

Planning Commission Caucus - 7:04 P.M. - Wednesday, May 7, 2008.

Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Thomas J. Kelly, Law Director, Vice Chairman Don Willey, Mike McCarthy, Joseph Hartman, Zoning Inspector Building Department, Daniel A. Collins, P.E., Assistant City Engineer, Mark Schmitzer, P.E., City Engineer, Pat Jones, Mr. and Mrs. Walsh, Larry Antoskiewicz, Council Ward Five, Nick Cinquepalmi, and Brenda L. Fashempour, Secretary.

Public Hearing

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Public Hearing - Ordinance 07-102 - Chapter 1492, Public Hearing Notice.

Refer to Regular Order of Business, motion, second, roll call.

Conditional Use Permit - AT&T - Cingular - Applicant withdrew Application.

Adjournment

Regular Meeting

Call to order.

Roll call.

Approval of minutes - April 23, 2008. Motion to approve the minutes of April 23th, 2008, second, roll call.

Old Business

Planning Commission Agenda Reviewed.

Tony D'Abramo - tabled - Applicant should be present. Remove from table, second, roll call. Discussion. If Commission decides to move forward, Ms. Fashempour would like the Old Business - Tony D'Abramo, Lot Consolidation move forward, remove from table, second, roll call.

Motion to approve and then the Site Plan, motion to approve, second, roll call.

Timberlane Estates Phase V - tabled. No action.

Ordinance No. 07-73 - tabled. No action. Request 90 day time extension, motion, second, roll call.

Michael and Alice Walsh, tabled. Applicant received variance from BZA. Motion to remove from table, second, roll call. Discussion. Motion to approve, second, roll call.

Woodcroft Glen, Ext of Woodcroft Trace, Final Plat 2, tabled. No action.

Tony D'Abramo, D-5 LLC - Lot Consolidation. Tabled. Move forward to Tony D'Abramo - Site Plan. Remove lot consolidation from table, motion, second, roll call. Motion to approve lot consolidation prior to site plan approval for Tony D'Abramo.

New Business

Ordinance 07-102 - Discussion. Motion to recommend to Council adoption of Ordinance 07-102, second, roll call.

Miscellaneous

82nd Street Grill - Presentation, Discussion. Motion to approve, second, roll call.

Cancel Meeting of 5-21-08 - No submittals.

Adjournment

Planning Commission Caucus adjourned at 7:09 P.M.

Chairman Sandora stated Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission Meeting for Wednesday, May 7th, 2008, 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, May 7, 2008 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: Chairman Tony Sandora, Mayor Robert A. Stefanik, Vice Chairman Don Willey, Victor Bull, Michael McCarthy, Daniel Collins, P.E., Assistant City Engineer, Joseph Hartman, Building Department Zoning Inspector, Thomas A. Kelly, Law Director and Brenda L. Fashempour, Secretary

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

Public Hearing - Ordinance

Ordinance No. 07-102 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, Chapter 1492 Controlling Riparian Setbacks and Wetlands Setbacks, Section 1492.11 Variances within Riparian Setback and Wetland Setback by amending paragraph (f) and creating a new paragraph (h), and Declaring an Emergency.

Ms. Fashempour read the Public Hearing Posting and the Public Hearing Notice was posted at the City's Public Posting Places.

Chairman Sandora stated Thank You Ms. Fashempour, anybody here tonight that wants to be hear on this Ordinance, 07-102, Mr. Jordan.

Mr. Jordan stated Good Evening, his name is Tom Jordan he is the Community Development Director for the City of North Royalton, on 07-102 if the City, the City is currently participating in three watershed groups, Big Creek, Chippewa Creek which are both tributaries to the Cuyahoga and the third one is the Rocky River Watershed, those watersheds encompass a number of cities that surround North Royalton and all of those communities, your Ordinances as they, as they exist today are already one of the more forward thinking relative to watershed management meaning that you are trying to control growth in a way that does not negatively impact the stormwater management of these various watersheds. Mr. Jordan stated this one will go even yet further, you probably by the standards of your neighboring communities and even in the State of Ohio will be one of the few communities that address many of the issues that this Ordinance does. Mr. Jordan stated there is one particular aspect, it is under Section 2 number 5 mitigation of actual wetland losses shall be at the rate of 150% of the area lost by the variance granted. Mr. Jordan stated that particular question at this time he would request that the Planning Commission consider an amendment to it bringing that standard down to 100% that means that for every acre, we will just say it is an acre, area that affected by a variance granted that the person required would also have to require to provide mitigation at the same acre rate, under your current one as it's proposed if, if someone disturbs an acre you are at an acre and half, that standard is a little high, it is an ideal but again relative to your surrounding communities even in the State of Ohio and also in general this particular ordinance you are probably the most forwarding relative in Northeast Ohio and possibly the State after this passes, if you build at 150% he thinks that standard might be a little bit high and it will be hard and difficult for people that are undertaking development within the City of North Royalton to meet so he requests that you consider an amendment for basically the a, 150% would drop to 100% of the area lost by the variance granted.

