

Planning Commission Caucus - 7:05 P.M. - Wednesday, July 11, 2007.

Present: Joanne Berger DuMond, Tony Sandora, Clark Merdes, Anne Reinkober, Don Willey, Ward Three, Victor Bull, Mayor Luks, Donna Vozar, 2nd Assistant Prosecutor, Students, Tony Farinacci, Larry Antoskiewicz, Ward Five, Lisa Uffman Kirsch, Ward Six.

Public Hearing -

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance

Public Hearing -

Ordinance 07-65 - Public Hearing Notice posted at public posting places and appears in Sun. Mr. White of Cuyahoga River Rap will make presentation. Refer Regular Order of Business.

St. Paul Greek Orthodox Church - Public Hearing Notice posted at public posting places and mailed to property owners. Refer Regular Order of Business.

Adjournment

Old Business

Abbeyville Townhouses - tabled no action.

Abbeyville Townhouses - tabled no action.

Columbia Gas of Ohio - tabled no action.

Columbia Gas of Ohio - tabled no action.

Rivers Edge Subdivision - tabled no action.

C & C Management Group - Carlo Chiuchiarelli, tabled no action.

at&t - tabled no action.

Gary Moyse, - tabled, no action.

Tony D'Abramo - tabled, no action.

Tony D'Abramo - tabled, no action.

Nick and Rosa Carosielli, Applicant dealing with electrical pole placements, tabled, no action.

Sportstown, may be present, remove table, presentation, vote.

Timberlane Estates Phase V - tabled, no action.

90 Day Time Extension - 1, 2, 5, 6, 7, 9, 10 and 11.

New Business

Ordinance

07-65 - Motion to recommend to Council adoption.

07-73 - Applicant asked to be tabled.

Site Plan Approval

Tri County Concrete Inc - Applicant present, presentation, motion, vote.

St. Paul Greek Orthodox Church, presentation, motion, vote.

Dr. Nagel Brayer, Chiropractic Clinic, presentation, variances needed, motion, vote.

Utility Plan Approval

at&t 10922 State Road - presentation, motion, vote.

at&t 12014 Ridge Road - presentation, motion, vote.

at&t 19797 Lytle Road - presentation, motion, vote.

Miscellaneous - None.

Adjournment

Planning Commission Caucus ended 7:11 P.M.

Chairman Sandora stated Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission for Wednesday, July 11th, this is the Public Hearing portion.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, July 11, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:30 P.M.

Chairman Sandora stated Ms. Fashempour, please call the roll.

Present: Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Victor Bull, Vice Chairman, Anne Reinkober, Chairman Tony Sandora, Rito Alvarez, Building Commissioner, Donna Vozar, 2nd Assistant Prosecutor, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Opening Ceremony - Pledge of Allegiance. Chairman Sandora stated please stand for the Opening Ceremony - Pledge of Allegiance. Pledge of Allegiance recited.

Public Hearing

Ordinance No. 07-65 - An Ordinance amending Ordinance 06-113 Establishing an Interim Development Control District (IDC) No. 3 as an Overlay District as amended by Ordinance 06-114 pursuant to Chapter 1268 of the Codified Ordinances of the City of North Royalton by extending IDC No. 3 for an additional six (6) months pursuant to Section 1268.07(g) and Declaring An Emergency.

Ms. Fashempour stated the Public Hearing Notice appeared in the Sun Star on June 7, 2007 and it was also posted on the same date.

Ms. Fashempour stated and at this time we will open up the meeting to Mr. White to make a presentation.

Chairman Sandora stated Mr. White, just for the record, would you just state your name and.

Ms. Fashempour stated you can move that microphone closer to if that is more convenient for you.

Chairman Sandora stated or you can take it off there and carry it with you.

Mr. White stated okay, Thank You, he is Jim White, he is the Executive Director of the Cuyahoga River Community Planning Organization and we are the organization that manages the Cuyahoga River Remedial Action Plan and we are leading the development of the Cuyahoga, Chippewa Creek Watershed Management Plan with the Cities of North Royalton, Brecksville and Broadview Heights as well as Metro Parks and the Cuyahoga Valley National Park. Mr. White stated he wanted to as Mr. Bull's invitation since you are all having this hearing about extending your Interim Zone, give you a quite update on the status of the Watershed Management Plan of, for Chippewa Creek so he took the liberty of doing a little power point and bringing a synopsis of some of the things, he would be glad to move the mic over so that you all can hear and for you all he brought copies of the power point as well so that you can have those with you as well.

Mr. White stated he is not known to be succinct but he was promised twenty minutes and he will probably, he will try to honor that as closely as he can and a, and he appreciates the time and your attention as Planning Commissioners.

Mr. White stated just as a quick overview, in the Cuyahoga River Watershed there is over 105 local governments, and if you count it, Mayors, Managers, Councils, Trustees, Planning Commissions and Board of

Zoning Appeals and Senior Staff it is over 1500 public officials so we really always welcome an opportunity to get in front of as many at one time as possible to share watershed information so.

Mr. White stated just a quick overview about the RAP and the balanced growth initiative background and then what, where we are, the RAP was organized in 1988 as really as the result of the origins of the fire in 1969 on the Cuyahoga River, that fire led to the formation of the Clean Water Act, the USEPA, Ohio EPA and a, the Cuyahoga River is well known to be is really, regarding the national, internationally as the origins of the Clean Water movement both here and internationally, so it's a very important river and has kind of a checkered history and it's enduring and no less recovery and part of that is our mission is to continue to promote that and also promote restoration upstream. Mr. White stated this is a map of on the left of Ohio and of course the boundary, the gray areas is the boundary of the Lake Erie Watershed so approximately a little less than a 1/3 drains into Lake Erie and a on the right is a, is a snap shot of all the local governments and what's called the area of concern of the Cuyahoga River, it's the most polluted area and it starts at the Edison Dam in Akron, flows north through Cleveland and 80 local governments are embedded in the, in the area of concern. Mr. White stated so we try to approach our work on a tributary bases to link up the work of different organizations, communities. Mr. White stated one of the issues about the balanced growth initiative which is a Lake Erie initiative by Ohio is that there a good bit of sprawl in the Lake Erie Watershed, there is 11 million people rely on Lake Erie for drinking water not only in Ohio but in the Michigan, Pennsylvania and New York sections as well and 13.8 million people live in the Lake Erie Watershed and over the last 30 years, the pollution has been extremely steady but Urban Area, pavement, roof tops, expansion has triple, so we are not growing but we are sprawling, we are dispersing our pollution and all that sprawl has enormous affect on the overall quality of the watershed and the recovery of Lake Erie as well as our streams. Mr. White stated the balanced growth initiative program was initiated to, by the leaders of the State administration to develop a program to balance development and growth with the needs of Lake Erie and the protection of the water bodies, it was intended to help create watershed partnerships which in this case included local governments and to a park districts to a identify priorities for development as well as conservation which is to say that most of, ways, ways to move forward, economically without a creating hardship in terms on the watersheds and a year ago, he is sure that you all were having very serious conversations about the impact of the flooding problem that we had in Chippewa Creek, it was just a, slightly over a year ago this a last month and it's a, our effort with the local governments dates back almost a year before that as Mayor Luks knows that we have been trying to develop, get funding to do a watershed plan for Chippewa Creek for a long time before that and it was interesting that the grant was awarded about 10 days before the flood started but a, so it's nice to have at least the process underway so it wasn't a complete surprise.

Mr. White stated but part of this is also to align State policies that support balanced watershed growth by the local governments, communities that work together and develop a watershed plan based on the process that we are undergoing will, are told that we will qualify for unique State support and this is an important mission especially for communities that are already struggling with resources to get unique and special State support as a result of being involved in a watershed is an important step.

Mr. White stated some of the quick issues, important issues are managing a flood prone watersheds, we will just briefly point some of the issues out about that, addressing what to do with some of the large remaining tracts or undeveloped areas in the watershed, the fact that increasing urbanization in a watershed that is already out of equilibrium, the stream is already causing problems and flooding and eating stream banks and stuff and so what to do to sort of help recover the functionality of the stream is an important issue, loss of important forest canopy is a big issue, forest canopy in the Lake Erie Watershed is critical to the health of the streams in Lake Erie we have already endured a big loss in canopy from Gypsy Moths, we are enduring the loss from, of a lot of under story from dogwoods from anthracnose, they are both diseases and a we are faced with about a 15 to 20% loss in canopy as a result of the emerald ash bore, over the next ten years so even if nothing happen development wise in the community, you have got a 15 to 20% loss in your canopy cover which has a big impact on runoff and they are also critical downstream natural resources, the CVNP, Cuyahoga Valley National Park is one of the most visited day parks in the Country and certainly a treasure to the Cuyahoga County and Cuyahoga River Community and the other issue is how to integrate balance growth ideas watershed protection into local Master Plans and regulations, so the timing of your, your need extend, you're, your moratorium for a little while is really important and a so we are glad to have this opportunity. Mr. White stated quick snapshot on Chippewa, it drains 17 miles it runs about 8 miles long from it's head water to its mouth and as he mentioned it drains down through the Cleveland, Brecksville Reservation and the Cuyahoga Valley National Park and oddly enough in Chippewa the water quality improves as the stream goes farther downstream, and a lot of that is attributable to the amount of, the stream that's actually in the park system, this is a quick map of the boundary of the Chippewa Creek watershed which you can see overlaid on top of the three principals, local governments, as well as Parma and Seven Hills. Mr. White stated there are critically important headwater stream areas in North Royalton, you all enjoy an interesting position of sitting on the top of a ridge line between both the Cuyahoga River which drain to big creek in Chippewa Creek and also Rocky River and a, so you are kind of at the top of the hill but a, you also have enormous opportunity to a have, have the water start smart and stay smart as it flows, flows down hill, there is also sub-tributaries, small trees that feed into the main stream and these are delineated there and there are three separate headwaters streams that a drain the portions that are in North Royalton that they are all have different management issues associated with them based on the level of intensity of land cover and forest canopy. Mr. White stated the stream is relatively steep for a Northeast Ohio, it, it, it starts at 1215 and drops to 621 where it enters the Cuyahoga River, it's, it's steeper than most of the watersheds in, in the of the Cuyahoga River and because of that it, it moves water quickly downstream which has a great deal of issue associated with volume and velocity, the storm water runoff which it causes both erosion and flooding issues, this is a, a satellite imaginary interpreted a forest canopy cover the different layers of green and brown indicate how dense the forest canopy is, you can quickly locate where the landfill is in North Royalton by that brown spot right in the middle which is virtually un-forested but you can also see the extensive amount of green areas in North Royalton and a some of the stream corridors. Mr. White stated the trend that has been down over the last 15, 25 years, it's, it's been a steady decline in the overall quality of forest canopy and if you look at the trend for

