

Planning Commission Caucus - 7:00 P.M. - Wednesday, October 1, 2008.

Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Thomas J. Kelly, Law Director, Vice Chairman/Council Representative to Planning Commission Don Willey, Mike McCarthy, Rito Alvarez, Building Commissioner, Council Ward Five Larry Antoskiewicz, Pat Jones, Ed Swim, Pat Rakoci, Ted Yates, Ray Priest, Tim Rash, Residents and Brenda L. Fashempour, Secretary.

Public Hearing -

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Public Hearing -

OSWGI, Ltd., Partnership - Presentation, Public Discussion, BZA tabled.

Motion to refer to regular order of business, second, roll call.

City of North Royalton Recreation Department - Presentation, Public Discussion. Motion to refer to regular order of business, second, roll call. Discussion regarding the Phases 1, 2 and 3. Concerns about retention pond, fence, separation. Looking at Phase 1 and 2 tonight.

Motion to adjourn Public Hearing, second, roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes - September 10, 2008. Motion to approve the minutes of September 10th, 2008, second, roll call.

Old Business

Planning Commission Agenda Reviewed.

Timberlane Estates Phase V - tabled. No action.

Woodcroft Glen, Ext of Woodcroft Trace, Final Plat 2, tabled. No action.

Conditional Use Permit - T Mobile USA, Inc - Applicant to appear before BZA - tabled. No action.

14496 Ridge Road, LLC - tabled. Motion to remove from table, second, roll call. Motion to add lot consolidation, second, roll call.

Applicant to address comments from last meeting. Motion to approve lot consolidation, second, roll call. Motion to approve site plan, second, roll call.

OSWGI, Ltd. Partnership - Applicant has applied to BZA, tabled. No action.

Worthington Phase II, Revised Preliminary Plat Approval, tabled. Motion to remove from table, second, roll call. Applicant to make presentation. Discussion of Board Members and Department Heads. Motion, second, roll call.

New Business

Site Plan Approval

City of North Royalton Recreation Department 14631 York Road, Cuyahoga County Engineer, Applicant to make presentation, discussion. Motion to approve Phase 1 and 2, second, roll call.

Miscellaneous

Adjournment

Discussion about monthly meeting nights for 2009 - one meeting a month because of the lack of submittals or two meetings, two meetings, cancel if no submittals.

Planning Commission Caucus adjourned at 7:10 P.M.

Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission Meeting, this is the Public Hearing portion for October 1st, 2008.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, October 1, 2008 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: Chairman Tony Sandora, Mayor Robert Stefanik, Don Willey, Council Representative-Vice Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Thomas A. Kelly, Law Director 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 -

OSWGI, Ltd. Partnership, PPN 488-06-008, Ridge Road, TCD-4 Zoning. Site Plan Approval for two (2) 180 foot radio towers with associated communications equipment.

Public Hearing Notice posted at the City's Public Posting places and mailed to property owners within 500'.

Ms. Fashempour stated she did have one correspondence that came in from a Thomas and Josephine Terranova, 5570 Goodman Drive, we disapprove of the radio towers because of all the interference we receive on our phones and radio.

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

Chairman Sandora stated Thank You Ms. Fashempour.

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

My name is Ted Yates, he is Local Counsel, Landings Counsel for Good Karma Broadcasting, address 55 Public Square, Cleveland, Ohio.

Mr. Yates stated and he would like to just basically do a brief overview of the project for, for the Commission and also for the Public Hearing, we have also done a presentation at BZA but he is going to go over kind of highlight for the Commission since we haven't really done anything for you guys yet.

Mr. Yates stated and he knows that we are actually set for tabling but he is going to ask that we be tabled, there's, there's two reasons for that, one we are in front of BZA and we need a variance, we are a legal non-conforming use, we are looking to improve the site and add two, two towers, second reason is also we are exploring the potential for recreational uses on a portion of our property and so we would like to have some time to explore that use and also we need to get through the, the variance process with BZA.

Mr. Yates stated he actually sees a lot of familiar faces here from the BZA Meeting, this is also for the, the Commission, everyone has a view of the site plan that we have if you all recognize and the ones that were here for the, the BZA meeting, we are looking to add two additional towers, these are 180' towers, the towers that are there now are 260' towers, we have been working with the FCC for over a year now trying to find the best way to accommodate broadcasting for this second WKNR radio station, the FCC originally came to us and said that you are going to need four towers if you are going to broadcast and he has learned a lot about the radio industry and the FCC basically when you look at broadcasting a station, there is a certain area that they look to limit you to and when broadcasting from this site they told us that we needed, we needed four towers so we worked with them and what we were able to do is what they called duplex, so we can take two towers, existing towers broadcast from this and then we can add two of the small towers, the, the current towers that were there and some of these issues came up at the BZA meeting, the current towers that are there are 50,000 watt towers, what we are proposing are two 4,000 watt towers that do not need to be lit, now the City may have it's own restrictions on that but the FCC does not require us to light these towers, from an RF interference standpoint he has been told that 4,000 watt towers are not going to have really an impact on the surrounding community, he knows there are current issues now but according to what we've, we've learned from the FCC and experts in the field that these should not. Mr. Yates stated at the last meeting that he attended, some other issues came up regarding the ownership of, of Good Karma Broadcasting, Craig Karmazin spoke and apologizes for not being able to be here tonight to, to address you, he has owned the Company for a year and half, before these radio stations which is WKNR ESPN radio which he is not sure if any of you listen too, was owned by a large publicly held company, Craig actually asked him tonight because there was some concerns about people having interferences and problems regarding the towers that he gives out his phone number and email address so if anyone would like that his phone number is 216 583 9901 he is at extension 111 and his email address is ck@espnleveland.com.

Resident stated repeat that again please.

Mr. Yates stated sure, okay phone number for Craig Karmazin is 216 583 9901 that is extension 111 and that's his Cleveland Office, he lives in Cleveland and his email address is ck@espnleveland.com, okay.

Mr. Yates stated and he guessed, the history of the site, he means that the radio towers have been there for about 60 years and there are leases that tie them up for another 60, when the City rezoned this property the owner of the property which we also represent basically was on board with the City in terms of relocating the towers and having the property developed for the town center concept, were, were still willing to do that, the situation now is that he knows that the town center concept and the current group that was going to develop it is no longer in the mix and he guessed that's why we worked hard to look at this use so, you know and the addition of hopefully the public benefit of some recreation purposes of the fields, potential fields on the site you know may help out also but you know he is going to be around so if anyone during the public comment has any questions he, he will try to answer Thank You.

Chairman Sandora stated we will open up the floor now for any public discussion, a this is a regular meeting, it is not just a town hall gathering, if anybody wishes to speak they need to come to the

microphone, state their name, their home address and direct your questions to the board and then we will have the applicant answer those questions, anybody, Mr., Councilman McKee.

Thank You Kurt McKee, 13760 Prince Charles Drive. Mr. McKee stated speaking on behalf of the Ward Four residents, he has received a lot of phone calls and a lot of concerns, especially people over on Goodman, as far as they have had a lot of situations with the towers now as far as reception for their phones and anything they try to do cell phones, their TV and everything else, they seemed very concerned that this would add additional problems to the situation he guessed, he was just made aware tonight that these were 4,000 watt towers he knows it seemed like some of the people were mentioning to him they thought they were going to be, could he ask, or refer again to double check to make sure it was 4,000.

Mr. Yates stated 4,000.

Mr. McKee stated 4,000 okay because he, some people were telling him they thought it was 40,000 but he guessed we heard tonight that they were only 4,000, he is not an expert on that but that seems like a lot less he is not sure if that would mean less but he doesn't know he thinks that is something that would have to be looked into because that is new information for him but he means overwhelmingly he has received about 20 calls on this and not one person is for the towers in Ward Four that called him so on behalf of the Ward Four residents he was hear to speak out you know against the towers you know if there is any possible way to you know adjust the site plan he knows a lot of people on Goodman are concerned and if he is looking at the map correctly it looks like the one tower, a new proposed tower seems a little bit closer to Goodman then the other towers if he is looking correctly on that, clarify.

Chairman Sandora stated go ahead.

