

**NORTH RIDGEVILLE PLANNING COMMISSION
MINUTES OF
REGULAR MEETING SEPTEMBER 12, 2017**

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

Roll Call:

Present were members Jim Maleski, Jim Smolik, Council Liaison Bernadine Butkowski and Chairperson Jennifer Swallow.

Absent and excused was member Tim Anderson.

Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Assistant City Engineer Cathy Becker, Safety-Service Director Jeffrey Armbruster and Deputy Clerk of Council Donna Tjotjos.

Minutes:

Chairperson Swallow asked if there were any corrections to the minutes dated August 8, 2017. She stated if there are no objections, those minutes will stand approved as presented and will be placed on file.

Correspondence:

Old Business:

Chairperson Swallow noted there was no correspondence or old business for this meeting. She noted that there was one application under new business and she took the opportunity to explain that this petition came in front of the Commission under a different referral. Since that time the property owner withdrew that request and has come forward with a new request for rezoning. Things did get a little heated last time. The Commission wants to hear comments from everyone. They want to hear what the residents have to say as far as impacting the neighborhood. However, she asked that everyone speaks one person at a time. This is recorded and we are required by law to keep minutes and if everyone is speaking over each other it is very difficult to do so. The second thing she pointed out is that this is only here for the rezoning and clearly the rezoning changes the potential uses of the property. However, the Commission can only act on the recommendation back to Council on whether this parcel should be rezoned or not rezoned. She asked everyone to keep their comments to that and if this is in fact rezoned at a later date, there will be a proposal for the development of the property and everyone would then have an opportunity to come back and comment on that specific proposal. She then asked the Clerk to read the Council Referral under new business.

NEW BUSINESS:

COUNCIL REFERRAL:

APPLICANT: Robert P. Graham, Triple Seven, LLC, 445 Griswold Road, Suite A, Elyria, OH 44035
OWNER: Same
REQUEST: Petition to rezone 26 of 32 acres from R-1 Residential District to I-2 Light Industrial District; temporary legislation T 74-2017.
LOCATION: On the northwest corner of Sugar Ridge Road and Bender Road
Permanent Parcel No. 07-00-047-000-111

Application was read.

It was moved by Smolik and seconded by Maleski to suspend the by-laws to read Administrative Officer comments received after cloture.

Yes, 4 No, 0

Deputy Clerk Tjotjos announced the motion passed by a vote of four to zero.

Comments received from Administrative Officers, Chief Building Official Fursdon, Assistant City Engineer Becker, Police Chief Freeman, Safety-Service Director Armbruster, and Fire Chief Reece were read.

Chairperson Swallow asked if there was a representative and if so, would he step to the mic and state his name and address for the record and also for him to provide an explanation regarding the petition.

Robert Graham, managing partner who does sign for the company introduced himself. He stated that this request to rezone is a way to offset the rapid growth of residential districts within the city. This will help keep the taxes down. He stated that they have responded to the requests of the neighbors to keep the R-1 residential along Sugar Ridge Road stays residential. He stated they withdrew the petition to rezone the 32 acres and have presented a new petition to rezone just the 26 acres. He provided a formal survey of the property to the city. He showed this on the drawing. He showed the area they are keeping residential. Those lots will remain residential and will be sold to individuals who will have nice new homes. He stated that they plan to plant evergreen trees along the back. Evergreen trees are green all year round and will be a nice buffer between residential and light industrial districts. The light industrial is planned with small lots so it won't be a giant manufacturing plant that makes a lot of noise. It will be small companies. He stated that is their plan. As they have now responded to the neighbors by keeping the front residential; for the 33,000 population the city has, this rezone will help try to keep the taxes down by bringing in industry.

Chairperson Swallow asked if there were any questions from the Commission.

