

Planning Commission Caucus - 7:05 P.M. - Wednesday, April 1, 2009.

Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Vice Chairman/Council Representative to Planning Commission Don Willey, Michael McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Tom Kelly, Law Director, Brenda L. Fashempour, Secretary, Eric Westerburg, Pat Jones, Joe Lechko, George Hoffman, Ivan Hack, Wayne Repko, Pastor Phil Hurlbert, Gary Purvis.

Planning Commission Agenda Reviewed.

Public Hearing

Call to order.

Roll call.

Pledge of Allegiance.

Public Hearing -

State Road Community Church of the Nazarene Addition, 8600 State Road Public Facility Zoning.

Ms. Fashempour stated the public notification was made, notices posted and mailed to property owners. Applicant to make presentation. Motion to refer to the Regular Order of Business, second, roll call.

Adjournment - Motion to adjourn, second, roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes - March 18, 2009. Motion to approve the minutes of March 18, 2009, second, roll call.

Old Business

Timberlane Estates Phase V - tabled. Ms. Fashempour stated the Applicant has requested to be removed from the Agenda. Motion to remove from the table and agenda, second, roll call.

Woodcroft Glen, Ext. of Woodcroft Trace, Final Plat 2, tabled. No action. Discussion held regarding extension of Bond. Mr. Kelly informed the Board that he didn't have a problem with that. Final Plat for Phase 2 to remain on the Agenda with extensions.

ManorCare Health Services, Inc. - tabled. No action.

Winding River Development LLC - tabled. Applicant present. Motion to remove from the table. Applicant make presentation. Discussion from Board and residents. Ivan Hack presented letter that he will read into the minutes, discussion of letter. Variance may be needed. Motion to approve variance, second, roll call. Motion to approve, second, roll call.

Taco Bell Restaurant with Drive-Thru - tabled. No action.

New Business

Site Plan Approval

State Road Community Church of the Nazarene, 8600 State Road, Public Facility Zoning. Site Plan Approval for an Addition.

Applicant to make further presentation. Discussion from Board. Motion to approve, second, roll call.

Utility Plan Request

at&t requests permission to work in the r-o-w at Ridge Road and Royalton Road, manhole, sump pump, 8' of 3" discharge pipe. Discussion on work in right of way, road conditions. Motion to approve, second, roll call.

Miscellaneous

None.

Adjournment

Planning Commission Caucus adjourned at 7:20 P.M.

Good Evening Ladies and Gentlemen, welcome to the North Royalton Planning Commission Meeting for April 1st, 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, April 1, 2009 to conduct a Public Hearing. The Planning Commission Public Hearing was called to order by Chairman Sandora at 7:30 P.M.**

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Robert Stefanik, Chairman Tony Sandora, Don Willey, Council Representative/Vice Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Thomas A. Kelly, Law Director 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 -

State Road Community Church of the Nazarene Addition, 8600 State Road, Public Facility Zoning.

Secretary read Public Hearing Notice. Public Hearing Notice posted at City's Public Posting Places and mailed to residents.

Chairman Sandora stated Thank You Ms. Fashempour, is the Applicant here, please step forward and make your presentation, tell us, state your name, address and make your presentation please.

Hi, I am Phil Hurlbert is the Pastor of State Road Community Church of the Nazarene and our offices are at 8600 State Road, they are located in the Church building and he lives right next door at 8632 State Road and a Gary Purvis, he will let him introduce himself.

Gary Purvis, he lives in Delaware, Ohio and he is the Project Manager and a doing this kind of as a Ministry to the Church Phil and he are personal friends.

Pastor Hurlbert stated the, the main reason for the proposed addition is the entrance into our Church has several steps that are brick and have deteriorated quite a bit, the steps, he has been the Pastor there for about two years and we have already had several people fall and we've had to bring some of the Emergency Personnel out a couple times for accidents that have happen specifically during some voting, for polling, because we are a polling location for the Cuyahoga County Board of Elections, the proposed addition would eliminate the need for those steps to get into the building which is a pretty serious issue for us and it would give us the ability to bring our building up to ADA compliance, right now the only restrooms that we have, set of restrooms are in the basement again we have to send people downstairs and we are hoping to get away from that with some of the people in our congregation that's a difficult trip and as we are trying to be more available to our community it is not a good thing for our community to be trying to make the trek down to a dark basement, a putting the entry on that ground level is one of the major concerns dealing with those steps, the carport

that's on the building right now is also in need of repair and we would need, that would allow us to take care of all of that in one swoop which we are hoping to do a, we will do a lot of it, as much as we can from volunteer labor, we have a lot of pretty talented people and they are good at that kind of work and we have been working on getting it together and would hope to have it completed in August, a, the front of the building as far as what the, the building would look like from the street would change very little, we will match it up to the existing structure, the, there are two tones of brick and we will put a brick structure on the front of it really all it will do is the front of the sanctuary would be about 12' wider then it is right now but it would just look a lot better, it would make it a lot easier for people to get in and have access to the building.

