

Planning Commission Caucus of September 1, 2010

The North Royalton Planning Commission Caucus was held on September 1, 2010 at 6:45 PM

Present: Mayor Stefanik, Chairman Tony Sandora, Victor Bull, Mike McCarthy, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Tom Kelly, Community Developer Tom Jordan, Ray Frank, Mark Streb Secretary Julie Broestl,

Planning Commission Agenda Reviewed.

Call to order.

Motion to excuse Don Willey for cause. Roll call.

Opening Ceremony – Pledge of Allegiance.

Public Hearing

Ordinance No.10-83 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.05 Restoration of Damaged Structures, and Declaring an Emergency.

Motion and a second to move to the regular order of business.

Roll Call.

Ordinance No.10-84 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1262 Administration, Enforcement and Penalty by creating a new Section 1262.12 Licensing Permits, and Declaring an Emergency.

Motion and a second to move to the regular order of business.

Roll Call.

Ordinance No.10-85 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, by creating a new Chapter 1292 Wind Energy Turbines, and Declaring an Emergency.

Motion and a second to move to the regular order of business.

Roll Call.

Columbia Gas of Ohio, 8275 Crystal Creek, PPN: 481-01-027, Residential District Zoned. Site Plan approval to extend 22-feet, 2-inch plastic distribution mainline. Ray Frank from Columbia Gas will make presentation.

Motion and a second to move to the regular order of business.

Roll Call.

Columbia Gas of Ohio, 12580 Pinebrook Drive, PPN: 481-02-079, Residential District Zoned. Site Plan approval to extend 122-feet, 2-inch plastic distribution mainline.

Ray Frank from Columbia Gas will make presentation.

Motion and a second to move to the regular order of business.

Roll Call.

Columbia Gas of Ohio, 9001 Sassafras Circle, PPN: 481-12-080, Residential District Zoned. Site Plan approval to extend 104-feet, 2-inch plastic distribution mainline. Ray Frank from Columbia Gas will make presentation.

Motion and a second to move to the regular order of business.

Roll Call.

Need a Motion and a second to adjourn to the Open Meeting.

Regular Meeting

Call meeting to order

Motion to excuse Don Willey for cause. Roll call.

Approval of minutes will be on July, 21, 2010.

Old Business

Woodcroft Glen, Royalton Road, Woodcroft Glen Phase 2 Final Plat approval. Tabled. No action. Gross Builders sent letter wishing to stay on the agenda.

New Business

Ordinance No.10-83 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.05 Restoration of Damaged Structures, and Declaring an Emergency.

Report from Department Heads and Commission Members.

Motion and a second to approve. Roll Call.

Ordinance No.10-84 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1262 Administration, Enforcement and Penalty by creating a new Section 1262.12 Licensing Permits, and Declaring an Emergency.

Report from Department Heads and Commission Members.

Motion and a second to approve. Roll Call.

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Motion and a second to approve. Roll Call.

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Report from Department Heads and Commission Members.

Motion and a second to approve. Roll Call.

Columbia Gas of Ohio, 9001 Sassafras Circle, PPN: 481-12-080, Residential District Zoned. Site Plan approval to extend 104-feet, 2-inch plastic distribution mainline.

Report from Department Heads and Commission Members.

Motion and a second to approve. Roll Call.

Laszeray Technology/Campbell Construction, 12315 York Delta, PPN: 483-06-020. General Industrial Zoned. Site Plan approval for an office addition.

Mark Streb from Campbell Construction will make presentation

Department Heads and Commission Members reports

Motion and a second to approve. Roll call.

Induction Tooling/Campbell Construction, 12510 York Delta, PPN: 483-05-004.

General Industrial Zoned. Site Plan approval for an addition.

Mark Streb from Campbell Construction will make presentation

Department Heads and Commission Members reports

Motion and a second to approve. Roll call.

Miscellaneous

Motion and a second to adjourn the Planning Commission meeting of September 1, 2010.

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road** on **Wednesday, September 1, 2010**, to hold a **Public Hearing**. The Meeting was called to order by **Chairman Tony Sandora** at **7:00 P.M.**

Chairman Sandora: Good evening ladies and gentlemen, welcome to the North Royalton Planning Commission meeting for Wednesday, September 1, 2010. This is the Public Hearing portion. Mrs. Broestl, please call the roll.

Present: Chairman Tony Sandora, Mayor Stefanik, Victor Bull, Mike McCarthy, City Engineer Mark Schmitzer, Building Commission Rito Alvarez, Law Director Thomas Kelly, Secretary Julie Broestl.

Chairman Sandora: I need a motion and a second to excuse Don Willey for cause.

Moved by Mayor Stefanik, seconded by Victor Bull, to **excuse Don Willey for cause.**

Chairman Sandora: It has been moved and seconded to excuse Don Willey for cause. Mrs. Broestl, please call the roll.

Mike McCarthy: Yes.
Victor Bull: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.
Motion carried. (4-0)

Chairman Sandora: Please stand for the opening ceremony, the Pledge of Allegiance.

