



**NEW CASES:**

Mr. Fell asked if there were any objections to moving the Ed Tomko signage request up to the first case in order to avoid having the applicant sit through the entire meeting before being heard for a small signage request.

There were no objections to the request.

Mr. Fell moved to approve the request to move case no. 035-09 Ed Tomko signage to be heard as the first case on the agenda tonight. Mayor Zuber seconded the request.

**AYES: All**

**NAYS: None**

**CASE NO. 035-09  
ED TOMKO CHRYSLER JEEP  
DODGE  
SIGN SITE PLAN**

**REQUEST OF ED TOMKO CHRYSLER JEEP  
DODGE, 33725 WALKER ROAD, AVON  
LAKE FOR A RECOMMENDATION OF  
APPROVAL OF A SITE PLAN TO INSTALL  
WALL SIGNAGE. THIS BUSINESS IS  
LOCATED IN AN I-INDUSTRIAL ZONING  
DISTRICT.**

Mr. Reitz stated this request is to install the “Dodge” wall sign on the front of the building. The additional signage in the package for Planning Commission is for informational purposes and is considered re-facing which the Zoning Administrator can approve administratively.

Allied Lighting Services, 5351 D. Naiman Parkway, Cleveland, Ohio 44139 was present tonight to represent this case and answer any questions the commission may have.

Allied Lighting Services showed the commission where the sign would be placed on the building and discussed color and lighting.

There were no comments from the commission on this case.

Mr. McNamara moved to approve the request of Ed Tomko, Chrysler, Jeep, Dodge, 33725 Walker Road for a recommendation of approval of a Site Plan to install wall signage. Mayor Zuber seconded the motion.

**AYES: All**

**NAYS: None**

Mr. Fell stated that this request was approved and advised the applicant to apply with the building department for the proper permit to install the sign.

**CASE NO. 033-09  
AT&T WIRELESS  
TELECOMMUNICATION TOWER  
CONDITIONAL USE SITE PLAN  
(PUBLIC HEARING)**

**REQUEST OF THE AT&T MOBILITY/JOHN SINDYLA, 7425 ROYALTON ROAD, NORTH ROYALTON, OHIO FOR APPROVAL OF A CONDITIONAL USE SITE PLAN FOR A MONOPOLE WIRELESS TELECOMMUNICATION TOWER ON MUNICIPALLY OWNED PROPERTY AT THE NORTHWEST CORNER OF AVON BELDEN ROAD AND ELECTRIC BOULEVARD. THIS PROJECT IS LOCATED IN AN R-1 RESIDENTIAL ZONING DISTRICT. THIS REQUEST WILL REQUIRE A WAIVE TO THE FOLLOWING CODE SECTION: WAIVER TO 1256.05(H) FENCING TYPE.**

Mr. Reitz stated this request is to create a Conditional Use at 150 Avon Belden Road for a Wireless Telecommunication Tower. Placement of the tower shall be in the rear of the building behind the garage. The westerly parking bay will be used to house the equipment for AT&T. The tower shall be a monopole with a covering to hide the antennas and shall appear to be a 130 foot tall flag pole. The flag will be illuminated from the ground.

City Council has approved the lease agreement for the site as reviewed by the Law Director with the understanding that this request still needs a recommendation from Planning Commission.

This project is a Conditional Use and requires a Public Hearing by Planning Commission. Notice of the hearing has been posted on site, mailed to properties within 300 feet, advertised in a newspaper, website, cable T.V. and posted at various locations within the City.

Mr. John Sindyla with AT&T Mobility and Mr. James Miller Attorney for AT&T Mobility were present tonight to represent this case and answer any questions the commission may have.

Mr. Sindyla showed the coverage areas, site plans and maps on the overhead projector so the members and audience could see the site. Mr. Sindyla stated that the monopole tower would have availability for AT&T and two other carriers.

