

The North Royalton Planning Commission held a **Public Hearing** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, September 4, 2013**. The meeting was called to order by Chair Cheryl Hannan at 7:03 pm.

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

Pledge of Allegiance was recited by all.

Ordinance No. 13-85: An Ordinance amending Chapter 1281 'Traditional Town Center/Main Street District (TCD), Section 1281.03 Permitted Uses in TCD 1,2,3,4, and 5, to allow for the establishment of Veterinary Clinics and /Veterinarian practices.

Tom Kelly: Madam Chair. If it pleases the Chair and members of the Commission. Ladies and gentlemen, the City Council is the body that adopts Ordinances in our City under the Charter. They usually don't consult with other boards and commissions. However, under certain instances and under the Charter of our Codes there is a 'Mandatory Referral' In this instance, the amendment amending the Codified Ordinance calling for the allowance of Veterinary Clinics and practices within the TCD district zoning classification has been mandatorily referred to the Planning Commission for their consent, approval and advice, for that matter. So, it is my obligation to carry back to the Council your recommendation. So, if anybody is here tonight to speak on this matter it would be appropriate to do so at this time, Madam Chair. From the point of view of those supporting this Ordinance, I can tell you that the Town Center District classification has been a failed experience. And as a result, many businesses that otherwise would have been appropriate for a General Business classification would be excluded based on what was thought many years ago, to be the anticipated movement of businesses into that area. In this instance there is an effort being made to expand the uses and in this case for Veterinarian clinics and practices. After the Master Plan Committee has completed their work, there in fact, will be many other proposed modifications to the zoning class which is now known as the TCD. Madam Chair, if there is anyone here wanting to speak on this tonight, now will be the appropriate time.

Cheryl Hannan: Thank you. Anyone here to speak on this issue? Okay. Do I have a motion and a second to move this to the regular order of business.

Moved by Tim Miller, seconded by Larry Antoskiewicz, to **move Ordinance No. 13-85 to the regular order of business.**

Roll Call:

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Mark Breen, Breen Holdings LLC/Ray Good, PPN: 488-05-012, Traditional Town Center District, Approval of the storm sewer easement.

Mark Breen approached the microphone.

Mark Breen: Mark Breen, 3091 Osage Way, Broadview Hts., Ohio. I'm here to request the easement that has been presented to you for an existing storm water culvert that is already on the property. It's a correction of the existing deed and we want to extend it to the end of property line. I just want to make it clear that it is an existing culvert.

Tom Kelly: Madam Chair. For the benefit of the Commission members, I think we need to hear from Mr. Schmitzer on this subject. I can tell you that there has been an existing storm water way there for many, many, years. The reason this is before you tonight has to do with the fact that this is an instance that Council is looking for your approval to determine whether or not to except this easement bearing in mind that creates arguably a burden on the community for maintenance in the future. So, Madam Chair, I ask that you call upon Mr. Schmitzer for his view.

Mark Breen: Can I add? Talking about the cost to maintain the culvert. I'm not sure that hasn't been maintained by the City already. I just don't have any history on that. I just want to make it clear that it is an existing culvert and was put in place when the development was established. I have no history on it and with the discussion I have had with Engineering and with Economic Development that this is essentially a correction of the situation. I appreciate the commentary on the responsibility factor, but I believe the responsibility factor is already there, that is my point. Thank you.

Cheryl Hannan: To the City Engineer.

Mark Schmitzer: Thank you Madam Chair. We talked with the applicant and we talked internally with the staff. The applicant has submitted the easement language and legal description that satisfies my department as well as the law department. The applicant is correct, it is basically a deficiency and we have gone over the history of this property and we

didn't find a recorded easement. That is a major drainage way starting in the northern part of the city and through the Giant Eagle area and then down State Road. We want it to remain free flowing and no drainage on residents. I recommend to this Board at this time to get approval and then onto City Council.

Cheryl Hannan: Okay. Anything from our Building Commissioner?

Dan Kulchytsky: I have nothing to say Madam Chair.

Cheryl Hannan: Okay. Does anyone else want to speak on this issue? Do I have a motion and a second to move to the regular order of business.

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

Roll Call:

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Jim Casciano/Jim's All Seasons/York and Wallings, LLC, PPN: 483-06-003. General Industrial Zoned. Site plan approval for a tree service and mulch business.

Cheryl Hannan: Is the applicant here.

Jim Casciano approached the microphone.