Member Butkowski stated that she has a few questions the residents presented her with and she would like to respond. She stated that one of the questions they asked was the zoning code

enacted to preserve and protect the stability of the residential area, why would the city change this zoning when there is plenty of I-2 land for sale in North Ridgeville. Her answer to that was that the Commission has no control over who wants to do something with their own land. If they want to build houses and meet all the requirements they can build houses. She asked the Commission if they had anything to say to that question.

Robert Graham stated he is making a serious investment in North Ridgeville to benefit the community in bringing jobs. Right now, there are virtually no jobs from this property. There is also no income to the city from this property because the taxes that are paid are under CAUV which reduces them about 80 percent. The city is virtually getting nothing out of this property. This will be a way to change the economy for the 33,000 residents.

Member Butkowski stated the next question was if there were perspective tenants as Mr. Graham claims there are two tenants on four acres and one on one acre that want to move within the city. The question was, was how would that benefit the city. She stated that the Commission cannot ask that information of Mr. Graham and it is not the type of information the Commission needs to make a decision to rezone this property.

She stated that the comment from the resident stated the well design of the Master Plan shows a setback of residential at 466 feet; Mr. Graham's proposal has a 260 foot setback. This does not protect the character of the residential area. The only thing she could say is that a lot of the other houses in that same area seem to be about that same depth other than the 466. Some of the property runs back that far, but their living area and most homes in this city; at the most, have about 260 feet from the road to back of the property. She asked the Commission if they had anything they wanted to add to that.

Robert Graham stated that the Building Official informed him that the setbacks are well within code. They have gone beyond that to keep it residential. They will be providing a 25 foot buffer setback from the residential piece adjacent to the I-2. He stated they are doing above and beyond what is required.

Member Butkowski stated that it looks to her like most of those houses would be on at least a half-acre of property right there.

Robert Graham stated it depends on what the owner wanted to do with them.

Member Butkowski stated that she lives on a half-acre lot and she knows that its dimensions are 90 by 250. She continued with the questions she received from the resident and read that in order to avoid undue concentrations of population and lessen the congestion on city streets, shouldn't we follow the city's own Master Plan of Beckett/Waterbury Parkway. The other side of Bender has not been designed for more load. West of Bender Road has no outlets to lessen congestion on the already troublesome dogleg intersection. She believes what that statement meant was that Beckett/Waterbury doesn't have anything to do with Bender Road. It is in a

different area.

Robert Graham stated that Becket Technology Park is on one side of Bender Road and Taylor Woods Industrial park is on this side of Bender Road and he showed the area on the drawing. This would be part of that. That is industry on the right. There is industry on the top and there is part highway commercial on the bottom and there is a farm on the left.

Member Butkowski stated that the parkway that is being discussed is east of that whole area. It doesn't connect to it. She continued to state that trucks are not allowed on Sugar Ridge and all truck traffic goes to Taylor Woods into Elyria. Both exits are in Elyria and this city has absolutely no control over what they do with those exits onto Route 57. There is nothing we can do about it. She then proceeded to approach the smart board. She stated a number of residents were concerned with spot zoning and she looked it up on the internet. It stated that spot zoning occurs when a use of a parcel of land differs from the surrounding properties within that zone. She showed the parcel on the zoning map. She showed the entire area that is zoned R-1 and showed all the locations that are existing I-2, which are adjacent to the parcel being requested to rezone. She showed Taylor Woods and then also showed the I-3 districts, which is on the back of that property. She stated in no way this can be spot zoning because you have the same I-2 zoning in that location. It can't be considered as spot zoning. She then proceeded to read off some of the permitted uses listed in the zoning code for the I-2 light industrial district.

Robert Graham responded and stated that they have already gone down that road by placing protective covenants in Taylor Woods Industrial Park, Phase One, Two and Three and they plan on putting protective covenants in this phase, Phase four. Protective covenants exclude undesirable uses even though they are permitted under the zoning code. This will be on a much higher level. He asked if anyone would like a copy of the protective covenants, he would be happy to let that be available. That is their purpose is to have a quality industrial park with the required setbacks and restrictions. He named a few undesirable types of companies that would be prohibited based on the covenants.