Mr. Yates stated so, at this, can everyone hear him, we did, he actually called his client tonight because he thought this may come up, a the question is, is there a way to move this tower away, if we move it away the FCC says we need four towers okay, because the, the engineering of these is so specifically located because different radio stations overlap a, different broadcast areas and we are very restricted, this is only a day time radio station that, that were, were pursuing it's, 7, 7 to 7 WKNR2 an affiliate of our larger radio station but if we end up trying to relocate this it takes away our ability to diplex all the other two towers so we end up he thinks proposing something that is more harmful to the community and having to look at four towers instead of two and you know the, being a 4,000 watt towers your, your probably going to have more affect to those who are from these then you would have this, this distance from, from the residents, does that help.

Mr. McKee stated okay, Thank You, a okay, that's all he had Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else in the audience Sir, a, okay, come on up.

My name is Tom Bonas, he lives at 13146 State Road, is that all you needed, he had a couple of thoughts, number one this, these two new towers will be approximately 200' off his property line so he would be

more affected than anybody but that's just way to close, he means he would be living in the shadow of that thing, it would be very unsightly and it would certainly reduce the property value of his property from a nuisance standpoint as, as we heard from our Council person, there is not a person he knows in, in the Goodman area which again are even farther than his place from the towers that don't have problems with land lines, cell phones, radio, television a, a, even wireless internet connection that you know do weird things that they can't explain from a health risk standpoint he is very concerned he used to live right near the towers near on Pleasant and State Road and noticed, he lived there 8 years and for the 8 years that he lived there he always wondered why he never had the energy level that he used to have before he moved there and then one day he heard a show talking about the questions and concerns about health issues of living around these strong magnetic fields and he said that's enough for him, he doesn't want to live right in the shadow and a when he moved out to North Royalton which he currently lives in a, in a Tudor Circle his energy came back and he has been here 20 years and he feels great and the last thing he wants is additional towers, he would be concerned if there were more towers that are only 4,000 watts, what if 5 years from now it needs to be you know 14 or 24,000, if we set a precedent by adding two new towers now what about five years from now, there is a lot of land there that could accommodate a lot of towers and we happen to be close to the highest point elevation wise in, in Cuyahoga County it would certainly make good business sense to add more towers then, are we back here again so he, he is very, very concerned about those aspects. Mr. Bonas stated if, if the towers did have to be added for some reason which he thinks we are adamantly against he knows you mentioned tech, technological reasons and four towers verses two but a move them south so that they are away from the residential district again he is still steadfast and he thinks our neighborhood is against it but if at all that happens that's, that would have to be the way to do it and again now you run into more towers and more unsightliness. Mr. Bonas stated if, if the towers are added since there would be a decrease in value to all of our homes he would suggest that there would be some financial enumeration to the homeowners based on their proximity to the towers and he has got some ideas that can be since he knows this is just you know, you are not add that stage right now he will leave those in his, in his note pad but finally he would like to share a couple things, he went to the internet very briefly and found scads of information about risks and unknowns about what they call EMF which electromagnetic radiation and just to read you a couple excerpts, didn't bring my glasses, but is says the eyes are particularly vulnerable to RF energy in the microwave range and prolonged exposure to microwaves can lead to cataracts, each frequency in the electromagnetic spectrum is absorbed by living tissue at a different rate called the specific absorption rate or SAR which has units of watts per kilowatt the IEE as many national, excuse me, there are publications which suppose the existence of complex biological effects of weaker non thermal electromagnetic fields including weaker ELF and RF fields and modulated RF and microwave fields, fundamental mechanisms of the interaction between biological material, that would be living people and electromagnetic fields at non thermal levels are not fully understood, the definite existence and possible extent of non-thermal effects is not fully established, the Chairman of the United Kingdom Health Protection agency, Sir William Steward has said that evidence of potentially harmful affects of microwave radiation had become more persuasive over the past five years. His report said that while there was a lack of hard information of damage to health the approach should be

precautionary, some research has implicated exposure in a number of, in a number of adverse health affects these include but are not limited too childhood leukemia, adult leukemia, neurodegenerative disease, miscarriage and clinical depression. Mr. Bonas stated the World Health Organization issued facts sheet number n 263 in October 2001 on low frequency EMF's and cancer, it said they were possibly carcinogens based on the IARC's similar evaluation with respect to childhood leukemia, it also said that there was insufficient data to draw any conclusions on other cancers. Mr. Bonas stated the California Department of Health produced a report in 2002 in their California EMF program set up to review the Health affects of electronic and magnetic fields, they concluded that EMF's were responsible for an increase in childhood leukemia, adult brain cancer, Lou Ghering's disease and miscarriage. Mr. Bonas stated there is another report from the UK, the Stake Holder Advisory Group has been set up by the UK Department of Health to explore the implications and make practical recommendations for the precautionary approach with regard to electronic and magnetic fields as a result of HPA and made recommendation in March 2004, the first interim assessment of this group was released in April 2007 just last year and found that the length between proximity and childhood leukemia was sufficient to involve a precautionary recommendation, great place for ball fields right. Mr. Bonas stated a couple more and he will be done here.

Chairman Sandora stated yeah please move on.

Mr. Bonas stated pardon me.

Chairman Sandora stated let's.

Mr. Bonas stated sources of electronic radiation, in the last six years our research group has made a lot of, this is a totally different source, different article, a lot of break through in understanding how electromagnetic fields affect living systems, melatonin the most sensitive part of your body to EM radiation is your eyes and your pineal gland, the pineal gland controls all the hormone balances in your body one of the most important hormones it controls is melatonin when the pineal gland is stressed, melatonin levels go down and the first thing that occurs is sleep problems, the other thing that melatonin does is to help the body, the body find abnormal cell growth, there have been media reports about the relationship between EMF and cancer, we don't think there is a direct relationship but there may be an indirect relationship because EMF's put stress on the board and produce and reduce the immune system ability to deal normally with abnormal cell growth, example of high frequency fields are microwave ovens, cellular phones, all wireless forms of communications and TV and radio broadcast. Mr. Bonas stated you feel more stressed today then you did ten years ago because EMF's are still inundating us at a rapidly prolifically rate. Mr. Bonas stated when we have a lot of magnetic radiation passing through us with a lot of random sub, sub particles creating an enormous irritation to the limbic brain, the limbic brain perceives that as an omni directional low grade physical threat to our survival that involves an adrenal response. Mr. Bonas stated virtually 99% of people who live in industrialize countries have weak adrenal systems because they are constantly under assault, the closer you live to the source of this assault the greater the assault.

Mr. Bonas stated the human body grounds electromagnetic radiation in the environment because of the electrical conductivity of our body, it is attached to us, all living systems are based on electromagnetic energy,

every cell in your body is generating an electromagnetic field, every plant, rock of the planet itself is made up of energy. Mr. Bonas stated it is true that manmade electromagnetic radiation is not the only source of random photons in the environment but the problem in these frequencies which we have never encountered before are a whole different spectrum of frequencies than the living system uses. Mr. Bonas stated and those are just the first two articles, there were tons of articles basically what he found is that no one really knows the affect and for those people who are already living that close, to increase it he thinks is just, is not good, not good business, you know those, if there are new towers they should be put farther away from our residents and a let him make sure got all his comments here, yeap, that's it, Thank You so much.

Chairman Sandora stated Thank You, anybody else have anything, this Gentleman here.

John Keehn, 5611 Goodman Drive, North Royalton, Ohio. Mr. Keehn stated it is interesting that he brings up some of these points number one, when the radio station was put there, there were no residents there, some stupid person decided to put residents near an electromagnetic field which wasn't real bright, it was probably the City, that was really not a smart move on their part you know but he would think that 55 residents on that street plus the others that are on Ridge and State Road might take precedent over the one or two people that own the radio station. Mr. Keehn stated when he first moved to that State, street in 1978 a, you could call the radio station, discussion help and it was easy to get some help at that time, he believed that the radio station was about 6,000 watts, during the next 30 years he has gotten cancer, his wife has fibromyalgia, you know there are some things that he really is not real happy about, the fibromyalgia in particular, we do have, we are now into a digital universe, that digital universe, the effects on, on people's own radios and tv's and so on changes in a digital universe, instead of having a poorer signal you may have no signal at all because digital tends to be all or nothing which could really screw you up, he thinks we were heading in the right direction when we were aiming at making that a Town Center for the people not for a broadcast station it doesn't necessarily have to have stores in it but you know the environment has changed in this period of time, he has lived here 30 of those 50 years and it's changed a lot, he would like to see it changed, when he got that note, the first note that came he was all excited because he thought maybe we were voting on something that was going to help improve the community right now we have a number of closed facilities on our main street, no sidewalk, a number of problems, this is just another one, he doesn't like living in this area you know and he was told by the Mayor when he was the President of Council that he should move, you know if he wants to buy his house and find him a new one he would be more than happy to move.