Ms. Cynthia Sarady, 33803 Electric Blvd. was present tonight. Ms. Sarady did the study of the site for the City. The study was given to the planning commission members at the meeting tonight by the secretary. Ms. Sarady was present to answer any questions the commission may have on the study.

Ms. Sarady stated that the study was requested by City Council to see if this is a good site for the tower. Ms. Sarady stated the entire area is zoned residential except for the Conditional Use.

Mr. Fell opened the public hearing portion of the meeting to the public.

Mr. Jack Koch, 32610 Carriage Lane asked that the commission postpone the case in order for

the commission and the residents enough time to look at and review the copy of the study. I believe that there is too much information that has been distributed tonight for a decision to be made on this case. I believe by putting a tower on this site that you will be opening Pandora's box. I have distributed information from other communities that show two, sometime three to four towers on City Hall properties. I just don't want this community property on the water front to have tower sticking up all over. Verizon doesn't have a tower in this immediate location but I still have good service. Can you tell me at what location on the tower a cell provider would need to be at to have good coverage. If AT&T takes the highest point what good will the lower parts of the tower be good for. Are the two co-locations high enough for good cell tower coverage.

Ms. Sarady stated that she would have to look into that, she could not answer the questions tonight.

Mr. Sindyla stated that as a general rule the co-locations between 100 and 150 are good for other carriers. I know of two carriers that would like to co-locate on this tower as soon as it is constructed.

Mary Schneider, 143 Avon Belden, stated that the tower is way out of balance for the building. I do not like the light that will be on all night and think that the flag will make a lot of noise. This is not an industrial site, just because this is City Hall doesn't mean it is good for the neighbors that will have to look at this.

Mr. James Haggerty, Electric Blvd. said that he doesn't like the tower in a residential area. The code has multiple references to not putting the towers in residential areas. This has been a park for fifty years and now you are going to say that this isn't a park? I don't think that this meets the setbacks and don't like the lights, balance and noise. We the residents should have the opportunity to look at the study.

Law Director Kerner stated this has been reviewed by City Council. There is no metes and bounds definition of Bleser Park and I feel that the City Buildings are excluded from the park area.

Mr. Fell stated the site meets the setbacks from the zoning lot. With the Telecommunication Act in place we are in all reality looking at what site was brought to us by the applicant only. We should be looking at the site before us and that only when making a decision tonight.

Mr. Sindyla stated that the Telecommunication Act is regulated by the government and you cannot discuss or deny based on other information other than what is or was applied for by the applicant.

Mr. Sindyla stated that the pole is only illuminated because of the flag. It would be up to the City to decide if they wanted the flag or not, the same with the illumination, it can be lit or not lit depending on what the City decides they want. If the City decides to go with a flag, the flag is bracketed down to the pole to avoid the noise.

Mrs. Jennifer Fenderbosch asked about the base size and the ditch base and the footprint of the

tower. If the antenna are on the inside of the tower will there be enough room on the inside of the tower for the co-locators, where will there equipment storage at the base go if you are already taking up one bay of the garage for equipment.

Mr. Sindyla stated that yes there is room inside the tower for the co-locators and it would be up to the City as to whether or not they wanted to give up any additional space in the garage for co-locators.

Mrs. Denise Monchein, 109 Glenview stated that in the last two years she has seen the City approve a variance for the church steeple, the new pool is going in and now you want to put a tower in at the park. What will be next? I am worried about what will be coming next. If we approve this cell tower with the telecommunication act can we turn the next applicant away after we just said yes to this tower?

Mr. James Miller, AT&T stated that the flag would be the city's responsibility. If you want it lit it can be lit, if you don't want it lit or only want the flag up during the day or on holidays, then it can be that way, that can all be decided by the City.

Mr. Larry Meiners – Not sworn in at beginning of the meeting.

Swear in of audience members not sworn in at beginning of the meeting.