Chairman Sandora stated okay, anything else you would like to.

Mr. Purvis stated if you notice the plans that we submitted, we are going to move the entrance to north what happens there is the contour of the ground, it drops and so by going to the north we will be able to bring people in at ground level so they won't have to negotiate any steps which he thinks will be a big asset and again the restrooms he thinks are really important getting those for handicap and also they will be a lot more convenient and appealing especially during voting time too he means it will be a big asset then, the foyer area, there will be a foyer area in the back of the sanctuary which will allow for easier entrance and exit of that facility, a he thinks it will also be a big asset in case of an emergency, a fire or something we would be bringing people out of there at ground level as opposed to having them try to run down a number of steps and the steps are in bad repair, there is also a planter across the front that would be removed, it is also in bad repair, so it, it will be a big asset there, we, also would like to say, we would put it back in all brick is the intention unless the budget gets really tight, right now it's looking real well but if, if it did get tight a we might want to make an alternate to bring the brick up to, underneath the windows and then put dryvit on the rest of it if the Planning Committee would appreciate, or approve that so, that's just something to keep in mind, right now the budget is coming right in and he thinks we are going to be find and we will just put brick up to match the existing building and the roof line is just going to continue out, there was some questions, he thinks Brenda submitted, one is downspouts, the existing downspouts would pick up the load, it is 6" pipe on, on the three downspouts, we would just tie into that a what was the.

Pastor Hurlbert stated handicap, the parking, handicap for the signs.

Mr. Purvis stated the handicapped signs, yeah, he thinks there was a misunderstanding, when he got the message he thought they said the handicap spaces weren't marked on the plan for the parking spaces and they are but then when he got up here and read the letter that Brenda sent, he thinks she was referring to the signs themselves, is that true or whoever.

Mr. Alvarez stated Mr. Chairman.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated there are standards for signage, you have seen them all over the area.

Mr. Purvis stated oh yeah, all over the place.

Mr. Alvarez stated that's what you really need, your, you are relocating some of your handicap parking, if, if he remembers correctly and so when you do that you have to have the signage there as well as you know the signage on the pavement so.

Mr. Purvis stated yeah when he, when he read it he saw the signage so he did get with the Architect and he is going to submit an addendum to the plans to correct that, take care of that.

Chairman Sandora stated just for clarification to the a, your addition will have to match the existing building.

Mr. Purvis stated okay.

Chairman Sandora stated it will have to match it, there is no way around it.

Mr. Purvis stated okay.

Chairman Sandora stated at this time is there anybody in the audience that has any questions or concerns, this is the Public Hearing Portion, this is your time to raise any questions or anything you would have at this time, none.

Mr. Purvis stated also he might add that a, if he was in your position he would have concerns to his ability, have he ever done this before, especially when we will be using volunteer help and he has been in the business 39 years, for 18 years of it we travelled, his wife and he travelled in a motor home and we went from church to church, our largest project being about 5.4 million so a, we, this is a profession and it will be done in a professional manner so.

Chairman Sandora stated well between the Building Department and the Engineering Department he can assure you it will be.

Chairman Sandora stated okay, anybody else in the, at this time.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated he, he had one question, the entrance will be on the north side correct.

Mr. Purvis stated that is correct.

Mr. Willey stated and the, the parking lot and a, kind of goes up, that's where your handicap spots are right now and you are going to relocate those, are you going to change, are you going to have additional parking spaces up the hill in front of the entrance where the, the proposed entrance, he assumes the, the new entrance will tie into the side door where it was a handicap entrance before correct.

Pastor Hurlbert stated a, technically, we called it our handicapped entrance, it is not anything really close to that, you, you.

Mr. Willey stated right, right.

Pastor Hurlbert stated would have a difficult time getting a wheel chair through it but that's what we called our handicapped entrance.

Mr. Willey stated right.

Pastor Hurlbert stated there, we, there wouldn't be additional spaces but we would change the configuration of the parking closer to where that entrance was to accommodate handicap parking that would be on the west side of the lot, the northwest corner of the lot would accommodate the handicap parking but really all we will be doing is reassigning spaces from that north, that west side right now up to right by where the entrance is at.

Mr. Willey stated uh um, do you, do you see a need since your doing an expansion on the Church, he noticed on Sundays that since you have become Pastor that the parking lot is full, do you think you, you will have a need for additional parking spaces while you are doing this project as a matter of observation.

Pastor Hurlbert stated we will, the encroachment into our lot will be very, very minimal, really we, we will probably only lose at most two usable parking spaces just because of the configuration of the lot right now, so that encroachment is very minimal if we do need to add on parking we have, we have some area that we could still, it up would be on the, right by where that addition is at that's been leveled off and then we own the lot next door to and there is already a little bit of a make shift drive in there and we could add more parking there if we needed to.

