

The North Royalton Planning Commission met in the Council Chambers, 13834 Ridge Road, To hold a **Public Hearing on Wednesday, October 5, 2011**. The meeting was called to order by Councilman Don Willey at 7:00 P.M.

Present: Mayor Stefanik, Don Willey, Victor Bull,
Mike McCarthy, Law Director Tom Kelly, Building Commissioner Rito Alvarez,
City Engineer Mark Schmitzer, Secretary Julie Broestl

Don Willey: Before we get started with the Public Hearing, I know I've talked to a number of you who called me, I'm Don Willey, and during the Public Hearing everyone will get a chance to speak. Whoever the presenter is, the applicant, it's not a good idea to ask questions when you are up at the mic making statements, but we would ask the applicant to track the questions and we will address them after the Public Hearing. That is if anyone wants to speak, and I don't know if anyone does. Everyone relax. I don't have to be anywhere until 8:00 am. With that, please stand for the opening ceremony, the Pledge of Allegiance.

The audience and Board cited the Pledge.

Public Hearing

Victoria Burns/Malley's Chocolates, 5855 Royalton Road, Town Center District Zoned.
Site plan approval for parking lot lighting and grading.

Don Willey: The applicant is here. Come forward and state your name, address, and what you wish to do.

Victoria Burns approached the microphone.

Victoria Burns: Victoria Burns, 1600 Valley Parkway, Broadview Hts. I'm here to get approval on the lighting plan and the parking lot grading. I know the asphalt, I did turn in the Engineering drawings, but I know the asphalt guy had a couple of minor suggestions and when he goes to get the permit he may submit what different ideas he was going to do to that he felt would make it better. He's slammed right now, and I was going to make him come, because I can't answer kilowatts. This is my electrician here.

Don Willey: Anything else?

Victoria Burns: That's all. I believe you have all the plans.

Don Willey: Okay. Anyone in the audience wish to be heard on this? No. Okay. You can have a seat and we will refer this to the regular order of business. I need a motion to move Malley's Chocolate to the regular order of business.

Moved by Victor Bull, seconded by Mike McCarthy, **to move Victoria Burns/Malley's Chocolate to the regular order of business.**

Don Willey: It has been moved and seconded. Please call the roll.

Mike McCarthy: Yes

Victor Bull: Yes

Mayor Stefanik: Yes

Don Willey: Yes

Yeas – all. Nays – none.

Motion carried. (4-0)

Blossom Hill/Glenn Billington, Attorney and Michael Nowacki, 10983 Abbey Road, PPN: 481-21-16 R1-A Zoned. Site Plan Approval for a lot split and consolidation and conditional use for two group homes.

Jeff Stenzel approached the microphone.

Jeff Stenzel: Good evening. I'm Jeff Stenzel, with Fogel and Stenzel Architects. We are the architects for Blossom Hill. We are requesting approval for a lot split and conditional use for two single family licensed homes. It will be two group homes operated by Blossom. Blossom Hill is a nonprofit agency who's operated a thirteen bed facility in Brecksville for 30-years. They are on a lease situation in that facility right now, and also it is a two story building. Currently, the people that are there; most of them have been there the majority of the time and they are getting older and need accessible facilities, which the current facility doesn't provide. The proposal is to take the property they have a contract at 10983 Abbey Road, which is a single family residence. The frontage on that property is probably 205 feet. Do a lot split for two single family lots and put a single eight bed family home on each parcel. Our proposal to cut down on the asphalt is to do a single common drive that is shared between both houses. Blossom Hill would operate both houses and probably share some of the services. The current population at the home right now, which they have in Brecksville, is 13 people, who have lived together for years basically as a large single family. They would be split in this situation between the two homes. One of the common goals was to get them in a single location where they could still share activities, because they have lived together for so long together. That is what we are looking for; a lot split and consolidation and a conditional use approval.

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: Mr. Stenzel, could you be a little more forth coming with explaining to both the commission and the audience, how many people we are talking about in each of the two homes. What are the various ages we are talking about. What are the nature of the disabilities that we are talking about. I think everyone might feel a little more informed if we were to have that information as well.

Jeff Stenzel: Each of the homes will be licensed for eight permanent residents. So, eight people in each home. A maximum of eight people. The people are developmentally disabled, and it could be a variety of things. Physical, mental or a combination of both. There could be people in wheelchairs. There could be people with walkers.

Tom Kelly: Are they now?

Jeff Stenzel: I believe some of them have walkers. No.

Tom Kelly: Is it men and women?

Jeff Stenzel: Yes. A combination of men and women. There is a 24-hour staff in both homes. Separate staff and I guess two to three, oh, three to four staff members in each home.

Tom Kelly: Not that it is critical to the decision process, but could you share with us the ages of the residents?

Jeff Stenzel: Lynn Urbanski is executive director of Blossom Hill and she could give you more specific on that.

Don Willey: Please give your name and address, and how you spell your last name.

Lynn Urbanski approached the microphone.

Lynn Urbanski: Lynn Urbanski, I live in Brookpark, Ohio. Our age range is 34 to 63. The residents have all lived together for 30-years. The majority of them, but obviously not the 34 year old. Everyone is walking right now, but they are getting older. We have a lot of people with Cerebral Palsy that are ambulatory, but the steps. The building that we are in now is the old Blossom Hill School for wayward girls that was renovated 30-years ago, and the steps are like a school yard steps. They are very steep. Some of our folks just can't get up and down the steps safely anymore.

Tom Kelly: Can you explain to the commission and to the audience, Ms. Urbanski, the nature of your licensing. Who supervises that? Where does the license come from?