imperviousness, while it's still pretty good, for, for a creek in the suburbs of Cuyahoga County it's, the trend is upward so even though your pollution in the region has not changed much we are getting more paved. Mr. White stated in looking at the priorities for protecting and what to do about Chippewa Creek these are the priorities for protecting and what to do about Chippewa Creek, these are the priorities that were selected by the Planning Committee for the watershed and these Committee Members were appointed by the Mayors of Brecksville, Broadview Heights and North Royalton and he has a list of the membership to hand you a little bit later, they have been meeting insidiously for the last several months and the priorities that were set were based on largely issues dealing with the impact of land development on protecting stream and life and property so, the, the principal priorities are flood plain protection, wetlands for flood, water management and there is even a danger of property loss where the top priorities and as you can see how that moves down but this, this sets the stage for how we look at the watershed in terms of principal issues for, for managing the watershed, water quality, soil conservation and optimistic green infrastructure opportunities between linking green space with the use of the stream, if we looked at the soil issue which is one of the characteristics, we, we evaluated soils with our, with the Watershed Planning Committee on these four characteristics, which will all help water soak into the soil and move more slowly so the better the, these soils are rated for the value in, in preventing, or, or moderating flow and run off. Mr. White stated if you look at that, the summation of all that data, can be summarized that these are the most critical soils that need to be protected, um, for their watershed benefit and if you kind of stand back and squint you will realize that's sort of a, a, a it's not a ad hoc map it's really a, a kind of an overall of where the soils are that are, the stream valleys are starting to flatten out and deposited soil hold and carry, repeal water, we looked at steep slopes, we evaluated steep slope on different characteristics and a, they are shown on this map here, obviously the dark are rather extremely steep and again if you know, if you drive up and down 82, it's pretty easy to look up, over the creek valley as you approach 77 and see a pretty go portrayal of how the Chippewa Creek morphology really flows and, and you can see it really does have very, very, steep gorges where the water really is, the stream level is, is cut down and it's a very narrow so any development runoff piles up very quickly in these gorges and it runs down the steep slopes very quickly, so protecting those is pretty important. Mr. White stated baling those two concepts out, steep slopes and critical soils you can begin to see an overlay affect of an important features that need to be protected from a Planning Commission standpoint. Mr. White stated another issue is what's in the riparian corridor, that's a, that's a vegetated buffer strip along the stream boundary itself, depending on the size of the stream drainage area, most of the model ordinance require either a 75' stream buffer, a 25' stream buffer and beyond the sort of legislative buffers there's, things that are the 100 year and 500 year flood plains as well as wetlands and so if we take a quick look at combining some of the riparian corridors and laying that in on that too, you can see where those occur and so this is again another layer of features that need to be a, a, acknowledge and protected in terms of there performance for you as a, as a natural resource in the watershed and if we look at wetlands, we have collected inventories of wetlands from a ton of sources and he didn't bother to list them here but we have a erroneous inventory of wetlands and, and there characteristics as well as the mapping we have done on forest cover, if we look at the wetlands, you will see those in sort of the teal color or the light aqua color and a lot of those are

headwater wetlands, they are tabled areas that are on flat spots before the stream starts to flow down hill and they hold and store enormous amounts of water and so there protection and preservation in water management areas is critically important for the overall long term a, a, flow characteristics of stream itself, if you add critical, connected, what we call connected forest canopy layer with that you see a quite a piling up of important stream features and some of the important gorges of Chippewa Creek and it's tributaries, if we apply those on some of the Communities or in this case on large tracts of developed land, you get an interesting picture of how important the impact is of what the development trends on those parcels may be to the overall health of the watershed, we stood back and squinted at a the land, the land sites and the watershed and identified with the Committee about 42 what we call undeveloped areas, there are not, not less parcels but they are large tracts of land that as they develop could have a big, big impact on the way the watershed functions. Mr. White stated these provide huge opportunities for you are Planning Commissioners to develop conservation techniques and wetlands protection issue, watershed management concept that could be imbedded in, in these parcels as they are developed and so we go through the process now of accessing each tract with a, with a priority conservation criteria with a, with a Planning Committee. Mr. White stated if you look at the municipal boundary lines and that we kind of zoomed in here a little bit, you will see that there are several large tracts that are a pardon me, in North Royalton and a course of huge number in Broadview Heights and then a large number in Brecksville, a, you can kind of see where 77 runs and you can kind of see where 82 crosses, right at the Broadview Heights jog and a so some of these parcels have enormous development pressure on them because they are near interchanges, there are near highways and they are near urban expansion zones and a so as these develop, these have a big impact on what, what might happen to the stream, but you can also at sites like 26 or 27 in the middle of Broadview Heights, that are undeveloped areas that are in the valleys that we keep showing, there are a lot of reasons why those haven't been developed, there are steep slopes, there are wet soils, there, there very difficult to get at and so hopefully they may stay that way for the, for the health of the watershed. Mr. White stated if you look at that inventory that we have prepared and just look at those large parcels, suddenly you will see what he is talking about, that some of the large parcels have important wetland and watershed features in them, there, there sitting on top of a combination of important watershed features and those have an impact on the, on how they might be developed or how they ought to be developed and so your working, slowing down your analysis is an important process. Mr. White stated where we are right now on this, this whole process is that the whole balanced growth initiative and the watershed plans received the official support from the three communities plus the two parks to develop this, implement this project, we have been working with the Planning Watershed Partnership of over 30 members now for the last several months, we have had 6 meeting and this a very, very short summary of sort of the data that we have assemble, we are continuing to work through December to complete this part of the plan which will produce a series of management recommendations for the watershed for you as Planning Commissioners as local officials about how you can embrace and protect the creek and how the creek can be a partner of yours in the future of the vitality of your own, own community. Mr. White stated we are working on doing more analysis on some of the large tracts, we are accessing each tract by looking at the parcels that are in the tract and also evaluating because of the flood issues the stormwater storage capacity and the potential

change in run off rates based on the different development scenarios to help you establish development priorities for, for the future of North Royalton and then from that an inventory of the watershed and suggested the regulation improvements, additional regulations or management features will be offer by the committee and also an inventory that we are working on to really expand wetland mitigation projects in Chippewa Creek, developers frequently come through and have to do mitigation for wetlands and if we have a good inventory for you of wetland sites that are eligible and able to be mitigated within your own watershed if preserves that flood water management and the water quality issues within your own, own footprint, so those are some of the key issues that we are looking at and were, were, glad to have an opportunity to talk to you this evening as part of your hearing and where you are with your moratorium and he hopes this has been a little informative of the work that Brenda and Victor and Mike Kosdrosky that works for the Mayor and the Mayor has actually come to several meetings too, have been involved in as we unfold some of the issues associated with a Chippewa so that's his presentation, Thank You.

Chairman Sandora stated Thank You Mr. White, Thank You for taking your time and coming in and explain this to us, it has been very informative, anybody on the Board has anything for Mr. White.

Chairman Sandora stated anybody in the audience have anything for Mr. White.

Mr. White stated a Public Hearing followed by a Q & A right, that's good, he did bring a little, copy of the PowerPoint, hard copies for all of you and we are also working on a newsletter about Chippewa for the City's distribution to your own citizens so he will leave that for all you to read and he has brought several copies of the newsletter draft and he will leave some on the table it, it's still of draft, we haven't had a chance to have it reviewed by our Mayor's but he will certainly leave those for you, but it's a good overview, so any questions you have other, about where we are in the process and what's going on, he would be happy to share with you.

Chairman Sandora stated again, Thank You.

Chairman Sandora stated can he have a motion to move Ordinance No. 07-65 to the Regular Order of Business.

So moved Don Willey.

Second Mayor Luks.

Chairman Sandora stated it's been moved, it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated we are going to take a minute, and Mr. White can gather up his stuff.

Mr. White stated oh, you can work around him, he doesn't mind.

Chairman Sandora stated are you sure.

Mr. White stated nobody is throwing anything so he doesn't mind.

Laughs.

St. Paul Greek Orthodox Church, 4548 Wallings Road, PPN 489-20-003, Public Facility Zoning. Site Plan Approval for an expanded parking area.

Ms. Fashempour stated is the Applicant here this evening for St. Paul's, you want to come forward.

Chairman Sandora stated please step forward and state your name, home address and what you would like to do there.

Chairman Sandora stated you can turn that mic around.

Michael Alex, 8900 Edgewood Drive, North Royalton, and what the other thing you asked.

Chairman Sandora stated and what you planned on doing there.

Mr. Alex stated oh, were looking to expanding a driveway, we are going to re-do our porte-cochere in the front of the Church, it's a, has some structural deficiencies and it's falling down, so we wanted to re-direct our drive because it's, it's too steep and too sharp of a turn, it's kind of treacherous, so we hired an Engineering Firm to do some study on it and, and give us some plans on it and also include with that some water retention systems and a to control the water off those drives coming down into the parking, expanded parking lot.

Chairman Sandora stated okay, Thank You Sir.

Chairman Sandora stated anybody in the audience have any questions or concerns for St. Paul's Greek Orthodox Church, yes ma'am, step to the microphone, state your name, your home address.

My name is Andrea Florjancic, 5040 Corkwood Drive, North Royalton, Mrs. Florjancic stated the question that she has, she has a property that butts up to the back of the Church and she is just wondering exactly what parts are going to be, if you can clarify what part is going to be expanded if any that's going to include those soccer fields, if that is going to remain in tact, the wooded areas behind it, if any of that is going to be changed at all.

Chairman Sandora stated would you like to comment on that Sir, step up to the microphone please.

Mr. Alex stated yes, the area is to the west of the Church, okay, and a it's a, there are two houses immediately next to us that we have purchased and it's about a two hundred by two hundred feet and, and the front, actually the front entrance of the Church coming okay, so the soccer fields are going to remain soccer fields, a there really is no plan right now to do anything back there.

Mrs. Florjancic stated okay, so it remains, only the part that's already being.

Mr. Alex stated yes.

Mrs. Florjancic stated it's, it's already in the process.

Mr. Alex stated right, that was, that's, you know basically what we have is like an overflow for our festival, our Greek Fest, he is sure that you know about that right.

Mrs. Florjancic stated yeah, laughs.

Mr. Alex stated so that's basically what it's for, it's, we use it one time a year and, and basically, that's it so the soccer fields will remain because that's a very active in soccer.

Mrs. Florjancic stated okay.

Mr. Alex stated so it will remain.

Mrs. Florjancic stated Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else in the audience, questions.

John Mcabee, 4990 Corkwood Drive. Mr. Mcabee stated we have lived behind St. Paul's for the past 17 years, we have had continuing concerns about the drainage issues back there, there is no control of the wastewater, not the wastewater but the water that runs off the land, not only from Heasley Soccer Fields runs through this area, behind Corkwood Drive, behind Permission Drive down to a retention basin that Royal Valley is responsible for. Mr. Mcabee stated now by making this large parking lot impervious, we are going to increase the amount of water, if he understands, there is retention basin planned, but there isn't adequate drainage ditches to carry the water from this retention basin down to Royal Valley's retention basin, now the land back there, he has a couple pictures to bring you, to show you what the existing drainage looks like, if you look at the red arrow, that's suppose to be part of the drainage system, it's totally clogged by debris, has been for at least the last 17 years, there has been no effort to improve it, he understands this retention basin is only going to cover the area that they are currently modifying not the existing parking lot for St. Paul's, and at least 50% of the water is still going to come off the old parking lot, so his concern is that, water from the new retention basin which will be an increased flow, melted with Heasley Soccer Field is going to overwhelm Corkwood and Permission Drives so he would like to see some consideration given to what happens to the water that leaves the retention basin, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else, anybody on the Board have any questions for this applicant at this time.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated a, is it, Alex, Mr. Alex.

