

The North Royalton Planning Commission held a **Public Hearing** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, November 13, 2013**. The meeting was called to order by Chair Cheryl Hannan at 7:02 pm.

Present: Chairwoman Cheryl Hannan, Mayor Stefanik, Larry Antoskiewicz, Tim Miller, Building Commissioner Dan Kulchytsky, City Engineer Mark Schmitzer, Law Director Tom Kelly , Secretary Julie Broestl.

Pledge of Allegiance was recited by all.

Public Hearing

Sam Calanni, 12412 York Road, PPN: 483-06-010, General Industrial Zoned.
Approval for permanent trailer to conduct a landscaping business.

Cheryl Hannan: Is there anyone her to speak on this issue? Could you come up to the microphone. Give you name and address.

Sam Calanni approached the microphone.

Sam Calanni: Sam Calanni, my home address is 10575 Sprague Road. Good evening. I'm a North Royalton resident and I own a landscaping business here. I've been in business for over 30 years at 12412 York Road. I employ seven full time employees and they rely on me. We have a design company we do new home construction, and install paver patios and do concrete walls. I use the land on York Road to basically store my vehicles and supplies. We bought the construction trailer and it's been on this property for four years. A couple weeks ago, I received a letter from the Building Commissioner's department telling me that I have to make a permanent structure. This trailer is like the one that the school board has on Royalton Road. So, I'm here to put it as a permanent structure. I want to say that there was a previous structure on the property that was removed. The land is now cleared. I've been there for 16 years and storing my equipment there and we basically go to the property and then leave in the morning. That's it.

Cheryl Hannan: We will probably be asking questions of you when we move this to the next part of the meeting. Do I have a motion and a second to move this to the regular order of business.

Moved by Larry Antoskiewicz:, seconded by Tim Miller, to **move Sam Calanni Landscaping to the regular order of business**

Roll Call

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

Ayes – all. Nays – none.

Motion Carried. (4-0)

Cheryl Hannan: Okay. Anyone from the public wishing to speak? Anything under miscellaneous? Can I have a motion and a second to adjourn the Public Hearing.

Moved by Mayor Stefanik, seconded by Tim Miller, **to adjourn the Public Hearing.**

Roll Call

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

Ayes – all. Nays – none.

Motion Carried. (4-0)

The North Royalton Planning Commission held a **Regular Meeting** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, November 13, 2013**. The meeting was called to order by Chair Cheryl Hannan at 7:11 pm.

Present: Chairwoman Cheryl Hannan, Mayor Stefanik, Larry Antoskiewicz:,
Tim Miller, Building Commissioner Dan Kulchytsky,
City Engineer Mark Schmitzer,
Law Director Tom Kelly , Secretary Julie Broestl.

Cheryl Hannan: Do I have a motion and a second to excuse Tim Miller from voting on the minutes.

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz **excuse Tim Miller from voting on the minutes**

Roll Call

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz:: Yes

Ayes – all. Nays – none.

Motion Carried. (3-0)

Cheryl Hannan: Do I have a motion to approve the minutes of October 2, 2013

Moved by Larry Antoskiewicz, seconded by Mayor Stefanik, **to approve the minutes of October 2, 2013.**

Roll Call

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz:: Yes

Ayes – all. Nays – none.

Motion Carried. (3-0)

Cheryl Hannan: Do I have a motion to approve the minutes of October 23, 2013

Moved by Larry Antoskiewicz, seconded by Mayor Stefanik, **to approve the minutes of October 23, 2013.**

Roll Call

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion Carried. (4-0)

Woodcroft Glen, Roylton Road, GB and RMD Zoned.

Woodcroft Glen Phase 2 final plat approval. **Tabled. No action.**

Sam Calanni, 12412 York Road, PPN: 483-06-010, General Industrial Zoned.
Approval for permanent trailer to conduct a landscaping business.

Cheryl Hannan: Do you have anything else you would like to say?

Sam Calanni: Just that I have been there for 16 years and I have seven families that rely on me. I've been in North Royalton for years and I have never had a problem until this year.

Cheryl Hanna: Could you please approach the microphone in case someone might have a question for you. Building Commissioner?

Dan Kulchytsky: Madam Chair, to the Board. Mr. Calanni is here tonight for basically two items; first is, determination of similar use. Our Code has no zoning that is applicable for the landscaping business. The applicant is required to appear before the Planning Commission and the Board is to determine whether or not it is a similar use to other uses in the zoned district. The comments that I have given to the Board describes what criteria should be looked at and if it is appropriate for the business to be in that zone. I have a question to Mr. Calanni. What exactly is the nature of your business. What do you store on your site? What are your hours of operation? What functions do you conduct at the location?

