

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING APRIL 10, 2018**

To Order: Chairman Swallow called the Planning Commission meeting to order at 7:00p.m. with the pledge to the flag.

Roll Call:

Present were members Steve Ali, Jim Maleski, Council Liaison Bruce Abens, Vice Chairman Jim Smolik, and Chairperson Jennifer Swallow.

Also present was Assistant Law Director Toni Morgan, Zoning Inspector Paul Blanchette, Safety-Service Director Jeffrey Armbruster and Deputy Clerk of Council Donna Tjotjos.

Minutes:

Chairperson Swallow asked if there were any corrections to the minutes of the special meeting dated March 26, 2018. Hearing none, she stated those minutes will stand approved as presented and will be placed on file.

Correspondence:

Chairperson Swallow noted that Planning Commission members received correspondence regarding the Council Referral on tonight's agenda. She acknowledged that this correspondence was received from Karen Sivik, Kelly Smolik, Karl Pausche, George Gorman, Bob Freeman, Laura Sweeney, Steven Shoureas, Blaise and Tammy Miller, Albert Volak, Kristina Kelley, Barb Van Schoor, Danielle Prevett, Ashley Prevett, Bruce Dolence, Lisa Shoureas, Karen Gonzalez, Jamie Lynn Natole, David Taleff, and Kim Lucas. All the members have had the benefit of receiving those correspondences and reviewing those prior to this meeting.

For purposes of these minutes, be it known; based on the prior Planning Commission meeting held March 26, 2018, Member Smolik has recused himself from participating in the discussions that follow related to the Council Referral.

Old Business:

COUNCIL REFERRAL:

APPLICANT: Joseph Lucas, 5079 Case Road
OWNER: JK Lucas, 5011 Case Road
REQUEST: Approval to rezone parcel from R-1 Residence District to B-1, Neighborhood Business District.
LOCATION: 5011 Case Road in an R-1 District.
Permanent Parcel No. 07-00-043-103-099
During the meeting held March 26, 2018, Planning Commission voted on a

motion to approve and received two yes votes and one no vote. Per the Planning Commission By-Laws, this matter shall be continued until the next meeting.

Application was read along with comments received and read during the last meeting from Administrative Officers Building and Zoning Inspector Paul Blanchette, Police Chief Mike Freeman, Safety-Service Director Jeffrey Armbruster, Fire Chief John Reese, and Engineer Daniel Rodriquez.

Chairperson Swallow stopped to explain a few procedural items. She acknowledged the Commission has a full house tonight and would like to give everyone an opportunity to speak. She asked that all be orderly. She explained that comments are being limited to five minutes per person to make sure that everyone has an opportunity to give their input. She added this meeting is being recorded so it is important that no one speak over anyone else that may be speaking in order to have a clear record of the proceedings and that minutes can be recorded after the proceedings are done. She continued on to explain the only thing in front of Planning Commission tonight is looking at this matter to decide whether or not Planning Commission recommend back to Council whether or not this property should be rezoned from an R-1 Residential to a B-1 Neighborhood business district. She clarified in order for all to understand what the permitted uses are within an R-1 and what the permitted uses are in a B-1. She then asked the applicant to come forward and give a brief description of what they are proposing.

Kim Lucas, partner in JK Lucas, LLC that owns the property. She stated they are proposing to have the property rezoned so that they operate a bed and breakfast and a community center/retreat. Their main goal is to preserve the property the way it is now that it has been for the past forty-two years. Her daughter's vision for the business includes getting involved in local businesses. She explained her daughter would hold events such as a health and wellness day where you can have a small business owner who may be starting up a vegan meal prep business and a local yoga instruction or small gym owner who would all come together and get their message out to the community and support each other. She stated she wanted to put to rest the rumors that they want to hold drunken ragers every weekend. That is not the plan. She feels that the center would be used to host birthday parties or a company business dinner. It would be no different if your neighbor was hosting a party. They still have to abide by the same laws and ordinances that everyone else has to. In fact, in Avalon, their neighbors would be much closer to them than what they are. The events would take place in the barn or in the house. It's not right up against the property line. She mentioned that her email was received by Planning Commission. She stated that her husband and she are neighbors to this property. She stated their longevity in this community speaks for itself. To further show their commitment to preserving the country feel of the property, their offer stands to place a deed restriction on the land. She understands that people don't like change. She believes that some of the fears of the residents in Avalon are unfounded. They thanked the residents and the business owners who have reached out to them in support and encouragement and some of those residents do live in Avalon. They are committed to being good neighbors and members of the community.