Mr. Alex stated yes.

Don Willey stated a, he, have you already started working on this.

Mr. Alex stated no, we a, we just put in some dirt down so we can park for the festival coming up next week.

Don Willey stated oh, so you have not started working on this project.

Mr. Alex stated not, not the project.

Don Willey stated okay.

Mr. Alex stated that, that a, you will be receiving a set of plans for the a, front entranceway, okay, that will be coming shortly, we are still working on the Engineering on that.

Chairman Sandora stated Mr. Wolnik, how are you.

Ken Wolnik, 4862 Princeton. Mr. Wolnik stated now he doesn't know if they just started on this thing but for, several weeks, six days a week, from virtually 8 to 8 we have had to listen to all that machinery back there, road graders, tractors, dump trucks, when there tail gates hit after they unload, bam, it's like a fire cracker back there and he, Mr. Mcabee's concern about water is the same that he has and those, that's a two part problem here, you know, if, if, they haven't started what have they been doing there for weeks, land filling that whole area on the west side of the Church and all that noise, looks like a parking lot now, except it's not paved.

Chairman Sandora stated what time is the noise starting Mr. Wolnik.

Mr. Wolnik stated usually around 8 in the morning.

Resident stated sometimes earlier.

Mr. Wolnik stated yeah sometimes, and he knows what the Code is, but if it's a nice day outside and you leave your windows open on Saturday Morning you are going to get wakened out of there because all day, beep, beep, beep, these things going back and forth. Mr. Wolnik stated so you know, you talk about quality of life issues, and he understands prior property rights but boy there is no consideration taken into this thing, and this project is a long way done, take a look for yourself, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else in the audience have anything.

Chairman Sandora stated anybody else on the Board have anything at this time.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated one other question he was going to ask and he, he doesn't know if it's appropriate now, was again the water expelling from the, the, the, it looks like about 100 parking spaces here and the affect that, that would have on a, on the overall water draining down into the, the development.

Chairman Sandora stated he thinks we will address that at the next portion.

Don Willey stated okay.

Chairman Sandora stated we will have the Engineer and their Engineer talk about that and if anybody else has any questions on the floor at that time we will address it at that time.

Chairman Sandora stated anybody else in the audience have anything, can he have a motion to move this to the Regular Order of Business.

So moved Mayor Luks.

Second Don Willey.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Adjournment

Chairman Sandora stated can he have a motion to adjourn the Public Hearing portion of the meeting.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Planning Commission Public Hearing for Wednesday, July 11, 2007 adjourned at 8:00 P.M.

Chairman Sandora stated he would now like to call the Regular Order of the Planning Commission Meeting for July 11th, 2007.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, July 11, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 8:01 P.M.

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Chairman Tony Sandora, Victor Bull, Vice Chairman, Anne Reinkober, Donna Vozar, 2nd Assistant Prosecutor, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Approval of minutes: June 20, 2007. Ms. Fashempour stated approval of minutes, June 20th, 2007 if you so choose. So moved Don Willey. Second Victor Bull. Chairman Sandora stated it's been moved and second for the approval of minutes, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Old Business:

Recreation Allocation - **Abbeyville Townhouses**, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b) although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses - Approval. Tabled.

Ms. Fashempour stated there will be no action on number 1 Abbeyville Townhouses.

Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning. Preliminary Plan Approval for 38 Townhouses. Tabled.

Ms. Fashempour stated number 2, Abbeyville Townhouses, no action.

Columbia Gas of Ohio plans to install 1080' of 3" and 1800' of 2" new plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way - Approval. Tabled.

Ms. Fashempour stated number 3, Columbia Gas of Ohio, no action.

Columbia Gas of Ohio plans to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive S., Berkshire Way and Bentley Drive - Approval. Tabled.

Ms. Fashempour stated number 4, Columbia Gas of Ohio, no action.

River's Edge Properties, LLC, **Rivers Edge Subdivision**, PPN 485-12-006 and PPN 485-11-001, Bennett Road, Rural Residential Zoning. Sketch Plan Approval. Tabled.

Ms. Fashempour stated number 5, River's Edge Subdivision, no action.

C & C Management Group, LLC., Carlo Chiuchiarelli, 8959 Ridge Road, PPN 489-04-004/005, Local Business Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated number 6, C & C Management Group, LLC, no action.

at&t request permission to place a six (6) inch drain pipe from at&t's manhole located at the north west corner of Royalton and Ridge Roads. at&t proposed to place the drain pipe on the north side of Royalton Road (SR 82) in the tree lawn and extend west to a road crossing (by boring under the pavement) east of the Fire Department's apron at 7000 Royalton Road to the front of 7005 Royalton Road to an existing catch basin. - Approval. Tabled.

Ms. Fashempour stated number 7, at&t, no action.

Gary Moyse, Royalton Road, PPN 483-13-008, 483-31-009, General Industrial Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated number 8, Gary Moyse, no action.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Temporary Real Estate Sign Approval. Tabled.

Ms. Fashempour stated number 9, Tony D'Abramo, no action.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated number 10, Tony D'Abramo, D-5, LLC, no action.

Nick and Rosa Carosiella, 13862-13872 Bennett Road, TCD-1, Site Plan Approval for an Addition. Tabled.

Ms. Fashempour stated number 11, Nick and Rosa Carosiella, no action.

Ms. Fashempour stated and at this particular point in time she would like to stop and go back and ask for a ninety day time extensions on number 1, 2, 5, 6, 7, 9, 10, and 11.

Chairman Sandora stated can he have a motion for a ninety day extension on 1, 2, 5, 6, 7, 9, 10 and 11.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Sportstown, 11683 Royalton Road, General Industrial Zoning. Sign Approval. Tabled.

Ms. Fashempour stated it is tabled, she believes that the Applicant is here this evening.

Chairman Sandora stated Applicant is here, step forward, state your name, home address, your address and tell us what you would please.

Ms. Fashempour stated and before he starts, can she get a motion to remove it from the table, from the Board.

Chairman Sandora stated he is sorry, have a motion to remove Sportstown from the table.

Victor Bull stated motion to remove.

Don Willey stated second.

Chairman Sandora stated it's been moved and second, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's now removed.

My name is Tom Culp, our address is 11683 Royalton Road. Mr. Culp stated and a, we are here for our sign approval.

Chairman Sandora stated okay Thank You.

Chairman Sandora stated Mr. Alvarez there was a question on the setbacks.

Mr. Alvarez stated yes Mr. Chairman.

Mr. Alvarez stated the question that was. we, was left from last Planning Commission was the fact there sign now was approximately 16, 17' from the edge of the street, question was, was there a variance given at one time, he doesn't believe there was one, so what his Zoning Official and himself did, they went out and actually physically measured this thing to see that you can, you actually comply with today's Zoning Codes to place the sign 25' from the edge of the road, in other words another additional 8' up from the road and you certainly have enough room to do that so we kind of left it at a or if you are not going to do, put it in compliance the only thing we thought of at that time was there could be a variance requirement and a, and that's pretty much where we left it here but upon measuring this thing he doesn't see why we shouldn't even consider that if he can move the sign back.

Mr. Culp stated okay, he wasn't here previously, he was out of town, but for business.

Mr. Alvarez stated he is even recalling it.

Mr. Culp stated yeah, and he had to catch up on it too, the sign that was there previously was not ours, that was owned by Simply Oak Furniture, so he doesn't know how it got there or why it got there he does know that it was there and he does know that it had been there for a very long time, so however the sign got there, he, he doesn't understand, he is very good at his business but he will admit that he has not a, a, bit of knowledge on how this is handled so he came here to just find out what to do, he wants to move it along as quickly as possible so he is very open to do whatever it takes to get it down, he thought we were doing something really simple which was, there was currently a sign there all we wanted to do was change it from Simply Oak to Sportstown, he really wanted to change just the lettering on the sign and didn't see why that was going to be a very big deal considering it

was there and had been there for, for a really long time so he found out this was a little more involved then, then what he had originally thought, we had went and had our sign, we, we operate in malls, this is just his office, we wanted to help pay for the rent there, we had a building that collapsed due to faulty workmanship down on Abbey Road and we didn't plan on moving, we were moved out of need not out of desire, so we took, a space that was bigger and his Company is growing so that's a good thing but, we moved much more rapidly then we had anticipated fortunately we had that space open so we just wanted to help offset, we tripled our space for us, for our, our size, didn't really need that much space but we, we took it, we hope to grow into it, we wanted to help pay for the increased space by putting up a sign, getting some people to come in, knowing what we are doing and everybody, it's, it's, turned into more of a hassle then what we thought too, from just customers, delivery people, Police, everybody, there's no address up, there's no nothing to a, we attempted to put up a temporary one, not, again not knowing that it was not allowed or a big deal, because he sees them all over the City and they came over, probably because we are right next to the Building Department and chopped that down in about six hours, so.

Mr. Alvarez stated well the question, really, you asked for a simple solution, and our solution is just to be in compliance with the Code, which means just move the sign back and you will be.

Mr. Culp stated okay, a.

Mr. Alvarez stated just so it.

Chairman Sandora stated it's your choice, you can either come into compliance by moving the sign back within the requirements of the Code or if you don't want to do that we can table this again tonight so you can go before the Board of Zoning Appeals and try to get a variance for it.

Mr. Culp stated no, we want to move this along as quickly as possible, we thought that because the sign was currently there where, where it exists.

Chairman Sandora stated right, we understand that.

Mr. Culp stated that it was in Code and we had no idea that it wasn't.

Chairman Sandora stated well.

Mr. Culp stated so we were just going to put up a new one, he have all of the, and he is sure that you have probably seen the proposal for this sign and his sign maker can do whatever, the only other thing that they said was they didn't want the gap between the ground and the bottom of the sign to be as much as it was and he said well that's easy, he will just make the pole shorter and bring it down to where you want it, moving it, the only hassle with that is that they currently had electrical in the ground for where the sign currently is and we would have to move that because our sign is going to be electrically either, they were, we were going to use the current, we are a small company, we were going to use the current electric that was in the ground just to light up the sign from, from the spots that come in, were going to have to move that if we have to move the sign. Mr. Culp stated the other

thing that he noticed was that our sign is hardly the only one even within a half of mile of us down 82 that isn't, that distance from the road and some of them are newer so he didn't want to make a big deal about it, he just guessed he has a question as to why like, he thinks it's the baseball, the Gator Baseball that's just down from us, by Progressive Insurance, the drive sign, there is a Gator's Baseball right there, gosh, that's probably maybe only 10' off the road and he went down and he measured it just to see for his own curiosity and that came in after we moved in so you know, you can see our, our aspect of, his employees in the building and, and himself and his wife who owns the Company of, well you know how come they can do it and we can't and all we wanted to do was replace an existing one.