Member Butkowski stated that when Mr. Graham was here before, this rezoning was approved by Planning Commission and he didn't have to come back and do any of this. He didn't have to come back and put that six acres abutting Sugar Ridge as residential. She has never seen a builder do that since she has been on Council for 20 years. He is trying to work to help everyone out. It will make it look like it is more residential, just because you will be driving passed trees and won't be able to see a lot of that down there. The Commission should take this all into consideration as he didn't have to come back here again. He did because he apparently cares about our area. She stated she thinks that the Commission should take that into consideration as well. We don't ever get many home builders that ever consider our city before they put up their houses.

Chairperson Swallow asked if he has any idea of what the potential income tax would be if this parcel were developed as an I-2. Generally land doesn't generate a lot of income tax until it gets

developed. This isn't developed.

Member Smolik stated that the Commission is here tonight for rezoning. He stated that the applicant, as the owner, could potentially sell the property once it is rezoned. He asked if there is any assurance to the city that he will actually develop this. He asked if he has gone and paid for consultants. He asked how the Commission would know the level of progress as far as designing the parcel.

Robert Graham asked how much time and money would someone plan on spending on something that may or may not get rezoned. He stated that an engineer has been hired to design the entire Industrial Park, Phase Four. They will look at the drainage at that time and he believes that the engineer has already gone as far as including a detention basin. He stated that they have spent money already on engineering.

Member Smolik asked where this proposed basin would be located.

Robert Graham said that it is in a ditch type form and not professionally finished yet but he showed the approximate area of where it will be. He stated that it will be approximate 40 feet wide at the top and 20 feet wide at the bottom. It is designed to do two functions. One is to provide drainage and to retain water as a pond. The engineers are working on finalizing that right now.

Member Smolik asked about water quality.

Robert Graham stated he didn't know that information as of yet.

Chairperson Swallow asked if there were any other comments from the Commission. Hearing none, she asked if there were any further comments from the Administration.

Assistant Law Director Morgan addressed the Chair and stated first, she thanked Mrs. Butkowski for the explanation on this request to be not spot zoning as her explanation was spot on. She wanted to reiterate that this submission by Mr. Graham is simply a smaller version of the rezoning request he placed previously and his previous request was thoroughly reviewed by the Commission and as they know, they approved it. He removed it from consideration and has modified it in a manner that has been described this evening and the request in front of you is essentially the same as you had before except he has removed about a six acre strip along Sugar Ridge Road, which is not part of his request anymore. That will remain as an R-1 buffer so to speak and that is a very huge and generous reduction of approximately 19 percent of his prior request. So, the Commission will hear from the audience that is in a format that is orderly and basically the Commission will be deciding to reaffirm their previous decision or whether you want to make a different decision.

Chairperson Swallow thanked Assistant Law Director Morgan and asked if there were further

comments from the Administration. Hearing none, she opened the floor to the audience for questions and comments. She asked that they come forward and state their name and address.

Cindy Firak of 38625 Sugar Ridge Road asked that the Commission really listens to what she has to say. She continued to explain when and at what age people begin to learn empathy and emotional intelligence.

Chairperson Swallow interrupted and asked that she limit her conversation to the zoning issue.

Cindy Firak stated she is. She continued to explain at what age people can tell how the individual will respond to others and how that affects a civil servant and their responsibilities to maintain compassion in psychological terms. She continued to speak on the growth aspect of a municipality and how decisions are made based on that growth. She spoke on decisions that were made in the past by past administration as well as current administration with the idea that those decisions weren't well thought out. She indicated that civil servants here need to be entrusted to make better choices for our community and encouraged those with ultimately promised votes to those who listen and respond with mind and heart. She encouraged the Commission as public servants to learn from past mistakes and that those who do they will applaud and love them for it.