Chairman Sandora stated what Section is that again.

Mr. Jordan stated Section 2 number 5.

Mr. Willey stated a Mr. Chairman, it is also the 150% is referred to in Item 4 also Mr. Jordan.

Mr. Jordan stated Section 4.

Mr. Willey stated no same section, Section 4, no he is sorry, Section 2 item 4.

Mr. Jordan stated right.

Ms. Fashempour stated you need that amended too, Tom.

Mr. Jordan stated pardon.

Ms. Fashempour stated yeah that would be, that would be amended as well.

Ms. Fashempour stated number 4 too, to 100%.

Mr. Jordan stated and again we appreciate especially Councilman Antoskiewicz participation in the watershed and also bringing the Ordinance forward as well as the other member, hard working members of the various committees that are working on the watershed, Thank You.

Chairman Sandora stated Thank You Mr. Jordan.

Chairman Sandora stated is there anybody in the audience that would like to say something on 07-102, Mr. Antoskiewicz.

Thank You, Larry Antoskiewicz Councilman in Ward Five and as Tom said a you know one of the co-sponsors of the legislation, he just wanted to give you a, just a real quick, the thought process being is that for so long, so long been coming to these meeting and hearing how, you know with the Developers and the mitigation always seems to be leaving our community and one of the most important is with the different problems that we have here is if we can keep the mitigation and the project within the scope of the community that, that would really benefit us the most, that's what lead to you know, you know to the adoption, to the, to the writing of the legislation and it's also because he just came actually from the Chippewa Creek which we have been going through those watershed meetings and there really being very active, obviously now with the Chippewa Creek they are going to be starting Big Creek and then they are going to be starting Rocky River as well to put these plans together and a what really there going to be doing with Chippewa Creek and the Northeast Ohio Regional Stormwater Task Force is going to be putting in their model, in their model, wetlands setbacks mitigation he means that they have which we incorporate a lot of, is the part of about mitigation staying within the watersheds and within the communities that, that it really affects so he thinks, he thinks we are actually a, he guess we are going to be the model for this a you know if everybody agrees because a more and more we are seeing that through this that they are going to be doing that and Chippewa Creek is going to go so far as is with there's they are hoping that they are getting us, Broadview Heights, Brecksville, all the communities that have the Chippewa Creek

on Board okay you know to keep working as one and they are even going to go where they are going to start having these projects because they are going to start going into their Chippewa Creek and they are going to come up with the projects that needed to be done so he would, he would expect that to also happen with Big Creek and Rocky River and all the rest of them so he thinks getting the projects which always seems to be a little bit of the issue down the road he thinks a you know we are going to be getting a lot of help with that you know through these other, through these organizations so he just wanted to, you know, through that out there and hope that a you know we get the approval.

Chairman Sandora stated okay, Thank You Mr. Antoskiewicz.

Chairman Sandora stated anybody else in the audience have anything on this, anybody.

Mr. Willey stated a Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated a, he, he propose two questions and maybe three, number one what happens if a we can, a developer comes in or someone comes in, we no longer have a, a, a, areas to mitigate in other words if you reach your saturation point a what would be there remedy if they wanted to then a, a, a, do a mitigation would that, would they have to, what body would they go through to make that happen, he is assuming we, we have a limited source of wetlands right now.

Chairman Sandora stated Mr. Jordan.

Mr. Jordan stated to the Planning Commission actually the a, it's a, it's a very good question, the, the ideal behind this is that a first of all there are two specific, two watersheds have very little area in the City of North Royalton and you probably will run up against those two watersheds that's the Chippewa Creek which really runs east to west down through Broadview and the Big Creek which runs north into Parma, it only touches the City he will just say by a few blocks, you are likely the one area, that area, those areas were disturbed have trouble finding even within that watershed almost right off the bat, the idea is that if we could not do it within the boundaries of North Royalton the mitigation, that it then goes into the neighboring watershed areas of that watershed and there are many, many years worth of mitigation to do there a outside of that there is still a mitigation requirement and they would have to mitigate other areas just so the Planning Commission know as an example one, one area that you might be familiar with is the Airport is in the Rocky River Watershed and obviously the Airport is one big asphalt area what they have done and mitigated in order to satisfy the EPA relative to their mitigation requirement, they have mitigated all over Northeast Ohio, University Circle as an example is currently undergoing mitigation that resulted from Airport expansion so there is always somewhere that will need the mitigation the preference of this one is to try to first set the standards within the boundaries of North Royalton, then the watershed and then any other areas, he will say that some of the larger developers may have already appropriated lands which they hope to use in mitigation in the future for projects they have underway and those will probably be the ones that will have the hardest time complying with this regulation.

Chairman Sandora stated Thank You.

Mr. Willey stated Thank You.

Chairman Sandora stated anyone else.

Chairman Sandora stated he will make a motion to refer this to the Regular Order of Business.