Mr. Alvarez stated well let me just say, if, if you really want to know you can always call the office and talk to our zoning official and he would be more than glad to listen, again, what we are trying to say here, that's not the form, were, were discussing your sign and that's all we are discussing.

Mr. Culp stated okay, so in order for us to just be able to move forward if he gets this correctly, to move forward right now and be able to have us put our sign up, we just need to move it.

Mr. Alvarez stated 8' back.

Mr. Culp stated up towards the building.

Chairman Sandora stated you need to come into compliance, is the a the sketch plan that he sent in this time, does that meet with you're a.

Mr. Alvarez stated he didn't see another sketch plan.

Ms. Fashempour stated he didn't that was Rito's sketch.

Mr. Alvarez stated that, he didn't submit any.

Chairman Sandora stated oh, that was Rito's sketch.

Ms. Fashempour stated yeah.

Chairman Sandora stated you did not submit a new sketch plan then.

Mr. Culp stated whatever, he found out about this, just recently so.

Chairman Sandora stated is that okay, Mr. Alvarez, this sketch, this site plan.

Mr. Alvarez stated well yeah, that's basically their original they submitted and all he did was measure it, if a, if he is willing to move it back 8' and be in compliance that's.

Mr. Culp stated yeah, whatever it takes to get it.

Mr. Alvarez stated then what you do is a, you submit that to the Building Department, showing the setback of 25'.

Chairman Sandora stated okay, would you want to sign this is as a, that you submitted this as your sketch plan and abide by this.

Mr. Culp stated that's fine, yes.

Mr. Alvarez stated with a, he didn't put anything indicating 25' though, all he did was just simply measure where it's at.

Chairman Sandora stated 25%.

Mr. Alvarez stated just indicate on there that it will be a setback of 25'.

Mr. Culp stated he can do that.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated if she may, she, she, she feels as though your still not really understanding fully the process and so just briefly, maybe she can make an attempt. Mayor Luks stated signs that may be closer to road then yours, typically in order to get a permit to do that have to have a variance in which case they go to the Board of Zoning Appeals and demonstrate some reason such as visibility of what have you that they need to be closer or having to do with their layout or their parking or whatever and that opportunity is available to you.

Mr. Culp stated okay.

Mayor Luks stated this Board doesn't have the permission to vary from what's written in the Codes, we have to make certain that everything that we approve meets Codes, otherwise you go to a different board.

Mr. Culp stated gotcha.

Mayor Luks stated and that's typical in any City.

Mayor Luks stated a, some businesses were able to put their signs in different locations during our intersection widening project because they had to relocate their signs because the City took some of their property as right of way and as part of the, the agreements, they worked alternative locations and so those don't necessarily meet the exact letter of the Code either, a but generally speaking the business has to meet the Code.

Mr. Culp stated okay, Thank You.

Mayor Luks stated okay.

Mr. Culp stated yeah, but he guessed his point was, he was trying to see if we could not have to move it.

Mayor Luks stated she understands and you can do that but you have to go to the Board of Zoning Appeals.

Mr. Culp stated and, and that takes more, yeah, okay, gotcha.

Chairman Sandora stated that's all were telling you, if you want to keep it in that position like the Mayor said, we do not have that power to grant a variance, maybe those other businesses did, if you wish to do that you may.

Mr. Culp stated okay, he understands, now, he wants to do it expeditiously, so however, however that is, he wants to do that.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated a was the, this is probably directed at the Engineer, when they widen the intersection at Abbey Road did that have any effect on the position of that sign, do you know, they went from two lanes to three lanes.

Mr. Merdes stated he doesn't know which was there first, Simply Oak sign or the intersection, a, and he is certainly is not familiar with the, the right of way if any was, was acquired, he is more familiar with the more recent intersections that were done, and potentially that whole, that whole area of 82 from 130th to York would, would like to be widen like it is in Strongsville to continue that widening into our City so he would you know, outside of the Code being the Code it, the recommendation of 25' away from the street is, is something that he would, he would propose also other.

Don Willey stated uh um.

Mr. Merdes stated this, this sign is still in a position where the road, even though Abbey Road has been widen the intersection been widen, when the, when the whole road in widen it, it's probably going to have an impact on, on the, both sides of the street there.

Don Willey stated the reason for the question was because a, Mr. Alvarez researched and they did not fine any variance in it, of point and time, at the time that was constructed, perhaps there was no requirement for a variance, it could have been in the a, in compliant with the City Code at the time and he, it seems to him, excuse him, it seems to him that, that was widen after the fact so he is just throwing that out as a, a, a glad fly question so, the choice is still yours Sir.

Chairman Sandora stated Thank You Mr. Willey, again, would you like to go to the Board of Zoning Appeals or do you want to.

Mr. Culp stated no, he wants, he will move the sign back because that seems to be what he is getting as the easiest and fastest way to do this.

Chairman Sandora stated you will move the sign back, you agree, you agree with the a sketch here and you will abide by that you will be 25' back from the, from the a edge of the pavement and you will meet the 25% underneath the sign.

Mr. Culp stated yeah, yeah, we already did that so, that's fine.

Chairman Sandora stated okay, now you are still going to have to go before the ARB okay and that will be on July 23rd, to present your, same thing you sketch, your sign to them and they will make recommendations to you also as far the colors and so forth and so on, you can't put your sign up until you see them.

Mr. Culp stated okay.

Chairman Sandora stated okay.

Mr. Culp stated that, that is held where.

Ms. Fashempour stated here 6 o'clock.

Chairman Sandora stated 6 o'clock on the 23rd.

Chairman Sandora stated anybody else on the Board have any questions, anybody in the audience have any question or concern on this matter, he will make a motion to approve the sign for Sportstown on the condition that it meets all the requirements and, and regulations of the, Architectural Review Board.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and second, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated you are approved just go there.

Mr. Culp stated great.

Chairman Sandora stated Thank You.

Mr. Culp stated do you need him to sign anything currently.

Ms. Fashempour stated initial that, okay, very good, Thank You very much.

Chairman Sandora stated inaudible, Thank You.

Harry Hayes, Timberlane Farms, **Timberlane Estates Phase V.** Revised Sketch Plan Approval. Tabled.

Ms. Fashempour stated Harry Hayes, Timberlane Farms, no action this evening.

New Business

Ordinances

Ordinance No. 07-65 - An Ordinance amending Ordinance 06-113 Establishing an Interim Development Control District (IDC) No. 3 as an Overlay District as amended by Ordinance 06-114 pursuant to Chapter 1268 of the Codified Ordinances of the City of North Royalton by extending IDC No. 3 for an additional six (6) months pursuant to Section 1268.07(g), and Declaring an Emergency.

Chairman Sandora stated Thank You, is there any other discussion on 07-65 from the Board, anybody have anything. Chairman Sandora stated anybody in the audience on 07-65.

Chairman Sandora stated can he have a motion to approve Ordinance 07-65.

So moved Don Willey.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour, please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been approved.

Ordinance No. 07-73 - An Ordinance accepting the Dedication of 1,621 feet of Mahican Way, 649 feet of Shawnee Circle, and 822 feet of Chippewa Path in the proposed Indian Trails Subdivision Phase 1 from Woodhill Properties, Inc., and Declaring an Emergency.

Chairman Sandora stated is there anybody here for Woodhill Properties, Indian Trails.

Mayor Luks stated that must be a no.

Chairman Sandora stated motion to table Ordinance 07-73.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded to table Ordinance 07-73.

Chairman Sandora stated call the roll Ms. Fashempour.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's tabled.

Site Plan Approval

Tri County Concrete, Inc., 10155 Royalton Road, PPN 483-24-003, General Industrial Zoning. Site Plan Approval or a 10,000 Gallon Above Ground Bulk Diesel Fuel Tank.

Ms. Fashempour stated and the Applicant is here.

Chairman Sandora stated go ahead Mr. Farinacci, state your name, home address, your address and what you will.

Mr. Farinacci stated Good Evening, my name is Tony Farinacci, he is the President of Tri County Concrete Company, 10155 Royalton Road, North Royalton. Mr. Farinacci stated he is here tonight for approval from the Planning Commission to install a 10,000 gallon, above ground diesel fuel storage tank at our facility. Mr. Farinacci stated the purpose of this diesel tank installation is to replace a number of smaller tank, currently at our facility do to our growth in the last eight years, here in North Royalton, there is a photograph that he will circulate for the

record that shows the accumulation of necessary tanks in order to a keep fuel flowing into our facility for our fleet of, on road and off road equipment at our, at our site. Mr. Farinacci presented photograph. Mr. Farinacci stated the next photograph that he would like to circulate tonight for the record is a, a, a location where this tank will be located as far as a photograph goes, we have a engineered site plan already submitted by our Engineer, Rick, Rick McCann as far as an actual site plan this is a photograph showing that the location will be directly due south of our existing trucks scale at the Tri County facility. Mr. Farinacci presented photograph. Mr. Farinacci stated the a, the last two photographs that he would like to submit for the record are two views of the actual 10,000 gallon tank that we intend to install, it is a split baffle tank which has a 3,000 gallon compartment and a 7,000 gallon compartment, the 3,000 gallon compartment we intend to fill with off road diesel fuel for to support our off road equipment operating on site as well as our concrete recycling facility equipment, the 7,000 gallon portion of the tank will be on road diesel fuel to support the operation of our ready mix concrete truck fleet as well as our bulk dump truck hauling fleet that operates out of this facility. Mr. Farinacci stated there is two views of the tank here, and you will notice that the tank is equipped with a, a steel secondary containment of vessel around the tank. Mr. Farinacci present photographs. Mr. Farinacci stated on June the 25th, we attended a meeting with the a Board of Zoning Appeals here in North Royalton and presented our, our issue for the installation of this tank, at the end of the meeting, there was a vote and we, the, Tri County was approved at a 5 - 0 vote for a variance to install the tank at our facility. Mr. Farinacci stated also on July the 9th we attended an Architectural Review Board meeting here in the City, presented the same issue to them as well and a we were once again approved for this installation by unanimous vote with one comment and that comment was that a if you take a look at the site plan in front of you, from our Engineer, we have agreed after several meetings with the Fire Department here in North Royalton to install a trushery containment vessel made our of concrete, solid concrete wall approximately 2.5 to 3' tall around this whole installation, once again protecting any fault in diesel fuel spillage, the, the wall that was a designed and approved by BZA is of sufficient quantity that if the primary tank failed the diesel spill would go into the steel tank that comes with it, if in fact there was a secondary failure the a any diesel fuel that would spill goes into this concrete trushery containment wall that we have agreed to build and it is designed to hold 110% of the volume of a full tank of fuel according to Code guidelines. Mr. Farinacci stated back to the Architectural Review Board comment, they had only one and that was that a, the a, the walls of the, the walls of the concrete, the concrete trushery containment wall is to be colored in a color similar to what we are doing at our entire Industrial Development which includes the, our, our office building, the color of the scale, the color of our, our, our industrial storage facility and the color of our plant, we agreed to that as well that a we will paint the, paint or color the concrete to blend in with a what we are already building with other buildings on site at our Industrial Park.