Lynn Urbanski: We are licensed by the State of Ohio, from the Ohio Department of Developmental Disabilities. We are certified through the State of Ohio, from the Ohio Department of Health. We are surveyed by the Federal Government by Medicaid, and we work under the offices of the Cuyahoga County Board of Developmental Disabilities.

Tom Kelly: And your licensure, is it such that it needs to be maintained on a regular basis and does it have to be audited and recertified from time to time?

Lynn Urbanski: Every year. And they come out every year. We have three surveys a year. State, licensure of the County, and Medicaid. We have to do this. Someone had asked me, 'why don't you build one facility? Well, back when we started we were allowed to do that. The state doesn't allow 13 people in one large home. They want it smaller. We have two people in a bedroom right now, and in these houses everyone will have their own room. They will just be small rooms, but the appropriate size by state standards.

Tom Kelly: Could you share with everyone, as well, the staffing issue. What kind of staffing are you talking about?

Lynn Urbanski: We have a very high medical need population, and we do not have anyone with mental health diagnosis, they are mentally and physically challenged. They all go to workshops. They all attend the Southwest Adult Activity Center on Hinckley Industrial Parkway. So, they go to work every day, they are just getting older. We have 24-hour nursing because of their medical needs. On duty right now, with 13-people at home, I have seven staff on duty, plus a nurse. When we split them, I'm looking three to four, depending on the medical needs. Some people are needing assistance to walk. We have a resident that was recently diagnosed with Alzheimer, and she is not feeding herself anymore on a day to day basis. So, another staff may be needed to help.

Tom Kelly: Very good. Mr. Chairman, I didn't mean to interrupt, but if we could get a little more information that might be helpful to the commission and to the residents.

Don Willey: Thank you Mr. Kelly. Anything else?

Lynn Urbanski: Any questions?

Don Willey: When we go to the regular order of business then we will be able to ask questions. Anyone from the audience who would like to make some comments? As I indicated before, for good order I

would perhaps you could note these questions and if possible we hope you won't all say the same thing. Feel free to come up. State your name and address and speak into the mic. Welcome, everybody. This is being taped, that's why we use the microphone. You have to step up to the mic.

Jean Jones approached the microphone.

Mrs. Jones: My name is Jean Jones, 10791 Abbey Road. I wanted to ask the lady in charge here, if this facility is similar to the one on York Road? There is a facility under the offices of the state also over there, just a little bit north of 82, on the east side of the street. And this picture looked very similar with the red brick building on the left. The red brick building which is the offices on the right. And the driveway that goes between them.

Lynn Urbanski: (from the audience said) I think you are referring to Northeast Care Center.

Don Willey: You will have to come up to the mic if you want to speak. Also, if you just write down the questions and we will address them all at the end. Okay.

Lynn Urbanski: So, am I done?

Don Willey: Amen.

Laughter from the audience.

Matt Wintrek: Good evening. I'm name is Matt Wintrek, 11477 Worthington Way. I've been a resident there for five years and originally we were enticed in buying there because they were going to have a pathway built on the north side behind the north side houses on Worthington and kind of like have a park like atmosphere. That was a builder issue and that somehow went away. In addition to the two streets, Worthington and Glen Abbey, being connected with a cut through street down there, that was cancelled also. So, we were looking for more of a park atmosphere when we bought the homes, it is a quiet neighborhood now, now we are looking to build a 24-hour facility that's going to have, probably by nature of the residents there, ambulances, trucks coming at certain hours. I know that garbage is restricted to certain hours but certainly vehicle traffic coming in and out of there. Lighting. There is going to be general noise coming out of there as well, in a neighborhood that wasn't zoned for that, it is zoned for residential. I am understanding the needs of a disabled, again, I don't think that this is a setting to put it in. You have two buildings going in there that's meant for disabled persons, but if it is zoned as a group home, my concerns are for the future. What is prohibiting that from changing. What is the residency? We could have a halfway house there. A youth re-entry program for troubled youths that have committed crimes. It is a big concern for the residents here and in addition to the industrial type noise, we don't want that possibility in the future for those types of people to come in and be

around the children in the neighborhood. That is not why we bought a \$250.00 plus homes over there. Those are my concerns.

Len Gonet approached the microphone.

Mr. Gonet: Good evening. My name is Len Gonet at 11412 Worthington Way. I'm the president of the homeowners association for Worthington Way. On behalf of the board, we are unanimously against this proposal. This is a signal family dwelling area. It is boarded on four sides by single family high dollar developments with Glen Abbey to the north and Mahican, which is yet to be developed to the west, and the Villas of Worthington to the east, and Worthington Way directly touching that property to the south. About nine homes would be directly abut against the facility itself. I understand the property goes back 1400 and some feet. There are woods there now and it's great. That is part of why I like it, but obviously it is more than just what I want right? In due respect to the cause, it is a very important cause to find the right facilities for these people to have a quality life. I just don't think it makes sense to put an institution, essentially, sandwiched between the developments that are there today. It doesn't seem like it fits the City plan for how we should be thinking for our future of North Royalton, building a community that people want to build homes in and live in. Not to say that anyone is better than anyone else, but when you are talking about who are making the payments of these homes and the value of their homes, you are going to directly affect them in an adverse way. There has to be a better place for these people and their care to be had than right between these four developments. Mr. Wintrek brought up some good points about the noise, and the coming and going of 24 hours a day, not that it is going to be potentially overly busy, but you will have buses coming in back through there. Garbage trucks, services for the 24 hour care needed. You will have people coming in day and night. The people that just built the house on Abbey Road, their driveway is going to be right next to that, to me it is ridiculous to even consider this, I'm mean not to consider it but not to go forward with it. I would appreciate your concern of the many homes that surround that area when you make your decision on this proposal. Thank you.

