, 9213 Roanoke Court, he has a question on the recreation is that part of the detention basin as well.

Chairman Sandora stated no.

Mr. Graven stated he apologizes; he was here for that, Thank You.

Chairman Sandora stated anybody else, on the recreation portion only.

Chairman Sandora stated any body on the Board have anything.

Mayor Luks stated Mr. Chairman, she moves that we move this to the Regular Order of Business.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Adjournment

Chairman Sandora stated the a Public Hearing has been adjourned, we will now call regular of.

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

Mayor Luks stated Mr. Chairman she moves to adjourn the Public Hearing.

Don Willey stated second.

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

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora.

Planning Commission Public Hearing adjourned at 7:38 P.M. for Wednesday, May 16, 2007.

Chairman Sandora stated he would like to call the Regular Meeting to order.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, May 16th, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:39 P.M.

Chairman Sandora stated Ms. Fashempour, please call the roll.

Present: Mayor Luks, Don Willey, Council Representative to Planning Commission, Victor Bull, Vice Chairman, Anne Reinkober, Tony Sandora, Chairman, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director and Brenda L. Fashempour, Secretary.

Approval of minutes: April 25, 2007, Ms. Fashempour stated Approval of minutes - April 25, 2007, she needs a motion to excuse Mayor Luks and Anne Reinkober. So moved Don Willey. Second Victor Bull. Chairman Sandora stated it's been moved and seconded, please call the roll. Roll call: Yeas: Three - Willey, Bull, Chairman Sandora. Nays: None. Motion carried. Ms. Fashempour stated and if you so choose, she needs a motion to approve those. Chairman Sandora stated motion to approve the minutes of April 25, 2007. Victor Bull stated second. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Three - Bull, Willey, Chairman Sandora. Nays: None. Motion carried.

Approval of minutes: May 2, 2007, Ms. Fashempour stated and the minutes from May 2nd, 2007, she needs a motion to excuse Don Willey. So moved Victor Bull. Second Mayor Luks. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Mayor Luks, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried. Ms. Fashempour stated and a motion to approve those. So moved Mayor Luks. Second Victor Bull. Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Old Business:

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 under Old Business - Abbeyville Townhouses, tabled, 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 Abbeyville Townhouses Number 2, tabled, 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 Columbia Gas of Ohio tabled, no action.

Columbia Gas of Ohio please into install 2560' of 3" and 1800' of 2" new plastic distribution main on Glen Drive s., Berkshire Way, and Bentley Drive - Approval. Tabled.

Ms. Fashempour stated Columbia Gas of Ohio Number 4, tabled, no action.

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

Ms. Fashempour stated River's Edge Subdivision, tabled, no action.

Elizabeth Orosz, 13846 Bennett Road, PPN 482-34-009, Town Center District -1. Site Plan Approval. Tabled.

Ms. Fashempour stated Elizabeth Orosz, tabled, no action.

C & C Management Group, LLC., Carlo Chiuchiarelli, 8959 Ridge Road, PPN 489-04-004/005, Local Business Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated C & C Management Group, LLC, Carlo Chiuchiarelli, tabled, no action.

Stevens Painton Corp., PPN 483-26-001 and 483-16-005, Royalton Road At York Road, SW corner, General Industrial Zoning. Building Sign Approval. Tabled.

Ms. Fashempour stated Stevens Painton Corp., tabled, no action.

at&t request permission to place a six (6) inch drain pipe from at&t's manhole located at the north west corner of Royalton And Ridge Road. at&t proposes to place the drain pipe on the north side of Royalton Road (SR82) in the tree lawn and extend west to a road crossing (by boring under the pavement) east of the Fire Department's apron at 7000 Royalton Road to the front of 7005 Royalton Road to an existing catch basin. - Approval. Tabled.

Ms. Fashempour stated at&t for Royalton Road, tabled, no action.

Gary Moyse, Royalton Road, PPN 483-31-008, 483-31-009, General Industrial Zoning. Site Plan approval. Tabled.

Ms. Fashempour stated Gary Moyse, tabled, no action.

Conditional Use Permit for Ovindoli Investments LLC, Carlo Chiuchiarelli-Members, Frank Colabianchi-Member, property Owner Wilbur Cartwright Trust, Evelyn Cartwright, Trust, PPN 481-04-050, Abbey Road, R1A Zoning. Ovindoli Investments LLC request to obtain a Conditional Use Permit for farming 25± acres of soybeans, corn, wheat and straw at PPN 481-04-050, Abbey Road. There will not be any selling to the general public on this site. All harvest will be removed from property. Requesting a 36 Month Conditional Use Permit. Ovindoli Investments LLC feels that by farming this land they can generate revenues to offset expenses. Ovindoli Investments LLC proposes to install an access drive for the farm equipment off of Abbey Road and this drive would not adversely affect any of the surrounding properties - Approval. Tabled.

Ms. Fashempour stated Number 11, Conditional Use Permit for Ovindoli Investments, tabled, no action.

Empire Tanning, 6828 Bunker Road, Local Business Zoning. Sing Approval. Tabled.

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

So moved Victor Bull.

Second Chairman Sandora.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Chairman Sandora stated the Applicant is here please step forward and make your presentation please.

Dino Diorio, Empire Tanning, he lives on 4181 Tamarack Drive.

Wendy Milicic Kovarik, she represents The Den Too, she lives at 7385 Cady Road.

My name is Dwayne Cook, Owner of ABC Signs and Graphics that is working on the sign for this location, his address 15251 High Point Road in Strongsville.

Mr. Cook stated since the last meeting there has been, new people have taken over the Empire Tanning which you know he represents and he has also talked to Wendy as they have clicked on a combine signage and decided to change and move the location. Mr. Cook stated he filled out new information and just got it in today based on some of the changes and stuff, but, he means pretty much what we are doing is, trying to implement based on the regulations, a pylon sign that would be 10' tall, 6' wide covering 60 square foot, the front of the building is 65 square feet, or 65 foot long. Mr. Cook stated it would have four fluorescent bulbs in it with a wattage of 540 so this one is different than the last one, would be lighted, we have contacted The Illuminating Company and they are in the process of notifying him of the Engineer who would be responsible of looking at the opportunity to do similar lighting

capability as across the street from this location where they will run a power line direct, a power line and meter directly to the location of the sign and then they could know exactly what the wattage and costs is and split it. Mr. Cook stated the sign itself would be mounted using 4 x 4 posts and have those worked into the design of the illuminating sign so that when they are done they would be capped off with aluminum so it would look like it was all one piece. Mr. Cook stated we would put them in the ground, cement, gravel, 36" underneath as noted, since we are getting the Illuminating Company we feel that they should make sure, he means the water proofing and stuff questions, that it would be covered accordingly. Mr. Cook stated the understand it is Dino and his partner, who also owns the Landscaping Company would be doing the installation of the sign, not the electrical part just putting the posts in the ground and erecting the sign. Mr. Cook stated let's see, on his second page that he re-submitted on, he noted the different change in sign, he put it in italicized pieces, cabinet itself would be 9" wide plus the plastic on the outside for the pieces, the pylon sign would have two businesses on it plus a 30" piece setup on the very bottom of it for changeable letters to be used by Wendy's location, which would support just 4 lines of information. Mr. Cook stated let's see, The Illuminating Company, the tanning sign, the largest letters on the sign would be in excess of approximately 7", it would be 7". Mr. Cook stated the change in the sign location is where, wanting to take down the complete sign, talking with Wendy, there is discussions going on for other changes in the parking lot area, so we tried to move it towards where the fence line is located today on the eastern side of the property, it would still be 27' from the edge of the road, landscaping would pretty much stay as it, with the grass around the sign, there would be no special, but there will be, he thinks there is a guardrail that's being put in with the fence pieces and so on for portion, would be at the lower area of it and we do have the notary, he gave a copy of the notarized letter from the Owner of the property stating that he didn't have a problem with any of the changes there. Mr. Cook stated which is the next page. Mr. Cook stated he has supplied three new photographs, pretty much showing how things would change, where this sign is located, he will just make one note, where there is a small fuzzy on the very first one, with inaudible, currently there is a dead tree there which the neighbor has agreed upon that the landscaping company owned by Jason, Dino's partner is going to be removing for that for the neighbor free of charge and then there is the next one which is a picture of the sign from a west looking east coming down the road and then the other thing on this picture, it is showing where the fence kind of stops but the fence, we are going to bring it right up to the edge of the sign, before the white section on the bottom is the changeable letter sections that he talked about earlier and then the third picture is a picture of the sign on Bunker Road looking towards the west showing part of the front of the building and where it's location is in relationship to the parking lot and the fence would be brought all the way up to there. Mr. Cook stated that's pretty much all he has, he is following regulations and so on, the changes and stuff have been made accordingly.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated just receiving this today, we really didn't have a whole lot of time to look at this so.

Mr. Cook stated he understands that.

Mr. Alvarez stated just bear with him on a few of these points here. Mr. Alvarez stated looking over the Code Sections regarding the pylons, you do meet the requirements of the maximum height and you do meet the requirements for the maximum width, so the 10' height and the 6' width is not a problem, similarly the square foot is 60, square feet is less than the maximum allowable of 80. Mr. Alvarez stated one problem we do have is typically in a situation like this, he would actually like to see a site plan verses pictures showing the location of the sign on the property that meaning the setback if it's 25' or 27' that has to be indicated clearly on the, on the drawing, same way with the side setbacks. Mr. Alvarez stated now a, for a side setbacks to a residential area that's 50' now what you say you have this right on a line here.

Mr. Cook stated it's not on the line, it's on line, close, where the post of where the fence is authorized to be which is what, 2 to 3 feet off, better from the property line, so we are to close.

Mr. Alvarez stated so he guessed that's one of his problems, he would like to see that site plan to see this.

Mr. Cook stated okay.

Mr. Alvarez stated the second thing, you do have electrical wiring, you said you have fluorescent lighting and so forth and you do have posts and so forth, and that's all fine and dandy describing these items to us, but he would rather see an actual construction drawing even if it's not by a professional, a design professional at this point, he would like to see exactly the size of each sign on there and so forth, the size of the posts, the depth of the poles, the type of wiring that you are going to be, where are you getting this, how are you energizing it, from where, these are items that a he thinks are pertinent to a this little project, looking at it the, the you have a maximum, a changeable copy of 25% and he believes if he is reading your application here, these have 30" which is 25% of 10' so you meet that. Mr. Alvarez stated so a, his problem at this point Mr. Chairman is he doesn't have a site plan to really bite his teeth into in terms of making some type of determination as to is it or is it meet the setback requirements, the, the other thing is the sign itself, he would like to see more than just a picture, he means he thinks thoroughly, there is a probably a Code section that he missed in reviewing this thing this afternoon, regarding the ownership and he doesn't know if our Law Director is going to enlighten us on that Section 1284.10(e) he believes it is dealing with pylons and where they are allowed to be at.

Chairman Sandora stated okay, Thank You Mr. Alvarez.

Mr. Alvarez stated sure.

Chairman Sandora stated Mr. O'Donnell do you have anything.

Mr. O'Donnell stated a yes, Mr. Chairman. Mr. O'Donnell stated the first thing he would note is, working backwards, Mr. Alvarez, he was alerted to this Section 1284.10 provides the locations and supplementary area regulations for signs in Business Districts, this is a Local

Business Zoning District, subparagraph e reads as follows, in lieu of the above permitted ground sign a unified commercial or office complex under a common ownership exceeding 100,000 square feet in gross floor area shall be permitted a pylon sign not exceeding 100 square feet. Mr. O'Donnell stated he is going to stop right there, this is a small building that does not exceed 100,000 square feet, therefore pylon sign is not permissible.

Mr. O'Donnell stated second, the second item is in the application, a letter from the property owner on May 14th, said they would prefer to put the sign in line with the fence along the property line, so he agrees with Mr. Alvarez without a site plan were not able to determine whether or not it meets the setbacks both from the road and from the side yard property line but it's on the property line he thinks that it's going to be, that location would be in violation of the side yard setback.

Mr. Cook stated right, you said that had to be 50' from any of the property lines.

Mr. Alvarez stated residential line.

Mr. Cook stated from a residential line, okay.

Chairman Sandora stated Thank You, anything else Mr. O'Donnell.

Mr. O'Donnell stated that's it.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated no, Thank You Mr. Chairman, nothing to add.

Chairman Sandora stated Thank You.

Chairman Sandora stated to the Applicant, or somebody, why is it that you want to move this sign from the center where it is now to the property, the edge of the property he means, you know when you were here before us.

Mr. Cook stated understood, he means, new owners and things according to Wendy being involve, part of the issue is, is that she is putting in a new fence, the current location makes it one side of the parking lot a lot smaller than the other, so people were backing into the fence, so even if we, put it in, the desire would be if it has to go in the middle to have the footage from the building and so on it would have to be moved a few feet over, square to make it even because one side of the parking lot has a lot of area, that side there, it's at, is limited on space and people back into the fence so that area was an area that wasn't being as utilized and visible from Ridge Road where that's the priority of the signage need in this area is to attract the customers from Ridge Road that come by not necessarily from the residential area but more from the business side of Ridge Road so that was the reason for the move.