Jim Casciano: Jim Casciano, home address is 7450 Valley Villas, Parma. I am the owner and operator of Jim's All Seasons. The company is a tree service. Tree trimming, removal of trees, and I also produce mulch. I'm seeking approval for similar use. Location is at the intersection of York and Wallings Roads, PPN: 485-05=012. I've been currently residing up the street at 12662 York Road and operating my business out of there with my office out of my house. There were some issues with the property so I purchased this location and looking to develop that property and conduct my business out of there. I hired McKay Engineering and had preliminary plans drawn up with what I'm looking to do there. I've met with the Councilman to discuss some things regarding the neighbors there and also Dan, Dan, and Mark, from the City and discussed some ongoing issues over there. So, I'm looking for similar use.

Cheryl Hannan: Okay. Anything from the Law Director?

Tom Kelly: No Madam Chair.

Cheryl Hannan: Thank you. Dan?

Dan Kulchytsky: Thank you Madam Chair. Should I recap what we discussed or move this to the regular order of business?

Tom Kelly: Madam Chair. Just to shorten this up a little bit. Mr. Kulchytsky gave a great presentation in caucus. To move this along, let's move this to the regular order of business. That would be fine.

Cheryl Hannan: Okay. Is there anyone here to speak on this issue?

Dan Langshaw approached the microphone.

Dan Langshaw: Thank you Madam Chair. I'm Dan Langshaw, Ward 3 Councilman. 11500 Summerset Drive #123. I've met with Jim Casciano and toured the site. I also had the opportunity to talk with Sean Cooper who is the President of the condominium association of Independent Place which is north of this property. As Councilman of that area, I heard some concerns of the neighboring residents regarding this tree cutting business. Jim has a mulching machine, which I did see in action. I understand what Jim has planned and he's going to be mindful of the residents there. I've also talked with Dan Kulchytsky regarding this business. I'm here to pass along from what I've heard from the residents to the Planning Commission to consider. The main issue is the noise. My understanding of this business is that they don't intend to use the mulching machine 24-7. It is actually a very small part of the business. Trucks will be coming and going and going, which is a good thing for the residents who live in the condominiums. I'm asking the Planning Commission to limit their working hours. That they can only use their mulching machine Monday thru Friday, 9:00 am to 5:00 pm. No weekends or holidays. One side of this business is business but the other side is residential. What I am asking the Planning Commission to consider, and you may have already talked about this in caucus, but to ask for a ten foot buffer zone between the residential property line and this business. Within the buffer zone would be a row of pine trees. Residents are concerned about privacy. Pine trees are a good buffer for noise. Keeping this ten foot buffer zone and with pine trees we would be at least proactive on this. I know with meeting Jim, he wants to be a good neighbor and I appreciate his willingness to work with the residents. It's great that he wants to develop this site and make a good business in ward 3.

Cheryl Hannan: Thank you. Anyone else wishing to speak on this?

Michael Barile approached the microphone.

Michael Barile: I'm Micael Barile, 20892 Fawnhaven. I own the building next store to this and I am here to object to the mulch business. There is a major problem on this property with the wetlands. I think that the problems must be resolved before a permit is given to start this business. There is a wetland in the back and the Mayor is aware of it and the Engineer is aware of it. The Building Department is aware of it. To start this business will be irresponsible. There are violations on the property. To let them get started and give them permits to start they will be disregarding the law and any rules. Everyone knows about this. I appreciate the Mayor talking to me about this over the past 2.5 years. That business and mulch are being done right now on top of that creek way which he has closed a big part of that creek. He put pipes into it the creek and catch basin.

Mayor Stefanik: Madam Chair. Mr. Barile, you're jumping ahead of yourself. This is not the applicant right next to you, this is the one that's on Wallings and York. Your applicant is coming up.

Michael Barile: I saw mulch services and I thought this was that one.

Mayor Stefanik: Mulch is mulch. I just wanted to let you know before you continue on. He is up there now but he's moving his company at the intersection of West Wallings and York. You'll be able to give your speech all over again in just a bit.

Michael Barile: I'm not too far off because he's there right now.

Mayor Stefanik: Yes, he's there right now. We were both right. You will have a chance to come up and speak again.

Mrs. Lucille Babrowski started to speak from the audience.

Mrs. Babrowski: I would like to speak on behalf of the residents living at the condos there, Independent Place. If they are going to make that noise between 9:00 and 5:00, most of the people who live there are elderly and I don't believe that if he puts up spruce trees along the line it won't be that great of a barrier to help block the sound.

