

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
Mayfield Village
April 2, 2012**

The Planning and Zoning Commission met in regular session on Mon April 2, 2012 at 7:30 p.m. at the Mayfield Village Civic Center, Civic Hall. Chairman Pro Tem Regan presided.

ROLL CALL

Present: Mr. Garry Regan Chairman Pro Tem
Mr. Bill Marquardt
Dr. Sue McGrath
Mr. Paul Fikaris

Absent: Mr. Jim Farmer Chairman
Mr. Casey Kucharson
Mayor Rinker
Mr. Tom Marrie Council Alternate
Mr. David Hartt Planning Director

Also Present: Mr. John Marrelli Building Commissioner
Ms. Diane Calta Law Department
Mr. Tom Cappello Village Engineer
Ms. Deborah Garbo Secretary

CONSIDERATION OF MEETING MINUTES:

March 5, 2012

Mr. Fikaris, seconded by Dr. McGrath made a motion to approve the minutes of March 5, 2012.

ROLL CALL

Ayes: Mr. Marquardt, Dr. McGrath, Mr. Fikaris

Abstain: Mr. Regan

Nays: None

Motion Carried.

Minutes Approved as written.

PROPOSAL

- 1. NEW Library
Roadway**
Cuyahoga County Public Library - Mayfield Branch
500 SOM Ctr Rd.
Architect: URS Corporation

OPEN PORTION

Chairman Pro Tem Regan called the meeting to order. This is a regular meeting of the Planning and Zoning Commission. We have one item to vote on.

Mr. Marrelli advised Mr. Cappello to recap the changes made on the proposed Library driveway.

Mr. Cappello states based on the Planning workshop, P & Z requested we widen the road to provide a safe area for pedestrians. The drawing you have in front of you is the plan and typical section which shows the wider roadway with the two 11' drive lanes and a 6' paved shoulder along the south side. The area of pavement which vehicles will drive on will be striped at 22' wide. We also have 2' stone shoulders on either end. Remember, this is a driveway, not a roadway. The other item was the lighting. I'm meeting with the Electrical Engineer this Wednesday to discuss the best way to light this. We plan to talk with the Service Director about the extra precast poles the Village has that were used on the North Commons project with fixture heads to see how those might work. We need to meet a certain requirement as far as foot candles.

Mr. Regan asked for confirmation that this is predominantly for safety and we're not encouraging a bike way.

Mr. Cappello replied correct. This gives people the opportunity to walk in a safe area.

Mr. Regan asked if the Commission can vote tonight contingent on leaving the lighting up to the professionals.

Ms. Calta replied yes, this is a voting meeting.

DECISION

Dr. McGrath made a motion to approve the proposed driveway to the new Library with the changes as described by Mr. Cappello and the addition of lighting as determined by the professionals.

Ms. Calta states, just to let you know you need four (4) affirmative votes to approve this. There are 4 of you here. I'm not sure what Mr. Marquardt's going to be doing.

Mr. Marquardt said yes you are.

Mr. Regan states let's call for the vote anyway.

Mr. Fikaris seconded the motion.

Mr. Regan asked if any discussion.

Mr. Marquardt said I'll tell you that I will not be supporting this based on the statement and my vote at the last Council meeting.

Mr. Regan asked what that statement was.

Mr. Marquardt replied, I don't believe the Village should be paying for this roadway.

Mr. Regan asked, who do you think should be?

Mr. Marquardt replied it should be the Library's responsibility.

Mr. Regan asked, you don't think that the Village wants to own and maintain that roadway for potential future development?

Mr. Marquardt replied I'm saying that we've already contributed, if you read the statement, we've already contributed five plus acres to this project as a donation. I think the Library should be paying the rest of it.

Ms. Calta states based upon that, I recommend you table this until another meeting if you're not going to have a quorum for an affirmative vote.

Mr. Regan said I'd like to have some discussion. This is mind boggling to me because we're going to hopefully have a say in the future development that will take place in that area and do we want the Library having a say in who is going to access their driveway?