Mr. Cook stated and he missed the issue on.

Chairman Sandora stated well one of the problems like the law Director, our Law Director just stated is, is the fact that the pylon sign is not allowed there on that property.

Mr. Cook stated okay.

Chairman Sandora stated plus he means your going to have, that's, that's quite a substantial variance to ask for also to be relieved of that, your asking for almost probably, 45, 48' but that's, that's quite a bit and he thinks that you should probably really reconsider putting that sign in the center where, where.

Mr. Cook stated we could, he guessed the scenario is if we go back.

Mrs. Kovarik stated okay, which is fine, if that's too much of an issue we would put it back in the center, what sign are we able to put in.

Mr. Cook stated to put it, it would have to be the 7' ground sign.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated yes, it was similar to the one you had before, it could be 7' high, again a maximum of 80 square feet, so you can possibly put both signs on there.

Mr. Cook stated okay.

Mr. Alvarez stated it, it will be.

Mr. Cook stated okay, so we could still go 80 square feet so we could make it 10' wide potentially and long 7' right to fit both at the top.

Mr. Alvarez stated we will have to look, yeah, but again, yes and again we will have to review it as well.

Mr. Cook stated okay, all right.

Mr. Cook stated he can add the addition, let's see, make sure he recaps correctly, you needed a site plan showing the details of everything.

Mr. Alvarez state that's correct.

Mr. Cook stated you also want a sign plan showing the actual construction and wiring location things of that nature.

Mr. Alvarez stated yes.

Mr. Cook stated and the power and stuff like that, the wiring pieces, he guessed once, he will have to wait for The Illuminating Company to get a hold of him where that person would supply that information on how, there is a pole, power pole right there where we sat on the corner where we wanted it to run would have been a short distance now it would be going all the way across the parking lot which probably wouldn't be a good idea, so we will have to rethink the wiring if it has to be run underground to get to that location, so he will have to talk to The Illuminating Company and see.

Chairman Sandora stated you are also going to be, submit a landscaping plan with that.

Mr. Cook stated okay.

Mr. Diorio stated can we run it underground.

Chairman Sandora stated he means for the landscaping of the sign.

Mr. Cook stated right he means, in both cases if we stayed where we were but okay now we said that we are leaving the grass there, okay, we will just have to rework it based on moving it back to the middle of, within the, pieces accordingly.

Chairman Sandora stated so then you wish to table this and come back, will you have everything by our next meeting.

Mr. Cook stated the only request that he would have is he means, he was here last time and he submitted the information and he asked for someone to review it at the City before hand and they said everything was fine, you bring up your site plan, he understands that we did move it from the previous location if we table and to go back, all he would ask is who he needs to give it to ahead of time that could review it and give us any issues and he would have it closed so next time we are presenting something within the regulations to close it out.

Ms. Fashempour stated her next deadline for the June 1st meeting is Friday, so if you submitted what you had by Friday, it would go in the packets to all the different departments and they would make a report like was made the first time as far as review of the application, if you get it in because you are tabled, if you get it in after that fact we have a harder time getting a report back to you.

Mr. Cook stated he understands but the situation that he is just asking about, is last item he submitted it he didn't get any reports back that there were any errors or any problem with the last submission, the site plan and stuff wasn't in there the last time and that was fine.

Ms. Fashempour stated your name wasn't on the application, it went to Empire Tanning and it went to a place out in Rocky River or Westlake, there was no name of any sign company on it.

Mr. Cook stated okay my name had sign it, okay but the owner of the, the previous owner, okay so he got any errors or conflicts on hit.

Ms. Fashempour stated yeap.

Mr. Cook stated okay.

Mr. Diorio stated we were never notified of that.

Mr. Cook stated right, he wasn't notified of any issues with it.

Mr. Diorio stated he neither.

Mr. Cook stated okay, so if we get it them in we will be notified of what issues we need to resolve.

Ms. Fashempour stated correct.

Mr. Cook stated before the meeting.

Ms. Fashempour stated right.

Mr. Cook stated on the 2nd, he has until Friday.

Ms. Fashempour stated right.

Chairman Sandora stated all right, Thank You.

Chairman Sandora stated is there anybody in the audience that has anything on this sign.

Mayor Luks stated Mr. Chairman she moves to table.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded to table, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Thank You.

at&t request permission to do the following construction work on their cell site property located at 10922 State Road, place a telephone cabinet, pad, power pedestal and conduit to service the above mentioned cell site. Tabled.

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

Don Willey stated motion to remove from table.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded to remove from the table, Ms. Fashempour please call the roll.

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

Chairman Sandora stated the Applicant is here, please state your name, your home address for the record and say what you will.

Yes, my name is Mike Williams, representing at&t, he resides at 16515 Clare Avenue, Cleveland. Mr. Williams stated and requesting to place an above ground cabinet at 10922 State Road, it is approximately 230' off the centerline.

Chairman Sandora stated is there anything else you would like to share with us.

Mr. Williams stated well, he wasn't at the previous, someone else came before to get it approved and he guessed there was issues with whether we are going to do landscaping or not.

Chairman Sandora stated yes.

Mr. Williams stated and a Gary Saylor wasn't sure which way you went with that and we submitted to get a landscaping design and we have not gotten it back from a Landscape Architects so.

Chairman Sandora stated all right Mr. Merdes would you.

Mr. Merdes stated ah yeah, Thank You Mr. Chairman, that pretty much confirms the conversation he had with him, he knew he was going to try to get a plan to, to the Board or a proposal of some sort, a but saying that, it, it hasn't been created yet or.

Mr. Williams stated we haven't received it back from Gerber Landscaping; they are the ones that do our design.

Chairman Sandora stated okay, but you do agree that you will add additional landscaping to that area.

Mr. Williams stated yes we will.

Chairman Sandora stated you will, you do agree to that.

Mr. Williams stated now, a, let's define that area as far as the cell tower verses this cabinet, because the cell tower area is certainly a lot larger.

Chairman Sandora stated exactly.

Mr. Merdes stated right.

Mr. Williams stated are we talking about the cabinet area so.

Chairman Sandora stated the cabinet area.

Mr. Williams stated sure, he agrees to that.

Chairman Sandora stated that's what you discussed.

Mr. Merdes stated yes.

Chairman Sandora stated okay do you have any problems going forward on this with that condition, anybody.

Chairman Sandora stated okay, Mr. Alvarez do you have anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated Mr. Merdes do you have anything else.

Mr. Merdes stated no, that was the one issue that we needed.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated all right, he will make a motion to approve the a, the a, request for permission to do the following construction at the at&t site on State Road with the condition that you add the additional landscaping to that okay, and a, anybody else have anything.

Ms. Fashempour stated provide the landscaping when they provide the a application for permit.

Mr. Williams stated yes, we will.

Chairman Sandora stated you will bring that in to us.

Mr. Williams stated yes we will.

Don Willey stated he seconds that Mr. Chairman.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Thank You.

Mr. Williams stated Thank You.

Chairman Sandora stated your welcome.

Ms. Fashempour stated would the Board entertain moving his request, he is at the end of our Agenda under Utility Plan as long as he is here, and listen to that one.

Chairman Sandora stated no problem, he doesn't have a problem with that.

Ms. Fashempour stated can we move, since we are done with the Old Business, can we move the New Business, Utility Plan Approval for at&t up, can she have a motion.

Don Willey stated he makes, so moved.

Chairman Sandora stated second.

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

New Business

Utility Plan Approval

at&t is requesting to place an above ground cabinet within an easement near **14009 Pine Forest Drive, Approval.**

Chairman Sandora stated the Applicant is here, state your name, address again please for the record and present us with what you have.

Mike Williams from at&t, he resides at 16515 Clare Avenue, Cleveland, requesting permission to place an above ground cabinet in an easement at 14099 Pine Forest Drive with landscaping.

Chairman Sandora stated okay, Mr. Merdes, do you have anything.

Mr. Merdes stated yes, Thank You Mr. Chairman, a permit is required, to get the permit plans by a registered engineer are required for the permit, perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours prior to

commencing, full time inspection is required for all work performed within the city right of way which, in this application, is any work planned in the right of way or is it all back on the easement.

Mr. Williams stated a no, were, were building conduit out to 82.

Mr. Merdes stated okay, then that will apply.

Mr. Merdes stated all areas of disturbance are required to be restored, no open cut of the roadway pavement is allowed, sidewalk replacements in full slabs, videotaping of the work area is required prior to the work, provide the City a copy of the video and all homeowners along the installation shall be given 48 hours written notice, a copy of the written notice submit that to the City.

Mr. Williams stated he agrees to that.

Mr. Merdes stated Thank You.

Chairman Sandora stated Thank You Mr. Merdes, Mr. Alvarez do you have anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated anybody on the Board have anything.

Chairman Sandora stated anybody in the audience here that would like to say anything on this.

Chairman Sandora stated can he have a motion please to approve.

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

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour, please call the roll.

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

Chairman Sandora stated Thank You.

Mr. William stated Thank You.

Chairman Sandora stated Good Luck.

Sign Approval

**Cresco Real Estate, 5171 Wallings Road, Local Business Zoning.
Temporary Real Estate Sign Approval.**

Chairman Sandora stated the Applicant is here, step forward, state your name, home address and what you are going to do.

Stephanie Cieszkowski, 2987 Meadowbrook Blvd., Cleveland Heights, Ohio. Ms. Cieszkowski stated she is representing Cresco Real Estate, we have a temporary real estate sign at 5171 Wallings Road and we need a sign permit.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman, just for the record, the sign is already there.

Ms. Cieszkowski stated it is.

Mr. Alvarez stated okay, a the sign area is 32 square feet which meets the maximum allowable, for the record, is it, the height less than 6'.

Mr. Cieszkowski stated yes it is.

Mr. Alvarez stated and again for the record are you a minimum of 25' from the street edge.

Ms. Cieszkowski stated yes.

Mr. Alvarez stated okay, the only other thing he recommends is, the expiration date on a temporary sign as approved by the Planning Commission to be on the sign.

Chairman Sandora stated Thank You Mr. Alvarez.

Mr. Alvarez stated that's pretty much it.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Mr. Alvarez has gotten all of his comments already.

Chairman Sandora stated anybody else on the board have anything, anybody in the audience have anything on this.

Chairman Sandora stated he will make a motion to approve the sign for Cresco Real Estate for 5171 Wallings Road with the expiration date of May 1st, 2008 put on the back of the sign.

Ms. Cieszkowski stated we need to do that.

Chairman Sandora stated you need to do that.

Ms. Cieszkowski stated okay, great.

Chairman Sandora stated and the Applicant has to go to the Architectural Review Board and the Applicant must meet all the conditions and requirements of the ARB.

Don Willey stated he will second the motion.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Ms. Cieszkowski stated Thank You.

Chairman Sandora stated Good Luck.

Ms. Cieszkowski stated Thank You.

Fastsigns, **Grubb & Ellis**, York-Alpha Drive, PPN 483-06-013, General Industrial Zoning. **Temporary Real Estate Sign Approval.**

Chairman Sandora stated the Applicant is here.

Mr. Girgash stated yes, my name is Paul Girgash, he is with Fastsigns, he resides at 30415 Hilliard Blvd., Westlake, Ohio. Mr. Girgash stated representing Grubb & Ellis with a request for a temporary commercial real estate sign, a standard 48" circle which we have requested in other areas of, in the North Royalton is the past, it will be on vacant, 25' off the right of way, edge of the street, and less than 6' tall.

Chairman Sandora stated Thank You, Mr. Alvarez anything.

Mr. Alvarez stated a, Thank You Mr. Chairman, again just looking at it, the height meets the required Code, it is 5'6", you are allowed 6' and of course the square foot is at 16 which is less than the maximum allowable of 32, his other comment was, on your site plan a, perhaps even now and in the future, that you actually put down the setback dimensions, rather than us having to tell you here that you have to have a 25' minimum, and the same way with the side setback, he really, he presumes that you are going to put it in the center of the property.

Mr. Girgash stated yeah.

Mr. Alvarez stated but a, you should indicate that as well, knowing that he is going to have a 25' setback, he doesn't have a problem with that, if that is where he says he is going to put it, and again an expiration date for how long your sign is going to be there as approved by the Planning Commission, no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes anything.

Mr. Merdes stated all of his comments have been mentioned by the Building Commissioner.

Chairman Sandora stated anybody on the Board have any questions, anybody in the audience on this.

Chairman Sandora stated he makes a motion to approve a sign for Fastsigns, for York-Alpha Drive on the condition that the sign is placed 25' back from the street, we have an expiration date of May 1st, 2008, that will be printed on the back of that sign and a you know, you will go to the AR, Architectural Review Board and must meet all the conditions and requirements of that Board also.

Don Willey stated second the motion.