Public Hearing:

Ordinance No.10-83 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.05 Restoration of Damaged Structures, and Declaring an Emergency.

Chairman Sandora: Mr. Alvarez do you have anything to say on this legislation to explain what this is about and then we can discuss it in the next part?

Rito Alvarez: Mr. Chairman. Basically, that section dealt with the restoration of damaged structures and when we were looking at this section, obviously, things started happening. The original legislation had if damage exceeded 75% of the structure it had to conform to the Code that is in that zoning district. Obviously, we are dealing with nonconforming use here. What the intent was to make it a little bit simpler so that we didn't have to be to concern with the percent of the damage involved and the second thing was we wanted to eliminate the idea of having three parts for restoration. One, by the owner. Two, by mutual consent of the City and the owner. Three, by the City itself, and then we thought we really didn't want the City to get involved with such contracts with owners in restoring their structure. With that being said, we eliminated that. We discussed that if there was destruction of some degree of the structure that they should get a building permit within three months and then continue to restore it to what it was and not to expand upon it and nothing more than that. So,

what we did was eliminate the percent of the destruction and the cost and the idea of the City getting involved with contractors and agreeing to the contract bids and so forth. We limited to the fact that if it was damaged, due to fire or other causality or act of God or public enemy, than they would have to get a permit within three months. If they didn't get a permit they could get an extension of six months for good cause to obtain a permit to repair the structure. That is in a nut shell what the new revised section deals with.

Chairman Sandora: Thank you Mr. Alvarez. I'm sorry I didn't mention it to you before, but because Don is not here tonight, and he is the usual council representative, where he would have said that. I'm going to ask you to say just a few words on the ordinances, okay?

Rito Alvarez: That's fine.

Chairman Sandora: Thank you. Anybody in the audience have anything to say on Ordinance 10-83? Nobody? I need a motion to refer this to the regular order of business.

Moved by Mayor Stefanik, seconded by Victor Bull, **to refer Ordinance 10-83 to the regular order of business.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Victor Bull: Yes.
Mike McCarthy: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.
Motion carried. (4-0)

Ordinance No.10-84 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1262 Administration, Enforcement and Penalty by creating a new Section 1262.12 Licensing Permits, and Declaring an Emergency.

Chairman Sandora: Thank you. Mr. Alvarez, if you would please.

Rito Alvarez: Okay. Mr. Chairman. The Licensing Permit basically, like any other Code that we have, we have to deal with the times that we are in. For example, a business or something that has to be done in a particular zoning district that doesn't conform to that use in that particular district then we are proposing a Licensing Permit where it is temporary that the Use used to be in that zoning district just for limited period of time. The legislation actually goes up to two years. There are various conditions in this Ordinance. For example, the rock crushing, which are proposed in an Industrial Zoning District and in a building. That is what our Code says, but many times when you are crushing rocks or concrete there is a lot of dust and it isn't always good to have it done inside of a building, and typically they do this in the outside. So, with this License Permit it would allow them to do what they have to do within a zoning district and it's limited for a period of time and nothing more than that. Again, we do have in this proposed Ordinance what the criteria has to be before Planning Commission can approve that temporary Use. That is pretty much what this amounts to.

Chairman Sandora: Thank you Mr. Alvarez. Again, anyone in the audience have anything on this? I need a motion to move 10-84 to the regular order of business.

Moved by Victor Bull, seconded by Mayor Stefanik, **to refer Ordinance 10-84 to the regular order of business.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mayor Stefanik: Yes.
Victor Bull: Yes.
Mike McCarthy: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.
Motion carried. (4-0)

No.10-85 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, by creating a new Chapter 1292 Wind Energy Turbines, and Declaring an Emergency.

Chairman Sandora: Mr. Alvarez on Ordinance 10-85.

Rito Alvarez: Mr. Chairman. As you well know, technology again is with us all the time and wind turbines are nothing new, but however, due to green energy and government friendly to have green energy, we have been getting some inquiries in terms of putting wind turbines within the City. Obviously, we don't have any Ordinances for wind turbines and this is the main reason why we have this new particular Ordinance so that we could address it. It regards the setbacks, noise issues, and the flickering, and a number of other things that deals with wind turbines. This Ordinance would address these issues. Hopefully, we will limit them in terms of size in residential. We will also limit the size in Industrial Districts. Obviously, you can have much larger according to our legislation of Wind Turbines vs. in a residential where you can't have very large ones. What I mean by large we deal with mega watts or kilowatts of energy that they will produce. Again, we will have an Ordinance that addresses Wind Turbines.

Chairman Sandora: Thank you Mr. Alvarez. Again, anyone in the audience have anything on this Ordinance. I need a motion to refer to the regular order of business.

Moved by Mayor Stefanik, seconded by Victor Bull, **to refer 10-85 to the regular order of business.**

Chairman Sandora: It has been moved and second to refer to the regular order of business. Mrs. Broestl, please call the roll.

