

*Planning Commission Caucus - 7:05 P.M. - Wednesday, May 13, 2009.*

Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Vice Chairman/Council Representative to Planning Commission Don Willey, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Tom Kelly, Law Director, Brenda L. Fashempour, Secretary, Larry Antoskiewicz, Ward 5, John Nickell, Ward 1, Dale Markowitz, Representatives from ManorCare, Sue Miller, North Royalton Students, Karen Kara, Nick Cinquepalmi, Bill Mastronicolas.

Planning Commission Agenda Reviewed.

Public Hearing - Conditional Use Permit - Woodhill Properties, Inc., Robert Nottrodt. Law Director Kelly has opined that a application for a Conditional Use Permit for the purpose applied for is not allowed in the TCD. Applicant advised by phone and application fee refunded.

Therefore, no Public Hearing, motion to remove from the Agenda, second, roll call.

Regular Meeting

Call to order.

Roll call.

Pledge of Allegiance.

Approval of minutes - April 22, 2009. Motion to approve the minutes of April 22, 2009, second, roll call.

Old Business

Woodcroft Glen, Ext. of Woodcroft Trace, Final Plat 2, tabled. No action. Request 180 day time extension from Council, motion, second, roll call.

ManorCare Health Services, Inc. - tabled. Applicant present. Motion to remove from tabled, second, roll call. Applicant to make presentation, discussion from Department Heads, Members, audience. Motion to approve, second, roll call.

Taco Bell Restaurant with Drive-Thru - tabled. No action. BZA Monday, 5-18-09.

New Business

Conditional Use Permit - Applicant Robert Nottrodt, Property Owner Woodhill Properties, Inc., 5895 Royalton Road, PPN 487-06-007, TCD-2 Zoning. Motion to remove from Agenda, second, roll call.

Utility Plan Request

Columbia Gas of Ohio plans to install 65'4" 2-inch new plastic distribution main on Wiltshire Road, Approval.

Motion to approve, second, roll call.

Miscellaneous

Sue D. Miller, Trustee - 10156 Royalton Road, PPN 483-15-019, General Industrial Zoning. Revised Fence Approval. Architectural Review Board approved Plan C. Applicant to make presentation. Discussion from Department Heads. Discussion from Board Members. Motion to approve, second, roll call.

Ms. Fashempour stated no new submittals for meeting on the 20<sup>th</sup>, therefore cancel meeting.

Adjournment

Motion to adjourn. Second. Roll call.

*Planning Commission Caucus adjourned at 7:10 P.M.*

Good Evening everyone, welcome to the North Royalton Planning Commission Meeting for Wednesday, May 13<sup>th</sup>.

Chairman Sandora stated is there anyone hear tonight for the Public Hearing portion on the Conditional Use Permit for 5895 Royalton Road. Chairman Sandora stated nobody here that wants to speak on that, okay that item is going to be removed from the Agenda because that's not a permitted use in that area.

Chairman Sandora stated he would like to call the Regular Order, the meeting to Order for the Regular Meeting of the Planning Commission for May 13<sup>th</sup>.

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road** on **Wednesday, May 13th, 2009** in **Regular Session**. The **Planning Commission Regular Meeting** 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, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Thomas A. Kelly, Law Director and Brenda L. Fashempour, Secretary.

**Absent:** Michael McCarthy. Ms. Fashempour stated she needs a motion to excuse Mike McCarthy for cause. So moved Don Willey. Second, Victor Bull. Chairman Sandora stated it's been moved and seconded to excuse Mr. McCarthy, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Willey, Bull, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried.

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

**Approval of minutes:** April 22, 2009. Ms. Fashempour stated Approval of Minutes, April 22, 2009 if you so choose. So moved Mr. Willey. Second Mayor Stefanik. Chairman Sandora stated it's been moved and seconded to approve the minutes of April 1st, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Willey, Bull, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried.