Mr. Calanni: I do not have any customers come onto my property. Basically, we start at 8:00 am, and closing time varies, as with any landscaping business. I store my dump truck over on the property, skidsters, a couple trailers, supplies, and miscellaneous equipment. We store patio pavers, we install retaining walls. We specialize in new home landscaping and renovations.

Dan Kulchytsky: To the Board, this is similar to the other applicants that came before us with the landscaping businesses on York Road. Per our Code is that a main use be declared, or provided, prior to any type of accessory use, such as storage. To Mr. Calanni, one stipulation that we placed on the other landscapers that were before us was that the materials be located in enclosed structures. Landscaping materials should be kept inside three sided bins. I'm sure you are aware of the concrete block bins that hold the mulch and other materials. That was a prerequisite of the other landscapers that they have the bins and the material inside do not go higher than the bin. The contractors have to provide us with the main use, or an office building, whatever they build and use on the site to comply with that. The board did request the hours of operation but our Code prohibits certain hours already in the General Industrial Zoning.
Cheryl Hannan: Did you understand what the Building Commissioner stated?

Mr. Calanni: Yes. I know that he wants me to make the trailer permanent on the property.

Dan Kulchytsky: Also that the materials be stored properly inside bins, and they can't be stored in loose piles. The board should request that the materials are stored properly as they had required the other applicants who were contractors.

Mr. Calanni: Like gravel?

Dan Kulchytsky: Like gravel, stone, soil and mulch.

Mr. Calanni: With the bins, what is the purpose of that?

Dan Kulchytsky: Per our code, you are not to do outside storage within the City of North Royalton. Like stockpiles for example. Materials that you use should be stored internal. This Board has determined that the three sided bin be acceptable.

Mr. Calanni: A concrete bin?

Dan Kulchytsky: Yes.

Mr. Tom Kelly: Madam Chair. If I could ask Mr. Kulchytsky something. Did the commission put a height limit on those bins?

Dan Kulchytsky: The previous landscaper's determination was that the bin be 10 to 12 feet high. I, as the Building Commissioner, and this Board, didn't have any problem with that.

Mr. Tom Kelly: But not 20-feet high

Dan Kulchytsky: No, not 20-feet high.

Mr. Tom Kelly: Secondly, in terms as a permanent structure, the applicant has suggested that you told him that he had to make that trailer permanent. Is that your interpretation that the Code would permit a trailer to be employed in that fashion?

Dan Kulchytsky: There are several issues here. Currently, the trailer is located on tires. So, it isn't even a semi-permanent structure. It's been sitting there but that doesn't make it permanent. The discussion that we had, Mr. Calanni opted to do the minimal amount of work to make it be deemed as a permanent structure. Similar to a modular unit that we would find at a school.

Tom Kelly: To your knowledge, has this Commission ever approved this kind of experience before in a commercial setting?

Dan Kulchytsky: No, they have not. Should this Board approve this, Mr. Calanni would have to go before the Board of Zoning Appeals to get a variance for not complying with a masonry veneer structure. All structures in a General Industrial Zoned district are required to have a masonry veneer structure or receive a variance to appeal to that.

Mr. Calanni: What about the trailer on Rt. 82, the school board?

Tom Kelly: I can speak to that. The school district is a separate entity and they don't have to comply with our rules and regulations. Typically they have. Sometimes and in this instance, there may be an exception made for the Board of Education because they have a limited use purpose. When I asked Mr. Kulchytsky if we had approved this kind of experience before in a commercial enterprise and the answer was in the negative

Dan Kulchytsky: Mr. Calanni, they are also different zoning districts. You are in General Industrial and the school board is in Public Facilities which has a different set of rules than your district.

Tom Kelly: And, as the mayor whispered in my ear, that trailer is not the main use on the property. It is an accessory building. Mr. Calanni, which you may hear, and I'm not certain because everyone here has their own vote, but the similar use which you seek to use the property in the manner in which you are using it is acceptable. But, the structure will have to be in the nature of a permanent building. Not a trailer which has had its wheels taken off.

Mr. Calanni: No, no. We are going to put in a bathroom, sewers, water. I'm going to skirt it and put in a fence and make it permanent. We'll put it on concrete. It's going to be permanent.

Tom Kelly: It's not up to me. This Commission has never previously approved a trailer as a permanent building as a main use on the parcel.

Mr. Calanni: Well, I have been there for 16 years.