Chairperson Swallow opened the floor for comments from the Commission. She explained she wasn't in attendance at last month's meeting and did not have the benefit of the information that

was shared there. She asked if there would be alcohol served on the premises.

Kim Lucas stated they can't answer that question at this time. They aren't looking to get a liquor license. She stated that she doesn't know what the laws are if people brought in their own liquor.

Chairperson Swallow asked how many guests she would anticipate on the property at one time for use of the bed and breakfast.

Kim Lucas stated probably no more than eight.

Chairperson Swallow asked how many bedrooms in the house.

Kim Lucas stated there are four bedrooms.

Chairperson Swallow asked if there would be an owner staying on site if all four bedrooms were occupied.

Kim Lucas stated no. That is one reason why they are asking for the B-1 zoning because under R-1 you can run a bed and breakfast, with the owner living on premises.

Chairperson Swallow asked what would be the plan for the property if the bed and breakfast failed.

Kim Lucas stated that they would keep the property. They would have no intent of selling it. It would just become part of their property. The reason they bought it was to preserve the land as it is now. She doesn't look to sell even if the business wasn't to succeed.

Chairperson Swallow stated it is her understanding that this has been a family property.

Kim Lucas stated that her father-in-law built the house and barn in 1976. He did sell in 1996. That neighbor passed away and so, they bought the property back.

Chairperson Swallow asked what kind of events the applicant would envision coming there. She gave a few examples, such as retreat events, small weddings, parties, and retirements.

Kim Lucas stated all of that which was mentioned. It is clearly not a big event center. It would be small events. If people needed to rent it out to hold a birthday party or a retirement party or if a company wants to hold a dinner there or fundraisers, they could use the property as if it was their own yard. They could have games in the yard with kids, volleyball, and baseball; whatever they wanted to do. There are hiking trails through the woods and so for a bed and breakfast it would be used as a nice area to go and relax and spend time.

Chairperson Swallow asked what kind of deed restrictions the applicant would be willing to place on the property.

Kim Lucas state that there are concerns down the road; when they pass away, that a different business could go in there. People have spoken about the fears of a shopping plaza. They would put a deed restriction on it that the property has to remain as it is.

Chairperson Swallow asked what the parking situation would be there.

Kim Lucas stated currently they have a driveway that is approximately 1,000 feet long. There is blacktop that goes around the barn. They are looking at putting in a dust free gravel parking area to the south side of the barn.

Chairperson Swallow asked if there would be any entertainment outside, such as music or even the bed and breakfast and asked what would be the restrictions for your guests in terms of the abutting residential property owners to protect that.

Kim Lucas stated that there certainly could be a disc jockey there playing music but then again, it would have to be shut down at a certain time according to the laws.

Chairperson Swallow asked if any other Commission members had any questions or comments. Hearing none, she opened the floor to the public for comments. She asked that they be orderly starting from the one side of the room. She asked that they sign in and state their name and address for the record.

Patricia Ortiz of 5248 Case Road provided a written speech in which she read from. She spoke her concerns of safety and spot zoning. She asked the members to keep in mind that the nearest commercial property is two miles away. This parcel in question resides in a one hundred percent residential area. The rezoning will create the only B-1 parcel in the City that is not near another commercial or industrial parcel. She defined spot zoning and stated this is only for the benefit of the owner of the property and to the detriment of the surrounding property owners. She stated by allowing this rezone to occur, the city would be setting a precedent. She stated this violates one of the vital land use laws. The city of North Ridgeville recognizes this by providing equal rights to the applicant and to the adjacent parcels for land development. Spot zoning is detrimental to the city because if allowed it weakens the city's ability to control future planning and zoning issues. She continued on to talk about safety and provided numerous examples of accidents that have occurred on Case Road noting three accidents that have happened in her front yard between March of 2017 and February of 2018. She spoke about the liquor that could be at this location. She stated the last thing they need with the history of that road is more impaired drivers. She noted her belief of the detriments to the surrounding property should this rezone occur.