Cheryl Hannan: Could you please state your name and address for the record please.

Mrs. Babrowski: I'm sorry. I'm here for the other one going in down the street. This is something new that's going to be started now and the easement going into the property now is cemented, and if this is the property he's talking about, I feel sorry for the people living in Independence Place unless they are going to put up a wall or something, not just trees. 500-foot from the street is really not enough. Please consider the noise that will be from the machines when you vote for this. There are a lot of residents right in that area. Thank you.

Cheryl Hannan: Could you please say your name and address.

Mrs. Babrowski: Lucille Babrowski, 12646 York Road. This company will be 7/10 of a mile from my house.

Cheryl Hannan: Okay. Thank you. Anyone else wishing to speak on this?

Tim Carnahan approached the microphone.

Mr. Carnahan: Tim Carnahan, I'm with Nicole Barrens and Cooper. I represent Rose Izzo who is acting trustee of the Izzo Trust, the owner of the property at 11798 York Road. Her husband recently passed away and Rose has some health issues. The Commission may or may not know that the house has been put up for sale and there is a lot of concern about the diminishing value of the property with respect to this proposed business. My client wants the business to succeed but being adjacent to it, she's very concerned about noise and sight. I briefly talked with the owner of the property about what was supposed to be done to prevent that and my client agrees with the 10-foot buffer area but believes that pine trees may not be enough with respect to sound. She would like along her property line a fence to help with both the sound and visual barriers. She is adjacent to this business and will have an impact on the sale of the house. If this property sells it will go from a home to a commercial use. So, my client isn't opposed to this business going in there. My client has been a long time resident and would like to see this business succeed and she would just like to see both a sound and sight barrier along her property line. I have a statement to put into the record to give you at the end of the meeting.

Cheryl Hannan: Okay. Thank you.

Shaun Cooper approached the microphone.

Mr. Cooper: My name is Shaun Cooper, 9935 Independence Place. I'm the President of the condo association. I would like to see Jim's All Seasons succeed but we do have our concerns. One is a screening. We would like to see pine trees put in. I live right next to the property line on the second story. I live in a loft which makes my unit on the second floor and my windows look directly at this place. Right now they haven't even finished clearing and I can see all the way through to the business next store. So, I already have this view. Jim has been a good neighbor and we will work together. I'm asking for a row of pine trees to be planted along the property line. Thank you.

Diane Luchan approached the microphone.

Ms. Luchan: Diane Luchan, 9957 Independence Drive. I am also on the Board of Directors with Shaun, and I'm the secretary. I'm here to support the fact that we have to have some guide

lines for his tree service. We did experience at 8:00 at night trucks coming in that area. Jim was attentive and made the guy with the truck stop working at night and this was a Sunday night. We do need some guidelines to follow. Thank you.

Cheryl Hannan: Thank you. Anyone else?

Sue Phillips approached the microphone.

Ms. Phillips: Sue Phillips, 9408 Wallings Road. I'm at the corner of York and Wallings. I have concerned about the aroma and if he will be making mulch . I don't know if he will be storing it there or shipping it in. Will he be making mulch on the site? I would like some information about the aroma going on with this. Thank you.

Jim Casciano approached the microphone.

Jim Casciano: I just would like to address some of the questions and concerns. As far as the aroma, there is no aroma

Tom Kelly: I understand that you would like to address their concerns, but everything that goes through that microphone and to the Chair. You speak to the Chairman.

Jim Casciano: Okay. As far as the aroma, I don't use compost mulch and that's where you get the smell from, the compost. There's grass clippings and leaves and I'm not doing any of that. I use strictly wood chips. I know when you get into grass compost and leaves and chips that's where you get that awful smell, from the dead grass. I don't do that type of operation. It's drawn in my plans to have a ten foot buffer around the property to leave the trees that are existing. I realize the concerns about noise sounds and aesthetics. I met with Shaun and the Councilman and I'm getting mixed feelings on either the pine trees or a fence. I'm willing to work with this to satisfy the residents. I don't want to come in and disturb the neighbors. I told Shaun that I don't mind putting in the pine trees on his property, as he suggested, so that the trees would be closer to him. Which is fine. As far as the noise concerns, the mulching is only 20% of my business. 80% of the operation is tree service. We start at 7:30 am and get in our trucks and leave. We are gone and carry on with the day. We come back anywhere between 3:00 to 5:00 and we come back with the trucks and we are done. That's 80% of the operation. 20% of the operation is the mulch business. From April to the beginning of May to June or July we make the mulch. So, it's around 3 months of mulching. It's a limited operation. I had Dan come over to the property and gave him the opportunity to listen to the mulch machine. This machine is right behind a barrier which is a mulch barrier and you can't even hear this machine running. This is not a rock crushing machine it is a quiet machine. I don't think the residents need to be concerned about the noise. I invite anyone to come down to listen to the machine.