Mike McCarthy: Yes.
Mayor Stefanik: Yes.
Victor Bull: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.
Motion carried. (4-0)

Columbia Gas of Ohio, 8275 Crystal Creek, PPN: 481-01-027, Residential District Zoned. **Site Plan approval to extend 22-feet, 2-inch plastic distribution mainline.**

Chairman Sandora: The applicant is here, please step forward and State your name and address for the record and tell us what you would like to do there.

Ray Frank approached the microphone.

Mr. Frank: Ray Frank, Columbia Gas of Ohio. 3101 North Ridge Road, East, Lorain, Ohio 44055. This proposal is to grant the wishes of the resident at 8275 Crystal Creek to convert from the present form of energy to utilize natural gas service, which is approximately 22-feet from this resident's property. We have the permit application along with a \$50.00 check with us this evening to try to expedite this. This resident has asked for this service and it goes back to June of this summer and he is anxious to have this service installed. I request the Planning Commission's approval.

Chairman Sandora: Okay, thank you. At this time anybody in the audience have anything on this at this time? Nobody? I need a motion to move 8275 Crystal Creek to the regular order of business.

Moved by Victor Bull, seconded by Mayor Stefanik, to move **8275 Crystal Creek to the regular order of business.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Victor Bull:	Yes.
Mike McCarthy:	Yes.
Mayor Stefanik:	Yes.
Chairman Sandora:	Yes.

Yeas - all. Nays - none.

Motion carried. (4-0)

Columbia Gas of Ohio, 12580 Pinebrook Drive, PPN: 481-02-079, Residential District Zoned. **Site Plan approval to extend 122-feet, 2-inch plastic distribution mainline.**

Ray Frank approached the microphone.

Chairman Sandora: Mr. Frank, if you would.

Mr. Frank: Ray Frank, Columbia Gas of Ohio. 3101 North Ridge Road, East, Lorain, Ohio 44055. The resident at 12580 Pinebrook is also a resident converting from a different form of energy and request natural gas service to their residence. In order to comply with the request it would take an extension of 122-feet of our facilities and we respectfully request Planning Commission's approval of this resident's request. We also have the permit application and check as well for this application.

Chairman Sandora: Thank you. Again, anybody in the audience have any questions or concerns on this? I need a motion to move 12580 Pinebrook to the regular order of business for Columbia Gas.

Moved by Victor Bull, seconded by Mayor Stefanik, to move **12580 Pinbrook Drive to the regular order of business.**

Mayor Stefanik: Yes.
Mike McCarthy: Yes.
Victor Bull: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0)

Columbia Gas of Ohio, 9001 Sassafras Circle, PPN: 481-12-080, Residential District Zoned. **Site Plan approval to extend 104-feet, 2-inch plastic distribution mainline.**

Mr. Frank: Ray Frank, Columbia Gas of Ohio. 3101 North Ridge Road, East, Lorain, Ohio 44055. I'm representing Columbia Gas of Ohio and the resident at 9001 Sassafras Circle who is requesting extension of our facilities in order for this resident to convert from their existing energy source to natural gas service it requires the extension of 104-feet of 2-inch plastic distribution main. We also have a completed permit application and check for \$50.00 in order to proceed with this and we respectfully requests Planning Commission's approval.

Chairman Sandora: Once again, anybody in the audience have anything on this one? I need a motion to refer 9001 Sassafras Circle to the regular order of business.

Moved by Mayor Stefanik, seconded by Victor Bull, **to move 9001 Sassafras Circe to the regular order of business.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mike McCarthy: Yes.
Mayor Stefanik: Yes.
Victor Bull: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0)

Moved by Mayor Stefanik, seconded by Victor Bull, **to adjourn the Public Hearing.**

Chairman Sandora: It has been moved and seconded to adjourn the Public Hearing. Mrs. Broestl, please call the roll.

Victor Bull: Yes.
Mike McCarthy: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0)

Public Hearing was adjourned at 7:18 P.M.

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road** on **Wednesday, September 1, 2010**, to hold a **Regular Meeting**. The Meeting was called to order by **Chairman Tony Sandora** at **7:18 P.M.**

Present: Chairman Tony Sandora, Mayor Stefanik, Victor Bull, Mike McCarthy, City Engineer Mark Schmitzer, Building Commission Rito Alvarez, Law Director Thomas Kelly, Secretary Julie Broestl.

Chairman Sandora: I need a motion and a second to excuse Don Willey for cause.

Moved by Mayor Stefanik, seconded by Victor Bull, to **excuse Don Willey for cause.**

Chairman Sandora: It has been moved and seconded to excuse Don Willey for cause. Mrs. Broestl, please call the roll.

Mike McCarthy: Yes.
Victor Bull: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0)

Chairman Sandora: Excused.

Mrs. Broestl: I'll need a motion and a second to approve the minutes of July 21, 2010, if you so choose.

Moved by Victor Bull, seconded by Mayor Stefanik, to **approve the minutes of July 21, 2010.**

Chairman Sandora: It has been moved and seconded to approve the minutes Of July 21, 2010. Mrs. Broestl, please call the roll.

Victor Bull: Yes.
Mike McCarthy: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) – Minutes of July 21, 2010 approved.

Old Business

Woodcroft Glen, Woodcroft Glen Phase II. Final Plat Approval. Tabled.