Mr. Farinacci stated to demonstrate, the remote location of this intended installation, he has brought along with him tonight an aerial view of our Tri County Industrial Park as it currently stands. Mr. Farinacci stated you will notice, you will notice the location of the existing scale in the middle of the property, this is our main road coming in, the a, Industrial Storage Facility operates to the west, Tri

County the ready mix operation to the east and to the southeast is the concrete recycling facility. Mr. Farinacci stated right in the middle of the, of the parcel as centrally located as possible but as remote to the existing buildings is our scale and right next to it, where he is indicating is where we intend to put this diesel fuel storage tank and that location is indicated on the a Engineer's site plan that you have in front of you this evening.

Mr. Farinacci stated there were two comments prior to tonight's meeting, one from a the Building Commissioner and one from Clark. Mr. Farinacci stated Rito's comment was a that upon approval here at Planning Commission this evening that Tri County Engineer some construction drawings that include foundation details of how we are going to put this tank on a slab and, and build the trushery containment wall. Mr. Farinacci stated we have addressed that prior to the meeting tonight to demonstrate to the Board that if in fact we receive approval this evening we have all our plans and details of construction already done by our Architect Mann, Mann Architects from Fairlawn area and we are ready in fact to submit to the Building Department for our building permit.

Mr. Farinacci stated the other comment was from Clark and he mentioned from a Fire Safety standpoint that he would like to see compliance with a various issues that have to do with the installation of a tank of this, of this nature, we have agreed and the Fire Department has put that in a letter that a went to BZA to comply with the NFPA 30, and NFPA 30A regulations for an above ground fueling station of this type so that has been discussed already all those provisions in these two fire prevention regulations will be complied with upon installation and completion of this, station.

Mr. Farinacci stated are there any questions.

Chairman Sandora stated Thank You Mr. Farinacci, anybody on the Board have anything, Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman, the Applicant basically stated what he was going to say that submit plan to our office for review, he doesn't have anything further to say.

Chairman Sandora stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, he would also concur that the Applicant has stated that any comments that he had and confirmed that with regard to the safety comment, there was an extensive conversation and discussion at the BAZ meeting which he attended and a prominent in that was our North Royalton Fire Department's review of the application and in granting that variances there provisions were included in that.

Chairman Sandora stated so everything the Fire Department has asked for is virtually in there.

Mr. Merdes stated he believes yes, everything that they requested was, is there.

Chairman Sandora stated okay, because that was quite an extensive report there.

Mr. Merdes stated yes.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything for this.

Mayor Luks stated Mr. Chairman, she moves to approve.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Mayor Luks, Willey, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You Mr. Farinacci you are going to have to go back to, he believes to the ARB again.

Mr. Farinacci stated um, what the a, he might want to comment what the ARB mentioned in their vote on Monday, they knew that we were are on the agenda for tonight, they, they voted an approval at the ARB meeting on Monday, they voted their approval with this color comment and it was subject to.

Chairman Sandora stated our approval.

Mr. Farinacci stated the approval this evening, that's correct.

Chairman Sandora stated okay, then, so then you agree to abide by their conditions and requirements also.

Mr. Farinacci stated yes, that's correct.

Chairman Sandora stated of the record.

Mr. Farinacci stated that is correct.

Chairman Sandora stated okay, Thank You.

St. Paul Greek Orthodox Church, 4548 Wallings Road, PPN 489-20-003, Public Facility Zoning. Site Plan Approval for an expanded parking area.

Chairman Sandora stated the Applicant is still here, step forward again and make your presentation again please, say what you will.

Chairman Sandora stated put it on that table there and you will be right by the mic, and if you can address some of the concerns that some residents have brought up also, when you come to that.

Mr. Alex stated basically what were, this stems from is this front entranceway is going to be a, our front porch is a, is a, has some structural problems so what we were going to do is repair that, this was the secondary plan that is coupled with that one okay to repair the roadway coming in because we have a very steep grade and it makes a

sharp right turn to get into the parking lot and we have Wishing Well Preschool there and we have a lot of services around Easter time and we get a lot of traffic and the cars slide down it, to make the turn, they slide right, right off into the curb so in conjunction with the front entranceway which you will have a set of plans for that coming up shortly we were going to extend, we bought the two properties next door to us and we have the opportunity now to extend the roadway longer and make a, a less of a steep incline into down below, okay, to do that we needed to extend the parking lot over to the west and a that's what we are showing in the plans and they, we, we added parking all the way around to add more parking for our festival and, and our church services around Easter time but a that's, that was the extent of it as the trying to get less of a grade on the roadway coming in and making it a less of a, of a problem, safety concern. Mr. Alex stated okay, then along with it, with this new construction okay there is a retention system that is planned that will handle all this area that were showing on the plan, you know, the rest of the, the original land is you know it slopes to the back, it's been that way for 30 some odd years so you know, it's, it's, we can't kick it back to, to reach this retention system.

Chairman Sandora stated okay, Mr. Merdes do you have anything.

Mr. Merdes stated a, he will go back to a couple other things the residents raised about some of the recent activity there, some of the, some of what is making noise and what's been going on there recently and he thinks that Councilman Willey also had brought up a point about asking a what perhaps have been going on.

Mr. Alex stated well, what we, what we did was we, we stock pile some earth there from the a Wallings, Wallings State Road project to accommodate the construction the planned construction here and that was for the porte-cochere area the, the you know, what we have is a, is a bridge that comes across and there is a big storage basement underneath this bridge that's collapsing and it's creating a very, it's a very ominous situation for the Church you know front entrance so what we wanted, we, what we were planning on doing is to take that down okay and building earth up underneath it to get rid of that basement and but a new front foyer, new front door per say. Mr. Alex stated for that we needed earth to do that, now we thought, you know with, with you know were a 600 family congregation, you know it was, it was planned for this to happen months ago but the engineering took a little longer then, then expected so what we did is, we were stockpiling dirt there to put in to the porte-cochere, the problem is it is right in the way of where the festival was so we obtained a grading permit to just grade it temporally for the festival and then that material will be used underneath the a the protocol when we get, when we get ready for that.

Mr. Merdes stated so your recent activity was moving material that had been brought to the, to St. Paul's a while ago.

Mr. Alex stated right.

Mr. Merdes stated he is aware of a lot of what your talking about, but you mentioned something about a grading permit.

Mr. Alex stated well there, there, there was some material brought in to, to use for that okay it, the permits we had were for the, to, to stock pile the material.

Mr. Merdes stated he is aware of that permit.

Mr. Alex stated right for the construction.

Mr. Merdes stated yes, that he is aware of.

Mr. Alex stated yeah, that's what we did and then what we, we also have a grading permit to just plate it off to, so that we can put the a, so we have parking in there for the festival.

Mr. Merdes stated well that one he is not aware of. Mr. Merdes stated how much more material are you, are you, you anticipating is, is, is needed for everything you described, for the a repair to the porte-cochere and for the construction of the parking lot addition and the basin.

Mr. Alex stated okay, we, we probably have enough to take care of the porte-cochere.

Mr. Merdes stated uh um.

Mr. Alex stated all right, if, if we get approval on the driveways and all that then he will have our Engineer you know develop a quantity on that but you know, he, he can't, he doesn't know right off the top of his head the amount but you know that, that driveway needs to be raised you know somewhat to make this work right.

Mr. Merdes stated right and actually one of his comments is there should be a, even at this stage some indication of the grades that are being, are being proposed, and that's, that's missing right now a, there is no way of really telling if that parking lot addition is, how close it is to to the existing grade and it also goes towards drainage, certainly on the new parking addition, the Code that's going to require that to be curbed, the Code requires that the a water is all positively drained to the retention basin and the retention basin is, is sized in accordance with the stormwater control ordinance in place and he believes you mentioned that you don't believe you can get any other water that's on the site now to drain perhaps through the new area towards the new basin you don't believe that's going to be possible.

Mr. Alex stated well the, the grade goes very steep from Wallings Road to the back of our property so it's, it just misses it completely.

Mr. Merdes stated uh um.

Mr. Alex stated and there is not alteration being done at the parking side of the property, it is just, it's all on the side here and that that the drainage, he means we have the grades here for the drainage for the retention pond is that, is that what you are indicating, he is not sure what, what you are asking him but if the grade, the proposed grades showing are those adequate.

Mr. Merdes stated he doesn't see adequate grading here, the only thing that shows some grade lines is is the pond but from, from looking at the, at the, the driveway and the new parking lot he, he had, don't know, first of all, all of the new parking lot certainly has to be able to drain towards towards the basin and the, the new driveway, the water coming down the hill, down that new driveway should also make the bend

and be headed over towards the basin, a even where it indicates there is a concrete curb there and then a he guessed, is the the whole idea that that all this drainage is, is surface drainage, it, it appears, you know it appears that it's, it's going to rely on grading to, to move the water toward the basin rather than, then having any installing basins and and storm sewers to get it there a, in which case since it relies so much on the grading.

Mr. Alex stated right.

Mr. Merdes stated there should be some indication of that clearly shows that absolutely the, the, that it does drain and it's capable of draining partially when you get further towards the north and, and you sort of have the, the basin which is you know parallel with the parking area and it's just not, he is not able to tell if, if that all, that new parking area gets to where it needs to get to, with some spot elevations, proposed spot elevations it probably would clearly show that, that as you are mentioning the intent is to get it there but it, it's actually going to be going there.

Mr. Alex stated okay so the, the three outlets that they are showing off the parking lot on the west side, west northwest of it going down to the basin is that, is that what you are looking at there, he means he sees, he sees the three, the three like a drainage spots that it goes down into that retention pond.

Mr. Merdes stated right, but there is no, he means what is the elevation of the parking lot there in relation, and then even.

Mr. Alex stated well it's 1095 verses 1085.

Mr. Alex stated see he, he is looking at the proposed grade there is that adequately shown.

Mr. Jardine asked if he could address the Board please.

Mr. Alex stated Jeff.

Hi, my name is Jeff Jardine, he is with Riverstone Ramdon Engineering, 2618 North Moreland Blvd., Cleveland, Ohio. Mr. Jardine stated we did a complete engineering set of plans that have finished grades, the whole, everything that's showing the drainage and everything he believes the copies that you have do not have the final grades on it.

Chairman Sandora stated he was going to say that the copy that he is using there is, is different then the one we have in front of us.