Chairman Sandora stated hold it, make your point and don't, inaudible.

Mr. Keehn stated but well the point is, the point here is we do not need additional electromagnetic radiation and then not be able to get any service if there is a problem with it, he thinks it was eloquently stated as to the number of problems it can develop, he thinks you know there are some fine sites available or fine sites that this radio station could go on, both of them could go over on Broadview Road near where the former Catholic home is, over there, at the highest point in

Cuyahoga County good spot you know now he doesn't you know, he remembers the last time he tried calling, you call the FCC and you are just a little one, they don't care, they really don't care about individuals it's, what's happening to the government right now is the way you, you are treated at the FCC if you are an individual, our voices weren't heard which is why the Government right now, why Wall street right now is so screwed up and we are going to allow this to happen and it's just going to be another brick in the road, if there is a problem, oups, sorry, talk to the FCC, the FCC is going to say, well I'm sorry that's not your problem, your just a little person they don't listen to individuals, they don't and we have been living with this problem for a long, long time, he was really thrilled when they were going to plan on moving and changing into something else there, a, it's just, we don't need it you know, this is the City now, it's the City of people, not a City of radio towers it's bad enough we have to have cell phones and all this other stuff, we are just adding more electromagnetic radiation in an area that already has, when we moved there it was 8,000 watts, he didn't get to vote on it moving to 50,000 there was no choice by the residents, oups there it is 50,000, you know so this is, he really feels that we need to consider whether this is the smart thing to do for the community, he would like to see some action on things like sidewalks, and making this the best location in Cuyahoga County not making it the laughing stock and the way it's going we doing this isn't really helping unfortunately, Thank You very much, have a Good Day.

Chairman Sandora stated Thank You, anybody else.

My name is Bill Schmidt, he has been a resident of, 5770 Goodman Avenue, he has been a resident out here about 38 years and he has been in business another 50 years and he loves the community and he is strongly opposed to these radio towers, in the first place why does a community need radio towers, we don't need them, what good do they bring to our community, two radio towers, to additional radio towers. Mr. Schmidt stated we don't need them, they don't do us any good, in fact you got the problem with health problems, you have got loss of property value, they are unsightly, he means what, what does the City gain by these things, he means once you have changed the zone then all you are going to put in there are radio towers, we don't need to be known as the community with more radio towers then anybody in the State of Ohio, he means why can't we, since the zoning was changed, why can't we build something pretty in there like a rec center or park or something that the public could use, we don't need more radio towers, in fact he was thrilled when they were going to take the radio towers out of there and build a town center himself, so that's all he has to say, but let's do something for the good of the people and not for the good of a radio company, that's all he has got to say. Thanks.

Chairman Sandora stated Thank You Mr. Schmidt.

Chairman Sandora stated anybody else, Sir.

My name is Carl Flanik, he lives at 5659 Goodman Drive, he has been here now 29 years. Mr. Flanik stated he is having more and more problems with his telephone, he is getting audio from the radio station, he had the at&t come up, check everything out and they say's well there is nothing we could really do you are just going to have to contend with this audio coming through your regular telephone he even disconnected all his tv's and anything else that he had audio and he is still getting

this problem so it's a continuing thing. Mr. Flanik stated now he has got a radio with an intercom system and he is only getting half the stations through his radio that he should be getting and he even called up the Nutone Radio Company and they told him well yeah, you could upgrade it and he said well how much could it cost him for upgrading, they said well it will cost you \$3,000.00 he say well what about the problem he's got and they told him well we can't guarantee you anything, if you have got that problem now even with a new set you could still have the problem so this, this is what's been going on for the last 29 years now so and that's all he has got to say.

Chairman Sandora stated Thank You Sir.

Chairman Sandora stated anybody else, Sir would you like to comment on any of these or can you comment on any of these.

Mr. Yates stated yes. Mr. Yates stated he guessed the medical issues, he can't comment on, he doesn't know and haven't researched that area, in terms of the town center district we are not opposed to that, and we are not trying to do something to prevent that he means, when this was all proposed and the zoning was changed we were on board with relocating the towers a from his knowledge right now there's, there's no plans for really in the development in the area or we would probably be having those discussions with moving the towers with the City. Mr. Yates stated the a, you know so, in terms of, of what we are proposing is, is not going to block any future development or changing of that area, if the City wants to develop it and given that it's going to be for private development it's, it's a lot more difficult to develop that now then it was 10 years ago but we are going to work with the City as we promised to before and as we were trying to before if that comes up again so you know anything, what were trying is not going to block any progress that, that the residents want to see in that area, it is zoned what it is and and really at this point the, any new development or raising of property is going to be a town center district and we would work with the City to support that cause.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Kelly do you have any comment or.

Mr. Kelly stated no.

Chairman Sandora stated anybody on the Board have any comments.

Chairman Sandora stated this item is, this item is going to be tabled tonight, they do have to go to the Board of Zoning Appeal to get a variance before they can do anything on this, this Board can not act on this until they get a variance, he doesn't know if they will or if they won't so that this time that's where it stands.

Chairman Sandora stated you have long enough to talk Sir.

Mr. Bonas stated one sentence.

Chairman Sandora stated he will give you two minutes, that's it.

Mr. Bonas stated he will take 30 seconds.

Chairman Sandora stated that's fine.

Mr. Bonas stated he feels a little bit like Erin Brockovich because the more he digs the more obvious this gets.

Chairman Sandora stated well you know Sir, there's a lot of stuff on the internet you know and, and he doesn't think anybody in this room.

Mr. Bonas stated but these are, these are.

Chairman Sandora stated that can dispute or agree or dispute anything on there, you know you have the Federal Communications Commission that oversees all these towers all right and we have to take what they tell us all right he means so everybody can go to the internet and everybody can dig up all this stuff he means he is not disputing anything that you are saying but you know there is a lot of stuff out there is it true, is it false he doesn't know and he doesn't know if anybody in this room can say that so, go ahead.

Mr. Bonas stated yeah, he was just going to say that he highlighted things because you know there is a lot of data here but when this Gentleman mentioned fibromyalgia it says that one of the causes or one of the results of melatonin you know imbalance is fibromyalgia and he knows that is very rare disease but it just so happens that out of you know 40 houses within a shadow of those towers somebody has it, something to think about, Thank You he appreciates it.

Chairman Sandora stated Thank You.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated Mr. Bonas and to the others here, you know he, he is not a, a, a, physician, he knows very little so he can not make a decision on potential medical conditions, pro, con or indifferent a, if, if, he was a statistician he would see how many people lived for how many years on Goodman and what the, what the nature of their illnesses were you mentioned about a, a, Brockovich, she did and he saw the movie, read the book so forth, he doesn't know if that's the incident here, and so he doesn't think that he could intelligently make a decision based on criteria, medical criteria so he, and he respects the fact that you, you did do the research and so forth, he doesn't understand half of it, Thank You.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated he has a question to the Applicant, one question, you stated that, he thinks you stated he believes so, is the two towers a they could be equivalent to, the two newer towers could be equivalent to four towers, the two newer towers with the technologies that they have today.

Mr. Yates stated no, the, when we worked, started working with the FCC and first approached them to.

Chairman Sandora stated well, his, his only question is this, there is no possibility of removing two towers to or four towers then these two to replace those.

Mr. Yates stated no, not that he is aware of, there is no, these towers are not going to replace, or at least the towers are not of the technology that they could replace.

Chairman Sandora stated okay that was his only question.

Mr. Yates stated fine.

Chairman Sandora stated and he knows that you are not, you know, you are an Attorney and you are not versed on this.

Mr. Yates stated inaudible.