Mrs. Broestl: I sent them a letter to inquire on the status of this. Rick Porter, of Gross Builders, sent me a letter back and it states, further to your letter and our discussion today, I would like to inform you that we would like the above project to remain on the Planning Commission's agenda. We appreciate the Commission's understanding of current market conditions and look forward to moving ahead with the development when home sales improve. Please do not hesitate to contact me. Richard Porter.

Chairman Sandora: Thank you Mrs. Broestl. Does anybody want to talk about this we would have to remove it from the table? This has been on our agenda for almost two and a half years now. Do you want to talk about it or leave it tabled?

Mayor Stefanik: I have no problem leaving it tabled.

Chairman Sandora: Nobody else? Woodcroft Glen will remain tabled. We will have to watch for the time limits on it again.

New Business

Ordinance No.10-83 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1286 Nonconforming Uses, Section 1286.05 Restoration of Damaged Structures, and Declaring an Emergency.

Chairman Sandora: Ordinance 10-83, we heard discussion from Mr. Alvarez on this. I think that this something that the City needs, although, I have a problem and I discussed it with Mr. Willey, and he concurs with me. This time limit that is on here this three months to six months, I don't believe that there should be a time limit on here. There is no problem with what they are trying to do, I think it is a good thing, but with the way the economy is and we have seen so many projects in the City put on hold. The one here that remains on the table has been on hold forever. I think that this could be amended to not have that in there. I don't think that it would cause any problems because if you read it, it basically says any nonconforming building or structure which has been destroyed or damaged by fire, or other casualties' act of God, or public enemy so, therefore conform to all the provisions of the Zoning Code and make within three months of destruction or damage be renewed or repaired to its previous condition but shall not be enlarged or expanded an extension of six months may be granted for good cause otherwise it shall be considered abandoned. Well, like I said, I have a problem with the three months. I have a problem with any time limit with this economy. The best example of anything is sometimes the insurance companies will take forever if the property is insured to either get it cleared up for whatever reasons. I don't really know how you could even put something on here like this. My suggestion would be to amend this and instead of what I said, everyone has the legislation in front of them, I would just put any nonconforming building or structure which has been destroyed or damaged by fire, other casualty, act of God, or public enemy, shall thereafter conform to the provisions, and take out the word all, the provisions of this Zoning Code and may be rebuilt or repaired, and take out the three months of destruction or damaged, and may be rebuilt or repaired to its previous which shall not be enlarged or expanded and just remove the last sentence. That is my feeling on this and I will open it up to the Board.

Mr. Kelly: Mr. Chairman, if I may. If the majority of the commission is persuaded to your point of view I would recommend to you that this should be an up or down vote on the legislation as it is. If the rest of the commission is persuaded to your point of view then the vote will be no and it should go back to council as a no. They then will have the opportunity, and you can send back to council with your no vote your recommendations for amending the legislation. Okay? In other words, we are not in a position, this commission is not in the position to amend the legislation. You either approve it or disapprove it. If you disapprove it you can send back your recommendations and your reasoning for why you believe it should not be approved in the present form. Council then would have

the opportunity to make the amendments and then send it back to you. Or in the alternative, vote on it and secure the approval of it with the appropriate super majority that is called for in the charter.

Chairman Sandora: Alright. I have no problem with that. But I do believe that we have amended some legislation in the past when it has come before us and we put our recommendations on it and sent it back to Council. I have no problem with that either way. Anybody else on the Board have any feelings or thoughts?

Mayor Stefanik: Mr. Chairman.

Chairman Sandora: Mayor.

Mayor Stefanik: I think the three months, whether it's three months or six months, should stay in only because if the house is damaged by fire and 80% of the house is destroyed by fire, whatever it might be, what's stopping the insurance company from cutting this person a check and then they abandoned the house. Three months might be a little unreasonable but an extension of six months may be granted, and I assume that that would be granted by the Building Commissioner?

Tom Kelly: It doesn't say but the inferences is that it would come from the Building Commissioner.

Chairman Sandora: Mayor, if I may. What happens if they abandon the house?

Mayor Stefanik: I don't know.

Chairman Sandora: I'm just trying to alleviate a problem.

Mayor Stefanik: If they abandon the house I suppose we could site them into court. We are doing that now with residents that have abandoned their homes. We send them to court and try to get that rectified. But if you give more time than what is allowed here I think that the insurance companies want to settle their claims. They don't want to pay for someone to live in a motel or rent a condominium somewhere. I think they want to keep the process moving and we are giving lazy people an opportunity to be even lazier. The neighbors around these homes shouldn't have to put up with that situation. I think that we need to not only protect the person who might have lost their home, but also the neighborhood that that home is in. I would be willing to move it up to six months with a twelve month extension. That would be the most but I think if we kick it back to council.