#### **Old Business**

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

Ms. Fashempour stated Woodcroft Glen tabled, no action. Ms. Fashempour stated she is going to request 180 day time extension, from Planning Commission to Council please. So moved Mayor Stefanik. Second Don Willey. Chairman Sandora stated it's been moved and second, for 180 day extension for Woodcroft Glen, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Mayor Stefanik, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

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

Ms. Fashempour stated it is tabled, the Applicant are 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 ManorCare Health Services from the table, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Willey, Bull, Mayor Stefanik, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been removed, the Applicant is here, please step forward and state your name, address for the record and tell us what you would like to do.

Kathleen McGervey with R. E. Warner in Westlake, Ohio. Ms. McGervey stated again, we, we were here before the Planning Commission back in November, she believes it was and we presented some plans for a parking lot expansion, at that time some of the residents were here and they were concerned about lack of buffering so we addressed that in our plans that was the major issue she believes and also down lighting, they were not happy with the existing lighting and they also didn't like additional lighting without down shielding so we did address those concerns which were the major ones, in addition to that a the City Engineer has expressed some additional concerns about the Riparian Setback and she has some new plans here this evening that, that show more contours from a previous job they had, more contours that went further down toward the creek and you can see from that, that there is sufficient buffing, it's about 30' from the a, from the trees that will be planted and she does have those plans here, shall she pass them out now.

Mr. Schmitzer stated yes.

Ms. McGervey stated she also has detention basin calculations which she had thought she had previously submitted and a she did.

Mr. Schmitzer stated yes, you did.

Ms. McGervey stated okay.

Ms. McGervey passed out the plans.

Chairman Sandora stated if his mind serves him correctly, there was some cleanup to do there also around that area some clean up if that was.

Ms. McGervey stated yes there was some damage to a fence she believes and a she is not sure if it lacked painting and those items were addressed.

Chairman Sandora stated those were addressed.

Let me try and help out, he is Dale Markowitz, he is the Attorney from ManorCare. Mr. Markowitz stated we have made the repairs to the fence around the retention basin, the other question was to paint the fence and we are ready to do that we just haven't gotten direction what color the City wants, the Homeowners have some thoughts about what they wanted in the way of color, black, green or whatever so we are ready, willing and able to do that, we painted our fence for the retention basin that's in Parma just on the other side of the boarder, theirs is black and we thought black would be the better, better color but if there is another color the a, the Homeowners or the City Planning Commission would prefer we will take your direction what ever way you want to go on that. Mr. Markowitz stated we also have as you will see from the plans significant new landscape buffer so he is not sure that whatever color we use makes a difference because the Homeowners won't see the fence in neither of them but we are prepared to do whatever you want on that.

Chairman Sandora stated Thank You.

Ms. McGervey stated you can see on this plan the closest point to the, to the top of bank if you will is, is, it's in the, it's in the southeast corner but the, the, the furthest one east, the furthest corner to the east and it's about 36' from the corner to the, to that bank and then there will be some landscaping there so we are anticipating that taking up some space a, any other questions.

Chairman Sandora stated okay Thank You, Mr. Schmitzer.

Mr. Schmitzer stated Thank You Chairman, based on the revised plan here a it appears that the Applicant has addressed his concern with the Riparian Setback a, our Riparian Code at a minimum has a 25' setback from the ordinary high water line or top of bank as defined, the top of bank is shown on the plan he believes in his calculations this area falls within the 25' setback so as long as there is no disturbance within 25' of that top of bank along the improvements which it does not appear to be it addresses his concern, all his other concerns have been addressed from the November meeting.

Ms. McGervey stated okay.

Mr. Schmitzer stated so a, he is satisfied at this point.

Chairman Sandora stated and the detention basin fits.

Mr. Schmitzer stated yes, the calculations were submitted last time a, we have reviewed those calculations and everything is sufficient according to our Code.

Chairman Sandora stated Thank You Mr. Schmitzer.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated Mr. Chairman, the Applicant did address his comments from the first time they were here in November regarding the handicap parking so, he, he's, satisfied.

Chairman Sandora stated you are okay.

Mr. Alvarez stated yes.

Chairman Sandora stated Thank You.

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

Mr. Kelly stated no Mr. Chairman.

Chairman Sandora stated anybody in the audience here tonight that would like to ask something please, come up please, state your name, home address please and say what you would.