Mr. Larry Meiners, 32617 Surrey Lane stated that he wants a street by street diagram of every street in the area of the coverage. I want to know just how many new areas will be covered by putting this tower. How many co-locators can effectively use the co-locations under the 130 ft. I believe that the report needs to be reviewed first before a vote is taken. In my council ward the complaints I get the most are complaints about lights shining in homes. I am concerned about the lighting on this site. I have received calls about this site and I have only heard 4 people that are for the tower, all the rest were against it.

Mr. Sindyla stated that he cannot get a street by street coverage map. The maps are not that specific. The maps I had shown here earlier show the basic map of streets that will be covered. I cannot give you information about who can and cannot use a location under 130 ft. on this tower, but I do know that there are six antennas on the water tower that are under 130 ft. The issue of the lighting can be addressed when installed. The lights can be turned on an off at the cities direction, but the lighting will be an up lit lamp and will only shine in an up direction and will not affect the neighbors.

Mr. Jim Schneider, 143 Avon Belden Road asked about the fall zone and the zoning lot and how the City came up with the zoning lot when this property has been Bleser Park for at least 25 years.

Ms. Booher stated that Bleser Park is not defined. The Law Director has stated that because the park is not defined a zoning lot can be made. The fall zone does go into the park area by 97.5 feet, but within the same parcel. By the zoning lot it meets the fall zone.

Mr. Tim Fry, 176 Fairfield asked about the fencing, if the tower would have steps on the outside and the requirement for the lighting. I am concerned about the safety from the exterior.

Mr. Sindyla stated that the tower will have a fence and will be maintained by a crane, there will be no steps on the outside.

Ms. Sarady asked if the tower would be tapered or straight.

Mr. Sindyla stated the tower would be tapered to have more of the affect of a flag pole.

Mr. Ron Holub, 32862 Lake Road stated that he is in favor of the tower. I do work from home and have to walk outside and up to the street to get a signal. I feel that service is needed on Lake Road and look forward to someone finally proposing a tower that will service that area.

Ms. Ruth Hardwig, 32811 Lake Road stated that she too would like to have cell coverage at her house, but why does it have to be a flag pole? The flag pole will make noise and I am not in favor of the lights.

Mr. Fell closed the public portion of the meeting.

Mr. McNamara asked if the pole was tapered or straight.

Mr. Sindyla stated the pole would be tapered.

Mr. MrNamara asked about the coverage maps for the tower if it were at the pump station and the height.

Ms. Sarady stated the pole would need to be 150 feet, near the utilities sub-station.

Mr. McNamara asked about the co-locations and why there would be only 3 areas for locating.

Mr. Sindyla stated that because of the size and height the pole would only allow three co-locations.

Mayor Zuber stated that the space is available for the two other co-locaters. This will not be an inconvenience. The site in the Park that Ms. Sarady is talking about is the site that the referendum was done to keep the tower out of a couple of years ago and this administration will never propose that site for a tower.

Law Director Kerner stated that the park has no definition so it was decided that the line would be the creek to define the park from the administration building site. The application that was brought before this commission tonight is for the site of the administration building area and we should be discussing that location only.

Mr. McNamara asked if City Hall is within the fall zone.

Mr. Sindyla stated that yes the City Hall building is within the fall zone. AT&T is responsible

for the fall zone if anything should ever happen. AT&T could always build a tower that could hold six carriers, but it would be fat and not look like a flag pole. We proposed this tower because we thought that is what the city wanted.

Mr. McNamara stated that he would like the time to look at the study. I would rather not make a decision tonight and not have the opportunity to have all the information. We paid for the study to be done, we should be looking at all the options.

Ms. Sarady stated that the utilities pump station parking lot was not looked at by the other administrations. This area that I am talking about is a parking lot, not a park. This area is already being used by the Utilities Department for the pump station.

Law Director Kerner stated that the job of Planning Commission is to review the application in front of you tonight and make a recommendation. City Council will make the final decision based on the recommendation of Planning Commission.

Mr. McNamara asked about the variances or waivers for the fence.