Chairman Sandora: What happens if the scenario is that the house is beyond repair conditions, and the house has been torn down and removed, and if the economy is such that a person who purchases this property wants to wait a couple of years or whatever for whatever reason, and they maintain that lot and turn it back into a lot, maintain it and keep the grass cut, and do everything that they are suppose to do on it but when the time comes that they want to rebuild it then and then the City says you abandoned it because you were suppose to do something within three months or six months, or within twelve months, and if they don't do anything with it for two, three or four years, I don't see what the problem would be. What do the other Board members feel? Anybody else have anything else on this?

Victor Bull: Mr. Chairman. I do believe myself that there should be some type of time limit on it. Maybe the time limit that is currently in the legislation is too short, but I think you risk derelict buildings if you don't have it in there. Possibly the Mayor's suggestion of longer times.

Chairman Sandora: Anybody else have anything? Anybody in the audience have anything? So, your recommendation, Mr. Kelly, would be at this point?

Tom Kelly: The motion before the Commission is stated in the positive to approve, and if the vote is for zero to approve, it is approved. If it is three to one it is approved, two to two it is not approved. And then if this fails on a two two vote, for argument sake, then Julie's return to council will be couched with the appropriate caveats as to what the restrictions ought to be from the point of view of the Planning Commission.

Chairman Sandora: Mr. Kelly, the only reason I brought that up is because it is stated three months and an extension of six months.

Tom Kelly: Yes sir, I understand.

Chairman Sandora: As the Mayor has said, maybe go up to one year.

Tom Kelly: But again, I'm just the latest of a long line of Law Directors and we don't always agree. My view of your roll in this circumstance is this; the Council prepares the legislation and carries it through their committee and then has a mandatory referral provision under the Charter. They referred it. Once it is referred to the Planning Commission you have an up or down vote on the legislation as it is. If you wish to recommend changes, if the majority does, the appropriate way to do that is to vote it down and send it back to council with your recommendation for change. Otherwise, if it gets 4-0 or 3-1 then it goes on just as it is.

Chairman Sandora: Okay. Anybody else have anything on this? I need a motion to refer 10-83 to council for approval.

Moved by Mayor Stefanik, seconded by Victor Bull, **to refer 10-83 to Council.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Victor Bull:	No.
Mike McCarthy:	No.
Mayor Stefanik:	No.
Chairman Sandora:	No.

Yeas - None. Nays - All.

Motion carried. (0-4) - 10-83 has been denied and sent back to Council with Recommendations.

Ordinance No.10-84 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1262 Administration, Enforcement and Penalty by creating a new Section 1262.12 Licensing Permits, and Declaring an Emergency.

Chairman Sandora: Mr. Alvarez has given some overview on this. Anybody have any comments on this one?

Victor Bull: Mr. Chairman. I'm slightly concerned with the language here because we seem to be defining a negative with a negative. I, myself, would like to see, while Mr. Alvarez was eloquent in his explanation of it, it doesn't say that in the language of the Ordinance.

Chairman Sandora: What would you suggest Mr. Bull?

Victor Bull: I'm suggesting that it says here, certain prohibited main uses which use well prohibited may under certain circumstances be permitted for limited period of time. Now, I know Planning Commission can indeed approve or disapprove any of those uses, but I wonder if it could be a little more defined in the language?

Chairman Sandora: Good point.

Tom Kelly: Mr. Chairman.

Chairman Sandora: Mr. Kelly.

Tom Kelly: If I could be of any value here. This legislation grew out of Mr. Kasaris' Concerns as a member of the Board of Zoning Appeals, that the Board was being asked to grant variances for Uses that were plainly prohibited. He felt, and apparently some other members of council feel, that even though a prospective Use of a particular piece of property while integrations of the permitted Uses under the Code and therefore and not otherwise qualified as a Use to be permitted by variance ought to be allowed for temporary periods of time under a licensing procedure. That is a tortured way from getting to A-Z. I apologize for some of the language that is in the Ordinance in the sense that it isn't maybe as clear as we would like it to be. On the other hand, that is the best we could do. The issue is, will the City allow certain prohibited Uses to be maintained under a temporary licensing arrangement. That's the long and short of it. Does that help?

Mayor Stefanik: Mr. Chairman.

Chairman Sandora: Mayor.

Mayor Stefanik: I think what we are talking about is that BZA has the authority to do what they have been doing in the past by granting these temporary.

Tom Kelly: BZA has the authority and is limited, as everyone is, by the statutory scheme, and in this case the Ordinance scheme as well as common law, case law. There are borderline experiences. So, for example, and Mr. Alvarez hit the one on the head that was probably the most controversial, the concrete crushing experience. The BZA doesn't have the authority to grant a variance for that purpose. I'm trying to remember Rito has it was treated? It was treated as a nuisance if I remember correctly.

Rito Alvarez: Yes. Because what they were doing was outdoors of the building.

Tom Kelly: Right. The BZA recognized it and doesn't have the authority to give them a variance to vary the Code. But recognizes that there ought properly to be some flexibility in the law that would allow for that temporary Use, if in fact it is just a temporary Use.

Victor Bull: Mr. Chairman. To the Law Director. Does that mean that it wouldn't have to go to BZA?