Chairman Sandora stated okay, well he is sure that you have, we all are, okay a.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated just a real quick, Monday evening at 7 o'clock it's the residents in Ward Three and Ward Four, it's our bi-yearly meeting and at that meeting we will have a representative from our Economic Development Department at the meeting to talk about the Town Center, he doesn't want to get into it this evening but he has heard the Town Center brought up quite a bit tonight and he invites you up to that meeting and you can hear about what transpired before he became Mayor and what has transpired since then and he thinks you would be well versed to come up and listen to that and if you can't make the meeting feel free to call him at City Hall, 237-4300 any time of the day, he returns his messages the same day, you can come up and visit with him and we will sit down and talk about the town center.

Someone asked when the meeting was.

Mayor Stefanik stated Monday evening 7 P.M. Council Chambers and also he did see on the internet that Elvis is still alive.

Laughs.

Mayor Stefanik stated you never know.

Someone stated what.

Mayor Stefanik stated Elvis is still alive.

Chairman Sandora stated Thank You Mayor.

Mayor Stefanik stated he read, he read that on the internet also so he is just a little leery of everything we pull off the internet now a days and a.

Chairman Sandora stated so is he.

Mayor Stefanik stated there are always two sides to every story when it comes to some of this information, we need to look at both, we need to look at both sides of the story and not just present one he thinks to be fair. Thank You.

Someone stated he thinks the ERF problem now was there none the less.

Mayor Stefanik stated Thank You, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mayor.

Chairman Sandora stated he will make a motion to move this to the Regular Order of Business.

So moved Mr. Willey.

Second Mr. Bull.

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

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

Chairman Sandora stated it's been moved.

City of North Royalton Recreation Department 14631 York Road, Cuyahoga County Engineer 14875 York Road, PPN 483-26-006 Part, Public Facility Zoning. Site Plan Approval for York Fields Expansion.

Chairman Sandora stated Thank You, the Applicant is here representing the City, please step forward, your name, address and what you would like to do there.

Yes, I am Ray Priest, 9251 West Sprague Road. Mr. Priest stated face this way or.

Chairman Sandora stated go ahead.

Mr. Priest stated basically this is a, a, athletic complex that is behind the, it's the back portion of the County Engineer Construction Yard and a on your Sheet SD2 it's more of a master plan, it involves a two baseball softball fields, lighting, associated lighting on your SD3 there is a grading plan that that shows the orientation of the field and the grading, what we are asking for tonight is basically the, one of the baseball fields and the lighting for the, for the field, the a, the second field and some of the other amenities we will come back to a, a Planning Commission when those are ready to be done.

Chairman Sandora stated okay, Thank You Mr. Priest at this time, anybody in the audience have any questions they would like to ask on this.

Chairman Sandora stated now is your time to speak if anybody is here for the recreation portion of this, the ball fields, nobody.

Chairman Sandora stated yeah you want, is anybody for this, for the recreation fields, you are not here for the recreational fields.

Someone stated we are.

Chairman Sandora stated do you want to, do you want to see the plan at least.

Mr. Priest stated he will go over it real quick, plan turned toward the audience.

Mr. Priest stated this is the County Construction Yard and this is the back of it, the Turnpike is over here.

Mayor Stefanik stated yeah, come on up.

Mr. Priest stated so it butts up against the Turnpike, the existing fields are over here, this is more of a Master Plan, there is a larger field more of a high, high school size field, smaller field, more of a middle school size field here and it will be a six pole lighting, it is the same lighting that's on the existing high school field now at York 3, the grading plan, there is a little bit grading because it, it's, it's quite a bit of a drop in the County Yard a, and he thinks we are asking for a tonight, this field and lighting plan.

Mr. Priest pretty, pretty straight forward.

Chairman Sandora stated Thank You Mr. Priest.

Chairman Sandora stated make a motion to move this to the Regular Order of Business.

So moved Mr. Willey.

Second Mr. Bull.

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

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

Adjournment

Chairman Sandora stated he would like to adjourn the Public Hearing portion and call the regular meeting of the North Royalton Planning Commission to order for October 1st, 2008.

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

Chairman Sandora stated can he have a motion to adjourn the Public Hearing.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated it's been moved and second to adjourn the Public Hearing, Ms. Fashempour please call the roll.

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

Chairman Sandora stated we are adjourned.

Planning Commission Public Hearing adjourned at 8:11 P.M.

Chairman Sandora stated now he would like to call the Regular Meeting to order of October 1st, 2008 Planning Commission Meeting.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, October 1, 2008 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 8:11 P.M.**

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Robert A. Stefanik, Don Willey, Council Representative to Planning Commission/Vice Chairman, Tony Sandora, Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Thomas A. Kelly, Law Director, Mark Schmitzer, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Approval of minutes: September 10, 2008. Ms. Fashempour stated approval for minutes September 10th, 2008 if you so choose.

So moved Mr. Bull.

Second Mr. Willey.

Chairman Sandora stated it's been moved and second to approve the minutes of September 10th, Ms. Fashempour please call the roll.

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

Chairman Sandora stated yes they are approved.

Old Business

Harry Hayes, Timberlane Farms, **Timberlane Estates Phase V.** Revised Sketch Plan Approval. Tabled.

Ms. Fashempour stated Timberlane Estates Phase V, it's tabled, no action.

Woodcroft Glen, Royalton Road, GB and RMD Zoning. Woodcroft Glen Phase 2 Final Plat - Approval. Tabled.

Ms. Fashempour stated Woodcroft Glen, tabled, no action.

Conditional Use Permit for T Mobile USA, Inc. - Applicant John Sindyla, Property Owner, Albion Auto Center/Dejan's Continental Auto, 12950 Albion Road, PPN 481-05-030/481-05-031, Commerical Service Zoning. T Mobile USA, Inc., is proposing the installation of a 120' high flag pole tower within a 30'x 45' fenced compound. Tabled.

Ms. Fashempour stated the Conditional Use Permit for T Mobile USA Inc., tabled, no action.

14496 Ridge Road LLC, PPN 487-02-009/010, 14496 Ridge Road, General Business Zoning. Building and Site Plan for Dr. Sam Papandreas - Approval. Tabled.

Ms. Fashempour stated it is tabled, the Architectural Review Board did recommend approval contingent on Planning Commission and she also needs a motion to remove it from the table.

So moved Mr. Willey.

Second Mr. McCarthy.

Chairman Sandora stated it's been moved and second to remove 14496 Ridge Road from the table, Ms. Fashempour please call the roll.

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

Ms. Fashempour stated and also she needs a motion to add the lot consolidation.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated it's been moved and second to add the Lot Split and Consolidation, Ms. Fashempour please call the roll.

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

Chairman Sandora stated the Applicant is here, step forward please and describe to us what you would like to do.

I am Doctor Sam Papandreas, this is my Architect Bill Davison.

Mr. Papandreas stated he doesn't know if you have seen these or not, he thinks most of you have.

Mr. Davison stated they were presented at the last meeting.

Mr. Davison stated we are proposing an 8,000 square foot building for Doctor Papandreas, it is right across the street from the High School, we meet all the zoning requirements for the City. Mr. Davison stated he is going to be taking the rear portion of the building. Mr. Davison stated we have indicated landscaping around the building, some trees along the street, rear buffer along the residential area of evergreens, as far as the building, it's a one story building, all brick, asphalt shingles on the roof making it kind of very residential in character, we had created a couple elements, these little elements for the entries of the two different suites and it was indicated, it was all approved by the ARB, he thinks we submitted all the engineering, it's a nice building.

Chairman Sandora stated is that is Sir.

Mr. Davison stated yes.

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

Mr. Alvarez stated Thank You Mr. Chairman, he believes that the Applicant addressed his issues last time they were here.

Chairman Sandora stated okay you are all set.

Mr. Alvarez stated yes.

Chairman Sandora stated no problems.

Chairman Sandora stated Mr. Schmitzer.

Mr. Schmitzer stated yes, the Applicant has done his, his due diligence and, and everything that we have requested of him, he has addressed, a, the, the issue about a consolidation was brought up, discussion was had and it was determined by the Applicant that they just went ahead and did the consolidation just in case so, they didn't have to do that if it was determined that they didn't need it but they went ahead and did it anyway, a, the, they have pretty much done everything we have asked them to do so, Thank You.

