

The North Royalton Planning Commission held a Public Hearing on **January 29, 2014**, in the City Hall Council Chambers, 13834 Ridge Road, North Royalton, Ohio. Chairperson Cheryl Hannan called the meeting to order at 7:00 pm.

Present: Chairperson Cheryl Hannan, Mayor Stefanik, Council President Larry Antoskiewicz, Tim Miller, Frank Castrovillari, Building Commissioner Dan Kulchytsky, Engineer Mark Schmitzer, Law Director Tom Kelly, Secretary Julie Broestl

Pledge of Allegiance was recited by all.

Public Hearing

Mark Breen/Breen Holdings, LLC, corner of Goodman Drive and State Road, PPN: 488-05-012. Traditional Town Center District Zoned. **Site plan approval for a new professional building.**

Cheryl Hannan: Is the applicant here? Could you please come up to the microphone and give your name and address for the record.

Mark Breen approached the microphone

Mark Breen: Good evening. My name is Mark Breen, 3091 Osage Way, Broadview Hts., Ohio. I'm here to present the site plan for approval for the building we would like to build on the corner of State and Goodman. I have my wonderful architect here tonight, Leon Sampat. Thank you.

Leon Sampat approached the microphone.

Leon Sampat: 22082 Loran Road, Fairview Park. This is my first time doing this, and we've been through a couple of plans. You obviously already have this submission. This building is approximately 2400 square feet that we would like to construct on the corner of State Road and Goodman Drive. It will have the front entry right off of Goodman. The parking area meets all the required spaces per Code. I'm glad we received approval from the Board of Zoning Appeals for a variance for the covered walkway, which is in front. I understand that the sign cannot be reviewed or approved today because we need a variance for that even though we included it in the submission.

Cheryl Hnanan: Thank you. Can I have a motion and a second to move to the regular order of business.

Moved by Tim Miller, seconded by Larry Antoskiewicz, **to Breen Holdings to the regular order of move business.**

Roll Call:

Tim Miller:	Yes
Larry Antoskiewicz:	Yes
Frank Castrovillari:	Yes
Cheryl Hannan:	Yes
Mayor Stefanik:	Yes

**Ayes - all. Nays – none.
Motion carried. (5-0)**

Carmen Matteo, Matteo Business Park, 12492 York Road, PPN: 483-06-011. General Industrial Zoned Site plan approval for an addition and an accessory structure.

Carmen Matteo approached the microphone

Carmen Matteo: Good evening, Carmen Matteo, 1235 Firwood Road, Broadview Hts., Ohio. We would just like to connect two buildings together to join them as one. Structure would then be 50 x 80, and there is just 2-inches, 50-foot wide right in the middle there.

Cheryl Hannan: Okay. Can I have a motion and a second to move to the regular order of business.

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz, **to move Breen Holdings to the regular order of business.**

Roll Call:

Larry Antoskiewicz: Yes
Frank Castrovillari: Yes
Cheryl Hannan: Yes
Mayor Stefanik: Yes
Tim Miller: Yes

Ayes - all. Nays – none.

Motion carried. (5-0)

Cheryl Hannan: Do I have anything under miscellaneous? Okay. Can I have a motion and a second to adjourn?

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz, **to adjourn the Public Hearing.**

Roll Call:

Cheryl Hannan: Yes
Mayor Stefanik: Yes
Tim Miller: Yes
Larry Antoskiewicz: Yes
Frank Castrovillari: Yes

Ayes - all. Nays – none.

Motion carried. (5-0)

The North Royalton Planning Commission held a Regular meeting on **January 29, 2014**, in the City Hall Council Chambers, 13834 Ridge Road, North Royalton, Ohio. Chairperson Cheryl Hannan called the meeting to order at 7:10 pm.

Present: Chairperson Cheryl Hannan, Mayor Stefanik, Council President Larry Antoskiewicz, Tim Miller, Frank Castrovillari, Building Commissioner Dan Kulchytsky, Engineer Mark Schmitzer, Law Director Tom Kelly, Secretary Julie Broestl

Motion and a second to approve the minutes of December 4, 2013 if you so choose.

Moved by Larry Antoskiewicz and Seconded by Tim Miller, to approve the minutes of December 4, 2014.