Tom Kelly: That is correct, it would not. It would go to Mr. Alvarez. It comes to Planning Commission as well, under the proposed legislation. Because of the nature of it, it would go to Mr. Alvarez and he would send it on here to the Planning Commission for your review and for the application of the standards that are set forth in the Ordinances itself and then if the Planning Commission is satisfied than Mr. Alvarez would be permitted to issue a permit on a temporary basis up to two years to allow whatever the activity is, whether it is the sale of a coon skin caps or rock crushing. It creates flexibility in the law that we currently don't have. It creates in some measure fiction where you have a prohibited Use that is now a permitted Use. That is Mr. Bull's point. But, it is a legal fiction which if everyone signs on for the law wills less.

Victor Bull: But it will be temporary, two years, as opposed to permanent without BZA.

Tom Kelly: A maximum two years and it does not run with the land.

Mayor Stefanik: Mr. Chairman.

Chairman Sandora: Mayor.

Mayor Stefanik: As far as the two year limit, Planning Commission could decide to give it for just six months if they wanted to.

Tom Kelly: Yes. You could even limit the scope and the time, the hours. You could make this as limited as you like. The whole point of this was to create an opportunity for a Use, but to put such restrictions on it as are deemed appropriate by the City, and the City in this sense is the Planning Commission.

Chairman Sandora: Thank you Mr. Kelly. Mayor, that was exactly what I was going to say also. Anybody else have anything else on this? Anybody in the audience have anything on this? I need a motion to refer 10-84 to Council for approval.

Moved by Mayor Stefanik, seconded by Victor Bull, **to refer Ordinance 10-84 to Council for approval.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mayor Stefanik: Yes.

Victor Bull: Yes.

Mike McCarthy: Yes.

Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) - Ordinance 10-84 referred to Council.

No.10-85 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, by creating a new Chapter 1292 Wind Energy Turbines, and Declaring an Emergency.

Chairman Sandora: Ordinance 10-85, this has some parts of it missing here. We didn't get the other pages that were needed. Mr. Alvarez, do you want to speak on this?

Rito Alvarez: Mr. Chairman, I stated before, wind turbines are something that we have to look at in this City. We can get Government grants or what have you.

Chairman Sandora: Part of this is missing correct?

Rito Avarez: Yes. Part of this is missing.

Chairman Sandora: Part is missing. I went to the meetings when they had this. I don't know how you want to proceed with this because if you haven't seen the rest of it.

Tom Kelly: Mr. Chairman. It would be appropriate for the members of the Planning Commission to have the full Ordinance before they would take a vote on the matter. So, if it pleases the Chair and the Commission you might want to table it and just hang onto it for the next meeting.

Chairman Sandora: I concur wholeheartedly. We had a Public Hearing on it so we can get the copies and review it and then we can review it next time. Anybody in the audience have any questions on this?

Moved by Victor Bull, seconded by Mayor Stefanik, to **table Ordinance 10-85 until more information is given to the Commission.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mayor Stefanik: Yes.
Victor Bull: Yes.
Mike McCarthy: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) - Ordinance 10-85 Tabled

Columbia Gas of Ohio, 8275 Crystal Creek, PPN: 481-01-027, Residential District Zoned. Site Plan approval to extend 22-feet, 2-inch plastic distribution mainline.

Chairman Sandora: The applicant is still here, please step forward and give your name and address for the record.

Mr. Ray Frank approached the microphone.

Mr. Frank: Ray Frank. Columbia Gas of Ohio, 3101 North Ridge Road, Lorain, Ohio 44055. Mr. Chair, this is a request to extend distribution facilities 22-feet in order to serve the resident at 8275 Crystal Creek. We respectfully request approval for this extension. Thank you.

Chairman Sandora: Mr. Schmitzer.

Mark Schmitzer Thank you Mr. Chairman. Columbia Gas has been in front of us plenty of times before. They know what we expect of them. The plans as submitted are ready to be approved. I ask that two sets of plans be submitted to my attention so that I can issue permits. Full time inspections for work in the right of way is required. Columbia Gas and or the applicant is required to pay for that. The City hires the inspector for the work and we would pay for it and we then send the bill over to Columbia Gas or the applicant, typically, it has been Columbia Gas. Other than that, a separate permit would have to be applied for and submitted for the house connection from the mainline extension. That is all I have.

Chairman Sandora: Thank you Mr. Schmitzer. Again, just for the record, there will be no open road cutting. Mr. Alvarez, do you have anything?

Rito Alvarez: No comment Mr. Chairman.

Chairman Sandora: Anybody else on the Board have anything on this? Anyone in the audience have anything on 8275 Crystal Creek? Can I have a motion to approve 8275 Crystal Creek mainline extension for Columbia Gas.

Moved by Victor Bull, seconded by Mayor Stefanik, to **approve Columbia Gas Extension of mainline at 8275 Crystal Creek.**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mayor Stefanik:	Yes.
Victor Bull:	Yes.
Mike McCarthy:	Yes.
Chairman Sandora:	Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) - 8275 Crystal Creek – Columbia Gas mainline extension.

Columbia Gas of Ohio, 12580 Pinebrook Drive, PPN: 481-02-079, Residential District Zoned. **Site Plan approval to extend 122-feet, 2-inch plastic distribution mainline.**

Chairman Sandora: Again, Mr. Frank, if you would.