Mr. Jardine stated yes, the copy that he has here is a full set of engineering drawing, he believes that copies that you have are the existing conditions drawing and the proposed site plan, a we have done a complete set of engineering drawings from the stormwater management plan that are ready to be submitted to the City upon approval of the site plan and one of your major questions was and he will, is everything flowing towards the detention pond, at least the new development a excuse me, basically everything flows that way anyways but what we are doing is we are grading it out and were making it more of a steady slope going over that way, he believes we have a 7% slope going across the

parking lot from the existing parking lot over to where the pond will be. Mr. Jardine stated a just looking at the drawing the complete engineering drawing over here, a we have a, it falls from 1105 from the eastern side all the way towards the western side down to a 1095, so we are sloping all the way down, the parking will be curbed so it will be directed towards the detention basin where we will have some curb cuts of some rip rap directing the water into the detention pond.

Chairman Sandora stated one of the questions was brought up, was the existing parking lot and the water that's running there now, now by redirecting this driveway are, he would assume he shouldn't but most of the water that's coming down from Wallings Road now going down the original driveway that's there going into the existing parking lot and going to the north, is he correct.

Mr. Jardine stated a, a majority of it is.

Chairman Sandora stated okay well.

Mr. Jardine stated there is some of it that.

Chairman Sandora stated well this, will the existing parking lot be able to drain some of it, most of it into a towards the new parking area and into the detention basin.

Mr. Jardine stated the front portion of the parking lot, the existing parking lot, once again were not touching anything of the existing parking lot.

Chairman Sandora stated he understands.

Mr. Jardine stated the front portion of the parking lot, as it is currently graded, sheets off kind of towards the parking area so whatever is coming over that way, without us regarding will be caught in that detention pond and he would say that, that is probably the front quarter of the parking lot over there.

Chairman Sandora stated the existing parking lot.

Mr. Jardine stated of the existing parking lot will be directed into this detention pond basically by us putting in those curbs.

Chairman Sandora stated okay.

Mr. Jardine stated the rest of the parking lot will continue to drain as it has been as we are not touching that area.

Chairman Sandora stated okay, that was his question, Clark, Thank You.

Mr. Merdes stated all right, a, the a, when your, when your making a site development proposal a, the, the Code asks if you are looking at what type of landscaping you are looking at around this new development a, and in particular it certainly looks for that when it is adjoining residential areas a clearly limits he doesn't believe are shown on this a, this application maybe you could start by telling us what the clearing limits are proposed to be and, and if there is any landscaping at, proposed at this time.

Mr. Jardine stated he can address the clearing limits a, the clearing limits a he would say are probably from about where the parking, the new proposed parking, lot starts and pretty much goes to the western property line as there are trees currently in there and some miscellaneous brush in that area, basically towards, where the tree line is currently existing along that back property line there that would be the, on that northern parking, northern property line and you can see on your drawings, there's, you can kind of see the scalped tree line, that is the existing tree line, and then if you also look along the western property line you can see where the existing tree line is, that area will be carved out. Mr. Jardine stated this is the existing tree line and as it stands right now, this is all that graveled area and dirt, this is kind of woods and brush and turn the next page here, you will see, this is that same tree line, basically this area will be carved out for the detention basin, not to much will be carved out for the parking lot, inaudible.

Mr. Merdes stated how about any proposed landscaping.

Mr. Alex stated you know we, we, we would grass everything around when we were doing it, it is, just like one big lawn area now that's what we are planning on. Mr. Alex stated we do have trees planted there that will remain.

Mr. Merdes stated lighting, a is any lighting of this parking lot being proposed.

Mr. Alex stated we have two existing poles now that, that have heads on them.

Mr. Merdes stated would they be changed, would they be altered.

Mr. Alex stated we weren't planning on it, but we could if we needed too.

Mr. Alex stated again, it's, it's you know for, for the amount of time we use it we only need lighting a couple times a year.

Mr. Merdes stated well, again, well again, you know your making the proposal but the Code is looking to protect the adjoining property owners from large light sources or light sources directed towards, towards outward from a central location which is directed towards them, there is also rules about it if it were proposing to light the, the parking lot about the hours of when it could be lit and so he guess, he means the Board really looks to you to clarify, it's hard for them to vote on, on a maybe or something.

Yeah, right, can he make a comment on that Sir.

Chairman Sandora stated you have to step up to the microphone Sir, give us your name please.

My name is Gary Charnas, 8760 Tiffany Drive, North Royalton. Mr. Charnas stated he is also involved, this is his parish as well, he works along with Michael on some of these issues for for the Church. Mr. Charnas stated as far as the lighting goes there, there are two light poles there with double heads pointing on, on both sides of that parking lot as it, already existing, so we do have lighting already, he is not

sure if it would be enough to cover the full length of that lot but, but we do have some lighting that is existing already. Mr. Charnas stated the, the, that parking area has been used before it was basically just a, just raw land, we, we cut the grass back and use it for parking so basically were, were trying to make it a little more, a, a little better conditions to cover when, in case if it rains or, or any of those conditions that, that could come along during our, our time that we use it, a so that's in existence there, a the other issue he would like to make a comment is on the the drainage, you know that property is pretty large, the a, actually next door to our Church we purchased the, about three years ago all the way up to Wallings there is drainage that comes all the way through and goes back to, to an area which is a, which is a common area for Royal Valley, the, the natural flow of, of the drainage we didn't touch it's still there so as it naturally goes between our property and the new purchased property and then it made sort of a S curve around that parking area that's still there and what we are doing further out is creating there is a natural a drainage basin which we will improve as the engineering was pointing out, it will be carved out and so forth on but basically it's a natural condition that meets the flow requirements and so forth that a, he means he can't tell you about that but the engineers he is sure have looked at it and studied the situation.

Mr. Merdes stated right well, and he will just, he guessed the idea is that as far as he knows about this site, everything that's there right now, he doesn't think there is any stormwater control basin currently and a some of the people, the residents around have a, he brought up some concerns about stormwater and probably when, when everything that is there now was built it complied with the rules that were in place then and there was no requirement, but now you are proposing to, to do something to today's standards which is going to include a stormwater control facility and the thought is that if anything that's existing there now could also drain that way passes through that control facility perhaps not, not only would you comply with the Code but you might go above and beyond what's required and, and, and help some of the some of the drainage.

Mr. Charnas stated right, yeah were, were definitely, were definitely not trying to do, we are trying to better the situation in any way that we can and of course we are working engineering firms and so forth trying to do that so definitely any, anything that we can comply with we would be glad to do so.

Mr. Merdes stated Thank You.

Chairman Sandora stated well again that's what you need to do because you are doing an improvement there, you are adding a parking lot and you want like the Engineer had said in the past there wasn't any controls now there are, so now's the time to correct the problem that maybe was there before you have to control the new part and maybe pick up you know the old part as much as possible.

Mr. Charnas stated right.

Chairman Sandora stated as far as that lighting goes, the question he has is, if you needed to add say one light to that is that a problem you know for, for the safety and, and concern.

Mr. Charnas stated a, whatever is necessary one of the things that we have been doing in the past is a because of the limited use, we have been bringing portable lighting.

Chairman Sandora stated uh um.

Mr. Charnas stated so he, he doesn't know what the Code is as far as what we need to do but whatever it is we will do it.

Chairman Sandora stated well now's the time to do it because the ground is going to be there, the ground is going to be opened up, if you need to add one or two more lights back in that corner to light it properly.

Mr. Charnas stated right, right.

Chairman Sandora stated it should be done now and that's probably what we would like to hear and what, when those lights are used what, approximately the hours.

Mr. Charnas stated well basically, basically at this point the, the existing lighting is used a, up to about some of the functions that we have go up to about 9 o'clock in the evening.

Chairman Sandora stated so you have a timer on them now and they are set to go off, on at a certain time and off at.

Mr. Charnas stated yeah there on timers, so, yeah, yeah, yeah, yeah, there on timers and they can be changed to whatever we use them for whatever we need them, and like he said for the for the festival parking which is basically our biggest concern because it's a big event for us, for the, for sustaining our economic viability it's, only four days a year but it's absolutely necessary so in the past we have been using the the temporary lighting and if we need to address a a change in what we have we will.

Chairman Sandora stated okay and for the record, where this new parking lot is going to go, approximately to the west of that parking lot, what is there now.

Someone stated that's just trees.

Mr. Charnas stated yeah, the, the tree line.

Chairman Sandora stated just a tree line.

Mr. Charnas stated the tree line and we own.

Chairman Sandora stated okay and what's the, and how close to, from that parking lot to the rear property line, the northern property line approximate how many feet is that away.

Mr. Charnas stated probably about a, about 30'.

Chairman Sandora stated about 30' and between the parking lot and your rear property line what is there now.

Mr. Charnas stated just grass.

Chairman Sandora stated just grass.

Mr. Charnas stated yeah.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he, he thinks it is more than 30' when you come down to the parking lot.

Mr. Charnas stated it, it may be.

Don Willey stated and make the right hand turn and then a.

Mr. Charnas stated yeah, it may be.

Don Willey stated because the soccer fields are back there.

Mr. Charnas stated well no, no, were, were talking.

Don Willey stated isn't that what you mean.

Mr. Charnas stated it jogs further up.

Don Willey stated okay.

Mr. Charnas stated this parking lot is, the parking, that only goes about half way.

Don Willey stated are you talking about the old parking lot or the new parking lot.

Mr. Charnas stated okay, the, the new parking lot.

Someone stated the new parking lot.

Don Willey stated okay.

Mr. Charnas stated the new parking lot only goes down about half way down to the, our property and then there is a he believes about 8 or 10 acres behind that which are part of, of Royal Valley common area whatever.

Chairman Sandora stated okay.

Mr. Charnas stated okay which is wooded area.

Chairman Sandora stated he just wants this for the record.

Tape changed.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, the other thing that you just have to be aware of is depending on the, the amount of disturbance a, in the plan it may or may not bring into Chapter 1490 which is water

quality and he doesn't know if anyone's looked at that one already but it's because it is dependent on how much land is being disturbed whether or not that Chapter is in effect and a it, it certainly would be something that before you would get a permit to do the work we would, need compliance with that one.

Mr. Jardine stated right a like he said we do have the complete set, we have the Stormwater Management Plan which is completed by himself and Dave Pietrantone our Principal Engineer at Riverstone, he doesn't recall the, if that we, land exceeded what was required by 1490, obviously that would be something that we would definitely want to comply with as well as any EPA requirements as well cause he knows that they have been keeping an eye on a lot of things too.

Mr. Merdes stated they are all right there in that Chapter.

Mr. Jardine stated okay.

Mr. Merdes stated Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes, anybody else on the Board have anything.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated Thank You, a it, it appears that some of the detail necessary for this Board to act is not, is not complete and so a, we do have another meeting next week if you can, you know get those items rather quickly get them to us in time so that we can review and you can come back because the Engineer has brought up several things that aren't included on the plan, okay.

Chairman Sandora stated is there anyone in the audience that would like to ask anything at this time.

Chairman Sandora stated no other questions from the audience, can he have a motion to table.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and seconded Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You Gentleman.

Applicants said Thank You.

Dr. Nagel Brayer, Chiropractic Clinic, 11443 State Road, PPN 488-08-016, Local Business Zoning. Site Plan Approval.

Chairman Sandora stated Good Evening Sir.