Don Willey: Thank you. Anyone else?

Lindsey Cavanaugh came up to the microphone.

Ms. Cavanaugh: My name is Lindsey Cavanaugh. I live at 10919 Abbey Road with my husband, and we live right next store to the land you are speaking of. I agree with the two gentlemen that just spoke. I'm actually ill over the fact that this could be happening next to me. We closed in on our house less than two months ago and to think that this could happen next to us. We have two small children, and we moved here thinking we have land and we have this wonderful small town feeling. We grew up in North Royalton and love the community, and I was excited to be back here. Having this as my neighbors is upsetting to me. I appreciate you looking into this and what everyone here is saying. Thank you.

Don Willey: Thank you.

Mr. Jim Jones approached the microphone

Mr. Jones: My name is Jim Jones, 10791 Abbey Road, with Mrs. Jones, and I must say that the thing that troubles me the most is the fact of changing that zoning. This troubles me greatly because what it opens the door all too. We have lived there for forty years and we have seen some tuff times there. We've seen a proposed development of a building for the alliance of Polls, and the people were opposed to that and I think that this is very similar to that. It is just not conducive to our type of lifestyle. We don't think. I have no objection to the people. This is a troublesome thing for me because the Nowacki's are very dear friends of mine. And to take a position against this is difficult for me. I don't know if you would build this kind of a building say on Harley Drive, or Castle Drive, or any of the uptown places and I don't think it is right to do this down by where we are. Thank you.

Don Willey: Thank you Mr. Jones.

Melissa Desalvo approached the microphone.

Ms. Desalvo: My name is Melissa Desalvo, I live at 11532 Worthington Way. For the record I'm an Intervention Specialist and I'm a Special Education teacher, so, obviously, I'm very sympathetic to the needs of others. But, I also have to be aware of my children and the community I live in. I bought my home going on five years ago now, and already the property value has dropped, which we all know we are facing in this economic time. I would just like for people to consider is this going to add value to our homes or at least maintain the value of our homes within this community. The concern is 'no it won't', and it could even add to the property value dropping and taking away from the community and small town neighborhood feel, as well. Thank you.

Don Willey: Thank you. Anyone else? Lot of people out there.

Tom Patterson approached the microphone.

Mr. Patterson: My name is Tom Patterson. I live at 11442 Worthington Way. I'm Vice President of the Worthington Way homeowner's association. Len did an excellent job of raising issues for the homeowner's association, so I will speak as a homeowner. I'm opposed to this proposal essentially only because of the rezoning. It could be a mini mart and I would still have the same objection. I echo all the statements that were made before. Thank you.

Don Willey: Thank you.

Warren Dolezal approached the microphone

Mr. Dolezal: My name is Warren Dolezal, I own the property at 10763 Abbey. I would just like to say I agree with the points against it. I guess the 24 hour activity is what bothers me is the additional traffic and stuff. I would just like to see it stay as a single family home.

Don Willey: Thanks Warren.

Jennifer Wintrek approached the microphone.

Ms. Wintrek: My name is Jennifer Wintrek, I'm Matt Wintrek's wife, and I live at 11477 Worthington Way. One of our concerns is that we live on the south side of the street and we knew nothing about this until early this morning. Apparently only the people on the north side of the street and also the south side of the street of Glen Abbey were informed of this. Anyone that was in a certain radius of the group home. We knew nothing about this until this morning and that is why we came here, we would have liked a little bit more notice.

Don Willey: Thank you.

Jerry Conroy approached the microphone.

Mr. Conroy: My name is Jerry Conroy, I live at 11472 Worthington Way. I just wanted to go on public record to also state my opposition to the rezoning. Mr. Jones made a great point. He's lived there for 40 years and I've been a resident for the past 4, but I grew up on the west side of Cleveland and I really enjoy the community that we live in today. Certainly, I think, rezoning this property would have an impact on young families, like myself, and some of my neighbors here with me, in terms of rather or not we want to be a part of this community long term like the Jones' have been. I just wanted to go on the public record. Thank you.

Don Willey: Thank you sir.

Stacey Harper approached the microphone.

Ms. Harper: Good evening. My name is Stacey Harper, I live at 11652 Worthington Way. We live on the north side of the street and our property would abutt this and we received no notification, so that is a concern for us, as well. More importantly, we moved here in January of this year. We relocated our entire family from out of state and it pains me to stand up here and think that I've moved here to create a community with my family and have children, and now I'm looking at a completely different setting then I purchased with the house. Again, with all these people standing here we are urging you kind of reconsider the rezoning of this.

Don Willey: Thank you.

Paul Sidari approached the microphone.