Russ McLaughlin, Attorney, O'Toole, McLaughlin, Dooley, and Pecora of 5455 Detroit Road, Sheffield Village representing Blaise and Tammy Miller of 5305 Case Road. He stated that he wanted to get a few comments on the record against the proposed zoning change. He spoke of the purpose and procedure of zoning within a municipality. He stated that zoning is important

because it keeps like property types together. He went on to talk about code regulations within zoning districts and how zoning affects future development of the city. He referred to the North Ridgeville Master Plan and how the city has already established a particular zone for that area to be a residential zone. He provided all the considerations that the city has to take into account before changing or establishing zoning districts or use of land. He went on to talk about spot zoning and provided the definition, which this proposal he believes is just that. He added that type of zoning is subject to legal challenge. He stated this zoning change would reclassify an area in a manner which is unreasonable, arbitrary, and not sufficiently related to the classification of similarly situated lands. He stated that the proposed zoning change is entirely inconsistent with the character and use of the surrounding land. It bears no relation to the public health, safety, morals and general welfare. He stated that it works contrary to those purposes. He then quoted section 1240.02 of the codified ordinances. He stated to allow a commercial enterprise to conduct business in the middle of a residential neighborhood would not serve any of these interests, he felt it would do quite the opposite. He asked the Planning Commission to send forward a negative recommendation.

Ruben Ortiz of 5973 Sandelwood Avenue stated like his parents, he lived in this city for about thirty-eight years. He grew up here, went to school here, and now he is raising his family here. He went on to state that this neighborhood is a quiet neighborhood, even before Avalon and Meadow Lakes with one exception. He spoke of the local bar establishments on Friday and Saturday nights and the patrons leaving there drunk and out driving down Case Road. He stated they drive at high rates of speed and bad accidents have happened. He stated that he isn't saying the Lucas's will have a party palace going on over there as there is enough of a problem with speed coming through Avalon and down Case Road. He stated without traffic enforcement this problem will not go away. He stated if they are going to allow alcohol to be served at this venue, he asked if the city will require them to have an Officer on duty during the time of that event to make sure that no one leaves there impaired.

Beth Gingery of 5630 Case Road agreed with the people who have already spoke and added that she has been here for forty-one years. She stated they bought there because it was residential. She asked Planning Commission not to allow this to go through as it will open other things to happen on Case Road. She spoke of the heavy traffic on Case Road. She cited one example of an accident that occurred there. She stated she is definitely against this proposal.

William Wilburn of 5644 Case Road stated he has been there for over forty-one years. He spoke of the traffic and safety issues on Case Road. He stated his opposition of spot zoning. He stated that it is just to line someone's pocket and make the politicians happy.

Joe DiBaggio, Esquire of Kaman and Cusimano and representing Avalon Home Owner's Association. He described the Avalon Estates subdivision and its location within the city. He stated it has over 403 single family homes that are in this community. He noted subdivisions adjacent to them are Meadow Lakes and Stone Creek. He stated that the Board of Directors of the Avalon Home Owner's Association asked him to present their position. He stated that they are opposed to this attempt to rezone this particular parcel to B-1. He noted that there is no

buffer between some of the homes adjacent to this parcel and the barn. There is anywhere from fifty feet to the back of their property line to the barn. He stated that this event center would be no different than the LA Centre in Westlake, where they would have birthday parties, weddings, and potentially graduation parties. The applicant has acknowledged the fact that they don't know whether or not there will be alcohol brought to the property during the events. The biggest concern that the home owners have in Avalon is the ongoing traffic problem that is on Avalon Drive. The mere fact is that Avalon Drive is a cut through from Case Road to Stoney. Residents from Avon and other residents from North Ridgeville use Avalon Drive to cut through to get into Stoney Ridge as well as to get to Mill Road. He noted that the city has acknowledged it and have taken steps. He believes that with this application that is being proposed, the traffic that would be coming through Avalon would be even worse. He spoke of the noise issues that this would create to the residents that live there. He stated residents that would be adversely impacted to the detriment would be 403 single family home owners that live in Avalon Estates by the noise and nuisance, which would decrease the quality of their life and the ability to live in their homes. He believes along with that would be the diminished property values. He quoted the intent of the B-1 District from the code. He believes that this application would not satisfy the daily and weekly household needs of the residents of Avalon Home Owner's Association. The bed and breakfast is one thing, he stated, but this is really to utilize the barn as essentially a community center. He spoke of the increased traffic and those driving impaired.

Chairperson Swallow asked Mr. DiBaggio to wrap up his comments.

Joe DiBaggio concluded by asking the Planning Commission to deny this application. He noted that he is a resident of Stone Creek. He doesn't want additional traffic coming through Avalon and onto Stoney Ridge from this event center and potential application.

