

BUILDING & BUILDING CODES COMMITTEE MINUTES
APRIL 20, 2009

The Building & Building Codes Committee meeting was held on April 20, 2009, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 7:43 p.m.

PRESENT: Committee Members: Chair Don Willey, Larry Antoskiewicz, Mike Farrell; Council: Vince Gentile, Dan Kasaris, John Nickell; Administration: First Assistant Prosecutor Donna Vozar, Building Commissioner Rito Alvarez; Other Attendees: Paul Marnecheck, Joanne DuMound, Todd Huntington, Paul Casey, D. Perry, Tim Baker

APPROVAL OF MINUTES

Moved by Mr. Farrell, seconded by Mr. Antoskiewicz **to approve the March 16, 2009 Minutes.** Yeas: 3.
Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Abandoned houses update report

No report.

2. Proposal to amend grass/weed ordinance

This will be discussed at the next meeting as not all committee members had an opportunity to review the proposed ordinance. Ms. Vozar stated that she has made changes to the proposed ordinance and has placed all of those changes in italics. She summarized some of the changes below.

Ms. Vozar said that the current ordinance states that owners must maintain vacant property not less than 50 feet from any dwelling, building, roadway, etc. She added language which states and/or alternatively a total area of 20,000 feet from the roadway, whichever is greater. She said the 20,000 feet is a typical residential lot size in a development.

Another change deals with the sidewalk bond. Ms. Vozar was looking for a way to deal with this before the violation occurs. She said she looked at the issues regarding the bond and said our code allows us to require that the sidewalks be installed at the 90 percent completion mark. She said the sidewalk bond goes on indefinitely which makes it very difficult for companies to meet this requirement. She said the maintenance bond discusses the improvements that were made and she feels since this is already in place in the developers agreement we could just place an additional \$5,000 in the developer's agreement to include the property maintenance. Ms. Vozar said the amount can be more if Council chooses to increase it.

Mr. Antoskiewicz said he feels the grass and weeds ordinance is opposite of the sidewalk bond. He said it should state that after 90 percent is developed, grass and weeds need to be cut. Mr. Gentile suggested that we place language in the maintenance bond stating per lot and when the bond is released, the occupancy permit is issued. Ms. Vozar asked at what amount they would like the bond set at per lot. Ms. Vozar suggested \$1,000 per lot with a maximum of \$5,000 for the development. Ms. Vozar said she will make these changes and send to Council via email.

3. Wind Turbines

Mr. Willey stated that he was unable to get a representative to attend the meeting to discuss wind turbines. Ms. Vozar said she spoke with a company in Michigan who does presentations on wind turbines but they charge \$3,500 to do so.

Mr. Gentile said he feels wind turbines are great, but he does not believe they have a place in the residential areas in our city. He said they are industrial by nature and feels they should be kept in industrial areas. Mr. Farrell said manufacturers are beginning to develop wind turbines that can be used

on residential lots that are not quite as large as what we might be accustomed to. Mr. Farrell feels this subject needs to continue to be researched. He said at some point technology will catch up to us, but he does not believe we are there yet. He also stated that he has contacted an individual who is knowledgeable about wind turbines and he will contact Mr. Farrell with any updates.

Mr. Gentile said that if the structure fits into the current code, then there is no discussion, but if it exceeds the current code, that is when we have problems. Mr. Willey asked what we do with a resident who has 100 acres and wants to place a wind turbine on their property. Mr. Antoskiewicz asked Mr. Alvarez if we are covered with the way our code currently reads even on the southern end of the city where there might be a little more acreage. Mr. Alvarez said he would like to see wind turbines actually addressed, rather than just addressing a structure which we are limiting in height.

Ms. Vozar said Lakewood passed legislation allowing wind turbines last year. She said she contacted the City of Lakewood to see who they had come in to do a presentation, but they told her that they did not have anyone come in to do a presentation. Mr. Alvarez and Ms. Vozar feel we should move forward with this legislation, but they are hoping there will be additional information available at this meeting so they can re-word the current code.

Mr. Antoskiewicz asked if people who file applications for wind turbines have some kind of study done to make sure that a wind turbine will work on their property. Mr. Alvarez said manufacturers have spec sheets that will give information on how many kilowatt hours a person might get based on wind speed.

Mr. Willey stated that the website www.awea.org will also give links to wind turbine manufacturers.

Tim Baker, a North Royalton resident, asked Council to take the opportunity to investigate the newest technology in wind turbines. He said there are wind turbines available that are half the size of a garbage can that can reside on top of a home. These wind turbines can offer up to 1,000 kilowatt hours in a one month period. He said they also move within a 6-10 mile an hour range. He suggested to Council that they look up the website of the company that Jay Leno is currently using (PacWind) for his garage so they can view the structures that are currently available. He said there are also Japanese companies that are manufacturing wind turbines. Mr. Baker said there are grants available from the Ohio Department of Development which would allow one to place this type of structure on a home.

Paul Casey, a North Royalton resident, stated that he is hoping that Council will look favorably at wind turbines as he feels this is an emerging industry. He said he is a local general contractor and he is interested in what is available as both a homeowner and as an installer. He said he is currently looking at a company called Skystream who has customers all over the United States, some of whom are getting between 30-50 kilowatt hours per day. He said most of the customer quotes he has viewed have been from residential customers who have larger pieces of land.

This item will remain on the agenda.