Mr. Marquardt said I'm not in favor of making more contributions to this project on Village funding and I don't know whether you can table it at the point that you have now seconded the motion.

Ms. Calta advised to go ahead and take the vote. It'll be brought back up. All of your recommendations go to Council. The Charter clearly says "An affirmative vote of four members of the Commission shall be necessary for any official action". There's a first and a second. If there's another motion to table it, you can proceed that way or you can call the vote and then it'll just be brought back on a separate agenda for another vote.

Dr. McGrath said as part of the discussion, I thought we really had no say in the financial aspect of it, that this Board is to approve the use of something or the design of something or if it's appropriate to have a driveway in that location with these specifications.

Ms. Calta said I would agree.

Dr. McGrath said I'm not agreeing or disagreeing with Mr. Marquardt's position, but the financial of who pays for it really isn't up to this Board to determine.

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Mr. Marquardt said that is true except that I wear two hats. I'm the one person on the Board that wears two hats and I can't contradict the vote that I made against this at the Council meeting and approve it now.

Ms. Calta asked, are you going to abstain or are you going to vote no?

Mr. Marquardt replied I wouldn't abstain. How could I abstain? That's not a valid thing to do.

Mr. Marrelli said you could approve the design as a Planning Commission Member and then turn it down at Council.

Mr. Marquardt replied I already turned it down at Council.

Ms. Calta said I think John and Dr. McGrath made a good point. As the Planning Commission, you look at the plan. As Council, you look at the plan but you also look at the dollars that would go along with the plan. I respect the fact that you do wear two hats. I can't vote for you but I would encourage you to consider the hat that you're wearing at this meeting as far as the role that you are here to fulfill.

Mr. Marquardt said I've struggled with that issue.

Ms. Calta notes for the background if it helps, Council has approved the roadway up to a certain amount, they've allocated 'x' amount of dollars for this roadway at a 'not to exceed' number. Tom, if you want, you can elaborate on that further. Council has also asked for the Administration to talk with the Library to see about the Library's participation in some of these expenses that the Village is engaging in. We've reached out to the Library and we're setting up a meeting with their Project Manager to discuss it. He's open to discussing it. We just need to sit down and coordinate schedules. We've got some dates on the table. We're optimistic as far as the dollars go that that would be something the Library would be willing to assist in. I can't make any representations as to whether they will or won't or what that amount will be. I can only say that the dialogue is open.

Mr. Fikaris questioned what Mr. Regan alluded to. Is there an ownership issue if we were to ask the Library to fund this, and then a further development opportunity arises where that driveway needs to be replaced with a roadway, how does the Library get compensated back for their investment, or do we even have permission at that point to remove the driveway and replace it with a road?

Ms. Calta replied the Library is being granted an access easement so that they are guaranteed access to their property. This is the driveway that allows them access. If the back parcel's ever developed, it's contemplated there would be a TIF Agreement (Tax Incremental Finance) arrangement where there would be funds available to reconstruct this driveway into a roadway that would provide access not only to the Library but to the back development. With Progressive and their original Campus-III plans years back, it was contemplated at that time that there would be a roadway to their development and that's how it was to be financed back then. This is not that roadway. This is the driveway just to the Library. As far as ownership, if

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they were to contribute, we're not just having discussions on the driveway with the Library, it's the full project. If they were to contribute, it would be more on a global basis, not just for the asphalt or some segment of this driveway. I hope that answers your question.

Mr. Regan asked if this was tabled, denied or motion withdrawn, can Council approve this before, without P & Z?