Mr. Sidari: My name is Paul Sidari and I live at 11292 Worthington Way. My biggest concern has been addressed here, all of them. My biggest thing is the rezoning. As I look at other communities around the area it seems that there are commercial areas, residential areas, and then other zoned areas. It seems as though we are trying to put something in that doesn't fit. We are trying to force a square peg in a round hole by putting this facility, which really is an Industrial facility, into a residential area. I have two young children, I get chocked up talking about this because I love my kids, I didn't move to this area for this. I moved from Cleveland Hts. four years because the community that we looked into is going to provide what we wanted. And it did, until three days ago. I rest with the sediments of the others. Not everybody knew. You are seeing a handful of people who came out because there was fifteen people on Worthington Way and there was four or five people on Abbey Road that got a piece of paper that said hey, here is what we are trying to do and I would like to know what would happen if you put it out to all Glen Abbey, other individuals on Abbey Road, if you would put it out to other individuals on Worthington Way, let's not have the conversation amongst 20 people, let's have it amongst the community, because that is what this is really about. It's about the community. We need to make sure that as we are developing North Royalton as a community place for future residents to come, I understand business is what makes a city from a monetary standpoint, but a community is made by the people. We have to have good people, we have to have people who want to stay in this city. I see a group of people who want to be here, let's not make them leave. Let's keep them here. So, I ask you all to really put some great thought into this and decide if this is right for the city. Because as I sit here I don't believe it is. Just wanted to be on record to hear that. Everybody is very intelligent. Everybody loves North Royalton. Lets continue to love it. Thank you.

Barbara Weiser approached the microphone.

Ms. Weiser: My name is Barb Weiser and I live at 11202 Worthington Way. My husband and I built our house four years ago and we bought in that area, and we had several choices, he lived in Strongsville, and I lived in Garfield Hts. We picked that neighborhood because of the woods around the surrounding what Ryan Homes had promised us with a park like atmosphere and walking trails. We didn't get that. They promised every resident a tree and thanks to Len we got our trees. This doesn't fit. This is not the type of area for this type of building. I agree with Paul when he said you are trying to fit a square peg into a round hole. I would like you to reconsider rezoning that area for commercial use.

Don Willey: Thank you. Anyone else? Would you like to comment on the questions?

Tom Kelly: Mr. Chairman.

Don Willey: Yes.

Tom Kelly: Before Mr. Stenzel responds, I want to take at least the opportunity to, and I'm sure the commission understands this, but I think the residents may not understand. This is not an application for rezoning. Under R1-A Zoning in our City, as in almost every city you will find, family group homes are a permitted main use. The applicant is here tonight for two reasons really, a lot split request as well as a conditional use permit. There is even some significant doubt, in my mind at least, as whether we can enforce the conditional permit. I want you to be aware that there are significant, substantial, legal restrictions on communities, municipalities, for attempting to restrict group homes. The State of Ohio allows a group home of up to eight people, according to the statute, and our Ordinance reflects that. So, in terms of your recognition of what this is all about, I just want you to be aware, it is not a rezoning application. Thank you Mr. Chairman.

Don Willey: Thank you Mr. Kelly. Mr. Stenzel, please talk into the mic.

Jeff Stenzel: Anyhow. Talk about the operation. There are two signal family homes for eight individuals who happen to have developmental disabilities. Blossom Hills is operated as a signal home with 13 of these people, on Blossom Hill property in Brecksville for thirty years. They have the soccer fields there. They have a preschool there. I'm not sure of other facilities they have.

Don Willey: Excuse me. Can you walk back and speak into the mic because we are taping this. That's it. Thank you.

Jeff Stenzel: And they have been operating there for thirty years without any difficulties. They operate as a family. They go to work during the day. A bus picks them up in the morning, takes them to work, and a bus brings them back later in the afternoon and drops them off. They have dinner and some other activities. They go to bed. They get up the next morning and go to work. There is staff there. There is 24 hour staffing. Staff does not sleep there. They have three shifts during the day so there would be some traffic at, I'm not sure of the hours, but 8:00 am and 5:00 pm, you would have two or three cars coming in and two or three cars leaving. You are not going to have traffic coming in and out all day. The homes are designed to look as a large signal family residence, for eight individuals. It has a kitchen. It has a living room. Three bathrooms. Nothing different from what you have in your home but just a little bit more of it because they have eight individuals. These people lived as a family. They don't have a cook on staff. The staff does the cooking in conjunction with the people and they all eat together. It is a real signal family home with a larger group of people. The traffic is not 24 hours. There may be an ambulance there. There may be an ambulance at your house. It's not a daily occurrence, so that won't be happening. I believe when the people are outside the facility there are general staff with them. They don't drive. They generally aren't loud and reckless. Some teenagers are but there are no teenagers here in the home. That kind of answers the traffic and the lighting will be no more than residential style lighting. There will be some residential posts. Mr. Kelly talked about the zoning and the fact that there was no change in zoning there. As far as property values, these homes would each cost about

\$800,000.00. So, there will be a lot of money put into the property. Was there anything I didn't answer here.

David Sabol approached the microphone

Mr. Sabol: Dave Sabol, 10065 Echo Hill Drive, Brecksville, Ohio. I sit on the board of directors for the Blossom Hill. It's an all volunteer board. Many of the people who serve on the board of directors, sisters, brothers, children, live in that home. My children went to the Brecksville Co-op which is right across the street from this home. My daughter played softball in the fields next to it. My son played soccer in the fields next to it. Children have been there and around this home for the past thirty years, and there has never been an issue. Jeff was very clear about the fact these are people that get up, they go to work, and they come home and go to bed. Very similar to what we do. So, hopefully they will be good neighbors to you. They are just there trying to make their way through the world just like everybody else is. We took some time to hire an architect who is familiar with this building design type, that designs a home that hopefully looks contextual with the area around it, that it will be advantageous in terms of values because we are putting \$800,000.00 into each of these homes. Certainly we will work with groups in terms of trying to have landscaping that will add to things. When any change comes into a community there's always concern. I understand that. I have kids. I have two teenagers actually, and they probably make a lot more noise than these eight individuals. Luckily one is going to college next year. What I'm trying to say is that this is a home and that these are people and that they are not going to be any more of a disturbance to anyone around here than any other home that might be built in this area.