Roll Call:

Larry Antoskiewicz: Yes
Frank Castrovillari: Yes
Cheryl Hannan: Yes
Mayor Stefanik: Yes
Tim Miller: Yes

Ayes - all. Nays – none.

Motion carried. (5-0)

Woodcroft Glen, Woodcroft Glen Phase II, Final plat approval. Tabled, No action.

Mark Breen/Breen Holdings, LLC, corner of Goodman Drive and State Road, PPN: 488-05-012. Traditional Town Center District Zoned. **Site plan approval for a new professional building.**

Cheryl Hannan: Would you like to come back up here?

Mark Breen: No, that's okay.

Cheryl Hannan: Is there anything from the Law Department?

Tom Kelly: No comment.

Larry Antoskiewicz: Madam Chair. Did you get to read the comments from the Engineering Department?

Mark Breen: Yes, I did.

Cheryl Hannan: From the Building Department. Dan, do you have any comments on this?

Dan Kulchytsky: Yes, thank you Madam Chair. Listed under number nine, which deals with the BZA approvals. A dumpster enclosure must be installed as per our Ordinances. Also, a request to increase landscape density, for the height and the type. For instance like evergreens on the west side of the property line, there needs to be an increase in landscaping to shield that parking lot. For instance, if a

car pulls in and leaves their lights on it doesn't shine directly into the neighboring property. Provide landscaping on the southwest side of the parking lot. The plan submitted doesn't appear to have anything shown. There is a nice landscaping plan but ignores that area. If you could just revisit that area. At BZA there was discussion of a privacy fence along the property with the family to the north side. Last, any lighting that is installed must be shielded so that it doesn't disrupt any neighboring properties. I know that the applicant has an issue with one of these, could he express that now.

Mark Breen approached the microphone.

Mark Breen: We just received these comments this morning so we haven't had enough time to really discuss this together. This office is not in the food business and we plan on not having much garbage at all. I'm in the securities business and anything that we throw away will have to be shredded. There really isn't the need for a dumpster because we won't have loads of garbage. Everything will be shredded. I really feel we don't need one. The neighbor's over there will really not be happy with a dumpster I'm sure. I was hoping that we wouldn't need to install one. As far as the landscaping, we really didn't have much time to discuss it. We will gladly install the landscaping on the southwest corner. I agree with you that it would make it look better. I believe that Leon has overlooked the lighting and everything is shield from other properties. The lighting on the building will not be directly shining on any other properties. We've both researched that lighting. The fencing, I have no problem with but we only have five feet on that side to work with. We were going to install evergreens along that side of the property and feel that it will create privacy for the neighboring property. In my conference room on that side I would rather see landscaping than a fence only a few feet away. I just think that a line of evergreens would be a better privacy shield than a fence. On the west side we will be putting many evergreens to shield the parking lot area and we know that it will be more than adequate for that parking area. I hope we touched on everything.

Dan Kulchytsky: Madam Chair. Given the nature of their business, and I can only speak for the Building Division, but we can monitor the ongoing landscaping and also the dumpster enclosure. We can see what transpires and decide what will be needed and if it arises a dumpster will be installed. Mr. Breen stated that they have a large garage area where what little garbage they have will be stored in the garage.

Cheryl Hannan: Is there any legal issues regarding that?

Tom Kelly: Madam Chair. It's a single use building and a single user building. You might have other employees but it's still a single business. I don't think it would be absolutely necessary to have to conform with the outside dumpster. It's also not a very attractive looking structure. I would concur with Mr. Kulchytsky that if someday down the road if Mr. Breen sells the building down to a different company and the Building Division will get a change of occupancy and then become aware of that change in business and at that time the Building Division may have to insist that a dumpster enclosure be mandatory at that time. Thank you.

Mark Breen: Correct me if I'm wrong, but if a change of use comes in could we change it to say any new occupant or owner?

Tom Kelly: I was trying to tie it to the occupancy permit. As long as Mr. Breen is running his under his occupancy permit. It's not the nature of the use it's the occupancy change that will trigger a review for permit.

Mark Breen: That's fine with us. If a restaurant comes in and starts a business then the change of occupancy would also require a dumpster. A review would be fine.