Mr. Frank: Ray Frank, Columbia Gas of Ohio. Mr. Chairman, this is an application to extend distribution facilities 122-feet to serve the resident at 12580 Pinebrook Drive who is converting from another energy source and we respectfully request approval of this request. Thank you.

Chairman Sandora: Thank you Mr. Frank. Mr. Schmitzer.

Mark Schmitzer: Thank you Mr. Chairman. As stated in my previous comments, two sets of plans to the engineering Department for permit issuance. Full time inspection required to be paid for by the applicant and or Columbia Gas, And a separate permit application for the connection to the home. No street openings. That's all.

Chairman Sandora: Thank you Mr. Schmitzer. Mr. Alvarez do you have anything?

Rito Alvarez: No comment Mr. Chairman.

Chairman Sandora: Anybody on the Board have anything on this? Anyone in the audience have any questions or concerns? Can I have a motion to approve 12580 Pinebrook Drive for Columbia Gas.

Moved by Victor Bull, seconded by Mayor Stefanik, to **approve Columbia Gas Extension of mainline at 12580 Pinebrook Drive .**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mayor Stefanik: Yes.

Victor Bull: Yes.

Mike McCarthy: Yes.

Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) - 12580 Pinebrook Dr. – Columbia Gas mainline extension.

Chairman Sandora: You are approved.

Columbia Gas of Ohio, 9001 Sassafras Circle, PPN: 481-12-080, Residential District Zoned. Site Plan approval to extend 104-feet, 2-inch plastic distribution mainline.

Chairman Sandora: Mr. Frank, again if you would please.

Mr. Ray Frank approached the microphone.

Mr. Frank: Ray Frank, Columbia Gas of Ohio. Mr. Chairman, this is a request to extend a distribution facilities 102-foot in order to serve the resident at 9001 Sassafras Circle who is converting from another energy source to natural gas and we respectfully request approval of this request. Thank you.

Chairman Sandora: Thank you Mr. Frank. Mr. Schmitzer.

Mark Schmitzer: Thank you Mr. Chairman. Two sets of plans to the engineering Department for permit issuance. Full time inspection required to be paid for by the applicant and or Columbia Gas, And a separate permit application for the connection to the home. No street openings allowed.

Chairman Sandora: Thank you. Mr. Alvarez do you have anything on this?

Rito Alvarez: No comment Mr. Chairman.

Chairman Sandora: Does the Board have anything on this? Anyone in the audience on 9001 Sassafras Circle? I need a motion to approve this.

Moved by Victor Bull, seconded by Mayor Stefanik, to **approve Columbia Gas Extension of mainline at 9001 Sassafras Circle .**

Chairman Sandora: It has been moved and seconded. Mrs. Broestl, please call the roll.

Mayor Stefanik: Yes.
Victor Bull: Yes.
Mike McCarthy: Yes.
Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) - 9001 Sassafras Circle – Columbia Gas mainline extension.

Chairman Sandora: Approved. Good luck and thank you.

Laszeray Technology/Campbell Construction, 12315 York Delta, PPN: 438-06-020.
General Industrial Zoned. **Site Plan approval for an office addition.**

Chairman Sandora: The applicant is here. Please step forward and tell us what you would like to do.

Mark Streb of Campbell Construction approached the microphone.

Mr. Streb: My name is Mark Streb from Campbell Construction, 1159 Blachleyville Road, Wooster, Ohio. We are proposing to build approximately 1400-square foot office addition to the east side of the current office facility they have there, which would consist of five offices and one conference room.

Chairman Sandora: Thank you. Mr. Schmitzer?

Mark Schmitzer: Thank you Mr. Chairman. We have received the detailed site plans that we will review to make sure the existing storm water facility can handle the slight increase in impervious area. There is a very small increase and I believe that the typical design of these facilities and what I have seen, there is some cushion room built in so it is just verifying the numbers. I do ask, and it wasn't in my comments, but I know that we have had discussions internally about getting the owner of the property to consolidate the parcels of land for the purpose of getting everything on one parcel number instead of having two parcel numbers for that land. I think that Tom Jordan can expand on that.

Tom Jordan approached the microphone.

Mr. Jordan: Tom Jordan. I'm the Economic Development Director for North Royalton. One, we want to express our support for Laszeray Technology continues to grow in our Industrial Park and they are a great example of a company that continues to expand in a down economy. The Board has approved a lot consolidation for this during the initial construction. I spoke with Campbell Construction and they believe they prepared the lot consolidation that was reviewed by you. However, it is unclear whether the county has accepted and filed the consolidation. I have spoken with the Building Commissioner and the detailed drawings have not been submitted to his department, but if you could make your approval this evening conditioned upon receipt of the consolidation by the Building Department of the stamped version that will resolve the matter once and for all. We do want to wish Laszeray well and continued expansion.

Chairman Sandora: Thank you Mr. Jordan. Mark, the Fire Department has requested the sprinkler plan also, have you submitted that to them?