Tom Kelly: Well, then for 16 years, you have gotten away with it.

Mr. Calanni: No. The prior administration had no problem with it when it was there.

Tom Kelly: Well, maybe there just didn't enforce the Code. That means that this wasn't going to last forever.

Mr. Calanni: Seven families rely on me and I've been working there for 16 years. I'm willing to comply with what the Building Commissioner wants, and if he wants me to make it permanent that's what we are going to do. No customers come over to that and I just park my vehicle there in the morning and leave to go to my work areas. I explained that I don't even use that trailer that is parked there. I just bought this parcel to park my stuff in the back of the property. That's the only reason.

Cheryl Hannan: Okay. To the City Engineer, any comments?

Mark Schmitzer: Thank you madam Chair. I discussed with the Building Commissioner how did we want to deal with this site. As you are aware, there are certain Ordinances and Codes in place regarding a business as this that keeps revolving. You will not have seeded grass or pavement down. As your business changes different uses will change also. But our job is to try to protect erosion sediment from happening and causing effects downstream. Adjacent to your property you have a large ravine, as you know. A small portion but still adjacent to your property.

Mr. Calanni: Maybe 900 to 1,000 feet.

Mark Schmitzer: A portion of our Code deals with Riparian setbacks. That is an area that we try to protect and establish near the stream so that it doesn't get disturbed and doesn't erode. Previous businesses that were there and looking at the past layouts, and previous engineers that have looked at the topography, the setbacks there is a 25 foot on both sides of that stream that has to be protected and if it's not protected, re-vegetated. Our Ordinances also calls for a steep slope addition to that. That is when we have ravines very steep in nature and not just flat land we add additional buffer onto that to protect that deep slope. Code states in addition to the 25 foot there be an additional 25 to 100 feet. Looking at the topography I would say an additional 50 foot on the 25 foot. So, basically 75 foot from the water line has to be protected and vegetated. When we looked at aerial and the plan that was submitted, you are pretty close to being in compliance but there are some piles that are near there and I'm going to request, if the Board approves this, that you clean that 75 foot area up so that there is an area that is undisturbed and you make sure it is established woody vegetation. The front area, because you do come in and out of the business, would you put in a hard surface there instead of the stones. Make that apron an asphalt surface.

Mr. Calanni: The apron is all stones now.

Mark Schmitzer: Yes. But with the nature of your business and traveling in and out of there the stones flow out onto the street and then become a hazard. Would you be willing to make that a concrete or asphalt apron. The Building Commissioner and I discussed that the apron area up to the fence that is there should be a hard surface. Beyond that, the gravel is fine. It would be a better appearance and keep down the dust over there.

Mr. Calanni: Sure. No problem.

Mark Schmitzer: On the plans that you submitted here, just draw on it where the intended hard surface driveway will be installed. We will need you to do that on the plans before issuance of permits. Also, show areas that you are going to seed or reseed and clean up the area of gravel and establish the riparian area.

Mr. Calanni: I'm going to move the structure up so that it is aligned with the other two buildings.

Mark Schmitzer: And if your fence gets moved up to there also, then that's where we would request your hard surface be up to. Wherever the fence goes that will be the hard surface area. Dan, would that be acceptable?

Dan Kulchysky: Yes. That would be acceptable.

Mayor Stefanik: Madam Chair. We want this to work for you. We appreciate your business in North Royalton and we understand that you employ seven people. That whole section of York Road is not looking like it should look. We have been working with a few businesses over there so that it has a little more curb appeal. We don't want it to look as though ever Tom, Dick and Harry that moves in over there makes their business look like crap. Could you move your fence up closer and in front of the trailer? Asphalt all the way to the fence. Step up here a minute.

Mr. Sam Calanni approached the bench to see what the Board was requesting on the topo.

Mayor Stefanik: We're just going to wing it here. Put a fence property line to property line. This will be behind the fence. Please go back to the microphone now because we are recording this.

Mr. Calanni: So, you want the fence in front of the trailer?

Mayor Stefanik: I'm throwing it out there to see if it's a possibility.

Dan Kulchytsky: Madam Chair. I see no problem with that. It would help obscure the trailer

Mayor Stefanik: You're a landscaper correct? Just make it look really nice in front of the area there. Can you make it look really nice? Really nice?

Mr. Calanni: If I put the fence in front of the trailer, do I have to make the trailer permanent or can I leave it as it is?