Dan Lucas spoke on behalf of the applicant. He stated he is not a North Ridgeville resident, but he did have the pleasure of growing up in North Ridgeville in the same home that his grandfather built, which is the property in question. He wanted to clear up a couple of fallacies that have been spoken here tonight and provide a view of what is trying to be attempted here. When the property was originally going to be sold, there were plans in the works to make it another large residential community. That would exacerbate the daily traffic issues that have been spoken. The sole intent of purchasing that property was for his Aunt and Uncle to protect their home to stop the mass development. He explained that his cousin approached her parents about using that property to use what is being talked about. He stated that this is not a large event center as was discussed. He stated that they aren't talking about crazy ragging weddings. He has never been to a bridal shower, but he can't imagine they get too crazy. He stated that they have an opportunity to be selective in their clientele. He stated that the point brought up about spot zoning was a good point. He stated he didn't know how he would feel if he was a resident in Avalon, but the B&B and the event space wouldn't bother him. What would bother him is if it didn't work. If it doesn't work, it does have that classification as that property would be valuable, but he stated that they have talked about deed restrictions and he guarantees that if it didn't work, these people would be back in this room to change that zoning back to an R-1 so it would not be a bank or a store. That is not the intent. The intent is to preserve what they have.

He asked the Planning Commission take that into consideration and not about people trying to line their pockets. It's about giving their daughter a chance to be an entrepreneur to serve the community. He stated that it was said that it did not provide any immediate need to the neighbors. The Avalon Home Owner's Association is welcome anytime to congregate in that event facility. He stated if they wanted to hold their meetings there, that is a benefit. If they wanted to have a birthday party, there is the benefit. What they are proposing to do here, he stated, is no different than Avalon having a block party or no different than someone having a graduation party for their child. He believes that the intent hasn't been properly articulated and he wanted to clarify their intent.

Ron Steiger of 35545 Livingston Drive spoke regarding the traffic. He stated that there are approximately 106 houses on Avalon Drive; average about two cars per household, which totals about 212 cars. The streets immediately off of Avalon Drive, which have no other access but Avalon Drive, have 369 houses including Avalon Drive. That makes 738 cars. In addition, there is the influx of landscapers, plumbers, delivers, etc. driving to those homes. The influx of cars that would be at the proposed facility; again the barn is not large. There may be thirty cars. He can't guarantee if two ladies come to the facility separately, but the barn will only hold about sixty to eighty people depending upon how you seat them. He stated if you look at the amount of traffic that just Avalon has brought there adding the influx of traffic from Camelot, the subdivision next to Avalon that has brought in traffic that is where the traffic is coming from. It is from all the people that are living around there that have been brought into this country venue. The influx of traffic from events occasionally occurring is not going add more. He stated that the influx of traffic would be no different than a resident having a private party.

Paul Piazza of 4918 Somerset Court spoke about the traffic that was discussed and added that no one has talked about the development that Ryan is opening up over there and how much that traffic will add to Avalon. He spoke regarding the noise issues and noted that when Avon has their duct tape festival, he can hear that plain as day and that is pretty far away. He wouldn't want to live on Avalon where these neighbors butt up against this barn. He stated he is opposed to this proposal.

Rob Morron of 33027 Hollow Tree Court stated that he is a brother and uncle of the applicant. He stated that he was here at the last meeting and heard the concern that property values would decrease. He stated that the barn and the property that the Lucas's have are pristine and kept up. He stated that there isn't any overgrowth or is there anything there that would be a detriment to the community. The only concerns about property values in Avalon need to be their neighbors. If the neighbors don't take care of their property that will bring your property value down and not something that could happen at this venue. He stated that in terms of noise, they have to abide by the same city ordinances as the Avalon residents do. He stated that when they bought their homes, the barn was there as well as the buffer. All the applicants are trying to do is repurpose this. They are not trying to be malicious. In terms of traffic, he stated, the college is a bring magnet for traffic. When there are events there, concerts, graduations, there is always going to be traffic issues and it doesn't matter what street you are on. He stated that people cut through Center Ridge to Mills Road going through his development. It's a fact of life. He stated

that the applicant is willing to do a voluntary deed restriction on this property that if this doesn't work, then it will go back to residential. He stated that other people asked how the business would survive doing a few events a month and he responded that the business doesn't have to survive and it doesn't have to make money. They own the property. They are just trying to preserve it the way it is and maybe make something that all the people could use for things such as funerals, weddings, and home owner's association meetings. Not that many people own that kind of acreage and would have the opportunity to do this. He stated he is here supporting his family and his niece. He stated that this being there isn't going to cause any more accidents than what would be there already.