So moved Mr. Willey.

Second Mr. Bull.

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

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

Adjournment

Ms. Fashempour stated she needs a motion to adjourn.

So moved Mr. Willey.

Second Mayor Stefanik.

Chairman Sandora stated moved and seconded to adjourn the Public Hearing portion of the North Royalton Planning Commission, Ms. Fashempour please call the roll.

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

Chairman Sandora stated we are adjourned.

Planning Commission Public Hearing for Wednesday, May 7th, 2008 adjourned at 7:45 P.M.

Chairman Sandora stated he would now like to call to order the Regular Meeting of the North Royalton Planning Commission Meeting for May 7th, 2008.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, May 7, 2008 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:45 P.M.

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

Present: Chairman Tony Sandora, Mayor Robert A. Stefanik, Vice Chairman Don Willey, Victor Bull, Michael McCarthy, Daniel Collins, P.E., Assistant City Engineer, Joseph Hartman, Building Department Zoning Inspector, Thomas A. Kelly, Law Director and Brenda L. Fashempour, Secretary.

Approval of minutes: April 23, 2008. Ms. Fashempour stated Approval of minutes, April 23, 2008 if you so choose. So moved Mr. McCarthy. Second Mr. Willey. Chairman Sandora stated it's been moved and second for the approval of minutes, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Willey, Bull, McCarthy, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried. Chairman Sandora stated minutes are approved.

Old Business

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 it is tabled, the Applicant is here this evening, she needs a motion to remove it from the table.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated moved and second to remove Item One off the agenda, off the table, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Bull, McCarthy, Mayor Stefanik, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated the Applicant is here, state your name and address for the record please.

My name is Scott Wangler, 10020 Aurora Hudson Road, Streetsboro, Ohio.

Chairman Sandora stated Thank You.

Mr. Wangler stated we were here a, at the last meeting and we a, he now has the owners with him to discuss, there was some questions about the tenants and how the building was going to be used ultimately, if there are any questions not relating to usage he can address that or if you just want to go right to the usage questions we can address that with the owners.

Chairman Sandora stated yeah, why don't we go right to the users questions first, will the owner come up and state your name and address please.

Good Evening Bruno D'Abramo.

Ms. Fashempour asked that the Applicant move closer to the mic or the mic be moved.

Good Evening Bruno D'Abramo, 1261 River Road, Medina, Ohio.

Chairman Sandora stated gee, Thank You Mr. D'Abramo, there was a number of, a few questions that we had last week that we wanted to hear from the owner, what is the actual intention of the use of the building.

Mr. D'Abramo stated actual intention is going to be retail or professional.

Chairman Sandora stated will there be any storage.

Mr. D'Abramo stated no Sir.

Chairman Sandora stated there will be no storage in there at all, this is not going to be built for any storage facility whatsoever.

Mr. D'Abramo stated correct.

Chairman Sandora stated you have some overhead doors that are shown on there, will these doors be put in at this time.

Mr. D'Abramo stated yes.

Mr. Wangler stated he thinks just the one over on the side, the rest are knockout.

Chairman Sandora stated the rest are knockouts for future.

Mr. D'Abramo stated for future.

Mr. Wangler stated potentially we could build, not intended for the concept.

Chairman Sandora stated anybody else on the Commission have any question for this Applicant on this part of it.

Chairman Sandora stated okay Thank You, if there is anything else we will bring you back up and if we have any other questions.

Mr. D'Abramo stated Thank You.

Chairman Sandora stated okay, Collins, Mr. Collins, we will go to the Engineering Department first, do you have anything else you want to bring up on this matter.

Mr. Collins stated a Thank You Mr. Chairman, um, pretty much his comments from a the April 17th, 2008 Planning Commission Meeting address the six comments that a were previously discussed and a will be taken care of at the time of detail engineering review and that's all he has.

Chairman Sandora stated and we are all, we are satisfied with the a, the traffic study and everything else that has been presented so far on this issue.

Mr. Collins stated that's correct Mr. Chairman.

Chairman Sandora stated in your department.

Mr. Collins stated yes.

Chairman Sandora stated Mr. Hartman do you have anything.

Mr. Hartman stated the only thing the Building Department would have is, if the Board so chooses to approve this we would need four sets of plans for building approval.

Mr. Wangler stated okay.

Mayor Stefanik stated Chairman Sandora.

Chairman Sandora stated a Mayor.

Mayor Stefanik stated okay again for the record, with the possibility of Route 82 being widen in 2, 3, 10 years this plan takes that into consideration.

Mr. Wangler stated yeah, actually it's built further back then the Code requires in, in anticipation of that.

Mayor Stefanik stated is this something, to the Engineering Department is this something that we verified and.

Mr. Collins stated a yes, yes Mayor we, we did verify that and, and of course, obviously the, the two drive aprons would not be designed right now to accommodate that but you know at that time that project would widen is when that would be taken care of, the detention facility has been moved relative to the initial plan out to the rear of the building which really helps out matters for the widening to occur.