Chairman Sandora stated it's been moved and seconded Ms. Fashempour, please call the roll.

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

Chairman Sandora stated Thank You, Good Luck.

Mr. Girgash stated Thank You.

Crystal Keg, 7936 York Road, Local Business Zoning. Signs Approval.

Chairman Sandora stated the Applicant is here, step forward, name, home address and present to us what you will.

Shawn Stacey, 9207 Root Road, North Ridgeville. Mr. Stacey stated there was a discrepancy on our side sign that says we were only allowed 6 square feet, he talked with Mr. Alvarez today and we need to change it to 10 if we can and the front sign for York Road is actually 3.5 by 6' instead of 3.5 by 5'.

Chairman Sandora stated and you wanted to change the side one to what now.

Mr. Stacey stated the side sign according to the plan here that he was sent, said he was only allowed 6 square feet and Mr. Alvarez, they, there was some bad math in there and he sorry, and he is allowed 10 square feet according to him so he wants to make it 2 by 5.

Mr. Alvarez stated his comments were.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated first of all we have two signs here, the one on the front and then the one on the sign. Mr. Alvarez stated now you said the one on the front now you are changing it from 3.5 by 5 to 3.5 by 6.

Mr. Stacey stated yes, he was told it was 3.5 by 5 by the Building Owner, he actually went up there and measured it it is 3.5 by 6.

Mr. Alvarez stated so that's 21 square foot then, as far as the math is concerned.

Mr. Stacey stated yes, that's 21.

Mr. Alvarez stated what he did Mr. Chairman and just for the record, you know maximum allowable is the width of the building times 1.2 plus 20 square feet, he erroneously left out the 20 square feet in there so your maximum allowable is 51.2 square feet which is, your sign of 3.5 x 6 is obviously less than 51 so area wise the front sign is okay in terms of area. Mr. Alvarez stated now the, the side sign that goes on the side of the building, that has to be only 20% of the maximum permitted sign so you are allowed 51 square feet allowable for the front, 20% of that is 10, 10.2 square feet so that's what you are allowed in terms for your side sign and originally he thinks you had it 3'6 by 5 for the side.

Mr. Stacey yes.

Mr. Alvarez stated and at this point you are saying that you are willing to change that.

Mr. Stacey stated yes.

Mr. Alvarez stated to a 2 by 5.

Mr. Stacey stated 2 by 5.

Mr. Alvarez stated so now his sign instead of the sign being 3'6 by 5, it is going to be a 2' by 5, much smaller sign so he doesn't have a problem with the sign in the front being 3'6 by 5 but you have to make those corrections when they submit it again.

Mr. Stacey stated okay.

Mr. Alvarez stated the problem would be with the Board would be the size of, you would have to probably just submit the sign for the side though.

Mr. Stacey stated just the side okay.

Mr. Alvarez stated right.

Mr. Alvarez stated so hopefully he didn't confuse anybody by what he said, he had the wrong size sign, he is only allowed 10' square feet.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated no comments.

Chairman Sandora stated do you wish to see that on paper and changed or would be okay with approving this on the condition that he meets your require, your requirements.

Mr. Alvarez stated if a, if the side sign is 10' and he submits drawings like that and ARB is okay with it too, he can probably go ahead and approve it.

Chairman Sandora stated does anybody on the Board have any problems with that.

Don Willey stated no.

Mr. O'Donnell stated he has no problem if you approve this conditioned on, on him submitted the right size sign and Mr. Alvarez would certainly only permit the right size sign.

Chairman Sandora stated and you agree to that to the Applicant.

Mr. Stacey stated yes Sir, uh um.

Chairman Sandora stated okay, anybody, anything in the audience on this.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he, he has one question on the graphics that you gave us.

Mr. Stacey stated yes.

Don Willey stated it shows the picture of the building as is and he thinks it is beige, correct.

Mr. Stacey stated yes.

Don Willey stated and a, on the second graphics, it is showing a blue sign, the ARB will deal this, this but the a, the second picture shows that the building is blue, are you planning on changing the, Brenda maybe you have that.

Mr. Stacey stated no, blue, no.

Don Willey stated so he figured that you ran out of red ink.

Mr. Stacey stated one of these.

Don Willey stated that's right, that's blue.

Mr. Stacey stated no, it's, that's, her printer was bad, it's still beige.

Don Willey stated okay, all right, you might, you might want to spring and buy a new ink cartridge for the ARB.

Mr. Stacey stated yeah, he will have to talk to her about that.

Don Willey stated okay, Thanks.

Mr. Stacey stated okay.

Chairman Sandora stated Thank You Mr. Willey.

Don Willey stated yes Sir.

Chairman Sandora stated he will make a motion then to allow a sign for Crystal Keg for a 3'6" by 5' wall sign on the front of the building and a 2' by 5' wall sign on the side of the building on the condition that the applicant meets all the requirements with Mr. Alvarez and that to agree to all the requirements and conditions of the Architectural Review Board.

Mr. Stacey stated okay.

Don Willey stated he will second the motion.

Chairman Sandora stated it's been moved and seconded Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck.

Sign/Site Plan Approval

Tony D'Abramo, **D-5 LLC**, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. **Temporary Real Estate Sign Approval.**

Ms. Fashempour stated is the Applicant there.

Jeff Gouble representing the Applicant, the Applicant was called out on an emergency, out of town so we asked to see if this could be tabled until the next meeting, both the issues of the sign as well as the site plan approval.

Chairman Sandora stated okay he doesn't have any problem with that, anybody.

Don Willey stated motion to table.

Mayor Luks stated second.

Chairman Sandora stated motion, it's been moved and seconded, to table the temporary real estate sign.

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

Mr. Gouble stated and just one more comment, just to address the issues as well we received today the concerns that they have so we will have those addressed at the next meeting.

Tony D'Abramo, **D-5 LLC**, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. **Site Plan Approval.**

Ms. Fashempour stated can she have a motion then to table their Site Plan Approval.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and seconded to table the site plan approval, Ms. Fashempour please call the roll.

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

Chairman Sandora stated it's been tabled, Thank You.

Lot Split/Consolidation/Recreation Allocation/Subdivision Approval

Tartan Development Company, Imogene Huffman, Joseph Popovich, Part properties off Albion Road, PPN 482-08-003 and 002, R1-A Zoning. Lot Splits and Consolidations.

Chairman Sandora stated is the Applicant here, step forward please, your name, home address and what you would like to do.

Good Evening again, Michael Mackay representing Tartan Development and Mackay Engineering, 7017 Pearl Road, Middleburg Heights, Ohio. Mr. Mackay stated this is Richard Mackay, same address. Mr. Mackay stated what we are requesting is a lot split consolidation in conjunction with the Tartan Development Subdivision, Permanent Parcel Numbers are as listed in the application and again it's in connection with the Subdivision and the Regional Retention Basin.

Chairman Sandora stated Thank You, Mr. Merdes do you have anything.

Mr. Merdes stated on the Lot Splits and Consolidations which is for the planned proposed development, on this one, he has no, no additional comments to add.

Chairman Sandora stated Thank You Mr. Merdes, Mr. Alvarez do you have anything.

Mr. Alvarez stated he doesn't have any comments Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell do you have anything on this.

Mr. O'Donnell stated no, no comments.

Chairman Sandora stated he thinks we should do this together with the second part of this just in case there is a, or all three parts just in case there is a problem with something, before we grant a consolidation and property split.

Recreation Allocation - Chesapeake Subdivision No. 5 - Tartan Development Company, extension of Chesapeake Drive, Part PPN 482-08-003 and 002, R1-A 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.

Chesapeake Subdivision No. 5, Tartan Development Company, extension of Chesapeake Drive, Part PPN 482-08-003 and 002, R1-A Zoning. **Preliminary Plan and Regional Storm Water Retention Basin Plan Approval.**

Ms. Fashempour stated she has two letters that she would like to read into the record, first one is from;

John and Christine Zone
9325 Chesapeake Drive
North Royalton, Ohio 44133

May 12, 2007

Brenda L. Fashempour, Secretary
North Royalton Planning Commission
11545 Royalton Road
North Royalton, Ohio 44133

Dear Brenda

Due to previous commitments, we are unable to attend Wednesday's, meeting at City Hall where the Planning Commission will be addressing

the proposals made by Tartan Development Company. We learned of this meeting from our Councilwoman, Denise Bobulsky, who informed your office of our need to be notified, as we were not in the original mailing. As the homeowners on Chesapeake most affected by this proposed detention basin, we would like to take this opportunity to express our concerns.

First, attached you will see a map that we received some time ago regarding a proposed site for the Chesapeake detention basin, such site being on the two properties located directly to our east. Apparently, since this original map, a new site is now being considered for this possible detention basin, in an area directly behind our home at 9325 Chesapeake. Since the adoption of the City of North Royalton's Master Plan, it is our understanding that all natural waterways are to be left intact. This shows that this would not be in compliance with the Master Plan. Also, it seems rather odd to us at this time that Mackay Engineering, also known as Tartan Development, is attempting to both develop the land directly to our east for home building and is also the firm proposing the detention basin behind our home. The original site for the basin would have been located on the two properties to our east, the same two properties that Mackay/Tartan is currently negotiating to purchase from the current homeowners. Seems they would rather devalue our property by relocating the detention basin behind our home than to have it be part of the property that they plan to purchase for development. These two separate areas of development in the same location, homebuilding and constructing of a detention basin, would seem to the layman to be a conflict of interest. Mackay/Tartan would certainly have a more difficult time selling a home on a piece of property that backed up to a detention basin, so to better serve their vested interest it is much more advantageous for them to just move the detention basin to the area behind our home.

Mackay Engineering was also involved with the development of Chesapeake Subdivision No. 4. During one of the floods on Chesapeake, we had the opportunity to talk with some of the homeowners who live at the bottom of the hill on Chesapeake. They feel that the current flooding situation has become significantly worse since the building of this Subdivision. Why did Mackay Engineering not study this possible flooding problem at the time of development of Chesapeake Subdivision No. 4, and if they did, how effective have the results been? How will enlarging the current ravine behind our home help to alleviate the flooding that currently occurs with heavy rains at the low end of Chesapeake? What guarantee do the homeowners on Chesapeake have that more flooding won't occur by tampering with the natural flow of water in the ravine?

Regarding the land directly to our east, the Huffman property, it is our understanding that the original ravine behind our home was once in existence on the Huffman property. To allow full use of their land, barrels were buried underground to serve as a closed waterway to connect the water from the property to the east of the Huffman property to the ravine behind our home. We strongly feel this situation needs to be further explored.

We recently ran into our builder, who, along with Mackay, developed the land in Chesapeake Subdivision No. 4. He was shocked to learn that additional homes were now being considered on the two properties directly to our east. At the time Chesapeake Subdivision No. 4 was being built, he was told by the city that no further development could

ever take place beyond our home. His original plans called for completing Chesapeake Drive with a cul-de-sac, but he was denied the cul-de-sac by the city, and, therefore ended Chesapeake Subdivision No 4 at our home. One of the reasons for the denial was that the city had concerns that there would not be sufficient water pressure beyond our home. Because it would have been financially advantageous for him to complete the street at the time of development, he could not believe that 4 additional homes are now being considered.

Attached for your information is a copy of the map of our property, which was certified and filed by Mackay Engineering and Survey Company. This survey shows in detail all yard boundaries and utility easement. No other easements for any other purpose are noted.

Other questions/concerns we have: what will be done to prevent erosion to the ravine if the natural land is tampered with? This property is currently a natural habitat for many birds and animals. How will this affect the wildlife? What would be done to ensure homeowner safety if this area is excavated? Lastly, we purchased this home and this property because of the extraordinary view we have from our home. What would be done to preserve the natural beauty of this land? Section DD of the North Royalton Master Plan entitled "Buffering and Maintaining Existing Landscapes," discusses development of land and the consequences that development can cause adjacent homeowners. In this Section it states, "What homeowners look out on should essentially remain unchanged. Topography and vegetation that has provided scenic views should remain unchanged or be repaired for the better." The Master Plan has been adopted to ensure that the City of North Royalton maintains its natural beauty. We hope that this will hold true in this case.

Sincerely,

John Zone - Christine Zone

Exhibit A

Wednesday, May 16, 2007

Planning Commission
City of North Royalton
11545 Royalton Road
North Royalton, OH 44133

Dear Commission:

Just a few comments regarding the Preliminary Plan, Regional Storm Water Retention Basin Plan and Recreation Allocation Letter for Tartan Development Company, Chesapeake Subdivision No. 5, extension of Chesapeake Drive, Part PPN 482-08-003 and 002, R1-A Zoning.

Council May 16, 2007 Meeting

Issue... Flooding is already a concern for the bottom of Chesapeake, would this not make it even worse.

Issue... Retention basins are merely a stopgap to the real problem. North Royalton needs to improve its infrastructure before any more development takes place. 50 year old sewers and drain tiles need to be expanded before further development occurs.

Issue... Plans for a water retention basin behind the Tomecko property would devalue his property.