Scott Winfield of 5195 Case Road expressed his opposition of this proposal. He explained that he and his wife have been residents for a little over nine years. They were in Meadow Lakes for the last eight years. They liked the area around Case Road. They bought property three years ago, three houses down from the Lucas's on Case Road. They designed and built their final home there. The main reason they built there was the character of the land. He feels that this proposal will be detrimental to them with many of the things that have been brought up. He stated a lot of time went into the planning of their dream home and they just moved in in December.

Botros Shenoda of 38597 Avalon Drive stated the barn is in their back yard. He spoke of his children's safety. He expressed his concerns as it relates to his children's safety regarding this proposal being in his back yard.

Lindsey Gorning of 37940 Avalon Drive stated that the applicant spoke about their dreams. The Avalon people have dreams as well and some of their dreams included buying a great home on Avalon Drive. The fact is this will impact them in so many negative ways. They will lose property values, gain increased traffic, increased noise violations and increased unsupervised alcohol consumption. The zoning change will be permanent and does not revert back to residential. The deed restrictions are not forever. She stated that you just can't do business with a handshake as ultimately circumstances change.

Jamie Natole of 4991 Hiddenview Court stated she was here tonight representing her community on the Board of Directors for Avalon Estates HOA. She explained her position on that committee is to make unbiased decisions based on facts and figures that are presented to them, which is the ultimate responsibility of this same Commission. She hoped that after hearing all the facts of this rezoning and after hearing from the community that it directly affects, the Commission will see that it does not fit the plans of that community. The proposed intended use of the property can and will do more harm than good for not only the residents of Avalon but for those also who live close by outside of the HOA and the entire city of North Ridgeville. She continued to ask the Commission to set aside any ties, contracts and friendships the owner may have with the city or its elected or appointed officials to be able to make a clear and concise decision about what rezoning this parcel will do to the immediate parcels surrounding the property and the precedent it will set for this community in the future to rezone inappropriate parcels. This will affect over 400 plus homes and over 800 plus residents and families in Avalon

alone. She stated she understands progress in a community, but allowing this rezone to happen will influence others to use this as an example for their own personal gain without consideration in what it may do to their neighbors. She urged the Planning Commission to vote against this rezoning. She continued to state that once the decision is made, there is no going back for the 400 homes and 800 residents that she represents. She hoped that the Planning Commission had a chance to visit the property, to review the letters from the residents to see what a burden rezoning this parcel to a business parcel and its intended use, what that will cause for the surrounding community now and in the future. She stated she is speaking on behalf of those who cannot fairly or who cannot unfairly speak on this issue themselves. She stated if the Commission votes to approve, they are not representing the best interest of those who live in Avalon Estates and will put risk into the largest investments most of them will have ever made for their families. She asked again that the Commission hears what they have to say and vote against rezoning.

Steve Shoureas of 5056 Case Road located directly across the street from the proposed convention center explained they have lived there for over ten years. That wasn't a decision they made lightly. They did a lot of research regarding the home they bought. They didn't want to buy in a business district. He stated his property was the scene of the triple vitality that was a little more than ten years ago and directly across the street from this proposed facility. They looked into the city's Master Plan and this area was clearly marked residential. They wouldn't have invested as much as they did if there was going to be a business across the street with a sign. He asked the Commission to take what he is saying into consideration as they make their decision and ask themselves what is so special about this property that it should be the only parcel that is not connected to another B-1 parcel and isolated by itself to be rezoned.

Urszula Swirydowicz of 38611 Avalon Drive stated that her property is adjacent to this proposed property. She stated they specifically looked in a residential neighborhood to buy in a residential neighborhood. She did not look for homes in a business district or for a home on a busy main street because she has small children and wanted to make sure they had a nice quiet and safe place to play outside. She continued to state the effects of rezoning this property on Case Road to a B-1 Neighborhood Business District. The effects are noise and headlights, public safety and general welfare of the residents not only on Avalon Drive but also on Case Road. She stated they all have the right to have a peaceful and uninterrupted enjoyment of their property. She stated that is why zoning ordinances exist and she went on to explain what those ordinances protect. She feels that businesses such as this party event center will cause not only safety issues but also traffic congestion, noise, unwelcomed smells and general neighborhood upheaval. She stated that the applicant is providing no buffer that is required by code and according to the plans he provided to the city, he is only planning on providing one fifth of this side yard that he is required to have. She stated that this spot zoning should not be approved just because the applicant requests it. She stated one family's financial gain should not be put above all the other family's safety, privacy and the right to live peacefully. She spoke of the applicant not obtaining a liquor license today, but who is to say he won't apply for one down the road. She then spoke about today's world of living with drug overdose and gun violence and how allowing this zoning change for its intended use could bring in people with guns and drugs. This will also affect the sales of homes within the area as no one will want to buy homes in that area.