Good Evening I am Glen Ramage, the Architect for the project, 34 South Main Street, Suite 200 Chagrin Falls. Mr. Ramage stated we are here tonight to propose an addition to a existing structure on State Road, it is actually just south of the entry drive back to the Avalon Party Center, the existing structure now is a, a residential structure but the property is zoned commercial and what we propose is to put an addition on the rear of the building to be used for a Chiropractors Clinic. Mr. Ramage stated he has a site plan that's colored, he thinks yours are, are not but a, in general we have got a existing, about 900 square foot structure that's in reality good condition, we do have to remove just part of it to get our entry drive down the south property line but the rest of it would stay, we do plan to improve it and we have talked briefly to the Architectural Review Board, we, we appeared at their meeting and were on the Agenda, we did it backwards he supposed but they have seen the plans and we plans to improve what's there and then build about a 2600 square foot addition to the rear of the building, we think that a there are some definite advantageous to that, first the addition and all of the parking would be located behind the structure, not out on the street, we do comply with the a, the setback to the existing structure from the street, so there would be no parking in front, we would comply with all the stormwater requirements and although we haven't done all of our engineering drawings yet, we are really here for our preliminary review but we would comply with all of the the stormwater retention requirements and have a civil engineer on board to do that and that detentionary would be located in the front of the building which is, is the, the low part of the property, the rest of the the building he can show you what it, what it would like and, and tell you that he thinks that we are in compliance in terms of our setbacks, generally speaking except the width of the property is 90', again it's a, the requirement is 100', it is an existing parcel and, and the zoning requires commercial use now so basically it's an un-buildable lot for commercial use unless we can get our variance and he guessed that would be our hardship that we would be prepared to demonstrate at the next board meeting.

Chairman Sandora stated Thank You, Mr. Merdes.

Mr. Merdes stated he doesn't know if he is finished.

Chairman Sandora stated oh he is sorry.

Mr. Ramage stated a, if you were interested he could show you what the, what we are proposing the building to look like and he realizes that it has no direct bearing on a, this Board taking action.

Mr. Ramage stated he has it taped securely so if you will bear with him for a minute.

Mr. Ramage stated he is not sure what the best way to show you this is but a, this is the south side and this is the existing structure, we are adding some trim and adding some stone, stone base to that and then this is the proposed addition, again the north side, that is the existing, this is the proposed addition, that's the east side, that's, that's all new and that's the main entry again, it's, it's, the rear of the building and then this is the street side view from State Road. Mr. Ramage stated he thinks that the Architectural Review Board was reasonably happy with it, but we do understand that we do have to go back, there one suggestion was that we potentially change the color of the stone that we had selected so but other than that he thinks that they were pretty pleased with the project.

Chairman Sandora stated okay Sir, would you mind turning that around and showing the, the members in the audience here and again show them and kind of explain it again.

Mr. Ramage stated we have the building elevations here and this is the north side, that's the side that faces the Avalon Driveway basically, and this is the existing structure with some new trim and a new porch on it, then from that point back is the proposed addition in scale and, and character it is still a residential type feel, it doesn't feel like a huge commercial building and we have tried to break down the massing of the structure so that it blends in to the scale of the surrounding buildings and a and so that it looks like it has always been that way that we didn't just put an addition on to the back of an existing structure, again the south side is, is pretty much the same this is the main entry side, it's a, a gable with a break back gable that forms a porch so there would be a cover at the, at the main entry of the building and again this is the side that faces State Road, it is pretty much existing but we are proposing some new stone work and some new trim on that side as well.

Chairman Sandora stated Thank You Sir, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, the applicant, did you get a copy of his report.

Mr. Ramage stated yes he did.

Mr. Merdes stated okay, he is just going to go down the, the points that are in it, you touched upon the variance a, after that, you do show a parking summary, it doesn't appear to be quite what the Code a, a if you go by the Code it, it's, going to be a different summary in the end you have more spaces done then, then are required either way but because you are showing it on something that's, that's up for approval it should be done per Code and, and placed on there that could be corrected.

Mr. Ramage stated we would be happy to correct if, are you saying that we have to much parking or that we lack parking inaudible.

Mr. Merdes stated well, that, that your parking summary has the required amount as, as just the, the 3,550 divided by 200 and 18 spaces that is part of it but the Code actually reads that the schedule of parking requirements for the medical requirements minimum spaces as 1 per 200 square feet, that's correct plus one for each doctor and one for each employee.

Mr. Ramage stated we could add additional parking if, if you felt that it was necessary, we would like to try to minimize the imperviable, the impervious area to and the Doctor felt that this would be sufficient for his actual use, if land bank parking would, would be considered we would be happy to provide space for it and if it became a problem then pave it at that point rather than pave it now and, and add to the, to the runoff with the stormwater.

Mr. Merdes stated okay, you have, you have in your schedule 18 spaces shown based on the square footage, 18 spaces required based on the square footage, you are showing 35 spaces which would, which would mean that there may be 17 Doctors and Employees which is great for the City it's a nice payroll.

Laughs.

Mr. Merdes stated but you may have too many spaces shown, you may be able to get by with, with less if you would like to.

Mr. Ramage stated yeah, we could, we could land bank part of that rather than building it now, then a, he thinks we would be agreeable to that.

Mr. Merdes stated some other things about the parking areas and the driveways, they have to be designed, graded so that again like with the the applicant that went before you all the water is collected, it is not allowed to flow onto adjacent properties when your, when your finished building the parking lot, it has to be collected and a taken to the stormwater basin, the parking area has to be either asphalt concrete or Portland cement pavement, again these are things that you probably had in the mind but they are not, he couldn't find them shown on the drawings.

Mr. Ramage stated no, again, we don't, we certainly understand that and recognize that, were, were, would like to try to a get approval of the variance or, or rejection before we do a full set of civil engineer drawings but we would comply in all respects to, to the stormwater, the curbs, the site lighting, the landscaping, all of those things we are prepared to do it is just a matter of we, we would like to know if we can get the variance before we go to, to that much engineering effort.

Mr. Merdes stated okay.

Mr. Merdes stated and then, curbs, curbs on the, on the pavements would have to be shown a, do you propose any landscaping at, at this time with this application.

Mr. Ramage stated we talked in general terms to the Architectural Review Board about the, the landscaping they did have a suggestion that because the property to the south although zoned commercial might potentially still be used as residential that or we consider an opaque fence or a hedge of some sort and we certainly agree to that, he talked with Ray Priest and a, about, in general terms about what we would be proposing and landscaping in terms of evergreen planting, for the screening purposes some Cleveland Select pears for the parking lot to scale that down and provide some screening, he also suggests that when we do come back with a, a final detention plan that we try to make it less rectangular and a little bit more organic in feel and had some suggestions of the planting there to and again we will go back to the Architectural Review Board and have the lighting, the landscaping and all of that approved should we be successful in, in gaining the variance.

Mr. Merdes stated okay, a, are the, the site has to be ADA compliant and he is not certain but are, are there steps to every entrance.

Mr. Ramage stated the, the architectural drawings do show steps at the, at every entrance including the east entrance but as he said earlier, this is a preliminary drawing, we didn't have the grading, the grading drawings at that point but the, the grade does go up towards the rear

and our plan would be to grade up to a grade level entry, the main entry at the east side of the building the a west side is just a emergency egress entrance that wouldn't be used by clients or, or office staff either so we would provide grade level entrance at the, at the east side.

Mr. Merdes stated and have a parking stall.

Mr. Ramage stated and have a handicap parking stall adjacent to that grade level entrance.

Mr. Merdes stated okay.

Mr. Merdes stated and the a, the actual driveway apron projection is just goes over the projected property line, it would have to reign back in, those are the things that he found when when looking at this, this application and doing a review of the Code, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated anybody else on the Board have anything.

Mr. Alvarez stated oh, just one thing Mr. Chairman if he may, guess, just to be aware maybe you are, since this is July 11th, July 1st was a date when we had the New Code Edition the 2007 Ohio Building Codes so a, upon approval anything, everything will be on the 2007 Edition and a lot of things that a, the Engineer had mention is in that Code as well regarding the handicap parking and the entranceways to the buildings and so forth.

Mr. Ramgae stated good to know, he will go through that before we submit construction documents to you, we will certainly go through that and make sure we are in compliance with the Code, he doesn't know has it changed a lot.

Mr. Alvarez stated there are major changes definitely so, keep an eye out for them.

Mr. Ramage stated well the Code keeps us honest so.

Mr. Alvarez stated he will, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, anyone in the audience have anything they would like to add, step up Sir, state your name, address for the record and comments you have.

Good Evening Panel, my name is Pasquale Dimassa, he is a resident of North Royalton at 4040 Wallings Road, North Royalton he is here as a representative of the Romano Family, he is an attorney he has been retained by them, their address is 11431 State Road, their property abuts directly south of the proposed plan property which is at 11443 State Road, he has reviewed the plans submitted to the Board which you have in front of you and he has reviewed the Ordinances and he would like to discuss many of the a, laughs, violations he found of the Code regarding the plans so that the Board can make a determination tonight to basically not grant the proposed plans. Mr. Dimassa stated the Romano property was bought in 1986, it was zoned commercial and residential at the time, in 1988 the zoning was changed to commercial however they chose to maintain it as a residential property therefore it

is a lawful, he is sorry, under the Code it is a lawful nonconforming residential property since that time in 88 it has actually been recognized by the City and County as a residential only property the proposed plans for the property that is directly north is zoned currently local business, as Mayor Luks stated earlier during a discussion of the sign for Sportstown he believes, was the Company that the Board approved, this Commission actually doesn't have the power to grant the plans in this case because they are in violation of no less than 5 ordinances, those Ordinances are, area regulations, yard regulations, buffer requirements, driveway requirements, and interference with the adjacent property including the Romano property while he has been retained the Romano's he has had discussion with other neighbors in the area and they express the same concerns that the Romano's have regarding this property, he would like to highlight the very quick Code Violations that are in effect as has been discussed, of course there is the area regulation, it's, the Code 1276.07 width needs to be 100' it is 90 in this case, that was knowledge that was known when the property was recently purchased by the Doctor, the variance of course is going to be disputed by the Romano's and the other residents along the the entire way, there is no variance granted yet therefore this Board really has no choice but to not approve the proposed plans. Mr. Dimassa stated there is a yard regulation which is code section 1276.09 it requires a side yard setback for an abutting residence of no less than 20' as you can tell from the plans from the Romano property on the south side the setback is 5' from the driveway. Mr. Dimassa stated according to the buffer requirements, required to have a 10' buffer, that's Code section 1288.04 and .05, there is no proposed buffer plan whatsoever, he knows it was recently mentioned by the Architect that there could be a fence put up or something but it still doesn't meet the buffer requirements, also the driveway parking area for spots greater than 20 which in this case he thinks is applicable, if he remembers the plan, correctly there needs to be a two lane driveway with a minimal 18' when we include the 20' setback the structure can not be any closer than 38' to the Romano property, currently it is less than that.

