

COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

Lynn Clark
2485 Old Mill Rd.
Twinsburg, OH 44236

Plaintiff/Appellant,

v.

City of Twinsburg
Acting Mayor Sam Scaffide
and Council
10075 Ravenna Road
Twinsburg, OH 44087

Resolution 57-2022

NOTICE OF APPEAL

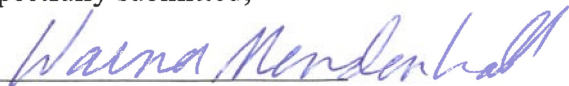
Please take notice that under R.C. 2505 and 2506, Plaintiff/Appellant Lynn Clark hereby appeals from the City of Twinsburg's, Planning Commission and Council decisions passing Resolution 57-2022 which approved the final site plan for Project Gumbo date stamped received May 10, 2022.

The decision was approved by the Twinsburg City Council on June 14, 2022. Ex. A. Appellant has served a praecipe on the Township requesting all materials pertinent to this matter.

Plaintiff/Appellant is a property owner and taxpayer of the City of Twinsburg who owns property impacted by the proposed development. Plaintiff/Appellant appeared before the City of Twinsburg Planning Commission and Council on numerous occasions to oppose the decision to approve this development. The decision to approve this development is adverse to Plaintiff/Appellant.

This appeal is on questions of law and fact and is taken in whole from the orders and decisions of the City of Twinsburg Planning Commission and Council because the decisions were unlawful, unreasonable, and against the manifest weight of the evidence.

Respectfully submitted,



Warner Mendenhall 0070165

Mendenhall Law Group

190 North Union Street, Suite 201

Akron, OH 44304

330-535-9160

Attorney for Plaintiff/Appellant

FINANCE DEPARTMENT
2022 JUL 13 PM 1:55

RECEIVED

JUL 13 REC'D

**CITY OF TWINSBURG
FINANCE DEPARTMENT**

CERTIFICATE OF SERVICE

A copy of the foregoing was served by hand delivery on 7-13-2022 on the following:

City of Twinsburg
Acting Mayor Sam Scaffide
and Council
10075 Ravenna Road
Twinsburg, OH 44087



Warner Mendenhall
Warner Mendenhall 0070165

Emailed 05/20/2022
As revised June 14, 2022

CITY OF TWINSBURG, OHIO

RESOLUTION 57-2022 - REVISED

A RESOLUTION CONFIRMING THE PLANNING COMMISSION'S APPROVAL OF THE FINAL SITE PLAN FOR PROJECT GUMBO DATE STAMPED RECEIVED MAY 10, 2022

WHEREAS, the Planning Commission reviewed and recommended the Final Site Plan for Project Gumbo (Summit County Permanent Parcel Nos. 64-09116, 64-03583, and 64-03584) at its meeting of May 16, 2022; and

WHEREAS, Section 1181.09 of the Twinsburg Planning and Development Regulations provides for Council to review and take final action on Planning Commission's action with respect to applications for Site Plan approval; and

WHEREAS, this Council has reviewed the Planning Commission's decision, the application and associated materials, and the factors, standards, and criteria in the Twinsburg Planning and Development Regulations concerning Site Plan approval; and

WHEREAS, after considering public testimony, the applicant requested to reduce the height of their project so that the project's building height does not exceed thirty five feet; and

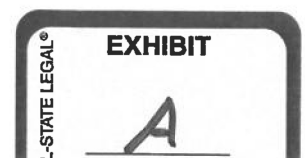
WHEREAS, this Council wishes to confirm the Planning Commission's approval of the Final Site Plan for Project Gumbo **with the condition that the project's building height not exceed thirty-five feet without the later receipt of a conditional use permit regarding the same.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Twinsburg, County of Summit and State of Ohio:

SECTION I: That the Planning Commission's action of approving the Final Site Plan for Project Gumbo on May 16, 2022, attached hereto and incorporated herein as "Exhibit A", be and the same hereby is confirmed by this Council **with the condition that the project's building height shall not exceed thirty five feet.**