Issue... Poor snow removal on dead end street of Chesapeake, currently with only one home, would be worse with four more homes.

Issue... Cleveland Water is not able to guarantee water pressure past the Zone property.

Issue... The topo shows that the last home on the right is to be built over a natural creek bed. This has been disallowed by City Engineering.

Doug Torowski
9201 Roanoke Court
North Royalton, OH 44133

Exhibit B

Ms. Fashempour stated that's all she has Mr. Chairman.

Chairman Sandora stated Thank You Ms. Fashempour.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank You, ah yes. Mr. Merdes stated he reviewed the submittal and had a few questions to ask, the, the preliminary plat when it shows a sewer and access easement, it has it shown at 15', the standard would be 20' for that easement. Mr. Merdes stated so that would need to be corrected. Mr. Merdes stated the sideyard setback should also be shown on that preliminary plat.

Mr. Merdes stated when we get to the preliminary plan approval, the Code through a, a number of, of things that are needed and you submitted most of them, he would like clarification on, it talks about subsurface conditions on the tract, the location results of test made to ascertain subsurface soil rock and ground water conditions or written description if no formal testing is performed. Mr. Merdes stated could we have either.

Mr. Mackay stated yes.

Mr. Merdes stated a copy of anything that has been done or a written statement that of the later.

Mr. Mackay stated well, Mr. Merdes we will provide you with a written statement of our experience on the previous subdivision when, there were no problems with the soil or any rock.

Mr. Merdes stated okay, Thank You.

Mr. Merdes stated a, and perhaps clarify if, if there is any merchantable timber on this property, more or less, is there a plan for, for that.

Mr. Mackay stated there's, there's no plan to merchant the, the timber, we are just going to.

Mr. Merdes stated it's not going to be sold for profit.

Mr. Mackay stated no.

Mr. Merdes stated the a soil, water, pollution plan compliances actually are going to be determined by Cuyahoga Soil and Water Conservation District review and recommendation and approval of the minimum requirements a, which will come into play if this moves forward there, there, they would essentially review the plan and, and give a recommendations when the minimum requirements are met.

Mr. Mackay stated do you submit that to them or do we.

Mr. Merdes stated you submit that at the same time you submit the, the.

Mr. Mackay stated all right, construction plans.

Mr. Merdes stated construction plans to the Engineering Department.

Mr. Mackay stated fine.

Mr. Merdes stated and then the last comment is in regard to the basin, a and it's going to be a little confusing because, there's two basins shown, there is the large regional basin and there is the other basin which is, they are in different locations, they are differently sized when it comes down to requirements, only one is required and only one is going to be constructed, the larger one, the regional basin is comes as a result of a, a Stormwater Citizen's Oversight Committee and Report that looked at flooding concerns throughout the city and prioritize those concerns, came up with a projects resulting in a regional basin proposal in, in this location that it is shown and ranking it, either the first or second priority of all the flooding complaints in the City. Mr. Merdes stated you had come to us, the Planning Commission, the City with a sketch plan about the same time as that report had been a couple maybe months or maybe six months, a year old and we are looking for a way to accomplish both goals a, so being that, that the large regional basin that is sort of the background of that one. Mr. Merdes stated now the other one the smaller basin which is shown behind Roanoke, well existing Roanoke Court, a this one there is a couple of concerns that, that should that one be the, one that's get built, there is an existing Code that has to be followed and a tried to sum it up in a paragraph saying that we have a Stormwater Management Chapter and essentially that, all the basins are include a 100 year storm design requirement that basin behind Roanoke Court, the outlet of that is an existing storm sewer with a five year design capacity and going back to the Code, the general provisions of the Code mandate that the, the limited discharge from that basin has to stay equal or below the allocation in that five year design storm sewer a and that there is a provision for an emergency drainage way which essentially would, should something happen at that basin the overflow out of the basin would be directed and it talks about in order to avoid both damage to structures and endangering the public safety, which emergency drainageways shall be designed to accommodate

the runoff of storms exceeding the 10 year storm but not exceeding the 100 year frequency so there would be more less an emergency path that would have to route that water away from the homes, the existing home on Roanoke.

Mr. Merdes stated and that's is the bulk of of his comments.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez do you have anything on this.

Mr. Alvarez stated he doesn't have any comments Mr. Chairman.

Chairman Sandora stated the comment he has, he has one comment and he might as well get it out of the way first and then anybody else up here on the Board say what they want, that area is a high priority for flooding and he is concerned with the smaller retention basin, he thinks and he is only one person up here but he thinks that the regional basin has to go in if that development is going to go forward, that's his only, that's his concern because that area has had a flooding problem and he thinks that the regional basin could correct a lot of that problem that is occurring there now and that's his thoughts on it, that's only his thoughts, he doesn't know how anybody else feels but, anybody else on the Board.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated to a, response she guessed in part to some of the comments that were raised when she thinks in particular the first letter that our Planning Commission Secretary read and possibly some of the residents here share some of those concerns and she would like to try an answer some of the issues that were raised, one of the questions was why is a retention basin being built by these, Mr. Mackay or the Mackay's and at the same time they are the parties that are developing the a or the parties that, that are part of Tartan and developing these four homes. Mayor Luks stated and the answer to that she thinks is already possibly apparent to you but to, to make it very clear when they came to us proposing this development they had a development that by law they are allowed to build and as long as they meet all the of the City's Codes and criteria, excuse me, they can do so and the city does not have the legal right or means to stop them, we saw this as a, a, a window that could rapidly close the opportunity for us to try and, and implement the recommendations from that Flooding Oversight Committees Report and the consultants recommendation that a regional retention basin go in there. Mayor Luks stated so we attempted to work out an arrangement between the City and these Developers and we have met numerous times and worked toward this whereby we can still get our regional retention basin in there and these gentleman can get their four homes. Mayor Luks stated our Codes require them to build a retention basin to handle any runoff that the homes would generate it, going into partnership with them we can build a bigger regional retention basin that will not only accommodate their four homes but also accommodate the recommendations from the Citizens Oversight Committee to help improve control of stormwater runoff in that region which will benefit hundred of homes and in so doing this, City will not spend as much as we would

have if we did not partner with them and if we went in just build this retention basin on our own. Mayor Luks stated because they are paying the share of it that they would have had to pay to build the retention basin they would have needed for their four homes. Mayor Luks stated this is not expanding the ravine, this is adding a control structure that will control the amount of water that and the time that the water is released downstream to improve the situation not deteriorate the situation this is one of the attempts that the City is making to address the flooding in this City. Mayor Luks stated if you have not already done so you can go on line and the Citizen's Flooding Oversight Committee Report is there in full that was done by a group of complete volunteer citizens from this City, anyone who wanted to be on the committee was on it and they worked with an outside engineering consultant and they developed these recommendations and they submitted that report, it is all there, the recommendation is there, they are prioritized and so you can go on line and read those. Mayor Luks stated Thank You Mr. Chairman that's all that is occurring to her right now.

Chairman Sandora stated Thank You Mayor, Mr. O'Donnell.

Mr. O'Donnell stated Mr. Chairman.

Mr. O'Donnell stated one other point, the City because of the cost of this larger retention basin and the cost of, the percentage that the City will end up paying for that since it will benefit more of the residents in the area, that has to be done under the Ohio Prevailing Wage Law which means the City will end up going out to bid and constructing that, not the developers, they will pay their proportion of costs based on the smaller size retention area that they would have built anyway but the City will control that project not the developer.

Chairman Sandora stated Thank You Mr. O'Donnell.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he, he, he thinks that because you have been very patient through this process from the first night you kicked the door open and said we want to build four houses so he, he thinks we need to Thank You, you know personally for doing that and helping us resolve a problem for our residents, Thank You.

Mr. Mackay stated he appreciates that, Thank You.

Chairman Sandora stated anybody have anything on the Board.

Mr. Mackay stated Mr. Chairman.

Chairman Sandora stated a, go ahead.

Mr. Mackay stated we would rather build the, the regional basin, it's better for everybody it, people on Roanoke and so forth, we don't want to disturb them but if the EPA.

Chairman Sandora stated and we appreciate that.

Mr. Mackay stated or somebody else says you can't build that, we are looking for a fall back position, that's all we are looking for, if we can't under any circumstance build the regional basin we would like to be able to build the local one and that's what we are here for tonight, you have to, we, were, these are steps in our, our intentional goal and we all have to cross the t's and dot the i's there. Mr. Mackay stated he guessed that at this point in time we are trying to get a field examination by the Corps of Engineers and they are just postponed, and postpone it and postpone it.

Chairman Sandora stated he knows, it is very frustrating.

Mr. Mackay stated right for you and.

Chairman Sandora stated for everybody.

Mr. Mackey stated right.

Chairman Sandora stated all the way around.

Mr. Mackay stated but their preference is the same as the neighborhood, the regional basin.

Chairman Sandora stated we appreciate it, yes.

Mr. Mackay stated but we would like to have a fall back.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated well he will open it.

Mayor Luks stated she is sorry, go ahead.

Chairman Sandora stated go ahead Mayor.

Mayor Luks stated no, it's all right, go ahead.

Chairman Sandora stated he was going to open up the floor for discussion from anybody in the audience.

Chairman Sandora stated raise your hand, come, step forward, state your name, home address and direct your questions to the Board please.

Thank You Mr. Chairman, my name is John Graven, 9213 Roanoke Court, he lives in Chesapeake Subdivision No. 4 and was the past President of the Homeowners Association and sits right on the Architectural Review Board. Mr. Graven stated he has three quick observations that he wants and things that he has done in preparation for this meeting. Mr. Graven stated he visited the Cuyahoga Soil Water and Conservation Offices off Canal Road and reviewed the aerial photographs per 1951 and of course on line at Google you can see all the current maps, laughs, so there are there. Mr. Graven stated indeed one of the things that we were talking about with the Engineers there and they are aware of the Regional Detention Basin Proposal was that there were three keys elements that they are concerned, one, first and foremost is that there is .06% of an acre of keyed and identified actual wetlands within the large detention basin which would be your, one to the left of, from this, the larger

side, that of course the Corps of Engineers he has concerns with. Mr. Graven stated whether of not Codified Ordinances were in effect that would have precluded the actual disturbance of the wetlands because the concern is today in the clean water shed and the water shed department has worked very well with the Board as they have said and they are very proud of the work that's been done to keep the water there then indeed wetlands are a much better natural way and in the, in the pre 1951 aerial photographs of the area and the topo geology was absolutely changed, also it is noted that they electrified the air, meaning they put conduit and dug conduit whether or not permits were properly issued these are all things that legally have to be absorbed by them before they can permit thus the process goes on, and on, and on, and on and understood that. Mr. Graven stated as of May the 5th 07, a, and at the Cuyahoga County Recorder's Office no deed transfer is recognized of evidenced as to Mr. Huffman or the other Homeowner having deeded or transferred to the possession of Tartan Development/Mackay Engineering the said permanent parcel numbers, now they may have this was just on the record that he, he looked on which goes to May the 7th, 7th, so maybe something has happen since then but at this point he knows this is, is it still a proposal and last but not least he attempted through the a North Royalton City Website, specially to look for the Oversight Committee Engineering/Drawing and, and he couldn't fine it, it is a very good website, you have got lots of great information and so, he went down to Engineering and pointed out to an Engineering Department employee, whose name is Don, he doesn't know his last name, he got the plans out and we did go through that and indeed the keys exist and the percentages of the area of over half an acre is in the middle of the detention basin and as, an citizen who understands the flooding because we have spillway in one of our detention basins in Chesapeake Subdivision No. 4 which was under you know his purview as in his micro governances, laugh, position, it went over the 100 year flood plain, no offense, he thinks that the 100 year flood plain may be 110 years behind he is not sure because in five instances and we have photographic evidence which one of his neighbors have here shows the 100 year flood plain which is not to be exceeded going over so draining 112 acres he understands, and he understands and agrees that something needs to be done but if you go to pre 1951 you see the area and if the area was restored back to its original condition before the Huffman's may or may not, and he is making no acquisition, he, please he wants that for the record, absolutely none, the permits or things that were not, or should have been drawn actually disturbed the topography to the point that the natural processes that held the, that, in the rural areas which of course farming was not a, this is not air able land, it has never been, we have 236 feet from York Road to the top at his home, and that is like a 22 story building, a try and drive up there, everyone, laughs, during the snows, but what, what our concern is, is that we think that the lawsuit that was filed by the original home land owner on Abbey which was denied the permit to build on Abbey Road which they took the City to Court and won and then built, and then consequently all of us as citizens had to re-buy it back right and kind of that bully pulpit of using the judiciary and all the things that you and micro government and real government see on a daily basis, he thinks the whole idea of the restoration of wetland and there have been over 17 million acres of reclaimed wetlands in the United States in just the last five years and half a decade which has in siltation and erosion, our siltation, our siltation level in the Chesapeake Subdivision No. 4 major detention basin okay, exceeded the, the Engineering Design and the spillway

spilled 5 times and should never have spilled because of the 100 year plan so his advice as a homeowner who is greatly effected by either a small regional area which would spill directly into his neighbors backyard directly, with a 4' berm, he, he, he is not here Mr. Chairman, he knows it's not in his backyard kind of thing, he is not here to say that, that the reality of the way that were seen the erosion or the siltation, the actual maintenance as the homeowners have the responsibility, not the City, but we bear the burden of the costs of the removal of siltation and the maintenance of that, even in a regional area, it's only draining 112 acres, his recommendation is to follow the advice of the people that are doing more of the wetland and flooding management, at the Corps of Engineer to decide whether or not this particular wetland would be eligible for and maybe eligible for a conservation easement that would allow for the restoration of the natural wetland that exists so that, that detention basin would actually do what it was designed by nature to do which is to take that area, those are his comments, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else in the audience, this gentleman.