Len Gonet approached the microphone.

Mr. Gonet: Len Gonet, 11412 Worthington Way. A couple questions. I noticed on the plan there is one facility that is about 100 feet setback from Abbey, and then a next one that is 200-feet back of Abbey. I see the parking lot continue on the east side of the facility with a turn around, but it appears that that road can continue on. What are the plans? Is this thing going to keep going and going? Because this is a 1400 foot, 7 acre lot, with way more development that can happen with knocking down the woods and building another 8 person facility. I understand that there is legal things that we have no control over. I just want to know what the future plans are.

Tom Kelly: Mr. Chairman. The Code restricts every single lot to one main use. One building for one main use. Absent of a major change to the zoning code, which is not all together likely at least on that score, one house, one lot.

Mr. Gonet: Okay. What happens when that lot potentially gets split again?

Tom Kelly: Can't be, at least not under the current law. You have to have a 100-foot of frontage on the roadway in order to qualify as a single lot.

Mr. Gonet: Okay. The second thing is that I understand the cause here and I appreciate everything about it, and this is more of a rhetorical question but, your kids played around it and whatever, but did you live next to it. Did you have to see it every day as it wasn't part of the plan when you moved into the neighborhood. Would you want it built in your backyard right against your house? I just don't see how and why anybody would want a facility like that next to their property. Thank you.

Jim Jones approached the microphone.

Mr. Jones: Jim Jones, 10791 Abbey Road. In reference to what you said about the dividing of the lot by 100 foot, if I understand it this is in excess of 200 feet here, so than could that than be divided?

Tom Kelly: That is part of their application is to do a lot split. So, they have a 200 plus lot, which they intend to split. They could put one house on one lot and one house on the other lot. That is the application.

Mr. Jones: You are saying that there are some restrictions that the state provides us for?

Tom Kelly: State and Federal Government both regulatory and by Case Law. Supreme Court of both Ohio and the U.S. Supreme Court have some significant things to say about group homes and by and large, as long as they are appropriately regulated, the law favors them.

Mr. Jones: Well, may I ask, Sir, are we in effect wasting our time?

Tom Kelly: No. I wouldn't say that. No, you have a right to be heard and there are many things that have yet to be vetted here. For example, I've talked with their representative, Mr. Billington, who is seated behind you, and it is my understanding they are going to ask the application to be tabled tonight for the express purpose of allowing us to have some more time to consider all of these concerns and to consider their application and their plans for development. I suspect that the Chairman and the members of the Commission will ask our Building Commission, Mr. Alvarez, to do a thorough memo to define for them the question of whether or not these buildings and the proposed development meets our Code. None of that has even been reviewed to any significant degree yet.

Jerry Conroy approached the microphone.

Mr. Conroy: Jerry Conroy, 11472 Worthington Way. My question is, did you mention the support for this, and the nonprofit organization is from Medicare or Medicaid? Medicaid. So, I guess, what happens if

the money runs out and that is a cut program. What happens to the dwelling and the occupants, where do they go, and what happens to the employees? What's the next step?

Don Willey: Is that your question?

Mr. Conroy: Yes. That is the question I have now.

Don Willey: Thank you. Does anyone have a crystal ball and address that?

Jeff Stenzel approached the microphone.

Jeff Stenzel: Jeff Stenzel, Architects. I'll answer the initial question on the property. There is no intent to build anything beyond what is here now. The reason the paving is back there is because the busses come in and we want them to go back out head first. It's a turnaround space. The back of the property could probably be for sale if people on Worthington Way want to buy it. There really is no use for it. We are going to disturb the first four or five hundred feet of the lot in the development of the project and the areas beyond that, other than drainage, we won't be doing anything with. As far as Medicaid, if the Federal Government goes under Medicaid could go under too, I guess. Just like anybody else. You lose your job and you're out of money you do something else. The intent right now is for Blossom to keep operating. They have been operating for 30 years, and there is no restriction for that in the near future. If the facility changes somehow, I think part of conditional use will be the operation as a licensed group home. There wouldn't be the opportunity to do anything else at that point.

Don Willey: Okay. Thank you. Did that answer your question?

Mr. Conroy: I don't think so. I don't know if he can.

Don Willey: If you want to say something you have to come up to the microphone.

Lynn Urbanski: It's a Medicaid funded program that subsidized through the county board, the state of Ohio, and our own foundation. So, if Medicaid, which could go under, there are other resources to keep that operation in place.

Don Willey: You have to come up to the mic. Can we have your name again.

Lindsey Cavanaugh came up to the microphone.

Ms. Cavanaugh: My name is Lindsey Cavanaugh, 10919 Abbey, Aren't you experiencing big cuts with subsidizing the reimbursements that you are receiving right now from the state?

Lynn Urbanski: We haven't experienced any. Some agencies are, but we are small and not giant and we are very stable. So, no.

Ms. Cavanaugh: I work for Parma Hospital and in the building that I work we have many different functions of adult day cares and things like that, and they are experiencing huge cuts which may have not impacted you yet. But, thus far is state wide and they are talking about how they are trying to get people at home longer and keep them in their home rather than paying out group homes and nursing homes and things like that. So, I just wondered if that would happen to this and would it then not be ran properly.

Lynn Urbanski: I have a son with special needs and if I tried to get him in a group home right now it would never happen. I would have to keep him at home. These folks have been in a group home for 30 years. So, it is a different approach to them. If the Federal Government went under all the group homes and institutions around, what would you do with all the people, it's a good question. Just in the numbers in the state of Ohio, it's kind of a safe program because where would they go? When Broadview Center closed and the state institution; well, they are still closing those places, to be more cost effective to have smaller homes.