Mr. Willey stated he sees, okay, Thank You, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated a at this time 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

Chairman Sandora stated he will make a motion to adjourn the Public Hearing portion of our meeting.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Planning Commission Public Hearing adjourned at 7:41 P.M.

Chairman Sandora stated at this time he would like to call the Regular Meeting of the North Royalton Planning Commission Meeting for April 1, 2009 to order at 7:42 P.M.

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road on Wednesday, April 1, 2009 in Regular Session. The Planning Commission Regular Meeting was called to order by Chairman Sandora at 7:42 P.M.**

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Robert Stefanik, Chairman Tony Sandora, Don Willey, Council Representative/Vice Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Thomas A. Kelly, Law Director and Brenda L. Fashempour, Secretary.

Approval of minutes: March 18, 2009. Ms. Fashempour stated Approval of Minutes, March 18th, 2009 if you so choose.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated it's been moved and seconded to approve the minutes of March 18th, Ms. Fashempour please call the roll. Roll call: Yeas: Five - Willey, Bull, McCarthy, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried.

Old Business

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

Ms. Fashempour stated under Old Business, Timberlane Estates Phase V, it is tabled, she received a letter from Mr. Hayes requesting it be removed from the agenda, so if you choose she needs a motion to remove it from the table and agenda.

So moved Mr. Willey.

Second Mayor Stefanik.

Chairman Sandora stated it's been moved and seconded to remove, remove from the table and the agenda Timberlane Estates Phase V, Ms. Fashempour please call the roll.

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

Chairman Sandora stated it is removed.

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

Ms. Fashempour stated Woodcroft Glen tabled, no action.

ManorCare Health Services, Inc., PPN 482-05-002, R1A Zoning, Sprague Road. Parking Lot Expansion Plan Approval. **Tabled.**

Ms. Fashempour stated ManorCare Health Services, Inc., tabled, no action.

Winding River Development LLC, extension of Evergreen Trail into a cul-de-sac with five sublots and one subplot off River Valley Blvd., PPN 485-17-147 and 485-17-148, Rural Residential Zoning. Sketch Plan Approval for six sublots. **Tabled.**

Ms. Fashempour stated it is tabled, she needs a motion to remove it from the table.

So moved Mr. Bull.

Second Mr. Willey.

Chairman Sandora stated it's been moved and seconded to remove Winding River Development from the table, Ms. Fashempour.

Mayor Stefanik stated Mr. Chairman.

Mayor Stefanik stated if he could at this time recuse himself.

Chairman Sandora stated Mayor.

Mayor Stefanik stated from voting on this and any discussions on this manner due to a current business arrangement with the Applicant.

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

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

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

Joe Lechko from Winding River Development, he thinks from the last meeting the main concern from the residents that were here was a that we match the deed restriction for a Timberlane Estates and a we read them over carefully and we are just going to go with the same requirements for everything, you know, siding, brick, shed everything, just leave them just as they are.

Chairman Sandora stated anything else at this time.

Mr. Lechko stated a and he thinks for the most part we have addressed the comments from the Engineering Department that were.

Chairman Sandora stated okay, Mr. Alvarez.

Mr. Alvarez stated Mr. Chairman, as far as his comments they were from the February 27th, for the March 4th meeting, a always take note of cul-de-sacs and the length of cul-de-sac in our Codes, Section 1246.02, talk about cul-de-sacs being a maximum of 600' and obviously when you tact this thing on at the end of Evergreen Trail you have one dozy of a cul-de-sac now, the length is over 3700 feet so that is something that the

Commission should probably consider that a, with this development you have created a cul-de-sac that's 3700 feet in length if not better and the maximum permissible is 600 feet.

Chairman Sandora stated so there is going to be a variance required.

Mr. Alvarez stated he believes so Sir.

Mr. Alvarez stated and he, his understanding is that perhaps this Board can give the variance.

Chairman Sandora stated okay, Thank You Mr. Alvarez.

Chairman Sandora stated Mr. a, Schmitzer do you have what.

Mr. Schmitzer stated Thank You Mr. Chairman, the Engineering Department did meet with the Applicant to discuss all the comments that were brought up at the last meeting and in review of the revised application here it is in general conformance with the requests that he made as well as the requests made by this Commission, the one item that we will work through if the Commission does approve this plan to move forward is the a conservation area that is a very sensitive area there we will work through the, the restrictions, the deed restrictions that are in place on that current easement to ensure that we do not violate those in any way, shape or manner as part of this development, overall he thinks that the Applicant has made a, a very good job, done a very good job at a making this work and he would a recommend approval based on the, the revisions that the Applicant has made.

Chairman Sandora stated Thank You, anyone else on the Board have anything at this time.

Mr. Bull stated Mr. Chairman, to the Building Commissioner, are there any safety issues, safety forces express any concerns about a cul-de-sac of that length.