Albert Volak of 38538 Avalon Drive stated there were statements about how many people would be at one of these events and as he remembered from the last meeting, the attorney Mr. Giardini stated that the barn would hold up to one hundred people and up to fifty cars. He stated that is what was said at that meeting. He stated that everyone can sympathize with the owner of this property in wanting to carry out his daughter's dream, but the bottom line is, this is spot zoning and it sets a precedent.

Carol Grodi of 4982 Somerset Court noted for the Commission that the woman who spoke before that gentleman, her property line is forty-five feet from the red barn. Her back wall on her house is one hundred feet from the red barn. She asked the Commission to keep that in mind when they are making their decision and to consider the residents of Case Road and Avalon Estates.

Sara Novicky of 38583 Avalon Drive which is directly behind the red barn, stated that they just moved into the property in November and had they known this was possible, they would not have purchased the property. The focus when they bought was that they were going to buy into a residential neighborhood, not a business area. She has a four year old and is concerned for their safety. Her backyard is supposed to be serene and not behind a barn that could hold up to one hundred people with fifty cars. The noise ordinance refers to 10 o'clock at night and she didn't think in a residential neighborhood there would be a party every night until 10 o'clock; worst case scenario. She asked if this was going to have bathrooms as this is a barn. She didn't want to see people urinating in her back yard.

Chairperson Swallow explained that would be something that would come before this board in the form of a development proposal. That isn't something that would be considered in this case as it is just a rezoning application. She clarified her understanding of the resident's concern.

Carl Caporale of 38639 Avalon Drive reminded the Planning Commission of the fact that Otten Road intersects with Avalon Drive. It curls around and intersects with Case as well. On Otten Road there is the Lorain County Metro Parks, Sandy Ridge Reservation that has a building to be used as a party center. It's less than one mile from this property. It is an event center and it is a building designed for events. It is not a barn. It holds fifty to sixty people and has a shelter outdoors that holds another twenty-five people. It has the same nature hikes and has plenty of parking. It is beyond him why there is a need to rezone this parcel when there is already a community center in their development that is less than one mile away.

Chairperson Swallow asked if there was anyone else in the audience that would like to speak to the matter before the public comment is closed. Hearing none, she closed the public comment on this matter. She asked if there were any comments or recommendations from the Administration.

Assistant Law Director Morgan addressed the Chair and stated as the Chair has pointed out earlier what is really before the Commission is whether or not to rezone at this point. A lot of

things that were commented on are unknowns at this point as to exactly what will happen and whether there are deed restrictions that will or will not hold or whether they will be legal. It is simply a rezone that they are looking at. She added that this has really been a good example of cogent, well-reasoned, well thought out and very well presented arguments on both sides. It is democracy in action and it was nice to see.

Chairperson Swallow mirrored the Assistant Law Director's comments by stating she appreciated everyone being respectful of each other and giving each other the opportunity to speak. She then asked if there were any further comments or questions from the Commission members. Hearing none, she entertained a motion.

It was moved by Maleski and seconded by Ali to recommend Council approve the rezone.

Chairperson Swallow asked the Clerk to call the roll.

Yes, 2 No, 2 (Abens, Swallow)

Deputy Clerk announced that the motion received a tie vote of two yes and two no. She deferred to the Assistant Law Director.

Assistant Law Director Morgan stated pursuant to section seven and eight of the by-laws of Planning Commission, a tie vote is a denial.

NEW BUSINESS:

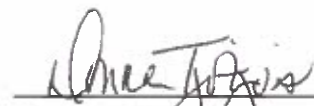
Chairperson Swallow stated that there is no new business on the agenda this evening

ADJOURNMENT:

Chairperson Swallow announced the next regular meeting is scheduled for Tuesday, May 8, 2018.

Chairperson Swallow adjourned the meeting at 8:26 p.m.


Chairperson


Deputy Clerk of Council, Donna Tjotjos


Date Approved