Tom Kelly: Mr. Chairman.

Don Willey: Yes Mr. Kelly.

Tom Kelly: Would you be kind enough to at least recognize Mr. Billington. I think that he has something he wanted to say before we move to table this.

Mr. Billington: On the issue of the funding failing, if the funding failed and we all had to go out of business, as Lynn has pointed out, there are over 200 homes like this in Cuyahoga County. There are over a thousand people in this category of people that are being cared for. Now, several of them in this City, and in every suburb and in the City of Cleveland. The technical legal issue is if we couldn't operate in this site, the conditional use permit only applies to this use. We would be the losers cause we couldn't just sell it to somebody else to do something else. That's a risk we are willing to take.

Don Willey: Mr. Billington, for the record, could you give your name and address.

Mr. Billington: My name is Glenn Billington, my address is 1991 Lee Road, 102, Cleveland Hts., Ohio.

Don Willey: Thank you sir.

Justin Cavanaugh approached the microphone.

Mr. Cavanaugh: Justin Cavanaugh, 10919 Abbey. I just have a simply question. You keep saying this is a home. This is just a large home with eight individuals. My home, I know, doesn't have dumpsters, 24 hour care, and buses driving down the driveway. I'm trying to keep my emotions in check and I know life isn't fair but, for God's sake, I just moved into the house two or three months ago, and now I'm going have a damn near place of business next store. This is killing me. I really urge you to think this over. I know it's not a rezoning thing, but it is a privacy thing and a community thing. These aren't just oversized homes with eight individuals living in them. You have staff. I don't have staff in my home. I don't have dumpsters or buses.

Don Willey: Thank you.

Matt Wintrek approached the microphone.

Mr. Wintrek: I'm Matt Wintrek, 11477 Worthington Way. What concerns me and the question is, with state licensing, I'm a little ignorant too, as far as group homes go that doesn't mean just it covers a broad definition, doesn't mean just disabled people. I don't know if their license will allow them to cover should they go under which is a great question we've all got under. I'm more concerned with having empty houses and the fact that we can now transfer over to be a half way house for criminals reentering society, which is covered under the definition of group home. Or for youthful offenders reentering society. Or it could be for recovering drug addicts. I don't know what state licensing prohibits or not and if it could simply transfer over and become something like that. I have been a police officer for fifteen years, almost sixteen now, I've seen what those type of group homes bring to a community and it's not good, especially around kids, crime, crime, crime. So, again, I don't know what licensing with the state prohibits or not but it seems to me like it wouldn't be a hard transformation. I've seen houses that size and setting go down real fast with those types of individuals there. Thank you.

Don Willey: Thanks. Can you address that Mr. Billington?

Tom Kelly: My understanding, and again, I'm not the expert in this area, but my understanding is that the Department of Health licenses specific for the nature of the disability. The issue of the type of family that is being approved for a group home is specific to the applicant. So, Mr. Billington do you have anything better on that?

Mr. Billington: Nothing any better. The fact is this permit is for only this use and for only this type of people. Frankly, it's quiet offensive for you to talk about drug addicts, and people like that. That's not the population we could serve and there isn't any way that this license could be flipped over to somebody to do that. Keep in mind who we are caring for. It's not the people you are talking about.

Mr. Cavanaugh: I think I better explain my question better. I'm not suggesting that your current residents are anything like that. My concern is that should your program funding for whatever reason

go under is that physical building allowed to be relicensed however you want to say it, under the state or is it that building forever, never ever, allowed to become a group home other types of individuals. We are not talking ten years down the road. I'm not talking mixing with your current residents under that license. I'm talking could another license be obtained later to make that structure a facility for different types of group homes. I don't know what limits that and I have a hard time believing that had your program go under or you have to move even if it is ten to fifteen years from now, what could happen to that structure? How is that physically restricted from allowing another licensed facility from going in there?

Mr. Billington: Briefly on that point, any house, your house could be licensed as, yes, yes it could.

From the audience Someone spoke

Mr. Billington: The number eight is the top. That is the largest you can go. There are in fact facilities for two and three people. There are probably over 150 homes that have two and three people living.

Don Willey: If you want to ask a question, come up here. Otherwise everything gets out of control. If you all just take your time and relax. As long as you don't keep asking the same question. You ask the same question you will get the same answer, I think.

Paul Sidari approached the microphone.

Mr. Sidari: Paul Sidari, 11292 Worthington Way. I think we need to get back to exactly what you guys are doing. Not to the what ifs. The really question is if your facility does go under you got about 1.6 million dollars invested in two buildings. Don't tell me that Blossom Hills not going to go under because we don't know that, but something may happen. If something does happen, you will try to regroup your 1.6 million dollars at some point. Market values may change. But you will try to get that money back. So, what's going to happen is to get that money back you might sell it to a single family that decides to share it with a family or a group of people that want to do it. Eventually, that will transfer to something else. That is what I think Mr. Wintrek is asking. If it happens is there a license out there from the state now that this is residential zoned as R1-A with conditions does that allow it for maybe drug offenders to come, or maybe mental health that are schizophrenic or whatever, but is it possible because you guys will have to recoup that money, if it goes under. I hope you don't. Also, I would hope you could find something that is more suited for this type of facility in North Royalton, instead of amongst the residents or residential area that has all single family homes that has a development across the street that has been sitting vacant essentially for four years does this add to the complexity of trying to fill those eighty or ninety lots. At some point economics is going to come back. This is a state funded thing the state is going to provide some money back to the city of North Royalton, I'm sure.