Mr. Alvarez stated he doesn't believe they have, he didn't read the Fire Department's comments on that.

Mr. Schmitzer stated no, they have no comments.

Mr. Alvarez stated they have no objections if you read their reviews.

Mr. Bull stated uh um.

Mr. Alvarez stated the Fire Department didn't have, they have no objections to the proposal, however we continue to emphasize the importance of multiple entrances and exits and the interconnection of streets when practical and possible was the comments from the Fire Department.

Mr. Bull stated Thank You.

Chairman Sandora stated Thank You Mr. Bull, Mr. Willey.

Mr. Willey stated Thank You Mr. Chairman, there would be no other residents on this 3700 square feet correct, he thinks one of the concerns are, are there houses, the 3700 square feet.

Mr. Alvarez stated no, 3700 feet.

Mr. Willey stated the 3700 feet, the length, the length of the, the length of the cul-de-sac from this main, main road, there would be no other residents within the 30, to the end of the cul-de-sac is that correct based on the submitted plans and on the easements, are you following me.

Mr. Alvarez stated he doesn't know, he would say that the Evergreen Trail is basically developed you know, he doesn't know if there are any other lots out there and a.

Mr. Willey stated that's.

Mr. Alvarez stated from Boston Road up to this point is 3796 feet basically.

Mr. Willey stated right, and what's, and what's on either side.

Mr. Alvarez stated as far as what a.

Mr. Willey stated well residents, are there residents.

Mr. Alvarez stated yeah, there are residents on both sides.

Mr. Willey stated there are residents on both sides.

Mr. Willey stated okay.

Mr. Kelly stated Mr. Chairman.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated Thank you.

Mr. Willey stated Thanks.

Mr. Kelly stated would it, would you allow him to ask the Building Commissioner a question.

Chairman Sandora stated yes Sir.

Mr. Kelly stated Rito the a proposed cul-de-sac is 3700 square feet, square feet, is that right.

Chairman Sandora stated no, the length, the length.

Mr. Alvarez stated no, the length.

Mr. Kelly stated the length from, from, from.

Mr. Alvarez stated from Boston Road to this cul-de-sac that they created.

Mr. Kelly stated okay.

Mr. Alvarez stated is roughly 3700 feet in length.

Mr. Kelly stated okay, and are Code is restrictive in that regard, the idea being we wanted the cul-de-sacs to be, cul-de-sac streets to be shorter.

Mr. Alvarez stated yes, 600' to the nearest intersection.

Mr. Kelly stated okay, but as a practical matter, the, you are not going to be able to develop.

Mr. Alvarez stated that's correct.

Mr. Kelly stated this, this, this particular parcel or this parcel a project in any other way then what's being proposed.

Mr. Alvarez stated no, he doesn't see any other way of getting, shortening that, you know getting another route to Boston Road or somewhere else.

Mr. Kelly stated do we have, do we have many other streets in the City that, that are, that exceed the 600 linear foot a, a, distance.

Mr. Alvarez stated yes we do, we have more than several.

Mr. Kelly stated yes and not that we want to encourage that but, but.

Mr. Alvarez stated well the Code doesn't encourage it that's right.

Mr. Kelly stated but you don't have, there is no other way to develop these properties other than by way of the proposed experience that the Applicant has laid out here.

Mr. Alvarez stated yes this would, he can't see any other way it would be cost prohibitive, any other way.

Mr. Kelly stated Mr. Chairman for what's it worth, a, Brenda, excuse me, Brenda has enlighten me more than once and in this particular instance the Planning Commission does have the authority to grant the variance, he can't remember the section but he is sure if he waits long enough Brenda will tell me what it is.

Ms. Fashempour stated she thinks it is in 1246 but she doesn't.

Mr. Kelly stated oh, your, your, your falling down here.

Ms. Fashempour stated have the exact Code number, she doesn't have her book.

Mr. Kelly stated there, there is a section though and if you need the specific section he will look it up, the fact of the matter is this Board does have the authority to grant this type of variance in the planning stage.

Chairman Sandora stated and this variance would be for 3196 feet.

Mr. Kelly stated linear feet, yes Sir as opposed to square feet.

Chairman Sandora stated linear feet, anybody else at this time have anything.

Chairman Sandora stated at this time we are going to open the floor, we will open up the floor to a the residents, anybody have any questions or concerns, state your name, come up to the microphone, state your name, address, address your questions to the Board, and we will have the Applicant answer them if he can.

Yeah, my name is Wayne Repko, 18230 River Valley Boulevard in the Greenbriar Development, you had indicated that there were some revisions made to the plan, could he ask what those revisions are.

Mr. Schmitzer stated if he could Mr. Chairman.

Chairman Sandora stated go ahead.