Mike Babet of 38601 Sugar Ridge Road thanked Mrs. Butkowski for asking his questions and for giving them a little clarity. He noted that he was asked to only talk about the impact on our neighborhood. He spoke regarding the zoning in the area surrounding this property and stated that I-1 allows for a step down from I-2 to residential. That has not been considered. He mentioned the discussion regarding covenants and noted that he has covenants for another industrial area that are not being followed. He continued to speak regarding the 260 foot buffer Mr. Graham is providing with the new proposal. He explained Mr. Fursdon had stated that in North Ridgeville, a typical set back is 260 feet. He believes that is not the case in that area. He believes that Mr. Graham did not take the time to know what the residents felt as far as what would be acceptable to them in terms of the barrier. He figured when Mr. Graham pulled his first request, they felt it wouldn't come back. He has presented this as his option not the residents' option. He feels that the applicant is following the minimum setbacks that the city requires so that he can squeeze out every acre he can for I-2. He believes the definition of spot zoning is anything that interrupts the character of an area can be considered spot zoning. He continued to explain that his home is stated to be B-3 Commercial and for 60 years it has been residential. He believes that it was only B-3 so that Melody Grove could put their sign there. He noted an error in the zoning map of the number of parcels in that location. He applauded Member Smolik on asking water quality. He believes that a 40 foot water retention basin is too big for 32 acres. He continued to read the zoning code. He continued to speak regarding the congestion on Bender Road. He noted the Master Plan and noted the I-2 District located on the south side of the residents' parcels on Sugar Ridge also noting that Becket kept that parcel on the corner residential. He continued on to state that the homes near this location are set back 460 feet. The fact that this proposal is only leaving the residential set back 260 feet, he believes this falls way

short of that location and for that fact alone; this rezoning request should be a disqualification of this application. He continued to state that his belief is that the Beckett/Waterbury parkway was designed to take the load of all the industrial land east of Bender Road and the traffic from Waterbury out to Route 83 intersection. He stated that is in the Master Plan that the design was to reduce the load on the dog-legged intersection. He stated that this proposal is not in the Master Plan. He continued to speak regarding a separate location within the area. He restated that the city planned for the development east of Bender, but they did not plan for the other side of Bender. He read and cited a few portions of sections in the zoning code. He stated that there are plenty of people that would buy this property. He then noted the residential homes across the street stating that there are really four residential homes and not three as our zoning map indicated. He indicated that he is the fourth home and he is in a B-3 because he did have an occupancy permit for one year. He believes that spot zoning is defined as a spot that changes the character of the area and that by rezoning this; he believes that it does change the character.

Chairperson Swallow asked if anyone else would like to speak. While the resident prepared for their testimony, she addressed the administration and asked since the subject on the setback has been brought up regarding the proposed 297.43 feet, would that be able to be subdivided to meet lot requirements in length and width and setbacks within industrial zoning.

Chief Building Official Fursdon stated that there is nothing in the zoning code that requires a setback from residential to commercial except the side yards and rear yards of industrial property. The 240 feet that the applicant is proposing could be subdivided into 94 wide lots and be compliant with the zoning code for R-1. The exact requirement is 90 by 200, which is 21,150 square feet.

Member Smolik stated since we are talking about the dimensions, he addressed the Chair and asked if he could bring the applicant up because he believes there is a big miscommunication. He stated that the way the R-1 is in this proposal is that it is 297 feet from center line, so it would be roughly 260. Any buffering that would be done would be done on the industrial lot. He stated that the applicant is showing the buffering on the residential lot and that is not what would happen.

Robert Graham stated that isn't the way he drew it and that is not what the plan would be.

Member Smolik stated once this gets split, the residential would be a totally different entity and so any buffering for the industrial area would have to be on its own lot.

Chief Building Official Fursdon stated that is required by ordinance and that will show on the future plans.

Member Smolik stated that he is showing the buffering on the residential lots.

Robert Graham stated that is not the intent. It will be clarified in the future.

Member Smolik stated then once that becomes a residential lot, he would have a 75 foot setback to the building from the residential R-1.

Chief Building Official Fursdon stated correct in the I-2.