As far as the aesthetics, I plan on putting up trees and whatever it takes to keep the residents happy. I have neighbors too and I don't want to make anyone unhappy. I'll be bringing more tax dollars to the City. I plan on employing some people to help with the yard for sales with mulch. This will bring more revenue to the City from tax dollars. I'll take any steps to make the residents around me happy. Shaun has my cell phone number. We have an open line if there are any problems they can reach me on my personal cell where they can call me and I will personally handle it. I hope that addresses some of your concerns. Thank you.

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

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz, to **move Jim's All Seasons to the regular order of business.**

Roll Call:

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Pierre Zanin, 13688 York Road, PPN: 483-15-024. General Industrial Zoned. Approval for water main extension.

Cheryl Hannan: Is anyone in the audience here to speak on this?

Claudio Zanin approached the microphone.

Claudio Zanin: Claudio Zanin, 17420 Sawgrass Circle. I am here on behalf of the applicant, Pierre Zanin. We are requesting an extension to the water main on York Road as beginning the process of improving that parcel with the intention of coming back to Planning Commission at a future date to present the final site plan per your specs. Thank you.

Cheryl Hannan: Thank you. Anyone else here for this issue? Can I have a motion and a second to move this to the regular order of business.

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

Roll Call:

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Jon Schade/Schade's Tree Service, 12662 York Road, PPN: 483-14-008, General Industrial Zone
Approval for a tree and mulch service business

Jon Schade approached the microphone.

Jon Schade: Jon Schade, 6678 Tudor Circle. We are operating a tree service at 12662 York Road. I was told to come to this meeting to get approval to continue running my business out of the location as we have been for the past three years from this parcel. I know that there has been some problems with the property in general. I have nothing to do with those things. I'm asking you to let me continue running my business out of there. One of the hiccups was that I don't have an office at the time and now we are now renting a piece of the building that's already there. We are willing to comply with any fire inspections of the facilities my office would be in. With regards to the mulch business, there is a lady who has a house up by the road on the right hand side, she has her house for sale. I spoke with her and her son and assured them that there is no noise. We only make mulch a couple times a year, 9 to 5, Monday thru Friday which is only about eight days out of the season that we are making the mulch. There is a buffer, which is our mulch pile. Like Jim's All Season stated, there is not much noise from the machine. We start up our trucks and leave by 8:00 am., and come back usually by dark and dump it and start all over the next day. I'm willing to answer any questions that the residents have. We will meet with any guidelines you might have so that we can continue working on that parcel.

Cheryl Hannan: Thank you. Anyone else have anything to say on this? State your name and address.

Michael Barile approached the microphone.

Michael Barile: Michael Barile, 20892 Fawnhaven. I own the building at 12855 York Delta, which is alongside of this property here. I'm not objecting to this guy's business, in fact, I feel sorry for him. But the lent owner totally disregards any type of law. He back filled a creek, 3059 square feet of creek. They are actually running the mulch machine on top of the wetlands back

there. If they don't fix this property, I don't see how anyone could get a permit to do anything on this property. I think it's irresponsible to do that, He is violating the City, State and Federal laws. The back filling of creeks with pipes and materials and this creek then fills up. I don't know who is going to maintain it. I've had the property for over 21 years and this summer I noticed a small amount of water in the creek. Now I don't see any water in the creek. I don't know where the water is going now. I worry about the water going under my building and pushing up under my floors and the pressure. I don't want to hurt anyone's business, but for him to be allowed permits on this property, I don't think it should be allowed.

Lucille Babrowski approached the microphone.

Mrs. Babrowski: Lucille Babrowski, 12646 York Road. The property that I am speaking of was mine at one time and I sold it to McNickolas years ago and he sold it to George Troicky. When he had that property there we knew that there would be trucks back and forth. We didn't know that there were businesses going on back there. So, tonight I'm her to oppose the mulching business which is occurring right now from the Schade's Tree Company at 12662 York is causing a little stress. Three times I have called the police to see what was going on back there because Tri-County was crushing concrete back there. The noise was horrible. My husband was living at the time and then it stopped. The police went back there and said that there was nothing going on. I got go and walk back there to see what it was. There's a sign out front that there is mulch and topsoil for sale. There is a gate and they let the truck people go through there. Not a lot of other people get through there. Right now at my age, I have to stay in my house. I don't want to hear noise all day long. That area shouldn't have machines making that much noise. When I drive around and I see residents cut down a tree in the front of their home I see them mulch it right there on their property. Why can't they just do that and mulch the tree on their lot? I know we all have to work and make a living so I don't want to disturb their work but I do want consideration with the noise issue. Thank you.