Yes, my name is Tony Crocco, he lives at 9333 Chesapeake Drive. Mr. Crocco stated he is the one who took the pictures of the last flood we had over there he doesn't know if you people want to see them or not but his question is, is if they put up a retention basin right behind John Zone's house, therefore, that's 2500' where all the water is coming in and it's exiting right through these people's back yards is that retention basin going to stop this from flooding down the road from the end of Chesapeake to the 2500 feet from this house, do you follow what he is saying here, is it going to do what it's suppose to do, from where they want to put that retention basin it is almost 2500' to where it's flooding in this guys back yard here, is it going to serve it's purpose because all that water is coming from all the way from both sides of Albion and Chesapeake going in the valley and running down there.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated the reason that we hired an outside consultant, Engineering Firm and put the Citizens Oversight Committee together was to try and fine projects that would improve the conditions and, and a make, make improvements in terms of stormwater runoff were well aware very well aware of the fact that water runs down hill.

Mr. Crocco stated right.

Mayor Luks stated and that it is running down hill in that area and because we have dealt with the horrible floods and, and tried to assist residents who have suffered a great deal.

Mr. Crocco stated oh yeah.

Mayor Luks stated of damage and our number one priority is to implement things that we think are going to make improvements, we certainly not going to do it if we don't believe it's going to help.

Mr. Crocco stated well, okay.

Mayor Luks stated were, were trying to make it better, we want to improve it and that's what we are striving for.

Mr. Crocco stated well there is a retention basin he means, isn't there one over there at the end of, by York Road there, that always fills up and everything goes over into York Road too.

Mayor Luks stated retention basins in Subdivisions in the past prior to our recent change, we have recently changes our, our, our requirements and now they are required to hold more water and do more, we, we have changed a lot of our Codes recently, things that were built in years past were built to a little lesser standard but still many of them function the way they were designed to, the way they were suppose to, now of them are built to handle a flood such as we had in June of 2006, there not, they, now those are just subdivision retentions.

Mr. Crocco stated okay.

Mayor Luks stated that are just suppose to deal with the stormwater in a certain year level storm and for the most part they function and do what they are suppose to but in an event like a major flood like in, in June, those little retention basins aren't going to do it.

Mr. Crocco stated well don't you think you would want to put it at the bottom of the hill instead of on the top of the hill.

Mayor Luks stated it's the water coming from the top of the hill, running down the hill that floods everybody.

Mr. Crocco stated you know.

Mayor Luks stated we want to get it before it runs down the hill.

Chairman Sandora stated and control it.

Mayor Luks stated and, and then time release it so then you are improving erosion problems, you are lessening the amount of water that's running down the hill at one time and into everybody's homes, you want to catch it before it gets to the bottom of the hill, these are Engineer's that have, experts, we have hired experts that have designed this.

Mr. Crocco stated they could be wrong too.

Mayor Luks stated she is not an Engineer, she is not an expert, but we hired people that are known to be some of the best.

Mr. Crocco stated okay, let's hope for the best then, Thank You.

Chairman Sandora stated and that, that's all we can do as a City, he means, we, we go to outside concerns for their expertise and they are the ones that come with us, with their recommendations and that, and he means that's, that's what we have to do and that's what we are relying on, his means these are people that are in the business that just do this.

Mr. Crocco stated well he can understand that but don't you think if they can make mistakes too, you know, correct.

Chairman Sandora stated sure.

Mr. Crocco stated okay, Thank You very much.

Chairman Sandora stated Thank You.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated oh, he is sorry, he just has one question of our Engineer, in a, proportion, how many, he guessed it is probably a million cubic feet of water would this retention basin hold verses the one at the bottom of the hill on Chesapeake do you have any idea off hand, don't want to put you on the spot.

Mr. Merdes stated he doesn't know off hand, it is certainly larger, a larger proposal than what most people are, are use to seeing in their subdivisions although today's subdivisions the basins are getting larger, if you look at, maybe if you go down one of the new streets and and, and look at their basins you might see more of them, they might be larger than the ones you are used to a, and you know, if, if there are places that, that this could be done and you could get the same benefit out of it he thinks we would have had that recommendation come back, the problem is in this Chesapeake area before the water gets to the bottom of the hill even in, in, in the, in the middle of the hill there's already people that are having, that are having problems.

Don Willey stated right.

Mr. Merdes stated and, and it's, it's, he thinks this location was chosen as, as to hopefully be the place where you could get the most benefit out of, out of it for the most people.

Don Willey stated Thank You.

Chairman Sandora stated Thank You Mr. Willey, Sir.

My name is Richard Baran, he lives at 9493 Chesapeake. Mr. Baran stated his question is, is, were going to capture this rain water at the top of the hill in a basin which he thinks is a wonderful idea but then were going to reintroduce into a ravine that's got engineering problems further down hill, you have got a volume of water that's going down hill with velocity and mass and then you are going to try and make it turn 90 degrees to go into a storm sewer that actually continues up the street to where this basin is being constructed, why don't we capture and deposit it right into the storm sewer there why are we going to reintroduce these gallons of water into a place that they can do potential damage down hill.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated where the ravine eventually comes, it comes in closer proximity to Chesapeake and the homes, eventually it comes right into he backyards tries to make the bend, go into the pipe, that is about the place where the systems has been failing and this is upstream of that, in an effort to control the water that's overwhelming sensationally that, the attempt to make the bend and get into the storm sewer.

Mr. Baran stated yeah.

Mr. Merdes stated and then it continues, it has more problems as it, it actually continues further, whether the water goes into the pipe or stays out of the pipe from there, there is problems then with both, concerns with both, this is an attempt to come up the hill place this control so that during the storm it cuts the peak that is racing down the ravine and, and trying to by time that, that when the, the rain is, is falling the heaviest, that's when the basin would be filling up and only releasing a smaller amount instead of, if the basin is not there and the, when the, the rainfall peaks and it all rushes down it seems that's when the issue is coming about, this is an attempt to more or less grab the peak, use that to fill up the basin and then control it to a, to a essentially an amount that will be able to get down into the, the existing system that's down there, trying to do something with the existing system that he thinks the dollars involved, the costs involved are, are quite a bit more then, then even this project.

Mr. Baran stated um, does the storm sewer that runs up Chesapeake downsize past the pickup that runs to the south, the, the bend that we are talking about, the 90 degree bend, does it stay 30" from there to York, is it, 6" from there to the top of the street, because he has gone up that street and looked in very basin and that's storm sewer continue to where the street dead-end now, running from south to north, north to the storm sewer down the street, he means, what he is saying is can we capture it, your capturing it at the top of the street, can we dump it into the storm sewer at the top of the street, why do we have to let it go where it's going to be feed not only by that retention basin but the retention basin and he believes that is Chesapeake Number 4 on the south side of the street the street that comes in, he doesn't, he is sorry he doesn't know the name of it, that comes in off of a Albion that all ends up in the same ravine, we have got, we have got drainage issues, you, a street at the top of the hill on, on Albion up from Albion Road school, they have a retention basin there, there are three different retention basins, there are three different 12" pipes that feed that ravine that he counted on a walk up through there plus a number of natural waterways, one of them that, after a heavy rain is south of where you are talking about putting that retention basin in, yeah granted you will slow it down, but why can't we catch it and put it in the storm sewer at the top of the street, he understands if size is a requirement, a thing, but he is just wondering, how big of a storm sewer is at the top of that street, he doesn't know if you can answer that, that's, that's.

Mr. Merdes stated he guessed what, well, he will try to answer.

Mr. Baran stated uh um.

Mr. Merdes stated even though, even though Chesapeake is the same name of the road all the way from the bottom, all the way up, even this is an extension of Chesapeake, but this is a, Subdivision Number 5, that means Chesapeake has been built in pieces and parts.

Mr. Baran stated okay.

Mr. Merdes stated and some of the larger storm sewers are near the bottom, but then other parts got built, they build there own basins, there own storm sewers and they are smaller and he guessed, the name stays the same but being that we are trying to deal with Subdivision No. 5 it's, it's been built in pieces and parts, it's not a unified storm sewer system.

Mr. Baran stated it's not, okay, that's what he wants, it's not a, it's not large enough at the top of the street to take what's captured there and dump it in at the top instead of having to release it and catch it into the same, same storm sewer 3,000 feet down the street.

Mr. Merdes stated right, it's not.

Mr. Baran stated okay, Thank You.

Chairman Sandora stated Thank You.

Ms. Fashempour stated she needs to change the tape.

Chairman Sandora stated this Gentleman here, before you say anything, we have to change the tape, just hang on a second.

Ms. Fashempour stated okay.

Chairman Sandora stated go ahead Sir.

My name is Larry Tomecko, his address is 9207 Roanoke Court. Mr. Tomecko stated he has a question for Mr. Merdes or maybe he can, can clarify it for him, what, when we were talking about the a smaller of the two basins that have been, being proposed, you said that there was a part of the Code that, that requires that there be an emergency overflow to handle obviously that basin filling up, a does that, his, his question is number one, is that on the proposal is, is there an emergency overflow shown on the basin as it is proposed at this point.

Mr. Merdes stated okay, currently no, a and it's not as much an overflow as it is a drainageway should something go, go wrong, then and then.

Mr. Tomecko stated what would go wrong, that's his question.

Mr. Merdes stated you look to see where the water is going to be going, and the water, the provision in the Code is that, that emergency drainageway is, is planned and built in order to avoid both damage to structures and endangering public safety.

Mr. Tomecko stated okay, maybe you can enlighten me, water goes into this basin correct.

Mr. Merdes stated that's correct.

Mr. Tomecko stated he means.

Mr. Merdes stated yes, it's collected.

Mr. Tomecko stated it, what they are proposing is that, from these four houses that they are going to build.

Mr. Merdes stated right.

Mr. Tomecko stated that water will be diverted into this basin.

Mr. Merdes stated correct.

Mr. Tomecko stated and this basin will be enclosed correct, meaning that it won't have any outlets.

Mr. Merdes stated it will have.

Mr. Tomecko stated to further divert it.

Mr. Merdes stated it has an outlet be.

Mr. Tomecko stated where would the outlet be, where would that flow to.

Mr. Merdes stated the the small basin, the outlet that's proposed is into an existing storm sewer.

Mr. Tomecko stated into our, okay, up, up on the road further.

Resident stated no.

Mr. Merdes stated it's, it's, in the rear, it's in the rear.

Mr. Tomecko stated so it would tie into that.

Mr. Merdes stated that's what is proposed.

Mr. Tomecko stated that's interesting, so if, if that is overwhelmed, okay, the basin, what you are talking about with an emergency overflow would be that if that pipe can't handle the amount of water, it starts to come over the top of the berm, he assumes that's the emergency overflow that we are talking about, is that correct.

Mr. Merdes stated right or should debris come out of the woods, get against the control structure.

Mr. Tomecko stated right, it fills up.

Mr. Merdes stated other things can happen that yes, essentially the basin continues to fill because water is being brought to it.

Mr. Tomecko stated right.

Mr. Merdes stated it's not being able to leave, now it comes to the top of the basin and it needs.

Mr. Tomecko stated where, if that happens where is that water going to go because.

Mr. Merdes stated it's, would need.

Mr. Tomecko stated that water is going to come straight down hill correct, and it's going to flow right over Roanoke Court.

Mr. Merdes stated unless, unless it was given a way around Roanoke Court.

Mr. Tomecko stated okay, and how, how could that be done, the properties to the north are private, obviously Roanoke Court to the west you know is, is private where would the water go, where could it possibly go.

Mr. Merdes stated probably, the best possibility is that the, the, it would be channeled to the very rear which would deposit it onto land that is is behind the Roanoke Court.

Mr. Tomecko stated the rear being the north.

Mr. Merdes stated north, yes.

Mr. Tomecko stated okay, that, that's private property how could you channel water onto private property without.

Mayor Luks stated Mr., Mr.

Mr. Merdes stated it is an emergency drainageway, it's not the normal pattern.