Mayor Stefanik stated Thank You.

Chairman Sandora stated to the Engineer you just made a comment that the drive area may have to be widen at a later, a later date if this widening of 82 takes place.

Mr. Collins stated yeah Mr. Chairman if, if, if he may clarify, he don't mean widen but possibility relocated that is pushed to the south just to accommodate the widening of State Route 82 right now of course the aprons are designed to match the existing pavement the way it exists today.

Chairman Sandora stated okay so the 24' entrance way to the east is sufficient.

Mr. Collins stated for each, sure, yes for right now.

Chairman Sandora stated okay, anybody else on the Board have anything.

Mr. Willey stated he, he thinks a, the, the issue.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated Mr. Chairman he is sorry, he thinks the issue of a line of sight for the western, western driveway, you know the entrance from the, to the west of the building.

Mr. Wangler stated yes.

Mr. Willey stated and apparently if that has been resolved by the Police Department, the Traffic Study, a.

Mr. Wangler stated he contacted a, the Police Department has the, has the study and is satisfied with it, he spoke with a Mark Fyock and a he, he has the traffic study and he's happy with what it says and the site plan reflects the study.

Mr. Willey stated Thanks, Thank You.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated so then for the record we can be assured that this building will not turn into a storage facility.

Mr. D'Abramo stated yes Sir.

Chairman Sandora stated no creative ideas coming out of the woodwork along the line here some place.

Mr. D'Abramo stated no Sir.

Chairman Sandora stated okay, let it be known that it be a no at this time.

Chairman Sandora stated at this time we are going to bring up a well Ms. Fashempour.

Ms. Fashempour stated under Old Business #6;

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

Ms. Fashempour stated it is tabled, she needs a motion to remove it from the table and then maybe you can go over what you are looking to do there.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated moved and second to a take Item 6 off the table, Ms. Fashempour please call the roll.

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

Mr. Wangler stated again this, this property, these two parcels, you know as this site plan was developed it was always intended to consolidate as one and move that property line down the middle which a the lot split would do, receive a lot consolidation.

Chairman Sandora stated Thank You, to the Engineering Department do you have any problems with a.

Mr. Collins stated Engineering has no problems with the, with the lot consolidation.

Chairman Sandora stated Building Department do you have anything.

Mr. Hartman stated no Mr. Chairman.

Chairman Sandora stated anybody in the audience have anything on the lot consolidation.

Chairman Sandora stated can he have a motion.

Mr. Willey stated motion to approve the lot consolidation.

Mayor Stefanik stated second.

Chairman Sandora stated it's been moved and second to approve the lot consolidation for Tony D'Abramo, Ms. Fashempour please call the roll.

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

Chairman Sandora stated is there anybody in the audience that has anything they want to say or add to the first part of this Agenda, the industrial, the building facility, anybody else on the Board have anything they want to offer, can he have a motion to approve, site plan approval for Tony D'Abramo.

So moved Mr. Willey.

Second Mayor Stefanik.

Chairman Sandora stated moved and second, Ms. Fashempour please call the roll.

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

Ms. Fashempour stated Thank You.

Mr. Wangler stated Thank You very much.

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

Ms. Fashempour stated Timberlane Estates Phase V, tabled, no action.

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. Tabled.

Ms. Fashempour stated Ordinance No. 07-73 it is tabled, no action she does however, will request a ninety day time extension from Planning Commission to Council.

Mr. Willey stated motion to extend for 90 days.

Second Mr. Bull.

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

Roll call: Yeas: Willey, Bull, McCarthy, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried.

Michael and Alice Walsh, York Road Rear Property, PPN 482-03-005, R1-A Zoning. Lot Split and Consolidations Approval. Tabled.

Ms. Fashempour stated **Michael and Alice Walsh**, it is tabled, the Applicants are here this evening, she needs a motion to remove it from the table.

So moved **Mr. Willey**.

Second **Mayor Stefanik**.

Chairman Sandora stated it's been moved and second to remove **Michael and Alice Walsh**, lot split and consolidation off the tabled **Ms. Fashempour** please call the roll.

Roll call: Yeas: Five - **Bull, McCarthy, Mayor Stefanik, Willey, Chairman Sandora**. Nays: None. Motion carried.

Chairman Sandora stated the Applicant is here, please step forward and just, tell us briefly just what your intention is and what you plan to do.