Chairman Sandora stated Thank You Mr. Schmitzer.

Mr. Kelly stated Mr. Chairman.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated Thank You Mr. Chairman, there was some discussion that he had with Brenda earlier in the week about a 24" storm sewer, Mr. Davison are you familiar with, with that.

Mr. Davison stated yes we are.

Mr. Kelly stated okay, and, and has, on your plans are modified to relocate that is that right.

Mr. Davison stated that is correct.

Mr. Kelly stated all right, have, have, have we had, he has not had any discussion with you or the Doctor about providing us with an a easement for a our purposes in, in, in assuring that, that, that, that 24" sewer remains open and free and, and flowing, a, is there any, do we have any objection to that, is that, is that something you, you would like to consider, he means it would.

Mr. Davison stated inaudible.

Mr. Kelly stated it strikes him that it's in your best interest too but a.

Mr. Davison stated yes.

Mr. Kelly stated certainly we have an interest in seeing to it as well.

Mr. Davison stated sure.

Doctor Papandreas stated was there an easement before just out of courtesy.

Mr. Kelly stated a, we don't believe so, there, there doesn't appear to have been one of record so certainly nothing that, that, that we have been able to locate.

Doctor Papandreas stated um uh.

Mr. Kelly stated so you know in, as we proceed on assuming that the Planning Commission rules favorably we would like to at least get together with you and, and work out something to get an easement for that storm sewer, okay, Thank You.

Chairman Sandora stated so then for the record Sir, you have no problem with a granting an easement to the City for that 24" storm, storm sewer.

Mr. Davison stated right, it's just allowing them to access the storm sewer, clean it, do whatever.

Chairman Sandora stated right, right, right.

Mr. Willey stated right.

Chairman Sandora stated right, that's it.

Chairman Sandora stated okay.

Chairman Sandora stated and if you do any damage to any sidewalks or anything that needs repair you will take care of all of that.

Mr. Davison stated right.

Chairman Sandora stated anybody on the Board have anything.

Mr. Willey stated motion to approve.

Ms. Fashempour stated two motions please.

Chairman Sandora stated what's that.

Chairman Sandora stated he will make.

Mr. Willey stated motion to approve the plan as submitted and also for the lot split and consolidation, is that correct.

Ms. Fashempour stated she would like two separate motions.

Mr. Willey stated oh, motion number one, approve the plan.

Ms. Fashempour stated no, the lot consolidation.

Mr. Willey stated as submitted.

Mr. Willey stated oh.

Mr. Willey stated motion number one, to approve the lot split and consolidation as submitted.

Ms. Fashempour stated Thank You.

Chairman Sandora stated second.

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

Roll call: Yeas: Mayor Stefanik, Willey, Bull, McCarthy, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated he will make a motion to approve the Preliminary Plan for 14496 Ridge Road on the condition that the applicant meets with the Law Director and they get together on this easement to, for the 24" storm sewer maintenance okay.

Mr. Willey stated second.

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

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

Chairman Sandora stated Thank You, you are approved.

Mr. Davison stated Thank You.

Doctor Papandreas stated Thank You.

Chairman Sandora stated Good Luck to you.

OSWGI, Ltd. Partnership, PPN 488-06-008, Ridge Road, TCD-4 Zoning. Site Plan Approval for two (2) 180 foot radio towers with associated communications equipment. Tabled.

Ms. Fashempour stated OSWGI Ltd., Partnership it is tabled, no action.

Worthington Phase II, Revised Preliminary Plat Approval. Tabled.

Ms. Fashempour stated **Worthington Phase II, Revised Preliminary Plat Approval**, it is tabled, the Applicant is here, can she have a motion to remove it from the table.

Mr. Bull stated motion to remove.

Mr. Willey stated second.

Chairman Sandora stated it's been moved and second to remove **Worthington Phase II** from the table, Ms. Fashempour please call the roll.

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

Chairman Sandora stated the Applicant is here, step forward and present to us what you would like, a in the audience please, can you keep it down back there, it's very hard to hear up here when people are talking.

A, Pat Rakoci with Pride One, Pat, Pat Rakoci with Pride One and a we are just passing out a smaller version of what we submitted last week or two weeks ago.

Mrs. Rakoci stated the reason that she is here tonight is we submitted a revised plan for Worthington Phase II and she had submitted it in August and about two days before your Planning Commission Meeting when she was suppose to attend she had received some comments from the Building Commissioner, the City Engineer and a the Fire Chief so she thought before she would come back she would address those comments and she has done that.

Mrs. Rakoci stated one of the main issues that a the Fire Chief had was that there was just one form of egress and ingress into Villas Phase One actually which would encompass Worthington Phase II and so we had shown an emergency access that would go into Cinnamon Lakes but when she met with a Building Commissioner, the Fire Chief and the City Engineer about two weeks ago, the Fire Chief was very adamant that it not be a, an access road but part of the public road and so the revised plan that she submitted shows that as a public road going into she thinks it is Butternut a, that was really his, his issue and she believes that as long as a we conform with that request then he did not have any objections to the revised plan. Mrs. Rakoci stated the Building Inspector, he also had a couple issues, the main one being how would there be access from, for the resident to the proposed park area and so again on the revised plan she submitted she shows a walkway going from Worthington Phase II to the park area, let me check her notes here, she believes that was his only comment, oh yes and then she would also need to get a variance as a your Code only allows for cul-de-sacs to be 600' and we have one cul-de-sac that is close to 3,000', again the Fire Chief and she believes the Building Commissioner felt that as long as we had that second means of egress/ingress they were, there were not objectionable to that. Mrs. Rakoci stated the City Engineer also had a couple comments primarily they were, they were positive but on the second comments that she got back the City Engineer did request that we do like a drive away chain, a fire truck chain at the end of the public road that goes into Butternut Road so that way there would never be any through traffic going to either of the subdivisions but in case of an emergency whether it is on Cinnamon Lakes side or Villas Phase II side there would be access.

Mrs. Rakoci stated the revised plan does not add any more additional units actually we loose 9 units, when the original Worthington Preliminary Plan was approved it was approved for 78 units and the current plan shows 69 units with 9 units possibly being developed someday in the block that shows up future development that may or may not happen.

Chairman Sandora stated would you repeat that Mrs. Racoki he, he lost you there.

Mrs. Rakoci stated oh she is sorry, there's a, on the plan that you are looking at there is a section right, right on top of Worthington Phase One that says proposed future development.

Chairman Sandora stated right.

Mrs. Rakoci stated okay, and right now a, that portion of land would be landlocked and so we can't, obviously we can't get to it so the only way that that would ever be developed with 9 lots or 6 lots or whatever would be able to be on there would have to come from either another entrance off of Abbey Road going up towards that or the, the a subdivision as off of Abbey Road, Glen Abbey she believes but you know that's, who knows when that would happen. Mrs. Rakoci stated so the City Engineer said that sense it was landlocked she could not show anything, she did bring a plan that shows what eventually could be proposed, what could be there if there was ever access if you would like to see that, she can pass that out.

Chairman Sandora stated Mrs. Rakoci how, how did, how did, how do the people in the Villages of Worthington access this park.

Mrs. Rakoci stated well currently she doesn't have an, an access, she just has it off of Worthington Phase One that, that was what we discussed at our meeting with the Building Commissioner and the Fire Chief that is something we could certainly look at, because you are correct she does not show anything on this current map but if that was a request of the Planning Commission then she could certainly look at that.

Chairman Sandora stated is there anything else you have to say.

Mrs. Rakoci stated not at this time.

Chairman Sandora stated you know, he, he, he is going to honest with you, you know, he, you know, you and he have bumped heads on this development over the years, this was a well thought out plan when it first started and that's something as Planners that he was kind of really happy and proud with because it was the first time in the City that one developer was developing two parcels of land at one time with one facing on Abbey and one facing on York Road and this Bentley Drive going from one to the other and this you know, this 3.4 acres of land over here for recreational facility to be used by both of these development plus you know Glen Abbey plus Indian Trails with parking places and everything and a he knows the way the economic times are everything is rough and it's, it's, pretty hard to do things now but he is really, he really is sort of disappointed in this, he really is, this access road that you have with the Fire Department here that you are going through into Cinnamon Lakes, this is only going to be used in the cases of an emergency.