Mr. Sindyla stated that the waiver for the fence is to make the fence board on board instead of chain link.

Mayor Zuber stated that the study states the AT&T will work in this location. The report isn't going to change, there is no need to postpone the case. Ms. Sarady has stated the information in the report, and the report states this location is ok.

Mr. Brightwell agreed with the Mayor. I don't think the report is going to change anything about this application that is before us tonight.

Mr. Fell disagreed. I think we should look at the report. If the report says that the tower is ok, but may serve the City better in another location I think it should be looked at before we make our decision. Mr. Simonovich and Mr. Zilka both had commented before the meeting that they would like the opportunity to see the report and review the information before making a decision. I have no issues with the waiver for the fence. I would like to see the tower bigger with more areas for co-locators.

Mr. Fell asked how much the lease amount is for the tower.

Mayor Zuber stated that the lease amount is \$1700.00 a month.

Mr. Knilans stated that he would like an opportunity to review the report. I don't want to be short sighted on this. If we approve this site, there is nothing to say that a company won't come in tomorrow and ask to put a tower right next to this, or across the creek on the other side. I think we should look at the options the city has.

Ms. Fenderbosch stated that City Council voted on the contract, not the location of the tower.

Mr. Miners stated that he has not read the report. I would like the chance to review the report and ask that this case be postponed until the report can be gone over.

Mr. Jack Koch, Surrey Lane, stated that he would like to protect our lake front. The fear I have is lots of poles sticking up all over this lake front. Other cities have multiple towers at their City Hall Buildings as you can see in the photos that I have given the members. I fear that once we approve this site, the city will have the obligation to approve other towers that want to go in at the same area.

Mr. Ron Holob stated that we will never have enough space. The times are a changing and so is technology. We need to have coverage in our City.

Mr. Haggerty, Electric Blvd. asked if the zoning changes for this location if the tower is accepted.

Law Director Kerner stated that the zoning of the lot will not change. The tower will be approved as a conditional use in a residential zoning district. The zoning will still be residential.

Mr. Haggerty stated that he did not like the manipulation of the code to make this area work for the tower the city wants.

Ms. Booher, Zoning Administrator, stated that there are provisions in the code that allow for the towers in a park.

Ms. Denise Monchein stated that she would like the commission to wait to vote. Let's make sure we do this right. Why make a decision if all the information has not been gone over.

Mr. Miller, Attorney for AT&T stated that the commission is reviewing the application before you tonight. The commission is not deciding where the tower should be. The applicant asked for a specific site, and that is what the commission should be deciding upon tonight.

Mr. McNamara stated that economics don't come into consideration with this commission. I think it is in the best interest of the residents of the community to look at all the options.

Mr. McNamara moved to table the request of AT&T Mobility, 7425 Royalton Road, N. Royalton, Ohio for approval of a Conditional Use Site Plan for a monopole wireless telecommunication tower on municipally owned property at the northwest corner of Avon Belden Road and Electric Boulevard. Mr. Fell seconded the motion.

**AYES: McNamara, Fell, Knilans**

**NAYS: Zuber, Brightwell**

**The motion to table failed for lack of sufficient votes.**

Mayor Zuber moved to approve the request of AT&T Mobility, 7425 Royalton Road, N. Royalton, Ohio for approval of Conditional Use Site Plan for a monopole wireless telecommunication tower on municipally owned property at the northwest corner of Avon

Belden Road and Electric Boulevard with a waiver to code section 1256.05(H) to allow for a board on board fence instead of chain link and a waiver to 1256.06(c) for the illumination of the pole.

Mr. Fell stated that he will vote no, I would like time to study the report.

Mr. McNamara asked the Law Director if he could explain what will happen if the vote does not go in favor of the applicant. Will a significant change need to be done in order to come back before the commission.

Law Director Kerner stated that he could not comment as there was a motion on the floor to take action.