Mike and Alice Walsh own the property, he is one of the buyers, his name is **Rick Plant**, he owns the home on York Road that the property, the eight acres is directly behind, just to summarize what's going on, a his home originally was a ten acre property, sometime in the 60's, don't know when the original owners split his house and two acres off separate from the eight acres directly behind his house, **Mr. Walsh** inherited that property he sold him his home and the two acres, the eight acres behind the house, now the access that **Mike** has is through dead-end road in Chesapeake if you will so it's a nonconforming lot, what we are proposing here is that we make that nonconforming lot smaller, he had proposed and is interested in buying additional property directly behind his property attached to it and then several other neighbors that back up to the property on Chesapeake are going to ask for a larger back yard so that large nonconforming lot will be a little bit smaller, **Mike** will still have the same access he has always had through Chesapeake so it really doesn't change the, the status of that that lot it just makes that area that much smaller, gives them some more green space, hopefully avoids you know having a development in his backyard and more flooding issues then we already have in that, that, that area of North Royalton.

Chairman Sandora stated okay and you were before the Board of Zoning Appeals.

Mr. Plant stated yes.

Chairman Sandora stated okay and, and received approved.

Mr. Plant stated that's correct.

Mr. Willey stated was it, **Mr. Chairman**.

Chairman Sandora stated **Mr. Willey**.

Mr. Willey stated was, wasn't it on the proviso that, that all the lots be sold and that was what you were working on at the time.

Mr. Walsh stated yeah all of them were to be sold, at one time the Gentleman in the middle stopped.

Mr. Willey stated right.

Mr. Walsh stated he didn't want to buy so now there is five, so he said he would sell to those.

Mr. Plant stated there is no break.

Mr. Willey stated it will be, it will be landlocked right, it will be landlocked from the rest of the property, the one in the middle.

Mr. Plant stated no.

Mrs. Drum stated no.

Mr. Walsh stated no.

Mr. Plant stated we are stopping at five, if you will, his house is here.

Mr. Willey stated okay.

Mr. Plant stated and we are cutting off.

Mr. Willey stated so you are moving up York Road and then, and then from there up to the.

Mr. Plant stated the end by the street.

Mr. Willey stated barrier, that will still be as it is now.

Mr. Plant stated correct.

Mr. Walsh stated nothing really changes except for down here, they want to buy that lot.

Mr. Plant stated and we will incorporate that additional property with their deed so it will not create another smaller nonconforming lot, it will all become a part of their original property split, with one parcel bigger lots.

Mr. Walsh stated one property.

Mr. Willey stated uh um.

Mr. Plant stated more landscaping, more trees, we hope.

Mr. Willey stated that's where we should have put the retention basin.

Mr. Plant stated in his backyard.

Mr. Walsh stated yeah.

Mr. Plant stated it's not too far from there.

Chairman Sandora stated well the Engineering Department, do you have anything.

Mr. Collins stated a yeah Mr. Chairman, just a, a, just a reminder out of curiosity and it was addressed at the BZA Meeting that he bought up and the County won't allow this, but he reminded the Applicant and he already addressed it, he is aware of this is that, when these lots are consolidated with the existing properties that they have to happen in sequential order so that you are not creating any, any landlocked pieces of property, that is, you know, starting from the west and heading east, those have to be consolidated accordingly so you are not going to be you know having a piece in the middle that's just still owned by by the original property owner, so if you understand what he is saying, hopefully he explained himself well enough.

Mr. Plant stated no, you are correct, he means obviously you can't sell stuff from both ends and have that middle piece it wouldn't make any sense and there would be no access whatsoever.

Mr. Collins stated correct.

Mr. Walsh stated right, it would have to be sold all the way up creating, the Gentleman in the middle changed his mind.

Mr. Plant stated which is why we stopped.

Mr. Walsh stated and we can't landlock.

Mr. Collins stated right.

Mr. Walsh stated so we have the first five lots inaudible divide and now the rest of it will be his, the last lot sold, you know.

Mr. Plant stated work on the rest later on, maybe a developer will buy it off Chesapeake or combine it the lady next store to him owns 14 acres.

Mr. Willey stated so, so what lot that fifth lot, whose it going to be appended to, whose property yours.

Mr. Plant stated he, he is buying the, they actually split it along lot lines for the houses on Chesapeake, he is buying two lots, and then there are three other neighbors who are extending their backyard that directly touch his, he can show you on here if you would like.

Mr. Walsh stated do you want to see it.

Mr. Willey stated yeah.

Mr. Plant stated he is right here, he is buying this piece here, and these people are buying there pieces which stops here and then this is still Mike's with the same access he had right through here.

Mr. Walsh stated he owns this.

Mr. Willey stated so parcel e is a, that's, that's going to be.

Mr. Walsh stated all one.

Mr. Willey stated the remaining parcel.

Mr. Walsh stated right.

Mr. Willey stated number five will be part of e.

Mr. Walsh stated right.

Mr. Willey stated pardon.

Mr. Plant stated five is not his lot.

Mr. Willey stated right, that's, who he is, so that will be appended to, e and the remaining parcel, so there will be nothing in the middle, okay.

Mr. Walsh stated he stills have access to Shenandoah.

Mr. Willey stated you don't want to consolidate five with the rest of them.

Mr. Walsh stated right, four.

Mrs. Drum stated yeah there are five purchasers.

Mr. Walsh stated five.