Cheryl Hannan: Change of use for the business.

Dan Kulchytsky: Madam Chair. For the sake of this Board and Mr. Breen, they shall be returning to this Board at the end of February for any of the exterior benefits and anything else that would have been reviewed by the ARB. Specifically landscaping and exterior materials. Right now this Board can not give approval for any exterior appearances. Elevations were submitted in their packet. I can speak from the Building Division aspects regarding their exterior and their general design does fall into the requirements of Town Center District. I feel comfortable telling the applicant to continue forward with their designs that were submitted.

Mark Schmitzer: Along with any tweaks along the way that we have suggested.

Dan Kulchytsky: Correct. I just want the applicant to feel confident that he may go forward with the project.

Cheryl Hannan: Can we then have a motion to approve what is now before us and on the contingent upon them returning to this Board for the exterior appearance

Larry Antoskiewicz: Would this include the landscaping and fencing that they will be discussing with you?

Dan Kulchytsky: Correct. This will give us the opportunity to discuss the level of fencing and landscaping with the Building Divisions recommendations and also any Engineering issues that are outstanding will then be resolved.

Mark Breen: We will be installing the landscaping per your request and also the issue of privacy to the adjoining properties. The issues concerning the engineering department are being dealt with because we have our surveyor working on it right now so that we will be ready for the next meeting.

Cheryl Hannan: Julie, when is our next scheduled Planning Commission meeting?

Julie Broestl: Well our February 12th meeting has been cancelled. The next meeting will be held on February 26th.

Cheryl Hannan: Is there anyone else in the audience that would like to speak on this issue?

Mr. Don King approached the microphone

Mr. King: Don King, 5611 Goodman Drive. I would just like to see what the building is going to look like on the outside.

Marnecheck: Good evening. I'm Paul Marnecheck Councilman for Ward 4, 7348 Julia Drive.

Mr. Breen has been to many meetings. Board of Zoning Appeals and Planning commission before. Many of you have been sent notices regarding this project and many of the residents did come. This is a Town Center District zoned area and what is proposed to be constructed is good for this lot. There will be a low amount of traffic going in and out. Regarding the dumpster, I'm sure that the residents on Goodman Drive will notify me. In case I can't make it to the next meeting, I just wanted it to be on the record that I support what Mr. Breen proposes to do on that property. Thank you.

Moved by Larry Antoskiewicz, seconded by Tim Miller, to approve Mark Breen, Breen Holdings, to construct a new professional building on the corner of State Road and Goodman Drive, PPN: 488-05-012.

Roll Call:

- Tim Miller: Yes
- Larry Antoskiewicz: Yes
- Frank Castrovillari: Yes
- Cheryl Hannan: Yes
- Mayor Stefanik: Yes

Ayes - all. Nays – none.

Motion carried. (5-0)

Carmen Matteo, Matteo Business Park, 12492 York Road, PPN: 483-06-011. General Industrial Zoned Site plan approval for an addition and an accessory structure.

Cheryl Hannan: Would you like to address the commission again? Okay. Dan, do you have anything to comment on this issue.

Carmen Matteo: No.

Cheryl Hannan: To the Building Division, Dan do you have anything to say about this.

Dan Kulchytsky: Madam Chair, there are several items that the Building Division has noted. First of all, all structures in Industrial zoned districts must be masonry. The applicant has given us a photo that he is going to be matching up with the new proposed building. The code doesn't say exactly how much masonry. He is showing the lower portion of the building is masonry but the upper part is metal. The Building Division has not problems with that. Question is to the applicant, the accessory building in the back that they are proposing is 1,800 square feet is going to have this appearance?

Carmen Matteo: Yes sir.

Dan Kulchytsky: So both structures on the site, the main building and the accessory building will have the same appearance. I defer to the Board that they come back to this Board with these plans. The Code also requires that at the entry way landscaping must be installed in General Industrial Districts. This Board will have to review the landscaping. There are engineering questions that need to be

answered and now the applicant does have an engineer on board with this to facilitate the answers to these questions.

Cheryl Hannan: Dan, is this something that they will have to come back next month and discuss?