Mrs. Rakoci stated it would be built as a regular public road but the City Engineer requested that we just use it for emergency yes, so there would be no, interconnecting traffic through the two different residential subdivisions.

Chairman Sandora stated you know knowing, knowing the developer of Cinnamon Lakes and he has built numerous developments within the City and he knows every time he put in a stub street he never went to his property line, he always left an area in between there and he is just wondering how you are going to deal with that.

Mrs. Rakoci stated well she would want to take it up to the his, to the end of the street.

Chairman Sandora stated just to the end of the street.

Mrs. Rakoci stated well she would take it up and then she would need to connect it into.

Chairman Sandora stated to his.

Mrs. Rakoci stated yes and she would talk with Mr. Petros about that, she means.

Chairman Sandora stated but you haven't as of yet.

Mrs. Rakoci stated no, she has not, she doesn't know why he wouldn't have taken it up to the property line herself but she doesn't know.

Chairman Sandora stated well knowing this, knowing this developer and other developments that he has presented to the City, he has always done that in most of the cases for that reason either he tries to buy the land and joins it in himself or he feels that if somebody else is going to tie into it, he is a businessman so he, you know and then we have this, this other issue here, we have this 3,465' cul-de-sac to deal with, he means the Code specifically states 600' so you are going to need to get a variance on that.

Mrs. Rakoci stated right, she understands that and again when she, when she, the Fire Chief said that even though it was a lengthily cul-de-sac, if she had the additional egress/ingress and was having the fire hydrants every 300' along the public road that he felt that, that would not be a problem.

Chairman Sandora stated and he agrees with.

Mrs. Rakoci stated she, she, she is not, she is just saying that's.

Chairman Sandora stated he means he is only one person, he is speaking out for himself here but he, and he agrees with the Chief yes you know and if this road would have connected it wouldn't have you know that wouldn't even be an issue.

Mrs. Rakoci stated correct.

Chairman Sandora stated okay.

Mrs. Rakoci stated yes sir.

Chairman Sandora stated but now we have all these different issues here so a, well, does anybody else on the Board have anything.

Mr. Willey stated a Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated the a, the proposed through street connecting from into Cinnamon Lake, the a, there is about a 10 or 12' space from your property line to their property line and that 10 or 12' space the concrete terminates that is used, that area is used for the entrance to, for them to do the maintenance of, on their retention basin in back they have as was brought up four years they, they have no desire to have public access through there first, first thing, a initially they did talk about and he thinks they would agree to it if the City requests it to have a breakaway chain in the event that an, emergency vehicles has to get out of their through Cinnamon Lakes or by vice versa if the main access into Cinnamon Lake were to be blocked for one reason or another we hope it never happens then they could back over into this development so as far as a, a in his last conversation with the Association President they a who spoke of the association they have no desire to to connect those roads together number one, number two is that they would agree to an emergency only they, the breakaway chains, we have a couple instances in the City where we had that he thinks Sunrise Cove ties back into a, a Sunrise Cove he thinks this into a Harbour Light and then Independence Place connected although they, they blocked that road off used to go where the apartments are so a, at any rate so that a to use a pun is a road, he would think is a road block so he thinks that would be something Mr. Chairman that a would need, would need to be resolved and a so forth.

Mrs. Rakoci stated may she speak to that.

Mr. Willey stated certainly.

Chairman Sandora stated sure.

Mrs. Rakoci stated she would be more than happy to change the plan and just have it that way, the reason that she had changed it was that your Fire Chief was pretty adamant about wanting that she is find with doing the a, what you requested a Mr. Willey but he just did it because of, of your Fire Chief, he felt very very strongly about that.

Mr. Willey stated he understands, right.

Mrs. Rakoci stated but she could certainly meet your objective with no problem.

Mr. Kelly stated Mr. Chairman.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated if it pleased the Chair and, and the Commission there are two things that he wanted to talk to you about, number one Ms. Rakoci a, at the risk of being called an agent for the Finance Department he needs to bring to your attention the claim that, that there is an outstanding of fees that are due the City for inspections and so forth are you aware of that.

Mrs. Rakoci stated actually she checked with her CFO today and he told her, or she told her that they had all been taken care of.

Mr. Kelly stated satisfied.

Mr. Kelly stated he is not aware of that and that was not the information that he was given but let him, let him ask you if, if you wouldn't mind maybe we could double check that.

Mrs. Rakoci stated oh, she will double check that tomorrow, she purposely checked it because she knew you were going to bring it up tonight.

Mr. Kelly stated okay, you knew he was going to bring it up.

Mrs. Rakoci stated she knew someone was going to bring it up.

Mr. Kelly stated somebody and that would be him yes.

Laughs.

Mrs. Rakoci stated and so she wanted to make sure that she was covered.

Mr. Kelly stated okay.

Mrs. Rakoci stated yeah, she was told, she was told she was but she will follow up in the morning.

Mr. Kelly stated all right, he appreciates that very much and if, if it has been done then we, we, we express our gratitude to you for doing so promptly.

Mrs. Rakoci stated well she appreciates you letting me have it on the books for about a year, it's been real tough.

Mr. Kelly stated well if, if it's been paid then you know we are, we Thank You on behalf of the taxpayers.

Mrs. Rakoci stated she will follow up.

Mr. Kelly stated that's number one, number two, Mr. Chairman, institutional memory being as it is incased in the, in the, in the brain of Ms. Fashempour she points out to her that this Planning Commission has certainly authority to grant variances under 1242.07 and it is entirely possible that under that section given an appropriate application from Ms. Rakoci this Commission may consider the variance that she seeks but it does call for certain form of application that needs to be submitted, developer shall submit an application for variance modification or waiver in writing to the Commission simultaneously with the preliminary plat for the subdivision, detailing the reasons and facts supporting their request and it's, it's for hardship reasons so it is as least within the realm of possibility for the Commission to consider this.

Chairman Sandora stated so what you are saying though, she would have to come back with a, a form.

Mr. Kelly stated she should, she should come back, she should really be given the opportunity to come back here to, to seek that variance if in fact now it's up, it's really her option he supposes given the fact that BZA does have concurrent jurisdiction, they could hear it but because of

the nature of it and because it falls under the administration section of the, of the, of the Planning and Zoning Code and it gives the Planning Commission specific authority to grant variances from these regulations so, for what it is worth, so it's, it's really, it's really her option as to whether she wants to proceed here or whether she wants to go to BZA.

Chairman Sandora stated if she went to BZA when, when would she go there.

Ms. Fashempour stated end of October.

Chairman Sandora stated end of October and if she comes back with us she would be here.

Ms. Fashempour stated next week, the 15th.

Chairman Sandora stated the 15th.

Mrs. Rakoci stated she would prefer that.

Chairman Sandora stated what.

Mrs. Rakoci stated to come back here.

Chairman Sandora stated come back here.

Mrs. Rakoci stated uh um and she can submit the variance request tomorrow.

Chairman Sandora stated anybody else on the Board have anything.

Mr. Willey stated a, he only has one question, you know this ingress and egress of course that creates a, a, creates a problem and a he is a parallel, parallelism kind of a person, he likes to see streets going in that way he never gets lost around curves and, and cul-de-sac but a is there any other possibility of having a, a, now or in the future in either one of these phases of having a some other kind of ingress and egress, more, more so with, with the, you know from York Road over is there any, he you know, he doesn't want to put you on the spot it's.

Mrs. Rakoci stated she really don't, she means she would have to look at it.

Mr. Willey stated it might be something that you can, okay.

Mrs. Rakoci stated she doesn't really know.

Mr. Willey stated you might creatively think about anyway.

Mrs. Rakoci stated well what were you thinking, did you have something, like further down or.

Mr. Willey stated yeah, you would have to buy, you would have to buy a building next door to you of cluster homes or counter, no, he is just questioning.

Mrs. Rakoci stated she would rather not do that.

Mr. Willey stated you know, he is just, just throwing that out as.

Mrs. Rakoci stated well what she can do is she can look that and when she comes back next week she can tell you if there is anything doable or if we are locked into this.

Mr. Willey stated okay.

Mrs. Rakoci stated since the stub is there she is thinking we are probably pretty locked into that but she can certainly look.

Mr. Willey stated um uh, okay, Thanks.