Chairman Sandora stated wait a minute, hold it, hold it, were going to have a little order here.

Mr. Walsh stated oh, he is sorry.

Chairman Sandora stated Ma'am, go to the microphone and give us your name.

My name is Patricia Drum, she lives at 9492 Potomac Drive and she is one of the purchasers also.

Mr. Plant stated she is b.

Chairman Sandora stated okay.

Mr. Plant sated okay and Patty, then c, d and number 5 are sold.

Mrs. Drum stated yeah.

Mr. Plant stated he wasn't aware that five was too.

Mr. Willey stated okay.

Ms. Fashempour stated so it will c, d, a, b, c, d, e, e will be parcel e and that will flip over.

Mr. Willey stated and five okay and then the rest of it is all tied together and it won't landlock that parcel number five in the middle, that's all right.

Mr. Plant stated right.

Mr. Willey stated okay, picture speaks a thousand words.

Chairman Sandora stated okay, Thank You.

Mr. Willey stated okay, Thanks, Thanks very much, very clear.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

Chairman Sandora stated can he have a motion to approve the lot split for Michael and Alice Walsh.

So moved Mr. Willey.

Ms. Fashempour stated and consolidation.

Mr. McCarthy stated second.

Chairman Sandora stated and consolidation.

Mr. Willey stated and consolidation.

So Moved Mr. Willey.

Second Mr. McCarthy.

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

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

Chairman Sandora stated approved Good Luck.

Mrs. Drum stated Thank You.

Mr. Plant stated Thank You, appreciate it.

Mr. Walsh stated Thank You very much.

Woodcroft Glen, Royalton Road, GB and RMD Zoning. Woodcroft Glen Phase 2 Final Plat - Approval. Tabled.

Ms. Fashempour stated Woodcroft Glen, tabled no action.

New Business

Ordinance

Ordinance No. 07-102 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, Chapter 1492 Controlling Riparian Setbacks and Wetlands Setbacks Section 1492.11 Variances within Riparian Setback and Wetland Setback by amending paragraph (f) and creating a new paragraph (h), and Declaring an Emergency.

Chairman Sandora stated is there any other discussion on Ordinance 07-102.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willy.

Mr. Willey stated as a suggested a, a, in the Public Hearing, Section 2 Item 4 be changed from 150% to 100% and Item 5, Section 2, Item 5 from 150% to 100%, suggest that that a, that we recommend that be amended by Council.

Ms. Fashempour stated is that a motion.

Mr. Bull stated he will second that.

Chairman Sandora stated it has been moved and seconded, anybody else on the Board have anything.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated as a co-sponsor of the legislation he agrees with the amendments.

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

Roll call: Yeas: Five - Mayor Stefanik, Willey, Bull, McCarthy, Chairman Sandora, on the amendments. Nays: None. Motion carried.

Chairman Sandora stated can he have a motion now to recommend to Council the approval with the amendments.

So moved Mr. Willey.

Second Mayor Stefanik.

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

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

Miscellaneous

82nd Street Grill, 6031 Royalton Road, TCD-2, Wood Roof over Existing Patio Approval.

Chairman Sandora stated the Applicant is here, step forward state your name, address and what you would like to do.

Tom Marzella, 5460 Riverview Road, North Royalton. Mr. Marzella stated like she said put a roof over the patio. Mr. Marzella stated we have an existing patio there right now, and want to put a wood structure over it, wooden roof.

Chairman Sandora stated okay Mr. Marzella you read the comments of the Fire Department and Building Department the.

Mr. Marzella stated he has read all the comments, a the Fire Department just wants him to adhere to the Code, a there was a couple of things if he could address it to Mr. Hartman, a from Mr. Alvarez's comments, he is assuming, we did talk to an Engineer about the the snow loads and the winds loads prior to the actual design of the plan, we weren't sure that your Department was going to require those obviously Mr. Alvarez does want them so we will get those for him, he wasn't sure by reading this is, is four copies of those plans to your Department.

Mr. Hartman stated that's correct.

Mr. Marzella stated okay, he had two other comments about possible tying the downspouts in whenever possible was the comment, you are familiar with it Mr. Hartman, right on the side where, the actual side door, the emergency exit door is encompassed inside the patio, there is a downspout right there, so there is easy access to it if, if the Department, if the Building Department finally just, requires us to actually to do, there is easy access to it, we are going to be, we can just tap right into that downspout.

Mr. Hartman stated yeah, that would be a requirement.

Mr. Marzella stated right, it is almost on the line itself.

Mr. Hartman stated yeah, he was there, he looked at it, he seen it.

Mr. Marzella stated but if we decide, if we decide not to do that we are not going to be putting any more water into the parking lot then is already there and when we design the parking lot and put it in, Clark in the Engineering at the time requested that we put a sewer over by Steve's garage door which all that slopes down to that sewer so any additional, we are not going to trap any more rain water on that roof then we would on the existing patio, it's all going to go to the same place where it's currently going and that sewer if it just ran across the parking lot that sewer ties into the same pipe that the downspout would so either way, if that's how you want me to do it he would be happy to do it either way, it doesn't.