Mr. Schmitzer stated the revisions, we had asked that they indicate on the plan, the Riparian Setbacks as part of our Ordinance, what those were off of the, the waterway that is part of the Conservation Easement, that's what they showed on that Development Plan so they showed based on our criteria, a 100' and a 125' setback, that is the Riparian Area that can't be, that can not be developed in, that was the major thing other than that we had a calculation there the first time around just in the area table, that was, that was adjusted but nothing else significant was changed, none of the utilities, the overall configuration of the lots it was really just addressing most of his commentary that he had so that was the change that we had on the plan.

Mr. Repko stated okay, and the, the increase in the Riparian Area that is shown does not conflict with any of the building areas or building sites.

Mr. Schmitzer stated no it does not, it does, it does give a little bit more of a closed window on the cluster lot that is being proposed but it is still a buildable area there for a home.

Mr. Repko stated okay, Thank You.

Chairman Sandora stated so your concerns have been met then Mr. Schmitzer.

Mr. Schmitzer stated yes they have Mr. Chairman.

Chairman Sandora stated Thank You.

Chairman Sandora stated Ivan Hack.

I am Ivan Hack at 11091 Donmar Road in North Royalton, Ohio. Mr. Hack stated the following questions should be asked and answered before the Winding River LLC Subdivision is considered or tabled by the North Royalton Planning Commission.

Mr. Hack stated the boundaries of the protected property nor the provisions contained herein respecting the limitations on the use of the property will not be modified without grantees advance consent. The above clause is taken from the easement agreement between original grantor U.S. Homes and Cuyahoga Soil and Water Conservation District. A violation of this may have caused an invalid sale.

Mr. Hack stated the plan showed future common area and conservation easement in fact this is an easement forever in perpetuity and should be marked as such.

Mr. Hack stated number 3, where is the detention basin located and where is it going to drain.

Mr. Hack stated number 4, where is a copy of the Stormwater Management Plan and has the Permit from the Army Corp of Engineers and EPA been granted because this does have ravines and ditches and waterways in it so they have to get a Corp permit.

Mr. Hack stated has the Covenant between the City of North Royalton and US Homes been reviewed for any violations, example the second entrance into Timberlane Subdivision.

Mr. Hack stated since there is a lot split and consolidation, has this been approved by the City and one other thing he requests, that if these plans could be forwarded to Soil and Water Conservation District for review before you okay it because there is some questions that he asked on these and again these are just strictly questions to get the answer for.

Chairman Sandora stated the Applicant is here would you care to response to these please.

Mr. Lechko stated well he thinks the most important point is the boundaries of the protected areas and there not changing, the boundaries are going to remain the same and the a restrictions on that, all that property is going to remain the same it won't, it won't be able to be built on or cleared or anything it's, all that's staying the same, the conservation easement will be in tact.

Chairman Sandora stated how about the rest of them, you are going to have to comment on each one if you can.

Mr. Lechko stated a, as far as the plan showing the future Common Area and Conservation Easement a that was part of the plan from the beginning, even when it was a originally going to be Phase V of Greenbriar that, that Conservation Area was going to go to Greenbriar and be deeded to them as common area and it's, it's still going to go that way so that would answer number two.

Mr. Lechko stated a, the detention basin, proposed should be located between sublots, 3 and 4.

Mr. Hoffman stated 3 and 4.

Mr. Lechko stated 3 and 4 a, the Stormwater Management Plan hasn't been developed yet he believes were, were, okay with the Permit from the Army Corps of Engineers a, the wetlands were delineated under the previous plan and a you know as far as we know were, were and actually doing less of an impact on the property then the original previous plan was okayed for, there is less of an environmental impact here.

Mr. Lechko stated and as far as an agreement between US Homes, he is not aware of anything that would be violated, he doesn't know if there was

an agreement there and as far as our property at this point there hasn't been any lot split or consolidation, we bought the property as it is platted and with the boundaries, we didn't have to split it off or anything it was already platted and split and, and in existence we didn't have to consolidate anything for this.

Chairman Sandora stated okay, Thank You Mr. Lechko, Mr. Schmitzer can you a comment on any of these are they, is the Applicant in.

Mr. Schmitzer stated a Mr. Chairman, in, in light of getting this a, a this evening and, and in trying to answer these the best he can, he believes that the Applicant will be able to address and comply with all of these items, the, as the Applicant stated the boundaries of the, the a, easement, Conservation Easement have already been granted, that is an easement that is already there, there are Deed Restrictions and the development, we'll work with the Applicant so that we do not violate any of those Deed Restrictions in any way shape or form um, as Mr. Hack has stated this Easement is there from the Heavens to the Center of the Earth forever and ever and to be and never will go away so we will make sure that everything is addressed at that with the development. Mr. Schmitzer stated the detention basin is shown on the Applicants plan a as for a Stormwater Management Plan we don't require that at this level until we get into final engineering and they get their final design done, permit, we will work through the necessary permits required for this development and as far a Covenant that we will we will check into he doesn't know how much that applies and the Applicant is correct there is no need for a lot split and consolidation this plan will be forming a subdivision and as such will not require a lot split and consolidation and the last item that was brought up with requirement or the request to send this to Soil and Water he will it, it is his responsibility to, to make a judgment call on that and based on this development he thinks that it will be sent to the Soil and Water Conservation District for their review.