NEW BUSINESS

- 1. Application submitted by Charles and David Mueller for placement of approximately 4 acres located at 12584 Drake Road in the City of North Royalton, PPN 484-09-004, in an Agricultural District pursuant to Section 929.02 of the Ohio Revised Code.**

Moved by Mr. Farrell, seconded by Mr. Antoskiewicz **to recommend approval to Council to renew the Agricultural District located at 12584 Drake Road in North Royalton.** Yeas: 3.Nays:0.

- 2. Application submitted by Charles and Janet Muller for placement of approximately 17 acres located at 3333 Wiltshire Road in the City of North Royalton, PPN 486-30-007, in an Agricultural District pursuant to Section 929.02 of the Ohio Revised Code.**

Moved by Mr. Antoskiewicz, seconded by Mr. Farrell to **recommend approval to Council to renew the Agricultural District located at 3333 Wiltshire Road in North Royalton.** Yeas: 3. Nays: 0.

3. Ordinance No. 09-45 granting a conditional use permit to Todd Huntington, GPD Associates for a drive thru window for a Taco Bell Restaurant to be located at 6447 Royalton Road, PPN 487-05-009, TCD-1 Zoning, property owner Charles A. Abookire.

Mr. Willey announced that Mr. Huntington from GPD Group was in attendance to discuss the drive thru window at the Taco Bell Restaurant which will be located on Royalton Road. Mr. Schmitzer was not in attendance, however, Mr. Kasaris said he spoke with Mr. Schmitzer and was told that the conditional use concerns he had as well as the concerns of Patrolman Fyock, had been addressed by Taco Bell.

Mr. Huntington discussed some of the issues and variances that are required relative to the Taco Bell Restaurant to be located on Royalton Road. He said the TCD requires that the building sit back 25 feet from the right of way. He said the issue they are having is the future widening of Route 82 and not knowing when that project will begin. He said in order to accommodate the future road widening, they have to shift the building back 10 feet to accommodate the setback requirement. In order to do that, the building had to shift down so they are not within the 25 foot maximum setback, they are now 10 feet off and 35 feet from the existing right of way, but when the road widening occurs, they will be within the 10-25 foot range. The second issue deals with the building width ratio. He said 70 percent of the site is required to be building width. He said that they are currently at 23 percent. He said there is no way for them to get to the point required by the city. He said his client (Taco Bell) did not feel it was economically feasible to spend an additional \$80,000 on a series of walls to meet a requirement as they would not get that money back out. Mr. Huntington discussed the sign variances. He said that on the front façade, west façade and the east façade, they are proposing a swinging Taco Bell which is 22.3 square feet and Taco Bell channel letters which is 7 square feet which is approximately 29 square feet on each side totaling approximately 87 square feet. They are requesting a variance of an additional 32 feet. Mr. Huntington discussed the window square footage for each façade. He said that part of the requirement in a TCD 1 is display type windows on the side. He said they maximized how much window area they could obtain. He said to obtain window square footage in the back of the building or on to the side is not feasible for them, so on the side façade, they are requesting a variance for below the minimum percentage requirement. Mr. Huntington said on the front façade, they maximized the window square footage as much as possible and as far as the spacing of the windows they dropped it down to three feet. Mr. Huntington said that a typical prototype of a Taco Bell building does not have this window square footage.

Mr. Gentile asked Mr. Huntington what type of material was being used on the exterior of the building. Mr. Huntington told him that the bottom is Coronado Stone then the rest is the EFIS material. Mr. Gentile said he thought that in a TCD District everything had to be brick. Mr. Huntington said he was not aware of this.

Mr. Kasaris asked Mr. Huntington to tell the committee why he thought he should be granted a conditional use variance. Mr. Huntington said there are other businesses in the area that have drive thru service available and said he feels Taco Bell would be consistent with the area. He said they are trying to meet all engineering and building requirements while keeping their costs down. Mr. Huntington described Taco Bell as an attractive establishment that is known for the amount of landscaping they put on their sites as well as maintaining that landscaping. He said they have eliminated the left turn out and replaced it with a pork chop divider which will only allow a right turn. He said there will be a separate area where a person can make a left safely onto Route 82. Mr. Kasaris said that one of the standards in our code is the hours of operation and asked Mr. Huntington what the hours of operation would be. Mr. Huntington said the maximum hours of operation are until 4:00 a.m., however, there are no restrictions, so the hours can be changed. Mr. Huntington does not know at this time what the hours will be.

Mr. Gentile said his main concern is the egress in the hill and wants to make sure that as someone is pulling out onto Route 82, they will be able to see a full view out onto the street and that there is not any shrubbery blocking the view. Mr. Gentile said he is also concerned about people who are traveling from the west and turning right into Taco Bell as the turn is right there. Mr. Huntington said that if someone is traveling west, the site distance is safe.

Mr. Gentile asked Mr. Huntington if everything is approved, when building will begin. Mr. Huntington said that construction will probably begin two months after approval from Council.

Moved by Mr. Farrell, seconded by Mr. Antoskiewicz **to recommend approval of a conditional use variance on Ordinance 09-45.** Yeas: 3. Nays: 0.

ADJOURNMENT

Moved by Mr. Farrell, seconded by Mr. Antoskiewicz **to adjourn the meeting.** Yeas: 3. Nays: 0. **Motion carried.** Meeting adjourned at 8:45 p.m.