Mr. Tomecko stated and that's, that's, legal you can do that.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated if she may, Sir, if you read the Engineer's report he comments that this basin needs to have this emergency spillway, it is up to the Developer to find a legal workable solution to provide that emergency spillway, give us a drawing and for us to look at it and make sure it meets all of our Codes and Requirements, that hasn't happen yet, it is not up to the Engineer to design it, now we are just talking about the little basin that the developer is putting in there as a fall back which we don't want to see happen anyway.

Mr. Tomecko stated as a fall back.

Mayor Luks stated we don't want to see it happen anyway.

Mr. Tomecko stated yeah, he, he, he, you know.

Mayor Luks stated and if, and if, and before they can get approval on that they are going to have to provide these things that, that our City Engineer has asked for in his report, he doesn't necessarily have the answers to, to how it should be done, designed, because he isn't doing the design, they are.

Mr. Tomecko stated he is just telling what is physically possible, Mr. Mackay has already expressed his interest in moving forward whether the Regional Retention Basin is approved or not and he, you known, he would just like to understand, he is learning something right away in that, hear that this proposal apparently brings that water into the existing Chesapeake Number 4 runoff is that legal Mr. Law Director.

Mr. O'Donnell stated when you are saying runoff are you talking about an existing sewer.

Mr. Tomecko stated yeah, they are going to take the water in this basin and channel it into the Chesapeake Number 4 runoff.

Mr. O'Donnell stated well, you call it a runoff.

Mr. Tomecko stated and his understanding was that they couldn't, you know they couldn't do that, that the only water that could come off of there is the same amount that's currently coming off of there meaning, whatever the current runoff is.

Mr. O'Donnell stated all right, Mr., Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated okay, all right, if your, if your, the term you are using runoff, if that is a storm sewer and if that storm sewer is a dedicated in the right of way that is essentially owned by the City, yes they can do that and yes you are correct, they have to, they have to slow down the water coming off from the, the existing flow of water off that property has to remain the same, it can't be increased. Mr. O'Donnell stated the other question that, that you are talking about is this overflow mechanism, if they can channel that overflow into an existing drainage pattern, like an existing creek or an existing storm sewer then they can do that, but if, if they are going onto somebody else's private property and it's not a natural drainageway they are going to need an easement, they are going to have to obtain the right to do that. Mr. O'Donnell stated so those are issues, they are going to have to design and, and decide and then come back to us with.

Mr. Tomecko stated now there is an easement that was, has been granted to Chesapeake Number 4 obviously to, to take runoff coming off the existing lots that are undeveloped at this point now is that the easement you are talking about are you saying that, they can, they can just simply use that easement to, to drain off this retention basin.

Mr. O'Donnell stated it's possible, he means he hasn't looked at it, but if that easement was granted to the City then for the purpose of drainage, yes they could use that.

Mr. Tomecko stated okay, Thank You.

Chairman Sandora stated Ms. Bobulsky.

Thank You Mr. Chairman, Denise Bobulsky, Council Ward One. Mrs. Bobulsky stated if she could, she was following along from the two letters that were sent to the Commission and a couple questions from the residents haven't been answered, if we could possibly get an answer to, first of all the issue with the water pressure and Cleveland Water, she knows the Zones have contacted her in the past being they are the last house on Chesapeake, would the impact with these additional homes have an effect on the water pressure, if that could be answered.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated she is not aware of any water pressure problem, it's news to her if there is one, if you are at the end of a water line sometimes you have problems because if it's not looped a and she doesn't know if that's the case there a.

Mrs. Bobulsky stated they are the last home.

Mayor Luks stated okay, Mr. Mackay do you know something, she doesn't know.

Chairman Sandora stated ask Mr. Mackay, can you answer that Mr. Mackay.

Mr. Mackay stated Thank You Mr. Chairman and Mayor, we, we have been in discussions with the Cleveland Water Department, they have tested the lines for pressure and flow and there is adequate pressure and flow.

Chairman Sandora stated for, for the four homes that you are proposing.

Mr. Mackay stated for the four homes, right.

Mr. Mackay stated they don't want any further extension then, that's on the plans but for these four homes there is adequate pressure and flows so we have addressed that and we looked into that with them.

Chairman Sandora stated and you have a letter from them stating that, or any sort of.

Mr. Mackay stated something we have, yeah, we can get you that, it's on the plans too that they are going to, they are actually going to approve the plans Mr. Chairman so and we have gotten them preliminary plan.

Mr. O'Donnell stated Mr. Chairman.

Mr. O'Donnell stated Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated Mr. Chairman is that water line looped or is it dead-end.

Mr. Mackay stated it dead ends there.

Mr. O'Donnell stated and when you extend it, how will you extend it, will it be looped somehow back, so it will dead-end.

Mr. Mackay stated no it will not be looped, it will not be looped, if somebody else wants to go further, then it has to be looped.

Mr. O'Donnell stated will there be a water quality issue down there at the end.

Mr. Mackay stated they didn't seem to feel that there was a problem with that.

Mr. O'Donnell stated all right, well we have had water quality issues with dead end water lines, Ridgedale, recently we finally got it looped but the that had to be flushed every 60 days because of water quality, what's Cleveland Water say about that.

Mr. Mackay stated they, they didn't raise that as an issue.

Mr. O'Donnell stated all right but, have you guys run into that before.

Mr. Mackay stated on older water mains yes, not, not something this new.

Mr. O'Donnell stated all right so maybe 10 or 15 years will be fine but 20 or 25, 30.

Mr. Mackay stated no, no, these, these water mains are cement lined so they don't have the the usual problems with a the, the older mains that were put in, in, the 50's were not lined, so you did have water quality issues with those.

Chairman Sandra stated Mr. Mackay have you specifically asked them that question though.

Mr. Mackay sated yes we have.

Chairman Sandora stated okay.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated along that same line on a, he asked the Director of Public Utilities last night, he was at our Safety Meeting and on Crossbow over in Ward Three there has been an issue back and forth through the last year and half and they finally did flush it, it was at the end of the line, they didn't loop it through over to Devonshire and so there, there were a problem with the water quality and fines if you would or, or oily type of thing as a, the a, the stuff inside the water line got in the last house so, they, they did take, the City of Cleveland took care of that and a, but that did require a couple additional flushings, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mrs. Bobulsky.

Mrs. Bobulsky stated she just has one more thing, this is from the Zone's letter pertaining to the Master Plan DD, would a Homeowner, with continued development when they are looking at, out their backdoor would that remain unchanged, would it be the City's intent with this Regional Basin behind the Zone's property to keep as much of the natural vegetation in tact that they possibly can so as to give them somewhat of a buffer on a need to keep their scenic view.

Mr. O'Donnell stated are you asking for trees in the regional, retention basin.

Mrs. Bobulsky stated all she is asking for is to keep the trees that are here, she believes there are some, as many as we can.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Chairman Sandora stated there is, go ahead Mr. Merdes.

Mr. Merdes stated certainly the ones that could be left undisturbed would, can remain and that only the ones that would be necessary to, to build the control needed to hold the water would have to be removed and we can, you know we, there will be a construction limit and it certainly in, you know because it, it, it's certainly in our interest too to save as many of those trees as possible to reduce the cost of the basin so any on, any that, any and all that, that are not in what's needed for the, for the basin would, would be able to remain.

Mrs. Bobulsky stated Thank You.

Chairman Sandora stated Thank You.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he, he doesn't think the Master Plan guarantees a that a, someone's view from their, from their backyard will not change based on you know new developments and things like that, he checked that today because he had a copy of that letter and he really doesn't see that in the Master Plan while the goal is not to, not to do that and to preserve as much as natural habitat as possible, it's not guarantee by the Master Plan.

Chairman Sandora stated Thank You Mr. Willey.

Don Willey stated Thank You.

Chairman Sandora stated anybody else in the audience have anything.

Chairman Sandora stated all right one more time for a short period.

Thank You Mr. Chairman, my name is John Graven, he is at 9213 Roanoke Court, as, previously before he wanted to add two comments to our Councilwoman, than the actual view that will be at John Zone's backyard will now be a 82' long 20' tall structure, spillway, designed specifically to handle the, the gallons of water for the 26' tall hill that will be created behind there, so essentially there is no way Sir, Madam's for them to preserve the trees, they have identified the calipers of the trees and the removal of the trees, they have also identified that they will put in grade C rock of ODOT rock which is not a caged rock, it is a simple rock that they excavate, it's 5 to 7" caliper and it will be dumped in that area, just a clarification that the, the a essential view in Master Plan DD as is quoted from the book that Mr. Zone took out, was from the Master Plan directly off the website for the City, specifically states so he disagrees that 82' of rock, 5 to 7" caliber 20' high at a degree of 30 degrees or more it would look exactly the same as what you see along the Turnpike, that's his comment, Thank You.

Chairman Sandora stated Thank You.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated Mr. Graven, when she first took office as Mayor, one of the things that, that was the top of her priority list was to have a updated useful Master Plan because prior to our Master Plan Task Force being formed and, and years of work by many, many volunteers, we really had outdated obsolete Master Plan that nobody used, the purpose of the Master Plan is so that City has kind of a, a road map to get to an end result, that is an end result that the majority of the residents in this community want to see so that we kind of grow up to be what we want to be and she felt that, that was critically important and it and she a consider that to be a tool that should that should always be used by the City and should always be kept updated. Mayor Luks stated in this particular case were, were looking at the big picture of hundred of people suffering from stormwater problems and while it can't necessary be a, beautiful, the solution, we will do the best we can to make it look as nice as we can and while people don't necessarily want this in their backyard, the water goes where the water goes and we have to collect it where we can collect it and this is the place and so it's not that she is, you know, unless you own the property it could be developed and the trees could be chopped down and, and if the water needs to be collected so that it doesn't flood people downstream it has to be collected upstream, she means, the big picture is this is the solution and we just need to make sure that we do it right and that we do it the best we can so that it has the, the, minimum impacts on the surrounding residents and we will try to do that.

Mr. Graven stated he agrees and he thinks why we propose.

Mayor Luks stated okay.

Mr. Graven stated let's get everybody involved, Cuyahoga Soil and Water.

Mayor Luks stated we, we, we Mr. Graven.

Chairman Sandora stated Sir, Sir.

Mayor Luks stated Mr. Graven we always do, we have dealt with Cuyahoga Soil and Water, we will need to get Army Corps permission to do what we are doing and everyone, everyone will have an opportunity.

Mayor Luks stated Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mayor.

Chairman Sandora stated anybody else in the audience have anything.

Chairman Sandora stated anything else.

Mayor Luks stated Mr., Mr. Chairman, unless someone else has something, go ahead.

Mr. Mackay stated no he doesn't, he just wondered if you had anything else for us.

Mayor Luks stated because there are.

Chairman Sandora stated well he.

Mr. Mackay stated because we are asking for the preliminary approval and he would like to add one last thing Mayor, he is sorry, excuse me.

Mayor Luks stated it's all right, go right ahead.

Mr. Mackay stated and a we worked very closely with a the Mayor and the Administration and they have been very helpful and we do appreciate that and we think this is an important project for the City and that's why we were very cooperative in working with the City and we have been very patient as you know we were here first of all November 5th, or November of 2005 so we are getting to a point where your conflicting with the period of our options and if we can have that preliminary approval so we can move on with this important project with the City you know that's what we are asking for and, and again we worked with you and we are asking for your cooperation as well.

Chairman Sandora stated and we appreciate that and we certainly appreciate that.

Mr. O'Donnell stated Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated he, he, Mike, he, Mr. Mackay he has two questions, one, the discussions today about the smaller retention basin.

Mr. Mackay stated right.

Mr. O'Donnell stated is there a plan for this spillway.

Mr. Mackay stated we have looked at that detention basin and we feel that it is sized to handle the largest storm possible a.

Mr. O'Donnell stated all right but Mr. Merdes seems to think that if he is right that it has to have a spillway, is there a plan for that.

Mr. Mackay stated we, we, can do that, he, you know, he.

Mr. O'Donnell stated is there a place to drain the water.

Mr. Mackay stated yes, there, there is.

Mr. O'Donnell stated outside of not having and.

Mr. Mackay stated it's where, it's.

Audience talking.

Mr. O'Donnell stated yeah, he wants to caution the audience please, you are required to be quiet, don't be making comments, can you do that without having to obtain other easements.

Mr. Mackay stated yes, we feel we can.

Mr. O'Donnell stated all right but you don't know that affectively yet today.

Mr. O'Donnell stated why don't we just leave that hang.

Mr. Mackay stated it's going to drain the way it always has drained, only it will be retained to a greater extent than it's ever been retained before, it's going to be a big enough basin, bigger than it has to be.

Mr. O'Donnell stated right, now, you have said.

Mr. Mackay stated so he is confident we can make it work.

Mr. O'Donnell stated right, you have submitted a proposal that has two options, the regional basin, the large one and the small one.

Mr. Mackay stated yes.

Mr. O'Donnell stated and what are you proposing to this Board in terms of who decides which one gets built.

Mr. Mackay stated the, the smaller basin is, is only a fall back position.

Mr. O'Donnell stated okay.