Dan Kulchytsky: I guess I will defer to the Board on that. The amount of documentation that was given is limited and doesn't apply enough information to review it for all but landscaping. Mr. Matteo This is for your business correct?

Carmen Matteo: Yes, currently in Brecksville.

Dan Kulchytsky: This is a concrete business correct?

Carmen Matteo: Yes. This is a warehouse storage for tools and machines.

Dan Kulchytsky: After reviewing your plans and understanding where structures are placed, I need you to understand that per our Ordinance it is required that there is a primary use. We can't simply have a storage building without a primary use on the premise. So, you must state that your business is being run from this establishment in order to have an accessory storage unit. You must provide an address and an R.I.T.A. tax document in order to own this building.

Carmen Matteo: The landscaping you are referring to is on York Road, would that have to be changed?

Dan Kulchytsky: The landscaping would have to be sufficient. Right now I have no documentation to go forward with this to tell you what is needed.

Carmen Matteo: Right now there is just a sign stating all the tenants that are there along with a few shrubs around it with brick. The area up front is not that big. It has a couple trees. Do you want us to have all new landscaping up front?

Dan Kulchytsky: It would have to be equivalent to a new development. You can do this right now here, discuss the landscaping. You can have the Building Division discuss the landscaping with him and then have him return here.

Cheryl Hannan: Are you sharing space with other businesses? I'm a little unclear. Will you be doing the landscaping alone or with other tenants? Dan, I'm a little unclear.

Dan Kulchytsky: The applicant owns the property.

Carmen Matteo: There are six other tenants in the building. But I do own the property. I will be doing the landscaping.

Cheryl Hannan: Okay. Anyone else?

Larry Antoskiewicz: Madam Chair. The only other thing I'm concerned about is that you stated you have an engineer on board now. Did you speak with your engineer regarding these issues? Did they give a report something like our engineers do?

Carmen Matteo: I didn't see any report yet. My dad has but I haven't seen it. We would show our engineers the report though.

Dan Kulchytsky: If this cannot meet with the satisfaction of the engineering department a permit will not be issued. You can approve this with the resolution of the engineer's comments and the resolution of the landscaping.

Larry Antoskiewicz: So, we could actually approve this with the resolutions as Dan stated.

Tom Kelly: Madam Chair. Nobody wants to see this applicant have to come back before us unless it is mandatory. And on the other hand we must be consistent on our approach. Mr. Breen, the applicant, is somewhat having the same experience. I think it would be appropriate to make Mr. Matteo make the changes that are necessary and bring the plan back before this Board for you to look at and then make your judgment call. I would advise you to consider this. Thank you.

Mark Schmitzer: For me, if it's only the landscaping issue and because there is existing landscaping, I don't have a problem with you bringing up a hand-sketch plan of what is there now and you can work it out with the Building Department. Maybe the answer is some extra mulch and a couple more bushes. I don't see a reason for him to come back before us just because a couple bushes are needed. If the Building Department takes it upon themselves and state what we want I feel that would be acceptable.

Larry Antoskiewicz: We still have the issue of the engineer. I would like to see how this is going to be. I think it should be approved by the Engineering Department.

Carmen Matteo: What I would like to do is match the building that already exists. One building was built in 1978 and the other was 1999. I would like to go with the newer building because it's more updated

Larry Antoskiewicz: As far as the design I understand but we have comments by our Engineering Department about downspouts and water run-off.

Carmen Matteo: We are connecting to the existing which is to the back of the new building. They are 6-inch drain tiles and runs off into the detention basin in the rear. Everything will be going with the new building.

Mayor Stefanik: Madam Chair. I don't think this is a real problem. The Building Commissioner will stay on top of it. You cooperate with him and I think we can wrap it up her tonight. Could you step up here I have a question. This is the area that you are talking about right here. Did you just purchase this recently, or your father did? Are all the other tenants staying?

Carmen Matteo: Yes we purchased it recently. The tenants are all staying.

Mayor Stefanik: And what building will your business be out of?

Carmen Matteo: The new one. Concrete construction.

Cheryl Hannan: Anyone else have any comments or questions? All right, can I have a motion and a second which will be subject to the Engineer Department and defer the landscaping to the approval of the Building Commissioner. I need a motion that incorporates this all.