Mrs. Rakoci stated uh um.

Chairman Sandora stated Thank You Mr. Willey.

Mr. Willey stated Thank You Mr. President.

Chairman Sandora stated if you are going to come back here at our next meeting too, a how about trying to show us some, something that you can get a walkway from, from Villas of Worthington to the other side.

Mrs. Rakoci stated okay.

Chairman Sandora stated anybody else on the Commission have anything, any questions, concerns.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated if he can ask the Applicant a little bit about the recreation area coming off of Abbey Road, is there going to be a driveway coming in there.

Chairman Sandora stated yeah.

Mrs. Rakoci stated right now it's a, it's just a like a rock road, she wasn't going to put in a driveway there, we could maybe add some more rocks to it.

Mayor Stefanik stated no, he means in the future when the development begins to be built that's going to be a way for residents to get in there or not.

Mrs. Rakoci stated are you referring to over here where it currently is.

Mayor Stefanik stated right.

Mr. Willey stated uh um.

Mrs. Rakoci stated you mean like a parking area or something.

Mayor Stefanik stated well, a roadway for cars to come in to park or is that.

Chairman Sandora stated well in the original plan that was said in there, there was an access road to get into that, in to that area.

Mrs. Rakoci stated inaudible, she believes on the original plans actually she has them, it was showing some parking, well actually it calls out just some parking spaces but it doesn't really show them, it just shows them next to the road.

Ms. Fashempour stated what did it show coming in off of Abbey though, Pat.

Chairman Sandora stated yeah it shows.

Mrs. Rakoci stated it's just a says parking spaces but it doesn't show like a number of spaces like laid out.

Chairman Sandora stated but there was an access road off of Abbey Road when we did that.

Mrs. Rakoci stated right down here, there was.

Chairman Sandora stated yeah.

Mrs. Rakoci stated but it doesn't show on here.

Mayor Stefanik stated will the road take.

Chairman Sandora stated the access road to get into that though to use the park.

Ms. Fashempour stated was it an access road or was it a walkway.

Mrs. Rakoci stated she thinks it, she doesn't show it as being a, a inaudible.

Ms. Fashempour stated she would have to go back and check, she thought it was a walkway for, so that we could use it for Indian Trails and Glen Abbey.

Chairman Sandora stated right.

Ms. Fashempour stated and they would have to walk back in there and then they could access by street through the development with parking in the back, but she would have to check that.

Chairman Sandora stated well, were it goes.

Discussion amongst Members.

Chairman Sandora stated are Engineer will read the, on our pre-approved.

Mr. Schmitzer stated on the a, April 20th, 2007 plan for Phase II, there is a excuse me, he has to rip this apart, there is a note here for a temporary access drive shall be improved and made adequate for construction, also a construction entrance 50' in length expanding the entire width of the access drive shall be in place at Abbey Road before construction begins, after construction temporary access drive shall be removed and replaced with permanent access drive. Mr. Schmitzer stated and that shows the Glen Drive South, the future development areas.

Mrs. Rakoci stated right, she has it right here, okay she wasn't really sure what you were talking about, so this needs to become a permanent roadway and then parking, she assumes that if your going to drive you are going to need parking spaces right.

Mr. Schmitzer stated he guessed the question from, the, the committee here, the Mayor actually is what is going to happen off of Abbey Road if were not going to, if this portion is not going to be developed.

Mrs. Rakoci stated right.

Mr. Schmitzer stated any time soon.

Mrs. Rakoci stated yeah, she doesn't know when.

Mr. Schmitzer stated how is it going to be accessed off of Abbey Road which seems to be the logical access point on that 24' wide strip.

Mrs. Rakoci stated right, right here.

Mr. Schmitzer stated yes.

Mrs. Rakoci stated because that is currently where all that rock is that we used to enter in when we were doing that clearing.

Mr. Willey stated uh um.

Mayor Stefanik stated okay Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated a couple more questions about the park area so once you drive into the park area where it opens up a little more, will there be any parking in there.

Mrs. Rakoci stated she wasn't going to put any in there it's a huge open field, she wasn't, does it show it on the original plans or she guessed it wouldn't have because you are also that access coming off this road, she sees where you are going.

Mayor Stefanik stated and then who takes, who takes care of this park.

Mrs. Rakoci stated well it's going to be HOA.

Mayor Stefanik stated the Homeowners Association is going.

Mrs. Rakoci stated they are going to be responsible.

Mayor Stefanik stated going to take care of this public park.

Mrs. Rakoci stated this is a public park yeah.

Mayor Stefanik stated you see he thinks these.

Residents stated it's not a public park.

Mrs. Rakoci stated inaudible, it can't be, or she guessed if it's a public park, and she wasn't involved with the original so she doesn't know if it was always going to be this huge way or if it was public, you said it's for the people across the street too then she guessed it would have to be the City's.

Mayor Stefanik stated he thinks these are issues we have to get cleared up before the next meeting to find out exactly what the public park is and who is going to maintain it after the houses are in and the homeowners association is created.

Chairman Sandora stated right.

Mrs. Rakoci stated was that already determined before and she just missed that, she means she doesn't know.

Ms. Fashempour stated the preliminary plan the recreation allocation was, was, determined when the preliminary plan was in here so and the preliminary plan showed the recreation on it, now she can't, she would have to go back and look to see how it went as far as if it went to the Homeowners Association or, or what.

Mr. Willey stated the City.

Ms. Fashempour stated she doesn't know if it went to the City she doesn't believe, but she doesn't remember, she would have to go back and research it.

Mr. Willey stated did they a, did they, Mr. Chairman, did they give us the land rather than paying the fee.

Ms. Fashempour stated she doesn't know if they gave us the land, she believes, she believes they took the land.

Mr. Willey stated the, the park area for the homeowners.

Ms. Fashempour stated yes.

Mr. Willey stated and, and so in, in light of that they did not pay a recreation fee is that correct.

Ms. Fashempour stated correct.

Mr. Willey stated Mr. Mayor he, he believes you are asking a if that's a City, a City Park or Public Park is that, is that correct.

Mayor Stefanik stated correct.

Chairman Sandora stated yeah, that's what, that's what the Mayor is asking right now.

Mr. Willey stated so that, that's what we have to get clarified.

Chairman Sandora stated right.

Mayor Stefanik stated and once the park is in whose responsible for it.

Mrs. Rakoci stated well she guessed, depending on who owns it she guessed is responsible for it.

Mayor Stefanik stated okay, then who owns it.

Chairman Sandora stated he doesn't think, well Mayor, Ms. Fashempour will go back and look and, and research it but, you know what, what he can recall on it he doesn't think it was a public, he thinks it was the Homeowners Association but the deal was that other areas would be able to use it also, but the Homeowners Association would be you know that's why.

Mayor Stefanik stated that's public.

Chairman Sandora stated when the two, when the two developments tie together were able to use it, Village of Worthington and Worthington Way because it was, you know put in at one time.

Mayor Stefanik stated he thinks we have to be specific and careful how we.

Chairman Sandora stated right.

Mayor Stefanik stated what kind of park this is, what we say it is, who can use it, who can't use it, who pays for it.

Chairman Sandora stated he agrees, let's just research it and see what our.

Mayor Stefanik stated okay.

Chairman Sandora stated comes up with, she will be back next meeting anyways so, will go from there.

Mayor Stefanik stated okay Thank You.

Chairman Sandora stated anybody else on the Board have anything, anybody in the audience have anything they would like to say. Chairman Sandora stated saw a couple people with their hands up, now's the time.

Resident stated well.

Chairman Sandora stated you have to step forward and state your name, your address and any questions you have, direct them to the Board.

Hi Len Gonet, 11412 Worthington Way. Mr. Gonet stated he thinks just by you saying that you need to table this and get the facts about the situation, he doesn't need to go into any details really about this he is obviously part of the Homeowners Association from the developer who promised us the land and our recreational uses the homeowners from Ryan Homes, so we can address this again at another meeting, that's really all he has to say right now, otherwise he is wasting people's time.

Chairman Sandora stated okay.

Mr. Gonet stated let's get our facts straight, all of us and then we can talk about it.

Chairman Sandora stated that's fine.

Mr. Gonet stated Thank You.