Dan Kulchytsky: Madam Chair, Mr. Mayor. Absolutely! And you will have to secure the approval of the ARB. So, you won't be able to leave it as is. You will have to do serious maintenance to it. We will still see the trailer over the six foot fence. I don't know how high the trailer is eight or nine feet tall and I don't know how high it is lifted off the ground, but we will still see it.

Mr. Calanni: But you won't be seeing the bottom of it when I put the fence in front of it.

Mayor Stefanik: Madam Chair. Mr. Calanni, we are trying to meet you half way here. We don't like trailers. It isn't a structure to me, it's a trailer. It's not a building. You are going to half to put some work into that trailer to please the Building Commissioner. But, if you put a fence close to the road and you maintain it so that the tax payers of North Royalton don't have to look at all the junk when they ride by. I think we can come up with a compromise here.

Mr. Calanni: Can you meet me half way here. Can I leave the trailer as is and not make it permanent. I don't even use the trailer. It will be an expense.

Mayor Stefanik: I can't break the law. The law is the law.

Dan Kulchytsky: Madam Chair, Mr. Mayor. I would agree and you would have to go to the Board of Zoning Appeals. I would refer to the Law Director. I would stand opposed to that as a primary use.

Tom Kelly: Madam Chair. I can suggest from my own experience and knowledge and in my opinion that BZA doesn't have the authority to grant a variance from that provision. It's not an area or yard issue. It's not a use issue in that sense. A main structure is required to operate a business, and it's a permanent structure. If the Commission is going to extend itself and approval a trailer as a permanent structure on that property instead of a building, that is a very large gift to you. Now you may not

think so because you have been able to operate loosely for so long. We don't want you to feel put upon by us, but the fact of the matter is that if this commission grants you this provision or opportunity it would be wise of you to accept it. Because the alternative is to turn down your application all together.

Mr. Calanni: No, I'm okay with it. I thought because if I put the fence there we could meet half way

Mayor Stefanik: Putting the fence there is meeting us half way. You want it to be three quarters of the way. Half way is a pretty good deal.

Mr. Calanni: Okay. I will make it a permanent structure. Do you still want the fence in front?

Mayor Stefanik: Nobody wants to see your trailer up front on York Road.

Mr. Calanni: What if I get rid of the trailer completely?

Tom Kelly: Then you would have to put up a building.

Mayor Stefanik: Even though you had your business over there, it was brought to our attention that it is in violation of our Ordinances and now we can't turn our heads.

Mr. Calanni: I understand. I will make the trailer a permanent structure and I will put the fence up in front.

Mayor Stefanik: The Building Commissioner can meet you on site and you can talk about a spot that you can put the trailer.

Dan Kulchytsky: I will be happy to do that Mr. Mayor. The other recommendation to the board is to continue the fence up front onto the sides for some distance to conceal some of the material in the back

Cheryl Hannan: Any other comments?

Larry Antoskiewicz: Just one. I was looking at the application and definitely want to see the fence go along the front and the sides because I'm also looking at you storing besides gravel and topsoil, three to five small dump trucks.

Mr. Calanni: I have three.

Larry Antoskiewicz: Okay, three dump trucks. You'll need a fence to hide all the materials and vehicles from the view from the road. That's basically what I see on the plans, an office, new fence, a gate, and that's what we are looking at here.

Mr. Calanni: The gate is change linked. Can that stay?

Dan Kulchytsky: The issue is that we are trying to hide everything. So, the gate will be board on board with a metal frame behind it to keep it from falling apart.

Tom Kelly: Madam Chair. I think we should explain to our applicant that this is a unique act on the part of the Planning Commission, which we suggest to you that it does not run with the land. So, if you were to sell the property to someone else, the similar use is gone. So, if you sell this to another, he will not be able to have the same use out of the property that you were granted. They would have to come back before the Planning Commission and get approval all over again. You are also limited to what the application says. So, for argument sake, you are not to have tractor trailers. I see you shaking your head no, and you mean no, but if you were to do that you would be in violation of your similar use permit. Just so we are clear. You get to do what you do, and nothing more.

Mr. Calanni: People have come up to me for 16 years asking if they can store a vehicle on my property and I don't allow it.

Tom Kelly: I just want to make sure you understand that no successor can do whatever they please on that land. They must come before the Planning Commission again regarding any change.

Tim Miller: Madam Chair. Mr. Calanni, you may have already answered this, but what do you do with the trailer? You say you store all the mulch on the outside but what is on the inside of that trailer?

Mr. Calanni: It's an office trailer.

Tim Miller: So, you have electricity to the trailer?

Mr. Calanni: Not anymore.