Member Smolik stated he didn't know if the corner lot would then be buildable based on some of those dimensions.

Chief Building Official Fursdon addressed Member Smolik and asked if that would be the side yard or rear yard of that property.

Member Smolik stated the Chief Building Official Fursdon is right, that would not be a factor. He addressed the applicant and stated that the buffering was on the residential side.

Robert Graham corrected him and showed him the lot lines along with where the buffering was located and it is located on the industrial side.

Chief Building Official Fursdon stated he stands corrected; it is a 75 foot setback from the building on a side yard in the I-2 from a residential lot.

Jim Firak of 38625 handed out a printed presentation to all the Commission members stating he was here tonight opposing the rezoning of the residential land north west of Sugar Ridge Road and west of Bender Road. He believes it conflicts with the Master Plan and conflicts with the existing land use. He went on to state there is plenty of land available with this use that is for sale currently. He believes that they are not against change; they simply want development to be well researched and intelligently planned. He believes this rezoning is neither. He agreed that the Master Plan document is a guide for the Administration, City Council and Boards to make decisions that impact the city. He included the language from the Master Plan regarding Building and Lands and also the zoning map and stated there was no change in that area. He addressed the Commission and asked in the Master Plan where it is planned to rezone that area.

Chairperson Swallow stated that all the members have access to the Master Plan. She stated that they are welcome to give testimony.

Jim Firak asked what the members have done in the past few weeks to satisfy their due diligence to research this.

Assistant Law Director Morgan addressed the Chair and explained again that the Commission is happy to hear the people's testimony and they certainly need to hear their testimony but the Commission is not here to answer questions.

Jim Firak noted his belief is that rezoning this area is in opposition to the Master Plan. He

continued to ask questions of the Commission that will be answered in future phases of this project such as, how many employees, will they live in North Ridgeville, what type of company will be located there, will they stay in North Ridgeville. He believes this process is putting the cart before the horse. He continued to speak on locations within one mile that are unused and for sale. He indicated that part of Sugar Ridge Road is a rural setting and has been for 30 years. He opposed to changing any of that area to I-2. He read the heading on his presentation and stated it was an excerpt from the mission statement of the Master Plan. He believes that this rezoning is neither a well-planned design in everyone and environment's best interest. He continued on reiterating what has already been stated regarding land that is unoccupied and for sale. He concluded by stating the land should remain residential and asked the applicant to sell the industrial land first and asked the Commission not to rezone. He asked for the copies of the paper presentation he gave the Commission.

Chairperson Swallow asked if there was anyone else that would like to speak.

Kim Stermole of 37872 Sugar Ridge Road stated she has been here over 32 years and has an acre and three quarters and moved out here for a reason. She asked the Commission not to rezone. It isn't what they want. She stated everything they have is tied into this. She asked the Commission if they get together and ask questions of Mr. Graham beforehand as she hasn't heard anyone ask questions.

Chairman Swallow explained that any deliberation has to be done in a public forum.

Kim Stermole stated that the audience had more questions than what the Commission has asked and asked that they take some time and really think this over. She stated it is a very beautiful neighborhood. She is asking the Commission not to rezone and asked the applicant to contact the residential developer and keep the land according to what they believe is the Master Plan.

Albert Krage of Sugar Ridge Road stated he is opposed to the rezoning. He explained the reasons why people move here. He believes that the city is not keeping that area nice by zoning it industrial. He explained over time, the residential area will become blight. He stated property values will decrease. He gave Elyria as an example.

Debbie Babet of 38601 Sugar Ridge Road explained the area she lives is in the farm end of North Ridgeville, which she believes is the beautiful side. She stated she is against it. She continued to explain that is bad for everyone in that area and stated it was never meant to be that. She stated that businesses belong on Taylor Parkway and not this area. She explained that the city will not get tax revenue until it is built on and until there are employees. She stated keep this area green. She stated don't make North Ridgeville a super city like Avon. Avon is ruined. She asked the Commission to vote no.