Mr. Dimassa stated the, current parking area given the fact that it is only 5' away from the Romano property is in interference with their property and their use of it at this time, small children often frequent their yard and their backyard and they would basically be playing in an area less than 5' away from a driveway that's going to be continuously used during the day so in sum he will be more than willing to field any questions but as the plans that, as are proposed are in violation of various ordinances they can not be approved.

Mayor Luks stated Mr. Chairman if she may.

Chairman Sandora stated Mayor.

Mayor Luks stated typically we give comment to the Applicant knowing that they are going to have to move on to BZA and we are going to have to table so that, should the variance be granted, when they come back they are prepared to address the other issues that we have raised here tonight, we know we can't act until the variance is approved. Mayor Luks stated she questions whether there is actually a buffer requirement just to put you on notice there because the Romano property is not zoned residential so, all be it's, it's currently be used residentially, the

Code requirement for a buffer is when it is a change in classification between a nonresidential zoning to a residential zoning so she is not sure there is a buffer requirement there, Thank You Mr. President, or Mr. Chairman.

Chairman Sandora stated Thank You Mayor.

Chairman Sandora stated anybody else on the Board have anything, Donna do you have anything or no comment.

Mrs. Vozar stated no comment.

Chairman Sandora stated anybody else on the Board have anything, anybody else in the audience have anything, yes Ma'am.

Jan Sadowski, 11426 State Road. Mrs. Sadowski stated she lives right across the street from the area and it is just her concern that we have a, we did have a neighborhood and then they put the Avalon's which is doing nothing so we have a big driveway there and then in front of that there is a building that there is nobody in on the second floor which is a on Wallings Road in front of the Avalon so and now we are going to build another building, she means, her concern is just that it's still a neighborhood and also there is tons of water that comes in the front yard so she is not really sure what a basin in the front yard which is adjacent to hers which it always flooded so she doesn't know if that water will go into her water that's already sitting, that sits there every time it rains and State Road, the whole thing is all getting flooded now and she doesn't know if that has to do with the storms on the corner so she just has some concerns that this is still a neighborhood even though it's State Road it's a neighborhood, that's all she has to say.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated if she could just response to you, your, your absolutely right that it is a neighborhood and she understands that however, that the corner there where the Avalon is was zoned for a business type zoning for years and yes it is vacant and yes the building in front of it vacant and that's do to a merit of reasons you know the property is in foreclosure and all sorts of things are happening and she is sure that that's a temporary situation but the, the property in question here is zoned for local business not residential and, and that zoning has been in place for a gosh she would say probably 20 years.

Mrs. Sadowski stated but don't we have a ton of vacant things everywhere in North Royalton that's all you see is empty, empty, empty, empty.

Mayor Luks stated this is a property owner who is purchasing the property because he wants to run his Chiropractic business out of there.

Mrs. Sadowski stated well we have a lot of them there sitting, some of the same thing, empty.

Mayor Luks stated she doesn't think we have as many vacancies as, as your making it sound like.

Mrs. Sadowski stated well that whole corner is vacant.

Mayor Luks stated she understands but that's a unique situation right now because of the situation that the property is in so, you know, if someone wants to move into a, a zoning district that's zoned, that allows the use they want to use it for, this Board can't tell them no, it's zoned that way, do, if, if you are understanding me.

Mrs. Sadowski stated well she understands but there you know there is still property on the other side often parking lot from the Avalon and there is another property that's next to that and, and there she guessed there commercial too but what are you going to do with that, that's going to just.

Mayor Luks stated but we can't tell him go pick that property over there.

Mrs. Sadowski stated yeah.

Mayor Luks stated we, we don't have the ability to do that.

Mrs. Sadowski stated okay, well she is just.

Mayor Luks stated she understands your sediment it is just that, it's, it's, it's, zoned for a use that allows what he is proposing to do we can't say to him go somewhere else.

Mrs. Sadowski stated okay, she just wanted to let you know how she feels.

Mayor Luks stated Thank You.

Mrs. Sadowski stated okay.

Chairman Sandora stated that's fine, Thank You.

Chairman Sandora stated anyone else in the audience have anything.

Chairman Sandora stated no one else, he moves we table this and have the Applicant go to the Board of Zoning Appeals.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated make your application for the BZA.

Mr. Ramage stated Thank You.

Utility Plan Approval

at&t request permission to place an above ground cabinet within at&t private property near 10922 State Road - Approval.

Chairman Sandora stated the Applicant is here, step forward and make your presentation please.

Mike Williams representing at&t, 16515 Clare Avenue. Mr. Williams stated first one, he is requesting permission to place an above ground cabinet on at&t's property near 10922 State Road.

Chairman Sandora stated Thank You, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated to the Applicant, permits required, plans by Registered Engineer required for the permit, need to perform all work in accordance with the City's Codified Ordinances and perform all work in accordance, contact the City Engineering Department 72 hours prior to commencing, full time inspection required for work within the City right of way and that's billable back to the applicant or the owner, all areas that are disturbed are required to be restored, no open cutting of roadway pavements are allowed, sidewalk replacements would be in full slabs and videotaping of the work area is required prior to doing the work, provide the City with a copy of the video, also any homeowners along the installation shall be given 48 hours or written notice and submit a copy of that to the City.

Mr. Williams stated that's agreed upon.

Mr. Merdes stated Thank You Sir, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated anyone on the Board have anything they would like to ask.

Chairman Sandora stated anyone in the audience have anything they would like to comment on, ask.

Mayor Luks stated Mr. Chiarman, she moves to approve.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll for approval of 10922 State Road.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

at&t request permission to place an above ground cabinet in the road right of way near 12014 Ridge Road - Approval.

Chairman Sandora stated go ahead.

Mr. Williams stated the request.

Chairman Sandora stated name and address again.

Mr. Williams stated Mike Williams representing at&t, 16515 Clare Avenue in Cleveland, requesting permission to place above ground cabinet in the right of way at 12014 Ridge Road.

Chairman Sandora stated Thank You Mr. Merdes anything.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated on this one the, he guessed he wonders why there is going to be two pads separated with the boxes on it and, and if that might be to much shade for what's in the middle, he doesn't know if it might be nicer to just have a continuous pad. Mr. Merdes stated is there, maybe there, but maybe there is a reason why it's, there is an existing pad and then this one looks like it is, it's separated from that and, and placed on, on another pad a short distance away, is there a reason that you know of maybe you could share that with him.

Mr. Williams stated there is nothing that he knows of, he can guess, he is not sure if the rocks that are in-between there is the reason that's about the only thing he can think of.

Mr. Merdes stated uh um, the photo that's with the application does show the, the rocks or if it does show the rocks maybe it shows them one rock further certainly not in-between the pads, a you.

Mr. Williams stated well he doesn't have an answer for it but a he couldn't tell ya but what you want is that we move that pad.

Chairman Sandora stated one pad.

Mr. Williams stated butt up to the other pad.

Chairman Sandora stated one pad.

Mr. Merdes stated yeah, essentially by separating them you are putting perhaps and this is inside the right of way so, so now there are two objects separated, there is already an existing object so he doesn't, he would recommend that they, the pad be extended and, and, and for this facility and this, then box be put on an extended pad of the existing one.

Mr. Williams stated not knowing the reason why, it is hard for him to a, say we can do it but a, he will take that back.

Mr. Merdes stated that's fine, we do have another meeting next week.

Mr. Williams stated okay.

Mr. Merdes stated and if you could either come back with a reason or a revised drawing ahead of that.

Mr. Williams stated okay.

Mr. Merdes stated that would probably be a better for this, this particular application.

Mr. Williams stated okay.

Mr. Merdes stated Thank You Mr. Chairman.

Chairman Sandora stated okay does anyone else on the Board have anything on this one, anyone in the audience have any questions on this pad for 12014 Ridge Road.

Mayor Luks stated Mr. Chairman, she moves to table.

Don Willey stated second.

Chairman Sandora stated it's moved and seconded to table 12014 Ridge Road for AT&T.

Chairman Sandora stated Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's tabled.

at&t request permission to place an above ground cabinet within an easement near the side of 19797 Lyle Road - Approval.

Mike Williams representing at&t, 16515 Clare Avenue in Cleveland. Mr. Williams stated requesting permission to place an above ground cabinet on the easement near the side of 19797 Lytle Road.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated if approved permit is required, and to get the permit, plans are required by a Registered Professional Engineer, you need to perform all work in accordance with the City's Codified Ordinance and to contact the Engineering Department 72 hours prior to commencing, full time inspection is required for work done within city right of way, that's billable to the applicant. Mr. Merdes stated all areas that are disturbed are required to be restored, no open cutting of the roadway pavements are allowed and the sidewalk placement are to be by full slabs, videotaping of the work area is required prior to the work and provide the City a copy of the video. Mr. Merdes stated all homeowners along this installation should be given 48 hours written notice and submit a copy of that to the City. Mr. Merdes stated is that agreeable.

Mr. Williams stated agreed upon.

Mr. Merdes stated Thank You, Thank You Mr. Chairman.

Chairman Sandora stated anyone on the Board have anything on this one.

Chairman Sandora stated anyone in the audience, there is a Gentleman.

Good Evening, my name is Brent Pagel, he lives at 11826 Beckenham Road and he represents the North Boston Homeowners Association which is Beckenham, Queensbridge and Whitestone, back in that development area, we have been in conversation with at&t and looking into the boxes, this will make the third box up there and we just want to make sure that it's landscaped up to our liking, to our needs in order to cover up the look there and a so we have had our landscaper take a look at it, give us an

estimate of what it would cost which would be about \$2,520.00 and a provided that at&t agrees to pay this cost, we as the Homeowners Association agree for them to move forward with our landscaper taking care of the landscape work once this work has been completed by at&t.

Chairman Sandora stated okay.

Mr. Williams stated we received the quote he thinks maybe this afternoon, so, it's been agreed to in principal although he can not agree to the dollar amount, he feels relatively certain that it will be agreed upon.

Chairman Sandora stated yeah, why don't we wait until next week and you get the okay for the the landscaping to be done on this one, you are going to come back next week with that one, the other one anyway.

Mr. Williams stated okay.

Chairman Sandora stated and you can get confirmation on it.

Mr. Williams stated sure.

Chairman Sandora stated all rightly.

Chairman Sandora stated okay a motion to table the at&t for 19797 Lytle Road.

So moved Don Willey.

Chairman Sandora stated with confirmation on landscaping.

Don Willey stated so moved.

Chairman Sandora stated it's been moved, he will second it.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Mr. Williams stated Thank You.

Chairman Sandora stated Thank You.

Miscellaneous

Ms. Fashempour stated she has nothing under Miscellaneous.

Chairman Sandora stated anybody, anybody have anything.

Adjournment

Chairman Sandora stated move to adjourn.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated we are adjourned.

Planning Commission Meeting for Wednesday, July 11th, 2007 adjourned at 9:35 P.M.

Approved: Tony Sandora - Chairman - Planning Commission

Attest : Brenda Lynn Fashempour, Secretary - Planning Commission

Date : September 5, 2007