Chairman Sandora stated well he, he believes that the report is saying that you, you should do that not if or.

Mr. Marzella stated no, it's, it's, well according to Mr. Alvarez it's not, it is an if an a or.

Mr. Marzella stated and according other other one if possible, it is certainly possible, whatever you guys want me to do he will be happy to do.

Mr. Marzella stated you know we are not going to change the water flow whether the roof is there or not, he wants to put a gutter on it because he doesn't want it just pouring over the side, that's not going to be very nice for customers sitting there eating so we will route any way but we can route it right into that doorway over there.

Mr. Hartman stated he, he, he thinks what he is looking for is number one, gutters.

Mr. Marzella stated right.

Mr. Hartman stated number two downspouts and the downspouts to be tied in when possible.

Mr. Marzella stated yeah, he doesn't even know that we will have to actually use a downspout, he thinks we can take the gutter right into the existing downspout on the previous structure.

Mr. Hartman stated by being so close to that door now.

Mr. Marzella stated yeah, it's, it's an 6" pipe, it should easily take it, but we don't have any problems at all with taking it.

Mr. Hartman stated that's fine.

Mr. Willey stated how about the, Mr.

Chairman Sandora stated to the Engineering Department, do you have anything.

Mr. Collins stated yes a Mr. Chairman, he concurs, he means that would be acceptable and that's what he would recommend is to have that down, the gutters tied in to the existing gutter system.

Mr. Marzella stated it's right, it's going to be right by the wall, it's a piece of cake, we are talking six/eight inches it's nothing.

Chairman Sandora stated okay, what about the roof structure.

Mr. Hartman stated well the other issue that we have is asphalt shingle on the roof, that would be a no no, you would have to probably pick something non flammable, like a metal roof.

Mr. Marzella stated um, on top of the wood structure.

Mr. Hartman stated on top of the wood structure.

Mr. Marzella stated we are going to go with 2 x 10's, plywood, tar paper he was just going to be a sheet, he can do it any way you want.

Mr. Hartman stated well, asphalt shingles would be out of the question.

Mr. Marzella stated oh, okay, all right.

Mr. Hartman stated well he will talk to Walter the Architect and now does that go back to this Committee or does that go to Architectural Review Board or just through he Building Department.

Someone stated to building.

Chairman Sandora stated Architectural Review Board.

Ms. Fashempour stated you will have to go to Architectural Review Board and then back to Building.

Someone stated oh.

Mr. Marzella stated he didn't, he doesn't know how Walter missed it so, we will find out.

Chairman Sandora stated but you are agreeing that you will use a metal roof or put a metal roof on.

Mr. Marzella stated yeah, he doesn't know, he is not, he hasn't obviously had more than a half of minute to think about it, it sounds like it is going to be pretty dam noisy sitting underneath a metal roof when it's raining, that's the reason to put it up for the rain, you are asking him, it's like putting his customers inside a drum.

Chairman Sandora stated well it's the Fire Department that recommends or he means the Fire Code and the Ohio Building Code.

Mr. Hartman stated that's, that.

Mr. Marzella stated and from, from Bican, he didn't, there is nothing in his comments about that.

Mr. Hartman stated yeah, that's the OBC, Ohio Building Code.

Mr. Marzella stated okay.

Mr. Marzella stated yeah, there has got to be a product available we can use.

Chairman Sandora stated right, right.

Mr. Hartman stated something nonflammable.

Mr. Marzella stated well if we put ½", ¾" plywood and the steel on top of it, it can't be that noisy.

Mr. Hartman stated no, it's not going to be that noisy.

Mr. Marzella stated it can't, so.

Chairman Sandora stated they have sound barriers.

Mr. Marzella stated yeah, it's a corrugated product, you save me a lot of work, it's got to be easier to work with to, good.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated well, he, he guessed.

Chairman Sandora stated Mr. Willey did you have something.

Mr. Willey stated he, he guessed the question he had was, is that asphalt shingle, shingle a non-requirement, are, are we just requesting it because we think that would be the better thing to do or is that a State Requirement, he means if, if there is going to be, if, are you going to use marine plywood for this, for the.

Mr. Marzella stated it's all going to be weather treated.

Mr. Willey stated okay, so a, is, is that a requirement Mr. Hartman.

Mr. Hartman stated that's a requirement that the Building Commissioner put on it according to the OBC.

Mr. Marzella stated so it's an Ohio Code.

Mr. Willey stated okay, Thank You.

Chairman Sandora stated anybody else have anything.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated this has to go before the ARB also.

Ms. Fashempour stated yes.

Mayor Stefanik stated is that what he heard, what, what reason, he is not familiar.

Ms. Fashempour stated the Code requires any change to a site plan in a business or industrial to go before the Architectural Review Board.