Mr. Mackay stated that is, that is a conditional approval, conditioned on the fact that if the larger basin for some reason does not get approved in a reasonable period of time, because we are in the midst of these discussions with the Army Corps, we have been with them through the City for a number, for a long time, we were 90% sure that they are going to, they are going to approve this project because it is within their Nationwide Permit, it is a very small insignificant disturbance but.

Mr. O'Donnell stated your talking about the regional, the larger basin.

Mr. Mackay stated the regional basin, our, our basin itself, the small basin has no disturbance it, no wetland impact at all.

Mr. O'Donnell stated just so the audience is clear.

Mr. Mackay stated none.

Mr. O'Donnell stated you do not need approval from the Army Corps of Engineers for this smaller basin.

Mr. Mackay stated that's correct.

Mr. O'Donnell stated because it does not involve disturbance all right.

Mr. Mackay stated so we are just waiting for that and, and in that event, if there was some problem with that approval of the regional basin then we would want the alternative that has been approved already so that we don't have to come back, go through all this again and you know spend additional great amount of time that we have already expended and, in waiting for all this.

Mr. O'Donnell stated all right, now, you understand the danger to the Planning Commission and the City is if the Planning Commission approves it conditional the way it is, you without any other written agreement could decide tomorrow or next week as soon as all the paper work is signed that you want to move forward on the smaller one and the dilemma is we have no control, the City has no control over the Army Corps of Engineer, it's budget and how long they are going to take to review this project and, and the discussions that we have had about this is they take their time, so he guess what's important to himself and he can't speak for the Board is, how long are you willing to wait.

Mr. Mackay stated he, he would say we could wait, where we would wait and then we would have that, that, that, are, our approval would kick in.

Mr. O'Donnell stated well.

Mayor Luks stated that's the question.

Mr. Mackay stated that the, does he have, would he have to come back here and go through another Preliminary Plan Approval he means that's, you know as long as he doesn't have to do that we can go pretty much right up to the end of our options, you know, or close to them.

Chairman Sandora stated when are your options, do you know the dates on them.

Mr. Mackay stated yeah, September.

Chairman Sandora stated September of this year.

Mr. Mackay stated right by, beginning of September he thinks somewhere around there.

Mr. Mackay stated he is certainly hoping that we are not that far but he can't come then and do all this and you know how, how it is, so that's what we are looking at.

Chairman Sandora stated understandable.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated Mr. Mackay is it feasible and without looking at a drawings that you might proceed and, and do the building, put in this small retention as a fail safe issue and then a should the regional and when the regional retention is approved then, then divert the water over to the larger retention basin, would that be feasible for you do to that.

Mr. Mackay stated Councilman at this point he doesn't think it would be because that would be a very expensive option he, we would rather wait and see, yeah, but, you would have to switch storm sewers, you would have to re- you know it would be a lot of work, it would be very costly to do that.

Don Willey stated okay.

Don Willey stated Thank You.

Mr. Mackay stated Thank You.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated there are still some unresolved issues here that we are going to, need to resolve obviously before we can grant approval.

Mr. Mackay stated okay.

Mayor Luks stated and so unless anyone has anything further to add, she would like to move to table.

Ms. Fashempour stated is that move to table, the Lot Splits and Consolidations, the Recreation Allocation and the Preliminary Plan and Regional Stormwater Retention Basin approval, Mayor.

Mayor Luks stated it is Brenda.

Ms. Fashempour stated for Chesapeake Subdivision No. 5.

Mayor Luks stated that's correct.

Chairman Sandora stated is there a second to table this.

Victor Bull stated he will second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour call the roll.

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

Chairman Sandora stated do you think that you could have by a, do you think you could have some of the comments that were issues tonight addressed by the next meeting.

Mr. Mackay stated which is in two weeks or a month.

Ms. Fashempour stated June 6th.

Chairman Sandora stated June 6th.

Mr. Mackay stated yes, we will try to get as many as we can address.

Chairman Sandora stated okay the Army Corps maybe questioned.

Mr. Mackay stated well that, that.

Chairman Sandora stated well but maybe something from them.

Mr. Mackay stated that one is tough.

Chairman Sandora stated a.

Mr. Mackay sated we are scheduled for a, for a field visit with them so, that's up to them.

Chairman Sandora stated okay, a letter from like Cleveland Water saying that would be all right.

Mr. Mackay stated okay.

Chairman Sandora stated the, the easements where, if, if, it has to go forward on the smaller retention basin.

Mr. Mackay stated okay.

Chairman Sandora stated a how you would.

Mr. Merdes stated drainageway.

Chairman Sandora stated drain that, drain that.

Mr. Mackay stated okay.

Chairman Sandora stated for a drainage plan.

Mr. Mackay stated okay.

Mr. Merdes stated the side yard setbacks on the plat.

Chairman Sandora stated oh yeah, and all your side yard setbacks on the plat.

Mr. Mackay stated okay.

Chairman Sandora stated okay.

Mr. Mackay stated yes.

Chairman Sandora stated Thank You, we appreciate that.

Mr. Mackay stated we will make a very good effort to get that into you and come back and if we can't we will, will let you know.

Chairman Sandora stated Thank You, we appreciate that.

Mr. Mackay stated all right, Thanks again.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated Mr. Chairman, if she could just add, the agreement between the City and you went to Council last evening and was approved so we need to get together and finalize that as well.

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

Mayor Luks stated okay.

Mr. Mackay stated okay, Good Night.

Chairman Sandora stated Thank You.

Chairman Sandora stated yes we are going to call a 5 minutes recess.

Ms. Fashempour stated can she have a motion please.

Mayor Luks stated move to recess for 5 minutes.

Chairman Sandora stated second.

Chairman Sandora stated it's been moved and second, Ms. Fashempour call the roll for the five minute recess.

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

Chairman Sandora stated we are recessed for five minutes - 9:20 P.M.

Chairman Sandora stated okay, we are going to go back on the record please - Recess over 9:30 P.M.

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Luks, Don Willey, Victor Bull, Anne Reinkober, Chairman Sandora.

North Royalton Board of Education, Zillich Interiors, Part, PPN 488-11-005, Part PPN 488-11-004, and Part PPN 488-14-017, south of Wallings Road and north of Royalwood Road, R1-A Zoning. Lots splits and Consolidations.

Chairman Sandora stated name, home address and present to us what you have.

My name is Greg Zillich, 7619 Pleasant Run, Seven Hills, Ohio, he is here tonight to ask for a lot split and consolidation and a sketch plan revision.

Chairman Sandora stated Mr. Merdes do you have anything.

Greg Gurka, North Royalton City Schools, 9961 River Oaks Drive.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated we are the fourth item.

Chairman Sandora stated fourth item.

Ms. Fashempour stated Lot Splits and Consolidations.

Mr. Merdes stated he has reviewed this, had two comments, he received revised information which addressed both, he has seen legal descriptions

corresponding to the, to the plat for the new parcels and a note about this easement added to the, to the, existing easement added to the drawing.

Chairman Sandora stated okay and are you satisfied with what you have received.

Mr. Merdes stated yes.

Chairman Sandora stated okay.

Chairman Sandora stated Mr. Alvarez, do you have anything on.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell, do you have anything.

Mr. O'Donnell stated no, not at this time.

Chairman Sandora stated anybody on the Board have anything on the Lot Splits and Consolidations.

Chairman Sandora stated anybody in the audience on the Lot Splits and Consolidations.

Resident asked if this is all about the revised Sketch Plan at this time or no or is that to follow.

Chairman Sandora stated that will follow.

Discussion by Board if Revised Sketch for Huntington Park shouldn't be discussed now also.

Ms. Fashempour stated we can just discuss it, she will read it and we will discuss it.

Chairman Sandora stated let's a, will go.

Ms. Fashempour stated and let, let them make their presentation then on this 14 lots

Chairman Sandora stated okay.

Ms. Fashempour stated we are going to add to that Number 5.

Huntington Park Subdivision Phase 4, Greg Zillich, Zillich Homes, Inc., Zillich Interiors, north of Royalwood Road, south of Wallings Road, extension of Huntington Park Phase 1, PPN 488-11-005, 488-11-004, 488-14-017, Parts, R1-A Zoning. **Revised Sketch Plan Approval for 14 lots.**

Ms. Fashempour stated if you can just tell us about your revised, revised plan.

Mr. Zillich stated the revised plan was amended to include more recreation area other than that it hasn't changed from the last time he was here, we had to add more detention so we needed more recreation area when we swapped the land, some came off the front part.

Chairman Sandora stated how much more did you add to it approximately.

Mr. Zillich stated the acreage is the same, it is just the, he would have to show you, he can come up and show you on paper, it would be easier than explaining it to you.

Discussion held by the Board about Recreation Allocation being heard at Preliminary Plan not at Sketch Plan.

Chairman Sandora stated did you want to see it Mr. Merdes, anybody.

Mr. Merdes stated yeah, Thank You Mr. Chairman, in regards to the Recreation Allocation, this sketch, because Phase 1 and Phase 2's Recreation Allocation was, was on essentially what's called Block H which now stands to be transferred to the school.

Mr. Zillich stated yes.

Mr. Merdes stated so the Recreation Allocation is now sort of relocated to to the location shown on here, when in, for Phase 4 Recreation Allocation there is a Public Hearing required and it's done at the Preliminary Plan stage, so the next step, a you do have a table that you show, you show on the Sketch Plan, he, he doesn't know if that should be on, on the Sketch Plan.

Mr. Zillich stated it was on the last one that you approved before this one also, the only thing the happens is we made the detention bigger.

Mr. Merdes stated well the Recreation Allocation wasn't.

Mr. Zillich stated yes.

Mr. Merdes stated it's approved after a Public Hearing.

Mr. Zillich stated he doesn't know but it was noted.

Mr. Merdes stated and at a Preliminary and at Preliminary for, for Phase 4.

Mr. Zillich stated if you have the the Sketch Plan that was approved for this drawing the last time he was in here in June, it was, the same way other than detention was not adequate.

Mr. Merdes stated was it, was it discussed.

Mr. Zillich stated well he doesn't think it was, he was looking here, no he doesn't think it was, there was a lot of stuff discussed.

Mr. Merdes stated was there a Public Hearing at that meeting.

Mr. Zillich stated it was on it but there was a lot of stuff that happen here that night and no one got into that.

Mr. Merdes stated he means, he looks at it and sees it as a proposal shown at this part of Phase 4 Sketch Plan, and at the same time there is a change in, in where the allocation was from from Phase 1 and Phase 2, he means it also shows that that's held in, in size he believes.

Mr. Zillich stated that's pretty much was the whole purpose for the Sketch Plan the last time he was here, for permission to do the swap of the Allocation of the Recreation.

Chairman Sandora stated maybe I should let the residents be heard.

Mr. Merdes stated well, yeah he guessed.

Mayor Luks stated Mr. Chairman.

Mr. Merdes stated see what.

Chairman Sandora stated he was going to have the residents come up, did you want to say something now.

Mayor Luks stated no, go ahead, let them come up first.

Chairman Sandora stated okay he is going to open up the floor to the residents, this gentleman had something he wanted to ask.

Resident stated ah sure.

Chairman Sandora stated state your name, home address and.

Ed Valentine, 11361 Villa Grande Drive. Mr. Valentine stated his property is adjacent to the planned Huntington Park 4, had been up here a year ago talking about when the, when the school was selling the property. Mr. Valentine stated he just wanted to come up at a public time and say that he appreciated what the administration did to try to gain, gain funds to a purchase the property behind and save, and save the trees and save the property, he understands with the inaudible funds it didn't come through, he understands that Mr. Zillich has purchased the property and, and he accepts all that but he, been speaking to Mr. Zillich's father John, asking about, is it possible to save some of the trees out there, is it possible to create that buffer that you have talked about before, behind, between the residents and the property. Mr. Valentine stated and the response he, he gets from Mr. Zillich is that his hands are tied because the City requires a swale or a backyard, backyard drainage, and if you have to have backyard drainage in this area the swale will create and will cut down on the trees and that's why it ends up being cleared cut most of the time so he is just trying, he doesn't know if there is a way to talk about it between the City and Mr. Zillich instead of trying to clear cut this property that the City spent a lot of money to try to save with the Department of Development, it could be a win win situation if there is another way to do the backyard drainage, the backyard swale development without losing all the trees in the area.