SECTION II: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meeting or meetings of this Council, and that all deliberations of this Council were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

SECTION III: That this Resolution is not of a general or permanent nature necessitating the requirement to be read on three different days as contemplated by




Ordinance 57-2022
Page 2

§111.09(a) of the Codified ordinances of the City of Twinsburg and shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 6/14/2022

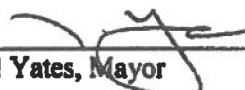
APPROVED: 6/21/2022

EFFECTIVE: 7/21/2022


Sam Scaffide, President of Council

Submitted to the Mayor for approval this
14 day of June, 2022

Approved by the Mayor 6/21, 2022


Ted Yates, Mayor

ATTEST:

Shannon Collins
Clerk of Council

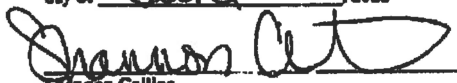
1st Rdg. 6/14/2022
2nd Rdg. —
3rd Rdg. —

Passed: 6/14/2022

Yes 5 No 2

CERTIFICATE OF POSTING

I, Shannon Collins, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the 22 day of June, 2022


Shannon Collins
Clerk of Council
City of Twinsburg



CITY OF TWINSBURG

CITY COUNCIL

Lynn Clark
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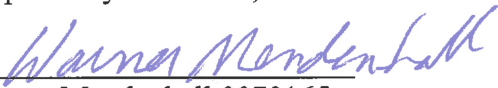
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Respectfully submitted,



Warner Mendenhall 0070165

Mendenhall Law Group

190 North Union Street, Suite 201

Akron, OH 44304

330-535-9160

Attorney for Plaintiff/Appellant

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Emailed 05/20/2022
As revised June 14, 2022

CITY OF TWINSBURG, OHIO

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WHEREAS, Section 1181.09 of the Twinsburg Planning and Development Regulations provides for Council to review and take final action on Planning Commission's action with respect to applications for Site Plan approval; and

WHEREAS, this Council has reviewed the Planning Commission's decision, the application and associated materials, and the factors, standards, and criteria in the Twinsburg Planning and Development Regulations concerning Site Plan approval; and

WHEREAS, after considering public testimony, the applicant requested to reduce the height of their project so that the project's building height does not exceed thirty five feet; and

WHEREAS, this Council wishes to confirm the Planning Commission's approval of the Final Site Plan for Project Gumbo **with the condition that the project's building height not exceed thirty-five feet without the later receipt of a conditional use permit regarding the same.**

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PASSED: 6/14/2022


APPROVED: 6/21/2022

EFFECTIVE: 7/21/2022

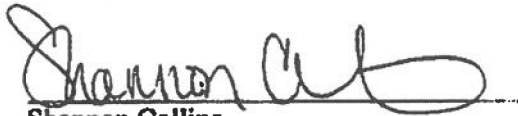

Sam Scaffide, President of Council

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Ted Yates, Mayor

ATTEST:


Shannon Collins
Clerk of Council

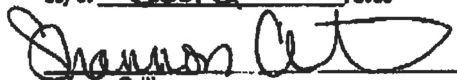
1st Rdg. 6/14/2022
2nd Rdg. —
3rd Rdg. —

Passed: 6/14/2022

Yes 5 No 2

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Shannon Collins
Clerk of Council
City of Twinsburg

CITY OF TWINSBURG

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Resolution 57-2022

PRAECIPE TO CLERK OF COUNCIL

Now comes Plaintiff/Appellant who, through attorney Warner Mendenhall, request you to prepare and file a complete transcript of all papers, testimony and evidence, offered, heard and taken into consideration by the decision of the City of Twinsburg to pass Resolution 57-2022. In addition, file your conclusions of facts supporting the June 14th, 2022 decision, if any.

Respectfully submitted,



Warner Mendenhall 0070165
Mendenhall Law Group
190 North Union Street,
Suite 201
Akron, OH 44304
330-535-9160

Attorney for Plaintiff/Appellee

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