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: Mr. Chairman, under North Royalton Codified Ordinances part 12, Chapter 1270, Section 1270.02 "Schedule of Permitted Buildings and Uses", let me read to everybody what it states so at least everyone has an understanding. Buildings and land shall be used in Residential Districts and buildings shall be erected, altered, moved and maintained, in Residential Districts only for the uses set forth as permitted in the following schedule. Main Buildings and Uses, subsection A, R1-A, one family dwellings, by conditional use permit, and there is a couple that don't have any application, licensed family home. Family Home means; a residential facility providing room and board, personal care, habilitation service and supervision in a family setting for at least six, but not more than eight persons with developmental disabilities as provided for in Ohio Revised Code 512319. Now, I can't tell you that the state legislature might not change their laws but in our effort to conform to that the only people who can live in a group home in our town pursuant to this provision are people with developmental disabilities. Which would not include the people out on post release control, in which the officer knows about, it would not involve the potential threat of criminal element that has been expressed. Subject to change, I know, but in terms of the way the law reads today, it would be only people such as those who have been described. CP and developmentally disabled.

Mr. Sidari: I'm not asking you to look into your crystal ball as like was suggested about what the state legislature could do, I'm asking you what the City Council could do for North Royalton. So, what could you do, because we are asking for conditional, so you can change it, just like the state could potentially change, they are asking for you to change.

Tom Kelly: There is an awful lot that goes in to this ladies and gentlemen, it isn't as simple as it appears. Conditional Use Permit process has to be vetted through the Planning Commission, it still has to go to the City Council. There may be other variances that may be required through the BZA, there is no predictability to where this goes. It is not a done deal if that's your concern. On the other hand, the applicant has the rights under the law and we cannot now change, nor would we, change the law in order to attempt to avoid the rights that they have under the law to proceed. So, there is a balancing effort that needs to be done. I suspect this will be over time. That is the best I can tell you Mr. Chairman.

Don Willey: Thanks Mr. Kelly. Okay. New business.

Tom Patterson approached the microphone.

Mr. Patterson: Tom Patterson, 11412 Worthington Way. My question is only for the next Council meeting that addresses this issue may I request that more time be given in advance notice of this meeting and that more homeowners be involved in that notification.

Don Willey: I'm going to request that the secretary of the Planning Commission place a couple sheets of paper over here and if you would all sign your name address and phone number and if there is any subsequent meetings of the Council or wherever this goes forward, you will be notified. I know that there are residents that are not here. We don't know who necessarily know who they are.

Tom Kelly: Mr. Chairman.

Don Willey: Mr. Kelly.

Tom Kelly: Just so everyone understands, the current Ordinance with regards to notice, and that is what we have to follow. The Chairman is expanding it voluntarily. The current Ordinance simply says within a 500 foot radius of the property. I didn't put the stencil to it but I can't say who got notices and who didn't. But that is the Ordinance we operate under currently. If I heard correctly, anybody who is here tonight and is outside the radius who wishes to have a written notice in advance, just come up after the meeting and give your name and address to Mrs. Broestl and I'm sure you will get your notice.

Don Willey: Okay. I guess we are set to move this to the regular order of business.

Moved by Mayor Stefanik, seconded by Mike McCarthy, **to move Blossom Hill to the regular order of business.**

Don Willey: You can take three minutes the secretary has to change the tape. Call the roll.

Mayor Stefanik: Yes

Don Willey: Yes

Mike McCarthy: Yes

Victor Bull: Yes

Yeas – all. Nays – none.

Motion carried. (4-0)

The North Royalton Planning Commission met in the Council Chambers, 13834 Ridge Road, To hold a **Regular Meeting on Wednesday, October 5, 2011**. The meeting was called to order by Councilman Don Willey at 7:48 P.M.

Present: Mayor Stefanik, Don Willey, Victor Bull,
Mike McCarthy, Law Director Tom Kelly, Building Commissioner Rito Alvarez,
City Engineer Mark Schmitzer, Secretary Julie Broestl

Don Willey: Call to order the regular meeting.

Julie Broestl: I need a motion and a second to approve the minutes of September 21, 2011.

Moved by Mayor Stefanik, seconded by Mike McCarthy, **to approve the minutes of September 21, 2011.**

Don Willey: Please call the roll.

Mike McCarthy: Yes
Victor Bull: Yes
Mayor Stefanik: Yes
Don Willey: Yes

**Yeas – all. Nays – none.
Motion carried. (4-0)**

Woodcroft Glen, Phase 2, Final Plat Approval.

Moved by Victor Bull, seconded by Mayor Stefanik, **to remove Woodcroft Glen from the table.**

Don Willey: Call the roll.

Victor Bull: Yes
Mayor Stefanik: Yes
Don Willey: Yes
Mike McCarthy: Yes

**Yeas – all. Nays – none.
Motion carried. (4-0)**

Richard Porter approached the microphone.

Mr. Porter: Richard Porter, Gross Builders, representing Woodcroft Glen residential. Due to economic conditions we don't for see any new construction coming up and we would like to request additional 120 days to table this.

Don Willey: Any questions from anyone on the Commission? Make a motion to approve 120 day extension for final plat approval.

Moved by Don Willey, seconded by Mike McCarthy, **to grant Woodcroft Glen an extension of 120 days.**

Don Willey: Please call the roll.