Chairman Sandora stated okay, Thank You Mr. Schmitzer.

Chairman Sandora stated Thank You Sir.

Chairman Sandora stated anybody else in the audience, step forward please, state your name and address for the record.

Bill Allen 10315 Buckeye Trail. Mr. Allen stated he thinks we are all pleased to here that we are going to be using the same Deed Restrictions that Timberlane Estates has and he takes it that's Deed Restrictions as far as building as well as the Deed Restrictions like no chain link fences, no more cars then you have garages for all of those A-Z. Mr. Allen stated he knows we discussed this last time but it still seems like there were some questions out there and Mr. Alvarez mentioned something about the Fire Department's letter, we talked last time about no access road from Evergreen through the cul-de-sac to the Winding River Development that, is that still the case, has emergency services requested anything like or you know because what we are concerned about it a cut through from Boston to Bennett and you know as long as there is no access road that's great so that is the case.

Someone stated correct.

Mr. Allen stated okay, a and is there between Residential and Rural Residential is there anything that all the residential lots should be concerned of, he guessed, what's Rural Residential allow.

Mr. Kelly stated Mr. Chairman.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated the permitted uses for Rural Residential are all stated in the Code and they mirror R1A with certain additions, and the additions have to do with for example an Equestrian School is, is one that, that, that comes to mind a, but in Developments, again he has consulted the highest authorities in these matters, Ms. Fashempour and Developments of five lots or fewer are all treated as if they were completely R1A even though there is the, if you will if you will allow him the analogy there is the overlay of, of Rural Residential on top of, of these properties, they are treated for all intent and purposes as R1A. Mr. Kelly stated now this is a six lot deal but it is in fact Mr. Chairman a five lot deal with one lot additional thrown in simply for convenience sake so all of these lots are to be treated as R1A does that help you Sir.

Mr. Allen stated yes it does, Thanks.

Mr. Kelly stated okay.

Mr. Willey stated a Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated he understands that one of the issues with Rural Residential is minimum one acre and a the, the five lots as proposed or the six, the, the smallest one is one and quarter acre just a little over that, the next is, the next four are two and lot one of the lots is a 5 and half, 5.6612 acres so from the square footage standpoint and then of course you have all the conservation property around there so just for your information is he correct on that Mr. Chairman.

Chairman Sandora stated yes.

Mr. Willey stated Thank You.

Chairman Sandora stated anyone else in the audience have anything.

Chairman Sandora stated Mr. Hayes.

Harry Hayes, Timberlane Estates, he was under the understanding that your distance of 600' was from an intersection to a cul-de-sac at least through our development that's what they tried to keep, now Buckeye Trail which is an intersection is within 600' of the cul-de-sac so there is only four lots, four of their lots between Buckeye Trail and this development we are roughly a 125 to 130 wide so it would be 500, 550' from the intersection to the cul-de-sac maybe he is wrong but that's a what Carol Thaler and all the rest of them seem to say was an intersection every 600' or they like to have.

Chairman Sandora stated Mr. Alvarez are there.

Chairman Sandora stated right.

Mr. Hayes stated he is just saying, he doesn't know whether you need a variance then if.

Mr. Alvarez stated well Mr. Chairman.

Chairman Sandora stated your total length is.

Mr. Alvarez stated the reason he went from Boston Road up here is because, you know we were talking that one time that 600' was based on the length of a hose for a fire truck and that's been a number of years since you know that number came about more so than just limiting anything to 600' so. Mr. Alvarez stated that's where he feels it came from was the closest intersection would be Boston Road rather than Buckeye Trail because that's where someone, the Fire EMS vehicles or somebody going to come up Evergreen Trail that's where they are going to start at, way down there at the a Boston Road.

Chairman Sandora stated okay, so you would, you would feel safer with the variance then.

Mr. Alvarez stated yes Sir.

Chairman Sandora stated would the Law Department, do you concur with that.

Mr. Kelly stated your honor, Mr. Chairman, your honor yes, Mr. Chairman the a, the requirement is 600' and, and it, he doesn't know if it specifies intersection or not but it's, it's 600' and if Mr. Alvarez is determined as the Building Commissioner that this is, were in need of a variance here then were in need of a variance but as he indicated to you and again having consulted the highest authority, Section 1242.07 under variances allows the Planning Commission under, at this stage to grant a variance to an Applicant under these circumstances, the procedure would ordinarily require that Mr. Lechko, he hopes he pronounced that right have previously filed an application a simultaneously with the preliminary plan, he thinks you could probably waive that under these circumstances and simply allow him to fill out whatever paperwork is required if you are inclined, in you are inclined to want to grant that.