Karen Kara, 8394 Royalhaven Drive. Ms. Kara stated and her concern is still with the landscaping a, she did go up to the office and took a look at the plans and they were showing the different trees that they were planting on putting up and that one, one of which is spruce which she did go to a local nursery to inquire as to what kind of trees and

that and what size and they are saying that they should be at least 6 to 8' size trees and that on there plans it says 12' on center and according to the nursery they are saying for us to get the maximum coverage for light and noise it should be 8' on center and so she was wondering if that could be addressed and also if they were going to be going to the Architectural Review Board on this.

Chairman Sandora stated yes they will be.

Ms. Kara stated and also if we could have some kind of a time line for the completion of the landscaping in writing because last time you know they said they were putting trees up and she thinks there was like she doesn't know, 6 trees or something and now according to their plan they are saying she thinks its 36 trees or something, she is not sure you would have to ask them but she did see there were more trees up there but you know that when is it going to happen you know is it, you know they are saying they are going to put trees but is it in a timely fashion so.

Chairman Sandora stated um uh, okay, Thank You, have you seen this, this new plan that they just brought in tonight with the landscaping and everything is this the one your or are you talking about the plan, the previous plan that was submitted.

Ms. Kara stated Brenda.

Ms. Fashempour stated she, she saw the one that was submitted for this meeting not the new one that was just, just handed out, she didn't know Kathleen did that have any landscaping on it, it was just.

Ms. McGervey stated this here is not a new, there is not a new landscaping plan other than the one that was submitted with the packet.

Chairman Sandora stated all right so there is no, there is no change on that.

Ms. McGervey stated right, she guessed, we had submitted it in advance of the submittal date.

Ms. Fashempour stated right, the meeting, and that's what she saw.

Ms. McGervey stated right.

Ms. Fashempour stated yeah.

Chairman Sandora stated okay.

Ms. Fashempour stated so that's the same plan that you are intending to go with.

Ms. McGervey stated right.

Ms. Fashempour stated okay.

Chairman Sandora stated can one of you Gentleman address that or say anything about that.

Mr. Markowitz stated the a, the, the trees are 6' at planting as addressed in our plans.

Chairman Sandora stated uh um.

Mr. Markowitz stated and a Karen is correct it does say 12' on center a, we normally keep them at that spacing because if you plant them to close to each other then they start suffocating each other if you get them to close, we didn't do this because we were trying to save money or avoid giving you a good screen, this is what our Landscape Architect had recommended.

Chairman Sandora stated so your Landscape Architect designed it this way.

Mr. Markowitz stated right, as far as when they will be put in we would certainly make it a condition of our final approval that the landscaping be put in before we can utilize the additional parking area, we have no problem with that, same thing with the lighting.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Thank You Ma'am.

Ms. Kara stated she has one other question.

Chairman Sandora stated yes Ma'am.

Ms. Kara stated when they are putting the trees in are they going to be staggered, you know a tree here, there, you know like that, or is it just a straight line.

Ms. McGervey stated let me just show you, show you the plan and refresh your memory. Ms. McGervey stated this is just a color rendition of what you have up here and a, we are planning to, you know they won't be on a row.

Ms. Kara stated okay, yeah, yeah, it was hard to see it on the.

Ms. McGervey stated it was a small size scale.

Ms. Kara stated yeah.

Chairman Sandora stated Thank You Ma'am.

Chairman Sandora stated anyone else here, anyone, Sir step up state your name, home address and what you would like to say.

Don Groves, 8050 Valleyview Court, Mr. Groves stated he has three questions he thinks that Mark said something about a setback, 25' setback, was that the actual parking lot or was that the area where the trees are going in.

Mr. Schmitzer stated the, the setback we have is our Riparian Setback which is to protect the natural area around any stream or ditch corridor so any, no development can happen within that 25'.

Mr. Groves stated okay and what point, what, what is the distance where the parking lot ends to a the property line.

Mr. Schmitzer stated he doesn't have that information.

Ms. McGervey stated let me just, she doesn't have that on here but it's, it's probably about a, this is a 50 scale drawing.

Mr. Groves stated okay.