Chairperson Swallow asked if anyone else would like to speak.

Tami Mallett of 38874 Sugar Ridge stated she moved here two years ago because of the rural area. She saved all her life on poverty wages and was able to buy a piece of God's country here that is so beautiful. She asked that the Commission vote no as she is opposed to this land being changed industrial. This is not why she invested here money in this area.

Brenden McCool of 38733 Sugar Ridge Road stated he was opposed to this rezoning as he believes there is a lack of demand for I-2 in this area. He spoke of the land that is for sale.

Chairperson Swallow asked if there was anyone else that would like to speak. She asked if there were any further comments from the Administration.

Assistant Law Director Morgan stated that a lot of the speakers that spoke this evening acknowledged that some change is inevitable. She continued that the Commission needs to look closely at their concerns specifically at the impact on their neighborhood, but the Planning Commission needs to also remember that it represents the entire city and has to look at this in the context as a community as a whole. When you look at this request, you have to determine whether Planning Commission finds that it is a well thought out request and whether or not it meet our requirements for rezoning. They need to judge the impact that is will have or lack of impact this will have. She noted that the Commission may not consider whether there is other land available as that is not before the Planning Commission and it is not the Planning Commission's decision to decide about the business plan of the application. You are to decide whether this particular application is good for the city and lastly understand that in addition to the rights of the people who have spoken, obviously the developer also has rights to make decisions that he believes are good use of his land. She asked that the Commission considers all of that.

Chairperson Swallow brought the discussion back to the Commission and asked if there were any other comments.

Member Smolik stated that there are a lot of open questions as far as his plan and the thing he is having a hard time with is that the Commission is really not to think about what his plan is as the Commission is just here for the rezoning. However, his plan is here for the rezoning. He is wondering if the Commission can table it and actually have him present the actual plans so that the Commission has a little more information on what his potential plan is and that is what his thoughts are.

Assistant Law Director Morgan stated that unless the applicant wants to table this, we can't do that. Planning Commission will need to consider whether or not the rezoning makes sense. The other pieces of it will be before the Commission. The Commission will have plenty of time to discuss this if there is a tenant or building that needs to go in.

Chairperson Swallow asked if there was a time requirement for the Commission to act and that if the Commission doesn't act, then the proposal is deemed to be approved or is that not the case

with zoning.

Assistant Law Director Morgan stated that in the past, when Planning Commission decided to push it further down the road, that decision was considered as being an action.

Chairperson Swallow stated that a couple things that she had to comment on based on what was heard this evening from the residents that live in this neighborhood that she wants to put to rest. She asked the Assistant Law Director to correct her if she was wrong, but it was her understanding that the Master Plan that was adopted in 2009 by an act of Council; referred to tonight, which included the zoning map within the Master Plan was the zoning map for the city of North Ridgeville at that time in 2009. There has been multiple rezoning of land since that time that would not necessarily be depicted in the Master Plan because the Master Plan is not updated every time an individual parcel is rezoned. It is a document that has been in existence since adopted in 2009. There are areas in the Master Plan that talk about development and suggestions for rezoning. She read the document from front to back when she was appointed to Planning Commission and noted with purple post it notes. There are multiple references in this document to actually loosening the requirements for rezoning and to allow for special business districts to make it easier for the Planning Commission to approve plans including a ballot initiative rezoning proposal using language that would allow the latitude to create modifications for land zoning which is on page 35. The other one she referenced was on page 34 and what stands out to her with this proposal, are pages 28 and 29 talking about business expansion and attraction and retention. It says on page 28 that North Ridgeville has experienced significant residential and commercial growth over the past ten years and the industrial and office development has not kept pace. On page 29, one the recommendations state to develop office and industrial parks to include Class A space, R&D facilities, Clean Room Lab space and Multi-tenant office space for small companies which would be permitted under this proposal. She asked if there were any other comments from the Commission. One other thing that came out of the comments, which was the impact of the flood plans of the development. That would all come back in the event that this actually was rezoned by act of Council. Any plan would come back to the Planning Commission and those items would be addressed at that time and also with the Building Official and Engineering department to make sure those things are adequately managed. Someone also made the comment that there is no guarantee for building or for attraction for employees and so; we should wait to see if that happens, but building or hiring employees for a business can't happen without the zoning coming first. She heard the phrase the cart coming before the horse and the property in order to be used for light industrial use has to be rezoned prior to someone investing the money to develop future plans.