Chairman Sandora stated Thank You Mr. Kelly.

Chairman Sandora stated and you would, fill out the paperwork.

Mr. Lechko stated yes.

Chairman Sandora stated okay.

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

Chairman Sandora stated at this time he will make a motion to grant a variance for 3196'.

Ms. Fashempour stated and that's for the extension of Evergreen Trail, right.

Chairman Sandora stated yes.

Mr. Willey stated second.

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

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

Chairman Sandora stated variance has been granted.

Chairman Sandora stated at this time he will make a motion to approve the Sketch Plan for six lots for Winding River Development on the condition that you Mr. Lechko will meet the same Deed Restrictions and Covenants that are already in place in Timberlane Estates, do you agree to that.

Mr. Lechko stated yes, yes he does.

Chairman Sandora stated all of them.

Mr. Lechko stated yes, everything, even limiting farm animals and picket fences and the recreational vehicles he will adhere to everything.

Chairman Sandora stated there is motion on the floor.

Mr. Willey stated second.

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

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

Chairman Sandora stated Good Luck,

Mr. Lechko stated Thanks, Thank You.

Taco Bell Restaurant with Drive-Thru, 6447 Royalton Road, PPN 487-05-009, TCD-1 Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated Taco Bell Restaurant with Drive-Thru it is tabled, they are going before the Board of Zoning Appeals at the end of April.

New Business

Site Plan Approval

State Road Community Church of the Nazarene, 8600 State Road, Public Facility Zoning. Site Plan Approval for an Addition.

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

Pastor Philip Hurlbert, 8632 State Road, North Royalton, Ohio.

Gary Purvis, 7299 Piper Road, Ashley, Ohio 43003.

Chairman Sandora stated Thank You Gentleman, anything else you would like to add at this time.

Pastor Hurlbert stated there is not Sir.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman, earlier the Applicant answered some of his questions that he had, the only other thing that he would recommend, add to this would be the on approval from this Board and ARB he would imagine, that you would submit 4 complete set of plans to his Department for review under the Ohio Building Code and it's a wonderful thing that you have your congregation working together doing this work but bear in mind we have rules as well, the registration of people that are doing the work so you can contact his office prior to starting anything and find out what those requirements are so, he hopes you've got some good electricians, mechanical people, plumbing people that know what they are doing. Mr. Alvarez stated he knows sometimes Pastors do all the work and that's not necessarily a good thing.

Mr. Purvis stated no it's not.

Mr. Purvis stated and in fact right now the Plumber and the Electricians are licensed in your area, we are using subcontractors so.

Mr. Alvarez stated very good, that's all he has Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez.

Chairman Sandora stated Mr. Schmitzer.

Mr. Schmitzer stated Thank You Mr. Chairman.

Mr. Schmitzer stated the items that he had concerns with were addressed by the Applicant and a he thinks it is a, it is a good thing for the Community so.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anyone in the audience have anything on this, no one.

Chairman Sandora stated okay and again, your building will have to meet, match your existing building that's there now.

Mr. Purvis stated yes Sir.

Chairman Sandora stated okay, and a well at this time he will make a motion to approve the a, a Site Plan Approval for the State Road Community Church.

So moved Mayor Stefanik.

Second Mr. Bull.

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

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

Chairman Sandora stated Thank You Gentleman now your, you are going to go before the Architectural Review Board, you will have to present your plan there and that will be on Monday, April 13th, at 6 o'clock.

Ms. Fashempour stated here, same spot.

Pastor Hurlbert stated okay.

Chairman Sandora stated here in this building, same place, okay.

Pastor Hurlbert stated Thank You Mr. Chairman.

Chairman Sandora stated Thank You, Good Luck.

Mr. Willey stated do you, do you, excuse me, do you want a copy, this is a copy of the plans that was submitted to us, he, he, he doesn't need it anymore.

Pastor Hurlbert stated yes, Thank You Sir.

Mr. Willey stated Thank You.

Utility Plan Request

at&t requests permission to work in the right of way at the intersection of Ridge Road and Royalton Road to install an electrical line to an existing telephone manhole to operate a sump pump and open cut the road to install 8' of 3" discharge pipe for the sump pump to the City manhole, **Approval.**

Ms. Fashempour stated and the Applicant is here this evening.

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

Eric Westerburg, 13630 Lorain Avenue. Mr. Westerburg stated what we are proposing is to put a sump pump in to our existing manhole at the corner of Ridge and Royalton Road, um, the reason for this is that we have run into issues with our Central Office, office which is located just south of that intersection on the west side of Ridge just behind he believes it's the CVS there a we have run into issues with water coming in due to coming through our duc run from that manhole and we are looking for something to be able to try to keep that manhole drained so that we can avoid that issue, the issue has come up to the PUCO as well and they are monitoring now what our progress is in getting this resolved because we have run into some issues with the water coming in and also taking or causing service problems with residents in the North Royalton area.