Ms. McGervey stated okay so that means 1" is 50' and this is you know it, it's a, it looks like it's about 100' to the, to this property line.

Mr. Groves stated okay.

Ms. McGervey stated then there is additional space you know for, for the, for that easement that we have granted, the conservation easement.

Mr. Groves stated uh um.

Ms. McGervey stated we previously gave a conservation easement of a many acres, she doesn't recall the exact number but that's not included in this property here that's this additional property.

Mr. Groves stated okay.

Ms. McGervey stated that goes up to these property lines.

Mr. Groves stated in the valley.

Ms. McGervey stated right.

Mr. Groves stated and where is the parking lot that is proposed right here.

Ms. McGervey stated this is the proposed lot.

Mr. Groves stated right over here, in this area.

Ms. McGervey stated no, this, yeah this here, over here.

Mr. Groves stated okay.

Ms. McGervey stated on the other side of the landscaping, so the landscaping is going to shield it.

Mr. Groves stated all right, all right and a, and then when somebody spoke about retention basin was that, is that a new or is that the existing retention.

Mr. Schmitzer stated that's the existing basin.

Mr. Groves stated okay and that's the one where they had some issues with the fence right as far as trees coming down on it in, in the winter.

Mr. Schmitzer stated there was a fence he thinks that was damaged from a tree branch that fell down.

Mr. Groves stated right, right.

Mr. Schmitzer stated and he believes they stated that they made the repair and they will be painting that.

Mr. Groves stated and what are, are they exactly going to do as far as shielding lighting there because a the lighting is, is, is seen all the way to the residential area, he just wondered what they were going to do as far as shielding of the lighting, lights.

Mr. Schmitzer stated he thinks they can speak on that but when he reviewed the plan he believes he saw shields shown on the, on the plan but the light levels are indicated on the Engineering plan that shows that there is no light transmitting beyond the property that they own, 0.0 foot candles.

Mr. Groves stated okay and is that, does that affect the, the existing lighting or the new lighting.

Mr. Schmitzer stated that incorporated the existing lighting, they are actually switching out he believes a couple of the existing lights to lower light levels to conform with the lighting standards.

Mr. Groves stated okay, Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anyone else.

**Chairman Sandora stated he will make a motion to approve the a, the parking lot for ManorCare on the condition that the landscaping be in before the use of the parking lot.**

**Mr. Bull stated second.**

**Mayor Stefanik stated Mr. Chairman and the lights are also up and shielded.**

**Chairman Sandora stated well, and the, and the lights, the light and the landscaping everything will be done before you can use the, the use of the parking lot.**

**Ms. Fashempour stated did she get a second.**

**Mr. Willey stated Victor.**

**Chairman Sandora stated no.**

**Mr. Willey stated second.**

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

Ms. Fashempour stated okay and then one other thing they do have to go before the Architectural Review Board, are we going to let Architectural Review Board determine the color of the fence.

Mr. Kelly nodded yes.

Ms. Fashempour stated okay.

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

Chairman Sandora stated the Architectural Review Board meeting will be May 18<sup>th</sup> at 6 o'clock here, Thank You.

Ms. McGervey stated Thank you.

Mr. Markowitz stated 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, tabled, no action.

#### **New Business**

##### **Conditional Use Permit**

**Conditional Use Permit** for a Construction Company to warehouse equipment and supplies to be used for their business as needed. All trucks and equipment remain inside. **Applicant Robert Nottrodt, Property Owner Woodhill Properties, Inc., 5895 Royalton Road, PPN 487-06-007, TCD-2 Zoning.**

Ms. Fashempour stated the Conditional Use Permit, could she get a motion to remove that from the Agenda, please.

So moved Mr. Willey.

Second Mayor Stefanik.

Chairman Sandora stated it's been moved and second to remove the Conditional Use Permit, Ms. Fashempour please call the roll.

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

##### **Utility Plan Request**

**Columbia Gas of Ohio** plans to install 65'4" 2-inch new plastic distribution main on **Wiltshire Road, Approval.**

Chairman Sandora stated Mr. Schmitzer do you care to speak on this.

Mr. Schmitzer stated he can.