Moved by Larry Antoskiewicz, seconded by Tim Miller, to approve **Carmen Matteo, Matteo Business Park, Site plan approval for an addition and an accessory structure subject to the Engineering Department and defer the landscaping to the approval of the Building Commissioner.**

Roll Call:

Larry Antoskiewicz: Yes
 Frank Castrovillari: Yes
 Cheryl Hannan: Yes
 Mayor Stefanik: Yes
 Tim Miller: Yes

**Ayes - all. Nays – none.
 Motion carried. (5-0)**

Ordinance No. 13-152: An Ordinance amending the Codified Ordinances of the City of North Royalton by amending various sections of the Codified Ordinances in order to eliminate the Architectural Review Board and assign those duties to other Boards and City Officials, and Declaring an Emergency.

Cheryl Hannan: To the Law Director.

Tom Kelly: Madam Chair, members of the Board, for some time now, the effort of the administration is to streamline the government to make it more user friendly and to reduce the number of meetings applicants have to attend. It has therefore been determined that the functions of the Architectural Review Board may be better handled by the Building Commissioner in his capacity and the Planning Commission in others. So, it has been decided that the Architectural Review Board be eliminated so to streamline the process for our applicants. Is that helpful?

Cheryl Hannan: Does anyone have any questions? I know that this has been in the works for a while, but why do we have to declare it an emergency?

Tom Kelly: Madam Chair. The emergency language doesn't refer to a fire, it refers to and means that it becomes immediately affective after approval. This way it doesn't have to go to the 30 day waiting period that is stated in the Ohio Revised Code. It doesn't mean what it appears to mean.

Cheryl Hannan: I just wondered why we didn't bring it back for a second and third reading. So, now this is something we don't have to do?

Larry Antoskiewicz: It's already on the third reading. Council had it on their agenda about a month ago. Then it went to committee.

Mayor Stefanik: Madam Chair. I hope you're not referring to the articles in the paper. The reporter doesn't have a clue of what it is he was talking about. It would take him a long time to understand the procedure so instead he just throws out rubbish in the press. It's in our language.

Tom Kelly: That language is revised by the Ohio Legislature. In this instance the public has had plenty of time to react upon this subject matter had they chosen to do so. There have been three council meetings and the committee meetings chaired by Mr. Marnecheck in Building and Building Codes six months previously. The issue of an emergency in the legislation is technical.

Paul Marnecheck approached the microphone.

Paul Marnecheck: I'm still Paul Marnecheck, and I'm still Ward 4 Councilman. I would like to echo some of the sentiments our Law Director stated. Before this was on first reading for the full council they had it for six months. The Law Department, and assistant Law Director Donna Vozar, and our Building Commissioner came to us with various drafts of this. I believe one or two meetings some of the public showed up at the meetings and chimed in. The public had plenty of time to express their thoughts. The emergency is only language. The minute this is passed I would like the Mayor to sign it and put it in effect so that applicants and businesses can start working immediately with the Building Commissioner and the process starts off correctly. I'm also glad that Frank is on this Board because he is highly qualified. After it is passed in Council the Mayor will then sign it and we can move forward. Thank you.

Cheryl Hannan: Thank you. Any other comments?

Tom Kelly: Madam Chair. If it is approved here it will go back to Council with a favorable recommendation so that would be the appropriate motion.

Moved by Mayor Stefanik, seconded by Tim Miller to **recommend to Council Ordinance No. 13-152**

Roll Call:

- Frank Castrovillari: Yes
- Cheryl Hannan: Yes
- Mayor Stefanik: Yes
- Tim Miller: Yes
- Larry Antoskiewicz: Yes

**Ayes - all. Nays – none.
Motion carried. (5-0)**

Moved by Mayor Stefanik, seconded by Tim Miller, to adjourn the Planning Commission meeting of January 29, 2014.

Roll Call:

- Mayor Stefanik: Yes
- Tim Miller: Yes
- L Frank Castrovillari: Yes
- Cheryl Hannan: Yes
- Larry Antoskiewicz: Yes

**Ayes - all. Nays – none.
Motion carried. (5-0)**

Approved: _____ Date _____

Attest: _____
Planning Commission Secretary