Chairman Sandora stated you know he is not really to thrilled with the fact that you are going to open cut the street there, he understands that you know it has to be done that way but you know his concern is the fact that these roads, this road was just widen there, a he would hate

to see any problems arising out of this and he would hope and make sure that at&t does everything possible to make sure that, that does not happen that we have no problems with the road caving in or the road because of of not proper filling or anything like that a, as you have read Mr. Schmitzer's report he wants one of our inspectors there to be watching and maintaining that at all time and he wants to make sure that at&t does everything in its power to make sure that, that road is put back exactly the way it is or even better so that there is nothing happening under there.

Mr. Westerburg stated we will do that.

Chairman Sandora stated Mr. Schmitzer.

Mr. Schmitzer stated Thank You Mr. Chairman, a he has talked with the Design Engineer for this we have gone over a couple different iterations on this plan he believes this plan was actually brought before this committee a while back where there was a a plan to bring a storm drain down 82 further down by the Fire Station and connect in, he guessed it was cost prohibitive the, the items that were requested at that time required boring under the road and it became quite expensive he thinks at&t decided not to do anything at that point they have come forward with this plan and unfortunately yes a, open cutting the road was the only feasible way to actually get that pipe into the storm drain that is, is 8' away because of the vault and the configuration of that vault getting a, a machine in there to actually bore over with is very cost prohibitive so he, he has discussed this in great deal with the Service Director Kris Kamps and himself we have come up with a detail that is on this plan that we feel is a, a very solid structural fix to the roadway we don't like to open them up but we feel that if we do this minimal opening will be a actually a much stronger piece of the roadway then it currently is and it's a actually better than some of the other utilities that come in an emergency and cut our roads open and don't exactly get everything back the way that we would like them to be so based on this and working with the Applicant he thinks that this is the best solution, he does have a, a, question that he did talk with the Design Engineer and he would like to have answered is he sees a lot of the communications being put for this, there was a possible light and alarm.

Mr. Westerburg stated he is sorry.

Mr. Schmitzer stated to let us know or let you know when the sump pump was failing.

Mr. Westerburg stated uh um.

Mr. Schmitzer stated his understanding is that that's not going to happen anymore with an alarm or a light.

Mr. Westerburg stated at this time no it's not um, it's something we can look into if it's a must but right now it's not an item that were going to have.

Mr. Schmitzer stated no, it's actually something we don't, we don't want particularly being right up there in the center of town.

Mr. Westerburg stated okay.

Mr. Schmitzer stated because if your response time in getting to that alarm is going to be you know possibly a day if you have crews elsewhere people sitting up there at the village green will be hearing a chirping and seeing a light flashing all the time he understands that the system will be tied in, phone line wise to your, it will be able to give you notification when that, that pumps fails is that correct.

Mr. Westerburg stated correct.

Mr. Schmitzer stated okay so as long as we stay along those lines he would, he would approve that, Thank You Mr. Chairman.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated he has no comments Mr. Chairman.

Chairman Sandora stated anyone else on the Board have any concerns or questions.

Chairman Sandora stated you know again he wants to emphasize that, that street, okay, he means, our Engineer has stated that it's a cost concern but the cost concern is yours it's not our problem and this is something that's going to benefit at&t so whatever's done there he wants to make sure that it's done properly and so that the City doesn't have any problems with that and we have to go out and repair them at the City's cost.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated make a motion.

Mr. Westerburg stated real, real quick to just so you know when we did look into the other option of trying to go down the street, he means yes it is a an additional cost to us but at the same time we still would have work in that intersection to do even, to try to install that to try to tie some type of drain or whatever in from the other side of the manhole so um.

Chairman Sandora stated uh um.

Mr. Westerburg stated it, it would not go as far into the intersection where we are trying to tie back in but certainly we would still affect the intersection but we will definitely work with the City with the City's Inspectors to make sure that everything is put back to the City's expectations.

Chairman Sandora stated okay that's all you know he means, he has gone through this stuff a lot of times you know especially York Road when open cutting was done and you know that that road was like a roller coaster ride for years when they didn't do it property so.

Chairman Sandora stated anybody else have anything.

Chairman Sandora stated can he have a motion to approve at&t.

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 - Mayor Stefanik, Willey, Bull, McCarthy, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's approved, Good Luck,

Mr. Westerburg stated okay, Thank You.

Miscellaneous

Ms. Fashempour stated she has nothing under Miscellaneous.

Adjournment

Chairman Sandora stated motion to adjourn.

Mr. Willey stated second.

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

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

Chairman Sandora stated we are adjourned, Thank You.

Planning Commission Meeting for Wednesday, April 1, 2009 adjourned at 8:20 P.M.

Approved: Tony Sandora - Chairman - Planning Commission

Attest : Brenda Lynn Fashempour - Secretary - Planning Commission

Date : April 22, 2009