Ms. Calta replied, according to the Charter things like this are supposed to be reviewed through the Planning Commission. They are supposed to be vetted through this body and then to Council. I would need to look further in that. I think that wouldn't be the usual course. Could there be an exception for that process? Possibly, I don't know the answer off the top of my head. It wouldn't be my recommendation that you skip Planning and go to Council. I would really like to maybe work on Mr. Marquardt and see if we can turn him to see that this is just a plan. This is not allocating any dollars to it. It's not endorsing the project. It's not inconsistent with his views that were very clearly articulated at the last Council meeting. This is an access drive and it's a plan and it's following the course that's set forth in the Charter for review of the plan. It's been designed by our Engineer and he can answer any questions relating to the design. Am I making any headway?

Mr. Marquardt replied, you know that many things don't go according to how it's supposed to proceed, as we've discussed over the last two months.

Ms. Calta asked, the answer to my question is no?

Mr. Marquardt replied correct.

Mr. Fikaris asked, if this plays out that this is not approved / denied, then what's the course of action in general with the Library?

Ms. Calta said I'd think you'd bring this forward again for Planning consideration if you have a quorum, if you have the votes. Right now you're missing three Members. Council has an agreement. Council has authorized the Purchase Agreement which includes this provision. It was authorized at the Council meeting on March 19th.

Mr. Regan asked Mr. Marquardt, it was authorized but you're still against it?

Mr. Marquardt said I didn't vote for it.

Mr. Regan said it doesn't matter. If I picked up the Council minutes I would read it passed.

Mr. Marquardt said it's a lot deeper than that if you pick up the Council minutes.

Mr. Marrelli said Planning Commission's normal action is to recommend approval or not. But what if you recommend that it's not approved based on the money and they say this isn't an issue about money but an issue about design.

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Ms. Calta said if there's a motion on the table such as this, a first and a second, you take the vote, it's a three to one, the motion does not carry. Does that correspond to the Planning Commission saying they're not recommending? No. You haven't said that you don't recommend it, it's just that your action hasn't carried.

Mr. Regan asked Debbie what Sue's motion reads.

Ms. Garbo answered;

“Dr. McGrath made a motion to accept the proposed driveway to the new Library with the changes as described by Mr. Cappello.....

Mr. Regan interjected and asked Bill if he'd accept if Sue amended her motion to the design.

Mr. Marquardt said no. It's going to be a no vote. I'm not changing my mind here.

Mr. Regan said I'm just trying to move the darn thing along so Council can do what they're supposed to do and get on with this.

Mr. Cappello states if we have to wait another month, that's o.k.

Chairman ProTem Regan looks to Ms. Calta for direction.

Ms. Calta said I think the sentiment of the majority is and I can't speak for Jim or for Casey, but I see that the majority here is in favor of this project but I can't change the Charter. This is what it says.

Mr. Regan asked, if Casey had showed up or if Jim wasn't sick, we'd right now be at home watching TV?

Ms. Calta said correct. Whatever you do here tonight, I'm going to be doing some additional research so that when we come back I can give you the authority to say that what you do is appropriate. Whether you take the vote or you table it, I think Mr. Marquardt has made the point that once there's a motion on the table with the first and second, you need to take the vote.

Chairman ProTem Regan calls for the vote.

ROLL CALL

Ayes: Mr. Regan, Dr. McGrath, Mr. Fikaris

Nays: Mr. Marquardt

Motion Denied.

Recommendation to Council.

Mr. Regan suggested an attendance confirmation protocol following any agenda sent out in the future.

Mr. Fikaris asked if it's still a fair question of how this proceeds. What happens now? Do they get access?

Ms. Calta replied that Council has already approved providing the access along with the access easement. This has to do with the design and the construction of it. Will this stop it? No. It's either going to take the path of coming back to Planning or it's going to go on to Council and Council will override Planning's no action. I'll have that information to Debbie and everybody by this week by e-mail so you know where this is headed.

Chairman ProTem Regan asked if any further discussion.

There was none.

ADJOURNMENT

Dr. McGrath, seconded by Mr. Fikaris made a motion to adjourn the meeting.

ROLL CALL

Ayes: All

Nays: None

Motion Carried.

Meeting adjourned at 7:55 p.m.

Chairman

Secretary