Chairman Sandora stated he was, you know just if anybody wants to bring it up so she can or we can or she can find the answers to whatever your asking.

Chairman Sandora stated anybody else have anything, yes Ma'am.

Hi, Heather Stuewe, 11207 Worthington Way. Mrs. Stuewe stated and she guessed, she just has a question maybe that she needs clarified and that is she thinks she echo's your sentiments in terms that you had mention Mr. Chairman that it's kind of disappointing to see the progress that this is taking and obviously in economic times like these we need to make tough decisions in terms of the development, it is disappointing from her aspect as a homeowner in terms of items that we were promised everything from the public, not public, the park facility that we were promised and items such as connecting to other streets and it being a community and she thinks one of you had asked and she apologizes that she doesn't remember and that was, are there other options that we can pursue in terms of it, are we locked into this, if that makes sense and her question is and she doesn't know if this is a question that can be answered or that we can continue to pursue is, if now we make the decision to move forward with this plan is there ever an opportunity that our street, Worthington Way will be connected with other communities in the area originally we would be, we were to be connected with the Villas, other streets and her question is are we locked into this where we will never be connected, where we will be a sole cul-de-sac because that's not something for her as a homeowner that she is comfortable with so she doesn't know if that's a question for Ms. Racoki or for someone else but maybe just something to consider from her standpoint.

Mr. Schmitzer stated to answer your question based on the the site plan that the developer has presented to us, they do have an option to develop that land that is kind of landlocked right now, it is actually between sublots 24 and 25 which is on the north side of Worthington Way there is a stub road, there is a possible access at that point whether it's going to be developed down the road or not is really up to the developer but it does leave that opportunity there to possibility connect up to Glen Abbey that sort of thing if it's going to be done it's really up to the developer but it does leave that opportunity, there is that relief valve that you may be looking for.

Mrs. Stuewe stated okay, Thank You, that's, that was her, one of her bigger concerns so okay, Thank You, Thank You.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated he has a question for the Engineer in, in the plan that you just talked about would be connecting Glen Drive South, Berkshire Way over to Bentley Drive.

Mr. Schmitzer state that's correct, the information that were, were discussing here is the smaller packets that the developer handed out showing the future development, connecting the proposed phase 2 near the cul-de-sac going west and south through the proposed future development area down to Worthington Way yes.

Mayor Stefanik stated and Mr. Chairman also it looks as though there would be a bridge, two bridges.

Mr. Schmitzer stated there would be two bridges that would have to span a wetland in that area.

Mrs. Rakoci stated no, she, that was how, she wanted just to show you that, that was the original that we could not build those two bridges, your looking at the third page there.

Mr. Schmitzer stated it's, it's, it's a possibility is what were, what were trying to answer their question.

Mrs. Rakoci stated oh, oh, okay sure, sure.

Mr. Schmitzer stated it would be possible, he means if everyone had all the money and, and economic issues were okay.

Mrs. Rakoci stated she thought you meant today.

Mr. Schmitzer stated it would be possible, is it something, the question from the resident was is this something possible in the future so that this street does not remain a cul-de-sac.

Mrs. Rakoci stated perhaps, someday.

Mr. Schmitzer stated yes.

Mrs. Rakoci stated but who knows, but it is, it is an option that may or may not be viable.

Mr. Schmitzer stated yes.

Mrs. Rakoci stated yes, okay.

Chairman Sandora stated so it's an option but the, the result is, is this proposed future development could wind up another cul-de-sac or no.

Mr. Schmitzer stated he doesn't believe it could be, there are ways.

Chairman Sandora stated okay.

Mr. Schmitzer stated what, what she has shown here, the Developer is one possible option that's just a, a really an idea of what could happen.

Chairman Sandora stated okay.

Mr. Schmitzer stated so he really can't say no to your question, because no one really knows what's going to go on in that development right now until we know what's going on with Phase II and the other things that

are happening there but what he is trying to say is that there is an option there to make Worthington Way connect at some point in the future, whether that's a year from now, ten years from now or maybe never but there is that possibility to connect that up to other developments.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated anybody else in the audience, yes, Ma'am.

Dawn Spisak, 11382 Worthington. Mrs. Spisak stated though she does agree that careful consideration needs to be taken and the everything that you are looking at, the planning of our subdivision, what many residents on our street feel we are kind of being unfairly punished during this process is we do not have control over our Homeowners Association, we do not have the option to elect anyone to represent and really have fair access to money that's been collected over the last several years, we are starting to generate quite a surplus that was to maintain this proposed park area that we were always told was private not public and again we just feel that we don't have adequate representation as of right now we feel completed, we know there might be future development or future issues but we wish to at least be declared independent for the purposes of being able to govern ourselves she guessed, so Thank You very much.

Chairman Sandora stated Thank You.

Mr. Kelly stated Mr. Chairman can he ask Ms. Spisak a question.

Chairman Sandora stated sure Mr. Kelly.

Mr. Kelly stated Ms. Spisak can he ask you a question.

Ms. Spisak stated of course.

Mr. Kelly stated how many homes are sold in the development, are they, are there still undeveloped lots to be, to be sold.

Ms. Spisak stated there are not, no, we are completely filled, all the lots on Worthington as were developed in the original Phase I are complete.

Mr. Kelly stated the developer, who was the developer in that.

Ms. Spisak stated Pride One, basically what's at issue is Worthington II this bridge connected proposed area that is being eliminated was considered a part of our documents to be part of our full subdivision so even though our road is complete and there is no construction and no current plans for continuation according to what's on the books we are only 50% complete because they are counting those homes.

Mr. Kelly stated he sees.

Ms. Spisak stated that may or may not be developed.

Mr. Kelly stated okay.

Ms. Spisak stated according to our contract, we have to be 75% complete so we asking to have some control there.

Mr. Kelly stated he get's it.

Ms. Spisak stated Thank You.

Mr. Kelly stated Thank You very much Ma'am.

Chairman Sandora stated Thank You Mr. Kelly.

Mr. Kelly stated Thank You Mr. Chairman.

Chairman Sandora stated anybody else in the audience, no one, anybody else on the Board have anything, make a motion to table this.

Second Mr. Willey.

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

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

Chairman Sandora stated Thank You, tabled.

Mrs. Rakoci stated do you know when the next meeting is.

Ms. Fashempour stated October 15th, is the next meeting.

Mr. Willey stated it's also third quarter taxes are due.

Laughs.

New Business:

Site Plan Approval

City of North Royalton Recreation Department, 14631 York Road, Cuyahoga County Engineer, 14875 York Road, PPN 483-28-006 Part, Public Facility Zoning. Site Plan Approval for York Fields Expansion.

Chairman Sandora stated the Applicant is still here, he braved it through the night.

Ray Priest, 9251 West Sprague Road. Mr. Priest stated and as you know that the, we are looking at the larger baseball field and the a, the lighting system to do with it, potentially both fields, the large field will have a standard six pole system and the smaller field will have a standard 4 pole lighting system.

Chairman Sandora stated Mr. Alvarez do you have anything.

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

Chairman Sandora stated nothing.

Mr. Alvarez stated nope.

Chairman Sandora stated Mark do you have anything, Mr. Schmitzer.

Mr. Schmitzer stated nothing to add, his comments that he gave to the Commission he thinks speak for themselves he thinks this is a good thing for the City and he would definitely like to see this moving forward.

Chairman Sandora stated Thank You, anybody else on the Board have anything, anybody in the audience have anything, any questions, concerns, make a motion to approve a York Road Fields Expansion Phase I and II.

Mr. Willey stated second.

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

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

Chairman Sandora stated you are approved, Good Luck, Thank You for your.

Mr. Priest stated Thank You.

Miscellaneous

Ms. Fashempour stated she has nothing under Miscellaneous.

Adjournment

Chairman Sandora stated motion to adjourn.

Mayor Stefanik stated second.

Chairman Sandora stated moved and seconded to adjourn the meeting, Ms. Fashempour call the roll.

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

Chairman Sandora stated we are adjourned, Thank You.

Planning Commission Meeting for Wednesday, October 1st, 2008 adjourned at 8:57 P.M.

Approved: Tony Sandora - Chairman - Planning Commission

Attest : Brenda Lynn Fashempour - Secretary - Planning Commission

Date : October 15, 2008