Mr. Streb: No.

Chairman Sandora: That must be submitted to them also. Mr. Alvarez?

Rito Alvarez: Thank you Mr. Chairman. This is a very good looking building. Nicely landscaped. The reason I say that is when I looked at one of your sheets, SD-4, you have a proposed dumpster out there in the front of the building and according to our Code that should be screened. I know that right now there are no other tenants out there.

Mr. Streb: What is it, SD-4? Mr. Streb approached the bench.

Rito Alvarez: SD-4. Right here. It's right out in the front and it is a beautiful building and I don't like to see a dumpster out in front like that.

Chairman Sandora: Is there any other place that the dumpster can be moved to?

Rito Alvarez: The Code says that it should be screened.

Chairman Sandora: I know. But is there any other place that it could be put.

Rito Alvarez: You have a concrete pad proposal in the back.

Mr. Streb: This is on our storm water plan. This is just to show where we are putting the dumpster for the construction.

Rito Alvarez: So, that is just temporary?

Mr. Streb: That is just temporary for the construction. That is not a permanent location for the dumpster.

Rito Alvarez: Okay. Out of curiosity, where is the dumpster going to be located?

Mr. Streb: They have there dumpsters located right here. (Mr. Streb approached the bench to show the diagram and location). It is also screened in.

Rito Alvarez: He answered my question then about the dumpster out front being temporary. With that being said, the only other thing I would recommend that you submit four complete sets of drawings to the Building Department for review and permitting purposes.

Chairman Sandora: Thank you Mr. Alvarez. Anyone on the Board have anything else? Anyone in the audience have anything? You are going to have to go before the ARB on this and that is on Monday, September 13th at 6:00.

I make a motion to approve the site plan for an office addition for Laszeray Technology on the condition that they provide the Fire Department with the sprinkler plan and also on the condition that they consolidate the two parcels into one and it is filed with the County. Also, that it meets all the recommendations and conditions of the ARB may place on them. Seconded by Victor Bull. Mrs. Broestl, Please call the roll.

Mayor Stefanik: Yes.

Victor Bull: Yes.

Mike McCarthy: Yes.

Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion carried. (4-0) - Laszeray site Plan approval for an office addition.

Chairman Sandora: Approved. Good luck.

Induction Tooling/Campbell Construction, 12510 York Delta, PPN: 483-05-004.
General Industrial Zoned. **Site Plan approval for an addition.**

Chairman Sandora: The applicant is still here.

Mark Streb from Campbell approached the microphone.

Mr. Streb: Mark Streb of Campbell Construction, 1159 Blachleyville Road, Wooster, Ohio. This is a proposal to put approximately 1800-square foot addition on the rear side of Induction Tooling. This is for additional space that they need for laboratory space.

Chairman Sandora: Okay. Mr. Schmitzer.

Mark Schmitzer: Thank you Mr. Chairman. My comments are pretty much the same as the last site plan we had. Detail plans as Mr. Alvarez will state as well. We will need final plans in for permitting purposes and the actual formal final review. Based on the Planning Commission submittal, I don't have any issues. Everything seems to be conforming to our Code.

Chairman Sandora: Storm water okay?

Mark Schmitzer: That is part of our detailed review. They have proposed with the addition that they are going to modify the existing storm water facilities and we will check with their proposal that it still meets the requirements in our Code. But, all indications are that it will conform.

Chairman Sandora: Thank you Mr. Schmitzer. Mr. Alvarez?

Rito Alvarez: Thank you Mr. Chairman. Again, previously stated, upon approval submit four complete set of building plans to the Building Department for plan review and permitting purposes. Thank you Mr. Chairman.

Chairman Sandora: Thank you Mr. Alvarez. Anybody else on the Board have anything? Mr. Jordan?

Tom Jordan approached the microphone.

Mr. Jordan: Tom Jordan, Economic Development Department. Actually the owners of Induction Tooling, Bill and Sherry Stuehr are actually in the audience tonight. They are both residents and owners of the business. They have invested a substantial amount on the current building and continue to invest in the site and it is our desire to see that this application be approved. Thank you.

Chairman Sandora: Thank you Mr. Jordan. Anybody else? Again, this will have to go before the ARB on Monday, September 13th. **I'll make a motion to approve Induction Tooling site plan for 12510 York Delta on the condition that it meets the storm water requirements of the Engineering Department and that it meets all of the conditions and requirements of the ARB. Seconded by Mayor Stefanik. It has been moved and seconded.** Mrs. Broestl, please call the roll.

Mike McCarthy: Yes.
Mayor Stefanik: Yes.
Victor Bull: Yes.

Chairman Sandora: Yes.

Yeas – all. Nays- none. (4-0)

Motion carried. – Induction Tooling site Plan approval for an addition.

Chairman Sandora: You're approved. Good luck to you. Anything under miscellaneous? Motion to adjourn.

Moved by Chairman Sandora, seconded by Mayor Stefanik, to adjourn the Planning Commission meeting of September 1, 2010.

Approved: _____
Chairman Sandora

Date: _____

Attest: _____
Secretary Julie Broestl