**AYES: Zuber, Brightwell**

**NAYS: McNamara, Fell, Knilans**

Law Director Kerner stated that the case is tabled to the next meeting as no action was taken due to the commission not having enough votes for affirmative action.

Gerald Phillips, member of the audience stated that the motion is denied. If a vote was taken to approve and did not have enough votes then it is automatically denied.

Law Director Kerner stated that he would have to look into the matter.

Mr. McNamara stated that is why he asked the question about the vote before the vote was taken. The applicant would or should have had the opportunity to withdraw the case to avoid this situation.

Law Director Kerner stated that as part of the Planning Commission Rules and Regulation, No. 7 states on line three, "An affirmative vote of four members of the Commission shall be required for action. In the event a question does not receive a majority vote so as to constitute action thereon, then it shall be tabled to a subsequent meeting for further consideration".

Law Director Kerner stated this case is tabled to the next Planning Commission meeting for further consideration.

**CASE NO. 036-09  
PLANNING COMMISSION  
FEE SCHEDULE  
RECOMMENDATION TO  
CITY COUNCIL**

**PLANNING COMMISSION IS CONSIDERING  
A RECOMMENDATION TO CITY COUNCIL  
FOR A REVISION TO CHAPTER 208.1(c) OF  
THE CODIFIED ORDINANCES FOR AGENDA  
FEES. IT IS RECOMMENDED THAT  
PLANNING COMMISSION MAKE NO  
RECOMMENDATIONS FOR WAIVERS OF  
AGENDA FEES.**

Mr. Reitz stated that Planning Commission had requested information from surrounding communities on the agenda fees. At the October meeting it was decided that the fees be brought to the November meeting as a recommendation to make any adjustments and make a recommendation that Planning Commission take no action on recommending waivers to the fees and let City Council be the body to review and waive any fees.

Mr. McNamara moved to recommend to City Council the consideration for a revision to Chapter 208.1(c) of the Codified Ordinances for agenda fees. It is recommended that Planning Commission make no recommendations for waivers of agenda fees. Mayor Zuber seconded the motion.

**AYES: ALL NAYS: NONE**

Mr. Fell stated this case has passed and will now be forwarded to City Council.

Mr. Reitz asked, if the commission had no objection, he would like to include in the motion the fees to be looked at on the minor alterations. The applicant has to apply to planning as if they would be appearing at a meeting, but if the request is determined to be a minor alteration the applicant is just sent a letter after department head approval. The fifty dollar fee seems a little high for a review and letter sent out.

Law Director Kerner felt that we should look at adding the minor alterations to the regular agenda and having the planning commission make the determination of the minor alteration not the department heads. I feel that planning commission should be looking at these cases, not just looking at them after the fact.

Mr. Fell disagreed. He stated that the planning commission did a revision to the code to have them done administratively and the commission felt that they did not need to be looked at. I agree that the fees should be taken out.

Mr. Fell moved that City Council review item #10 of the fee schedule and recommend the \$50.00 fee be eliminated. Mr. Brightwell seconded the motion.

**AYES: ALL NAYS: NONE**

Mr. Fell stated this case has passed and will now be forwarded to City Council.

### **INFORMATIONAL ITEM**

Mr. Fell stated there were two Minor Alterations for review tonight.

1. Approval of a minor alteration for the Kopf Family Reservation Pedestrian Bridge over Gable Ditch; and
2. Approval of a minor alteration, Chemtron Corporation, 33565 Pin Oak Parkway, for a shade and shelter roof for outside storage.



**AYES:**

**All**

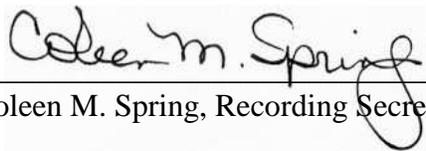
**NAYS:**

**None**

The next regular meeting of the Planning Commission will be on December 1, 2009.

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Gary Fell, Chairperson



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Coleen M. Spring, Recording Secretary