Mike Babet of 38601 Sugar Ridge stated that there have been changes to the Master Plan regarding rezoning. The main changes are up the 83 corridor where the city is allowing Center Ridge to become B-3 Commercial. In their area on the west end, there was a retraction where the Master Plan allowed for I-2, however, Beckett, the owner decided not to do that. He continued to state that 260 lot depths is a lot and in Avon Lake, there are very few of those, but in this area it is 460. He stated his is 1,500 and many people in attendance are over 1,000. He

stated that this parcel is not that large and then falls under the fact that it doesn't conform to the area. He stated that the Master Plan may be a guide, but you have to look at the zoning code where it states to preserve and promote the public health, moral convenience, safety, comfort, prosperity and specifically to protect the character and stability of residential, commercial and industrial. He stated this area is residential. He restated what the Assistant Law Director stated and asked if this is a well thought out plan.

Chairperson Swallow stated that the plan before them is only the rezoning.

Mike Babet stated that there is a plan before them and asked if it was well thought out.

Chairperson Swallow asked if there is new information the audience would like to speak on rather than restate what the Commission has already heard.

Brenden McCool stated this is no longer, "if you build it, they will come". The applicant has 30 plus acres that are for sale and if he has people that are so hot to come in right now on this lot, why isn't he selling the other lots. If there is a demand, he said, why aren't they going for what is already available.

Jim Firak stated that the Chairperson stated that the Master Plan is old, it is a 2009 plan; however, it is a plan.

Chairperson Swallow stated she didn't indicate that it was old; she said it was adopted in 2009.

Jim Firak stated he appreciated that she read off that plan because that is what they are basing their argument on because this is not a well thought out plan.

Chairperson Swallow asked if there were any new comments.

Debbie Babet of 38601 Sugar Ridge stated that the comment made was that the Master Plan was adopted in 2009 and there have been changes and the city is going in different directions, but she believes that a ton of money was spent on that plan. The first time he came in he didn't have a plan with a drawing on it. She stated that this Master Plan is better than someone coming in and giving a five minute presentation and the Commission deciding shouldn't they or should they.

Chairperson Swallow clarified that she didn't mean to imply that the Master Plan was old in any sense. She actually stated it was adopted in 2009 which is when it was in force and in effect. She also pointed out that there have been rezoning in some areas over time which is not necessarily depicted in the zoning map that is included in the Master Plan that so many of you had referred to.

Cindy Firak 38625 Sugar Ridge Road she referenced the picture and stated that there is an area that is wetlands and wetlands are protected in the State of Ohio. EPA will have something to

say. She addressed the applicant and stated just to let you know there will be postponements and qualifications that he has to follow in order to save the dignity of the wetlands in that area.

Chairperson Swallow asked if there were any new comments. Hearing none, she entertained a motion.

It was moved by Maleski and seconded by Swallow to recommend Council approve the rezoning.

Chairperson Swallow asked the Clerk to call the roll.

Yes, 3 No, 1 (Smolik)

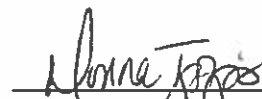
Deputy Clerk Tjotjos announced the motion passed by a vote of three to one.

ADJOURNMENT:

Chairperson Swallow announced two special meetings are scheduled for September 21, 2017. She then adjourned the meeting.

The meeting was adjourned at 8:32 p.m.


Chairperson


Deputy Clerk of Council, Donna Tjotjos


Date Approved