Mr. Valentine stated so, he, he, he knows that while he has talked to Mr. Zillich and he has said that you need to talk to the City so if the City and Mr. Zillich can get together and work out some kind of proposal to reevaluate the backyard drainage this could be a win win for the neighborhood and the new development, he thinks the topography lends itself to changing the swale back there and he would like to see if the City and, and Mr. Zillich's firm could, could work something out to do that, appreciate the time.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Sir, he will try to, he will try to explain and answer your question and it's probably going to be a bit confusing because, there is not a City requirement for certainly not for clear cutting when someone's developing, and there, there, there is pieces and parts that look to control the drainage but even that doesn't require clear cutting of the trees, the thing that today is the leading to a lot of trees getting cut down is a EPA Water Quality Requirement that is in place that essentially wants to see the water cleaned up and in doing so they more or less don't want to see any water, they want to see the water collected and somehow cleaned before it's released and, and even so far as they want, if you are going to build a home and you are going to put in a lawn and your, your front yard probably drains towards the street, that, that drains towards the street, there are collection systems in the street, catch basins, that's pretty normal, in the rear yard you have some grass there, you are putting in a lawn, they will look and say well, you could put in pesticides or fertilizers that if you put them on wrong have the ability to run off, so they have these requirements that, that lead to a lot of that water being collected, being taken to for the most part the, these water, what are these retention basins are turning into not only retention basins but water quality basins that, that have some water quality features in them that meet the minimum requirements to treat this water before it's releases, ultimately it is going to be released back into a creek or storm sewer somewhere so it's not.

Mr. Valentine stated he understands, well.

Mr. Merdes stated you know your not going to search the Codes and find that when you are building a subdivision or you are building a commercial piece of land that, that you are required to cut down all the trees a, and, and the confusing part is, is that it is, the most stringent factor leading to a lot of trees being removed is the, is a water quality which you, you know, you almost, trees are somewhat of, of an environmental aspect, water quality is environmental aspect and somehow they are in conflict in trying to meet the minimum requirements of water quality a lot of trees are getting cut down and.

Mr. Valentine stated all he is asking is if there is a way to look at and leave parts of the trees which are the natural habitat and there is a large, large area, there are large areas between these homes, he means, you sell wooded lot all the time, there are ways to do this, his background, he is an Architectural Engineer and work with the EPA and stormwater prevention all the time and if, if you want to look for it and you want to find ways to do it, and you want to find ways to save the trees you can do it, and it's, and if these, needs it to be worked, just needs to be worked out so he would encourage you know it takes a little bit of out of the box thinking sometimes but it can be done so he just would appreciate if the City would get together with the builder at sometime and look at an opportunity.

Mr. Merdes stated sure.

Mr. Valentine stated Thank You.

Mr. Merdes stated he means as far as the City standpoint, we are more than willing to you know what we are required to do is when the minimum standards are met approve something, we would love to see people go above and, beyond the minimum standards or to like you said seek different ways of of meeting those minimum standards rather than this, this way the things are being done and, and.

Resident inaudible.

Mr. Merdes stated there's, and you know there are a couple of developers still in the room that probably you know could speak to the same issues that, that they are also sort of, you know, they are caught and they have to follow the rules and that when it comes to a lot of these they are relying on there, their Engineers, their design professionals and their design professionals are, are coming probably from the standpoint of, of not really as these regulations are new certainly if they are older they haven't been educated in, in like in, until they have gone through the process a couple of times or, or a it is more or less been a learning experience as these new water quality aspects have come in and they, they have more, he thinks we are in the fifth year of them coming about so he thinks as time goes on hopefully it will move in that direction, that there will be more ways to, to meet these standards, better ways maybe than what we are then what's being done now.

Mr. Valentine stated wouldn't it be great if we could take a stand now, since the City spent so much time trying to save the trees instead of unfortunately going in and clear, clear cutting, he understands he can do anything he wants with the property, but this is an opportunity to at least say we did the best that we could.

Mr. Merdes stated uh um, no, Thank You for coming and saying that.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else in the audience have anything they would like to say.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated he had some of, he had two other comments that he needs the Applicants a to response to, this property as in the past the development is subject to the wetlands study and the Army Corps of Engineers verification of the wetlands which would establish any wetland setbacks.

Mr. Zillich stated that's his wetlands report saying there is no wetlands on the property.

Mr. Merdes stated okay.

Mr. Zillich stated from the Corps of Engineers.

Mr. Merdes stated okay.

Mr. Merdes stated and then we more or less get into this, no storm sewers in the rear yards are shown now on this sketch plan, it may come in, in, it may come in that the next preliminary step that when that, that work is done to present that plan, it may turn out that, there will be places where rear yard basins are needed.

Mr. Zillich stated well to address both his question and that question here, he proposed the last time before we took the 20' of trees down to, there is a storm, existing storm sewer in Villa Grande, to rebuild that but he would have needed easements from all the neighbors, at that point in time not to many wanted to talk to him so there is a possibility of leaving the buffer of trees when the storm sewer divides the two properties and put it on the properties that are already cleared with a storm sewer easement to pick up all that water that is there now, to enlarge that instead of duplicating it, does that make sense what he just said.

Mr. Merdes stated yeah, do you have any reason to believe that the residents have changed their minds or changed there.

Mr. Zillich stated well they were willing to spend money, they were willing to spend money before to buy the property and he is offering them the chance to save some of it, he has to put the storm sewer in regardless at his expense, he would just be asking for an easement and take care of the problem.

Mr. Merdes stated right, when you first asked they were sort of unreceptive to that.

Mr. Zillich stated but being that there is.

Mr. Zillich stated yeah.

Mr. Merdes stated yeah.

Mr. Zillich stated yeah.

Mr. Merdes stated okay.

Mr. Zillich stated but he is willing, he is saying, if you have a proposal, he will look at it, he was willing to look at it before but not too many people wanted to talk to him before so his only option was to clear more trees to put that 20' right of way between the two properties to put the storm sewer in and there is already an existing one there that could have been you know re-built, he would replace the lawns, the, the you know, leave it the same way it looks, he offered it but you know he had to talk to 16 different people that didn't really want to talk to him.

Mr. Merdes stated uh um.

Chairman Sandora stated and to the Applicant, Mr. Zillich, what's you, you say you want, you were thinking of rebuilding it and replacing it what size.

Mr. Zillich stated well enlarge it to accommodate the water problems that are back there.

Chairman Sandora stated enlarge it to.

Mr. Zillich stated he would have to take care of it all, right now what he has to do is he has to contain the water that's coming from the new part before it reaches their, their property, that's doesn't, that

doesn't rectify the problem that they have, there yards from landscaping and different things that are there and, and he would just need a 20' easement to run through, replace the sewers instead of having duplicate systems, now there is 40' easement down there, 20 and 20, there are two sets of storm sewers running down that, that really serve the you know same purpose, one would have done the same thing and he didn't have to take the 20' of trees down, it's in the rear yards, if he.

Chairman Sandora stated all their trees are gone on their 20' side.

Mr. Zillich stated yeah.

Chairman Sandora stated pretty much.

Mr. Zillich stated well in the back yards, yeah, there are some sheds in the way but they were.

Chairman Sandora stated all their back yard, they were clear cut at one time.

Mr. Zillich stated whatever you would need to do, to, to move the sheds or replace the lawns.

Chairman Sandora stated but you are still willing to, are you still willing to go and talk to those people and see if they could come along on board.

Mr. Zillich stated sure, sure, absolutely, absolutely.

Mr. Zillich stated it is the same expense to him if he clears the trees and, and builds it on one side or, or he goes on the other side and replace the grass if they are willing to do that, he has no problem doing that, that's a 20' more stand of trees that would stay. Mr. Zillich stated we are probably going to raise the homes in that end to a, there might be some walk outs so the grades will change to save more trees on the end and he would look at anything, if you, you know if you have suggestions, he will look at it.

Chairman Sandora stated okay.

Mr. Zillich stated he would just ask that if we would do that, that the Homeowners take responsibility to give him the easements, he doesn't want to be held up fighting you know with someone.

Mr. Valentine stated you will just have to explain it, he is only speaking, he is not even speaking for the eight homeowners that are affected but he could certainly inaudible.

Mr. Zillich stated we were asking for, last time he asked and, and he was meet by the Police so.

Laughs.

Mr. Zillich stated that's, that's how the response was.

Mr. Zillich stated he made the suggestion last time, so it kind of ended.

Mr. Valentine inaudible.

Don Willey stated that target on your back.

Chairman Sandora stated anything else Clark.

Mr. Merdes stated no.

Chairman Sandora stated nothing, anybody have anything on the Board, anything.

Chairman Sandora stated anybody else in the audience have anything.

Chairman Sandora stated did you want to hear from the School Board or.

Chairman Sandora stated do you want to just.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated oh, Mayor.

Mayor Luks stated Mr. Zillich, the, the, the unresolved issue here is the table that you have on the site plan that, that a tally's the acreage of recreation provided is premature in that and we can go ahead with your site plan if we remove that and, and on the condition that we remove that table but until this goes to the formal a Public Hearing which is required by our Codes for the Recreation Allocation that can't be included yet, it hasn't formally been heard and approved.

Mr. Zillich stated for Phase 4.

Mayor Luks stated and that happens at Preliminary.

Mr. Zillich stated for Phase 4.

Mayor Luks stated right.

Mr. Zillich stated well take that out of there then if you need, if that's a problem.

Mayor Luks stated that, that's what she is asking, that's, that's what she is saying.

Mr. Zillich stated that's fine.

Mayor Luks stated okay.

Mr. Zillich stated that's fine.

Mr. Zillich stated it was in concept of.

Mayor Luks stated she understands.

Mr. Zillich stated he, he can't do it all at the same time, he can't give them what they need, the land without removing the, the permission to remove the recreation from 1 and 2 to that location.

Mr. Merdes stated right, one and two move from here.

Mayor Luks stated right, right.

Mr. Zillich stated so if you want to take that out and amend that, just cross it off and he will come back to another meeting for a another.

Mayor Luks stated when you come back for Preliminary.

Mr. Zillich stated that's fine.

Mayor Luks stated right.

Chairman Sandora stated that's agreeable.

Mr. Zillich stated yes sure.

Mr. Merdes stated right.

Mayor Luks stated okay.

Chairman Sandora stated okay, then, move forward.

Mayor Luks stated Mr. Chairman, she moves to approve the lot split and consolidation.

Chairman Sandora stated he will second that.

Chairman Sandora stated it's been moved and seconded, any discussion.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Ms. Fashempour stated she needs a motion for the revised Sketch Plan Approval for the 14 lots, removing the recreation table on the plans for 4.

So moved Don Willey.

Second Chairman Sandora.

Chairman Sandora stated it's been moved and second with the removal of the Recreation Allocation table for Phase 4.

Mr. Merdes stated for Phase 4.

Ms. Fashempour stated for Phase 4.

Chairman Sandora stated it's been moved.

Ms. Fashempour stated and seconded.

Don Willey stated so moved.

Chairman Sandora stated second.

Chairman Sandora stated moved and second, Ms. Fashempour call the roll.

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

Mr. Zillich stated Thank You.

Ms. Fashempour stated Thanks.

Chairman Sandora stated Thank You.

Miscellaneous

Ms. Fashempour stated if she could receive a motion from the Board to add.

Chairman Sandora stated a motion to add Woodhill Properties, Indian Trails to the Agenda.

Ms. Fashempour stated Permanent Parcel Number 481-26-001, Abbey Road.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll to add.

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

Chairman Sandora stated the Applicant is here, please step forward, and make your presentation, what you would like to do.

My name is Robert Nottrodt, 26750 Schubert Drive, Westlake, Ohio. Mr. Nottrodt stated he is here tonight to ask for a request to split some property, Mrs. Humphrey's property that we purchased and we have the front portion of it sold and the party that's buying the property would like to close on the 1st of June and obviously we want to sell the property.

Chairman Sandora stated okay, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, the split creates the new lot for the existing home, this lot meets the area, schedule of area of sizes and it's in compliance.

Chairman Sandora stated everything is in compliance.

Mr. Merdes stated correct and then the, the balance of the parcel is, is connected on to what right now is, is one of the large parcels of a Indian Trails subdivision, which is in the future, we have seen, we have seen that before and it has you know old Preliminary Plan Approval and it a more or less, we will be seeing it in, in the future when it's comes back for, for it's final approval, a, but in, yeah in this case the, the balance parcel that, that has the home on it meets all the, all

of our requirements and minimum standards and he has a legal description of the new parcel and the other new parcel and there are two easements shown on the, on the home parcel which he believes are going to be granted to the larger parcel in the back for drainage and, and for, for and a temporary work easement, he believes that is correct.

Mr. Nottrodt stated that is correct.

Mr. Merdes stated Thank You Mr. Chairman, no further comments.

Chairman Sandora stated Thank You Mr. Merdes, Mr. O'Donnell do you have anything.

Mr. O'Donnell stated no.

Chairman Sandora stated anybody on the Board, anybody have anything.

Chairman Sandora stated he will move to approve the lot split and consolidation.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Mr. Nottrodt stated Thank You very much.

Chairman Sandora stated last on the list.

Ms. Fashempour stated she has nothing else under Miscellaneous.

Adjournment

Chairman Sandora stated can he have a motion to adjourn.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated moved and seconded, Ms. Fashempour, please call the roll.

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

Chairman Sandora stated we are adjourned.

Planning Commission Meeting for Wednesday, May 16, 2007 adjourned at 9:58 P.M.

Approved: Tony Sandora, Chairman - Planning Commission

Attest : Brenda Lynn Fashempour, Secretary - Planning Commission

Date : June 6, 2007