Victor Bull: Yes
Mayor Stefanik: Yes
Don Willey: Yes
Mike McCarthy: Yes

Yeas – all. Nays – none.

Motion carried. (4-0)

Don Willey: Under new business also is Victoria Burns, Malley's Candies. Come forward and state your name once again.

Victoria Burns approached the microphone.

Mrs. Burns: Victoria Burns, 1600 Valley Parkway, Broadview Hts.

Don Willey: Please restate your request.

Mrs. Burns: The lighting plan and some grading for resurface of the parking lot.

Don Willey: To the City Engineer.

Mark Schmitzer: Than you Mr. Chairman. Couple of questions that I didn't actually have in my commentary to you, so I need to ask. I see that there are a couple of improvements outside the actual boundary of the application for the Malley's property that is being done. Just on the south end and in the existing gravel that is just south on the property line that is shown on the plan, do you own that property surrounding that?

Victoria Burns: Yes, I do.

Mark Schmitzer: That answers my question.

Victoria Burns: But I believe that was the area that the asphalt gentleman wants to reconfigure so, he is going to make those notations and resubmit it I believe. When he goes for the permit let them know.

Mark Schmitzer: The reason I was asking is I saw some improvements on property other than that was on the application and I wanted to make sure that the owner was aware.

Victoria Burns: Everything south of that.

Mark Schmitzer: Okay. You read my comments. If the Board so chooses to recommend approval, I would just need three sets of plans in my office for final review and issuance of building permits.

Victoria Burns: Three sets of plans of what the asphalt gentleman recommends?

Mark Schmitzer: Three sets of plans of the required improvements that the city code has.

Don Willey: Do you understand? I'm sorry I shouldn't speak for you. Three sets of plans covering all the improvements that you are doing on the property, including the asphalt.

Victoria Burns: You have those.

Mark Schmitzer: We have these. You mentioned also that you have reconsiderations.

Victoria Burns: Oh, from the asphalt gentleman.

Mark Schmitzer: Yes. I need three sets of these. Mr. Alvarez needs copies also. That's all I have Mr. Chairman.

Don Willey: Thank you. Mr. Alvarez

Rito Alvarez: Thank you Mr. Chairman. To the applicant, any new type of stripping in the parking area have to conform to our Off Street Parking, Section 1282. Just be aware of that. The other thing I want you to be aware of, I realize that you are putting up lamp posts for lighting that there is a Section in the Code that states lighting fixtures shall be arranged in control as not to cause nuisance either to road traffic or adjacent properties. I want you to be aware of that.

Victoria Burns: Lighting fixtures if you notice on the plans, were designed by an architect and selected by the architect, so that they would have the appropriate direction.

Rito Alvarez: What they actually design and what happens in the field are two different things sometimes. So, if we have to call you to tell you that the neighbor's are complaining that the lighting is directly in their area you would have to take care of it. Thank you for bringing in the plans for the foundation for the lighting and the electric and we will be reviewing that as well before issuing any permits. No further comments Mr. Chairman.

Don Willey: Thank you Mr. Alvarez.

Victoria Burns: I will have those three copies to you by hopefully by Friday. Okay. Because our window is starting to close on how much longer for asphalt.

Mark Schmitzer: Mr. Chairman, if I could. That's fine. As soon as you get the plans in we will be ready to review and comment and hopefully if there are any comments they will be minor. We need Malley's open on Sweetest Day.

Victoria Burns: I need the asphalt done so they can open.

Don Willey: I need some money to buy my wife candy.

Laughter from the audience.

Don Willey: Motion to approve Malley's Chocolate parking and lighting.

Moved by Mayor Stefanik, second by Victor Bull, **to approve Victoria Burns/Malley's Chocolate site plan approval for the parking lighting and grading.**

Don Willey: Please call the roll.

Mayor Stefanik: Yes

Don Willey: Yes

Mike McCarthy: Yes

Victor Bull: Yes

Yeas – all. Nays – none.

Motion carried. (4-0)

Don Willey: Okay, it's all set. Thank you. Next item is Blossom Hill consolidation and conditional use for two group homes.

Mr. Billington: After listening to some of these comments tonight we would like to ask that this be tabled so that we have time to meet with the City Officials and go over some of the issues that have been raised.

Don Willey: Request to table the consolidation and conditional use for the Nowacki property.

Moved by Mayor Stefanik, seconded by Victor Bull, **to table Blossom Hill/Mr. Billington, Attorney.**

Don Willey: Yes
 Mike McCarthy: Yes
 Victor Bull: Yes
 Mayor Stefanik: Yes

**Yeas – all. Nays – none.
 Motion carried. (4-0)**

Don Willey: This issue has been tabled which means that in a future time either the next meeting or sometime in the future they will be back to request what they requested tonight. In the meantime on the Commission as well as the City Officials, the City Engineer, and so forth are going to request additional information for a variances and offsets, isn't that correct Mr. Alvarez?

Rito Alvarez: Yes. We will be doing an in-depth review, both the City Engineer and myself.

Don Willey: So, whatever the next venue is, which means they are coming back to the Planning Commission, you will be notified. Make sure you sign the paper. Can we send it to every resident on the street? At least the two developments including Glen Abbey?

Julie Broestl: Sure, sure. All of them.

Don Willey: Ya, let em know. We can always rent a hall, St. Balls or something. Okay. Anything under miscellaneous business. Do I have a motion. Moved by Mayor Stefanik, seconded by Victor Bull, to adjourn the Planning Commission meeting.

Meeting adjourned at 8:43 pm

Approved: _____
 Date: _____
 Attest: _____

Julie Broestl, Secretary