Mr. Kelly stated yeah, let's, Mr. Chairman if he could.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated um, at the risk of being wrong which he is on a regular basis, he, he, his suspicion is that the, the, the material used to cover the roof of, of this structure doesn't really impact the site or in, in he, he has a hard time understanding how it would be part of the site plan review which, which is the Architectural Review Board's a, province a, if it had to do with design or conformity to a particular form of Architectural style that, that might make some sense to him but just, just the fact that he might, he would be going from, from the proposed shingle which are prohibited to some other form of building material he don't, he finds it, he, he is questioning whether or not that, that would have to put him in that province and force him to go back to Architect, ARB.

Chairman Sandora stated well he don't know either but he means, theoretically he is putting an addition on it with the, a roof over.

Ms. Fashempour stated the roof is a new structure, going over the patio.

Chairman Sandora stated the roof is.

Mr. Kelly stated has he already been to ARB.

Ms. Fashempour stated no.

Mr. Marzella stated no, he is scheduled for the 12th.

Ms. Fashempour stated scheduled to Monday night.

Mr. Kelly stated oh, okay, all right, he is sorry, he thought this was a bounce back.

Ms. Fashempour stated no.

Mr. Marzella stated it was just a, you know, he just brings in color samples, he let's them pick everything, pick what you want, he will build it.

Laughs.

Mr. Kelly stated your, your going there anyway.

Mr. Marzella stated going there anyway Monday night.

Mr. Kelly stated sorry.

Mr. Marzella stated Monday or Tuesday whatever it is.

Ms. Fashempour stated Monday.

Chairman Sandora stated anybody else have anything.

Mr. McCarthy stated Mr. Chairman.

Chairman Sandora stated Mr. McCarthy.

Mr. McCarthy stated the question you mentioned; you had some of the loading data, live load, snow load.

Mr. Marzella stated he doesn't have it with him.

Mr. McCarthy stated yeah.

Mr. Marzella stated we had talked to an Engineer about it, we weren't sure that Mr. Alvarez was going to require it and actually when he was submitting these a, a Brenda was out of town so and he put a call into Rito, he was a little pressed to get this in, in time to make this meeting so he just submitted it without that figuring, if Rito wanted it, he would get it for him, after he got the letters and the comments we did contact an Engineer and we will have those loads for Mr. Alvarez and but Walter Koshkalda the Architect pretty much added 20% to everything knowing that he would compensate for that if we needed it so we are sure we are going to be within the boundaries anyways.

Mr. McCarthy stated yeah, just want to make sure that would be something that the City could look at for approval.

Mr. Marzella stated yeah, we did it with overkill as it is, he means we put more posts then we need, we went to 2 by 10's rather than 2 by 8's, we over-killed everything so if that was the case he wouldn't have to come back and submit new plans, were, were, confident we will be find with it but he will get the engineering loads to your Department Joe.

Mr. Hartman stated yeah do you know exactly which ones.

Mr. Marzella stated he doesn't want it to fall on anybody's head either.

Mr. Hartman stated you know exactly which ones he wants or are you going to contact Mr. Alvarez.

Mr. Marzella stated he will get a hold of him but he wants the snow loads and he wants the wind gusts loads up to 90 MPH.

Mr. Hartman stated exactly, exactly.

Mr. Marzella stated which until he submitted this, he never even heard of that, he knew about the snow loads but he never heard about, so, he understands it but.

Laughs.

Mr. Willey stated he thinks if it gets 90 miles an hour Tom, you had better, better inaudible.

Mr. Marzella stated this will be standing the rest of the building will be gone.

Laughs.

Chairman Sandora stated anybody else have anything up here, anybody else in the audience have anything.

Chairman Sandora stated make, make a motion to approve the wood roof over the existing patio for 82nd Street Grill as long as the Applicant meets all the requirements and conditions of the Architectural Review Board and meets the specification for the Building Department when the time comes.

Mr. Willey stated second.

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

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

Chairman Sandora stated Good Luck.

Ms. Fashempour stated and Board since we went through everything that was on the Agenda and she has no new submittals for the next meeting, she would suggest that we cancel the May 21st meeting unless anybody has another thought.

Mr. Willey stated the only question he had is Mr. Hayes, are you going to come off the tabled next meeting.

Mr. Hayes stated no, probably a year.

Laughs.

Ms. Fashempour stated okay, so she will notify, she will post that the next meeting is cancelled and she has nothing else.

Adjournment

Mr. Willey stated motion to adjourn.

Mayor Stefanik stated second.

Chairman Sandora stated moved and second to adjourn the meeting, Ms. Fashempour please call the roll.

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

Chairman Sandora stated we are adjourned.

Ms. Fashempour stated Thank You Gentleman.

Planning Commission Meeting for Wednesday, May 7, 2008 adjourned at 8:15 P.M.

Approved: Planning Commission Chairman Tony Sandora

Attest : Planning Commission Secretary Brenda Lynn Fashempour

Date : June 18, 2008