Chairman Sandora stated just to bring up, for the record.

Mr. Schmitzer stated Mr. Chairman.

Chairman Sandora stated Mr. Schmitzer.

Mr. Schmitzer stated he has reviewed, reviewed the application submitted by Columbia Gas of Ohio for a new 2" plastic distribution main on Wiltshire for a resident at the end of the road, the plan in concept he don't, he don't have any issues with, the problem is he can not see what if any affects it may have on any existing utilities or any of our existing pavement that may be affected so he has asked the Applicant to place this new proposed main on the recently approved topographic plan for the resident to, to indicate what, what they plan on doing so he can see if there are any affects from the, the new main going in.

Chairman Sandora stated Mr. Alvarez do you have anything.

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

Chairman Sandora stated anybody on the Board have anything.

**Chairman Sandora stated he is making a motion to approve a, a, gas installation for, for a resident on Wiltshire Road on the condition that it meets all the approval of our Engineering Department.**

**Mr. Willey stated second.**

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

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

#### **Miscellaneous**

**Sue D. Miller, Trustee - 10156 Royalton Road, PPN 483-15-019, General Industrial zoning. Revised Fence Approval**

Ms. Fashempour stated Ms. Miller was before the Architectural Review Board and they did approve her proposed C.

Chairman Sandora stated if you would state your name and address for the record please.

Sue Miller, 10156 Royalton Road.

Chairman Sandora stated okay.

Ms. Miller stated the fence that is currently up has been damaged to a point where it has to be removed, the webbing is total stretched.

Chairman Sandora stated uh um.

Ms. Miller stated and they have temporarily put it up so that there is security for her tenants a, she is hoping that the new fence that has been changed will be stronger and a she knows the one, the ones from the east/west, the east/west has slats the north/south does not only because when the technician was putting the fence up for the third time he

actually had the webbing rapped around him and he was trying to put it up and it was stretching as he was putting it back up so it was Affordable Fence that told her that, that she should ask for this.

Chairman Sandora stated yeah those were pretty realistic photos there.

Ms. Miller stated yeah.

Chairman Sandora stated a, Mr. Alvarez, do you have anything.

Mr. Alvarez stated a, Thank You Mr. Chairman, a basically it's his a, he is going to recommend Board approval, he just wants to add that a because she is in General Industrial that a there is a proviso in the Code, Section 1270.14g3 that requires slats throughout the fencing however he believes in his opinion again, that she has meet the intent of the Code here a he surely would not want to see that fence that's going north and south the same thing happen again.

Ms. Miller stated Thank You.

Mr. Alvarez stated because of the slats so a, that would be her recommendation if the Board approved this.

Chairman Sandora stated Thank You Mr. Alvarez.

Mr. Alvarez stated and he believes it is Option C that you wanted.

Ms. Miller stated yes Option C.

Chairman Sandora stated and that he was going yes.

Mr. Alvarez stated okay.

Chairman Sandora stated that was what he was going to say, that were, were going to be voting on Plan C that you submitted on.

Ms. Miller stated that's good.

Chairman Sandora stated Mr. Schmitzer do you have anything.

Chairman Sandora stated Thank You, anybody on the Board have anything, anybody in the audience have anything.

**Chairman Sandora stated make a motion to approve a, a fence, revised fence approval Plan C.**

**Mr. Willey stated second.**

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

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

Chairman Sandora stated you are approved, Good Luck.

Ms. Miller stated Thank You very much.

Ms. Fashempour stated one other item under Miscellaneous, she received no submittals for the meeting on May 20<sup>th</sup>, so we will be cancelling that meeting, and that's all she has.

**Adjournment**

Chairman Sandora stated Thank You Ms. Fashempour, motion to adjourn.

Second Mr. Willey.

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

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

Chairman Sandora stated we are adjourned.

Ms. Fashempour stated Thank You.

Chairman Sandora stated Thank You.

*Planning Commission Meeting for Wednesday, May 13, 2009 adjourned at 7:51 P.M.*

Approved: Tony Sandora, Chairman - Planning Commission

Attest : Brenda Lynn Fashempour, Secretary - Planning Commission

Date : June 3, 2009