Tim Miller: Will there be electricity now going to the trailer?

Mr. Calanni: Yes

Tim Miller: I assume then that you will have running water and a bathroom also, with drainage?

Mr. Calanni: I do have a toilet in the trailer already. We have sewers on the property but we need hook up.

Tim Miller: Okay. I would concur that it would then be all functioning with that trailer being permanent.

Dan Kulchytsky: Absolutely.

Mayor Stefanik: Madam Chair. Do we need to put a time limit on this also just to have cooperation with this?

Cheryl Hannan: Dan, do you have any idea?

Dan Kulchytsky: Being winter, it makes it more problematic for me. Mr. Calanni has been making effort in cleaning up the property. If he finishes cleaning up the property and submits the appropriate plans he probably wouldn't be able to execute this work this fall. But with his continued efforts we can give an extension to the spring. Not any longer. It's not a laborious intense project. Right now it's fencing the front and sides and continuing with the concrete apron and switching to asphalt up to the front gate, moving the trailer onto permanent piers behind the fence and reconnecting the utilities, I would recommend six months.

Mr. Calanni: Can I get a little more time?

Dan Kulchytsky: I would recommend that it be at the discretion of the Building Commissioner. If it was a minor item and not completed due to weather, I would be willing to entertain it.

Tom Kelly: How about an outside date Mr. Commissioner, May 31?

Dan Kulchytsky: May 31.

Tom Kelly: Okay. Then there's no argument about it. The date will be May 31, 2014, when everything will be completed Mr. Calanni.

Mr. Calanni: Well, the problem will be the weather.

Tom Kelly: Well, April and May are usually pretty decent. What would you like Mr. Calanni?

Mr. Calanni: Well, I will need a lot of different contractors to do different jobs. I may need up to August or September. One guy can't do all this. In the winter how can I dig the holes. I couldn't start until April anyways. I probably would be finished before August

Mayor Stefanik: Madam Chair. Let's leave it until May 31. If you run into issues then you can deal with the Building Commissioner. He's not as nice as I am though. So, May 31. He's pretty firm on dates.

Mr. Calanni: May 31, okay. But I just might have a hard time finding contractors. I'll need four or five contractors for asphalt, concrete and the fence.

Dan Kulchytsky: I can issue you a fence permit tomorrow Mr. Calanni. And your foundations I could probably expedite those for you so you could start this year.

Mark Schmitzer: Madam Chair. If I may. It doesn't necessarily need to be asphalt. I understand you do concrete so it doesn't have to be asphalt. We are looking for a hard surface. It can be concrete. Whatever works best for you. Just indicate on your plans concrete or asphalt and show thickness of concrete on the plans so that we can work out the permits.

Mr. Calanni: Question. Can it be shavings like All Seasons did?

Dan Kulchytsky: They did an asphalt driveway and concrete on the apron. They have the asphalt grindings already on their site proper for a hard surface for parking and moving around materials. So, up to their gate they are doing asphalt also.

Mr. Calanni: Oh, okay.

Mayor Stefanik: And they are putting up a building, not a trailer.

Mr. Calanni: He's also getting a year too.

Mayor Stefanik: He's putting a building up. He got a year two months ago for a building.

Tim Miller: Madam Chair. Mr. Calanni, they can build house this time of the year in six months. They do plumbing, concrete and electrical. Contractors do work twelve months out of the year.

Mr. Calanni: I know it. I just need to find different people to do the jobs.

Dan Kulchytsky: I will gladly supply you with a list of registered contractors to help you with finding contractors.

Cheryl Hannan: Okay. Can I have a motion and a second with the stipulations that you will work closely with the Building Commissioner and subject to what the Engineer said and as well as our Law Director.

Larry Antoskiewicz: Madam Chair do we have to do two motions or one. Conditional use or combine them both, or doesn't it matter?

Tom Kelly: What we are doing is approving his application. They can be combined because the application contains both the similar use and the structure and now along with all the contingencies upon it.

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz, **to approve the application for Sam Calanni, 12412 York Road, for a landscaping business with all conditions and stipulations of the Building Commissioner, City Engineer, and Law Director, for a permanent trailer with a similar use permit.**

Roll Call

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion Carried. (4-0)

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

Moved by Mayor Stefanik, seconded by Tim Miller, **to adjourn the November 23, 2013 Planning Commission meeting.**

Roll Call

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

**Ayes – all. Nays – none.
Motion Carried. (4-0)**

Approved: _____
Chairman Cheryl Hannan

Date: _____

Attest: _____
Secretary Julie Broestl