Cheryl Hannan: Thank you. Anyone else? Want to come back?

Jon Schade approached the microphone.

Jon Schade: Jon Schade, 6678 Tudor Circle. With people's worries about the business itself, I don't believe the police have ever been back there for any noise violation for three years. I'd be hard pressed for that machine going full throttle. If someone was nearer to the road they wouldn't hear it. Anyone of you can come out to listen to it and see. When your 150-feet away from the machine you can barely hear it. As far as the wetlands, we rented this property three years ago and whatever was there, it is still there now. We didn't put anything into those wetlands. It would have been done prior to us moving in there. We did see that the creek was filled in but we had nothing to do with that. All the material in there has nothing to do with us.

There was stone crushing going on back there prior to us being there. We have never done stone crushing. We will be very aware of the residents around us. We will do anything to comply with the City and we want to start getting our business going. Thank you.

Cheryl Hannan: Thank you. I need a motion and a second to move this to the regular order of business.

Moved by Tim Miller, seconded by Larry Antoskiewicz, to **move Schade's Tree Service to the regular order of business.**

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

iCar, Inc., 13134 York Road, PPN: 483-14-003, General Industrial Zone. Approval to operate a temporary storage of truck and trailers.

John Blanchfield approached the microphone.

John Blanchfield: John Blanchfield, 14982 Highland Drive. I am here on behalf of Mr. Mulhavach, who is in his truck on his way to Texas. He's a car hauler. He picks up cars from dealers and homeowners and ships them around the country with his truck, and he also broker loads for people who call him. He was working out of his house in Broadview Hts. parking his truck in different areas. Then he found the property down on York Road and he thought it would be a good location because it had a big driveway and he would park the trucks and go into the house that's an office. He didn't realize that there were different forms of zoning. He thought zoned commercial meant he could have a business there. He's asking for your approval to operate his business legally. Thank you.

Cheryl Hannan: Okay. Anyone in the audience wishing to speak on this? Can I have a motion and a second.

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

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

Moved by Larry Antoskiewicz, seconded by Tim Miller, to **adjourn the Public Hearing.**

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

The North Royalton Planning Commission held a **Regular Meeting** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, September 4, 2013**. The meeting was called to order by Chair Cheryl Hannan at 7:50 pm.

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

Moved by Tim Miller, seconded by Larry Antoskiewicz, to **approve the Planning Commission minutes of July 1, 2013.**

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

Old Business

Woodcroft Glen, Royalton Road, GB and RMD Zoned. **Woodcroft Glen Phase 2 Final plat approval. Tabled**

Moved by Larry Antoskiewicz, seconded by Tim Miller, **to remove from the table.**

Roll Call:

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Cheryl Hannan: It has been removed from the table. I understand that they would like an extension of time to come back and address the Planning Commission.

Tom Kelly: Madam Chair, we understand that the applicant is asking for another 180-day extension which is standard to what the Commission has done in the past.

Cheryl Hannan: Okay. Does anyone from the Commission have anything to say? Okay, can I have a motion and a second to approve another 180-day extension.

Moved by Larry Antoskiewicz, seconded by Tim Miller, **to approve a 180-day extension for Woodcroft Glen phase 2 final plat approval.**

Roll Call:

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Sal & Lia Consiglio, 14129 State Road, PPN: 487-10-006, Town Center District. Site plan approval for a new professional building. Tabled.

Moved by Larry Antoskiewicz, seconded by Tim Miller, **to remove from the table.**

Roll Call:

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Cheryl Hannan: Okay, I see somebody at the podium. State your name and address.

Sal and Lia Consiglio approached the microphone.

Lia Consiglio: I'm Lia Consiglio, 6540 Royalton Road. We purchased this property at 14129 State Road. We would like to put up a 2600 square foot professional building for our accounting firm. Our architect couldn't be here tonight but we have his boards.

Cheryl Hannan: Is there anything from the Law Director?

Tom Kelly: I have no comments Madam Chair.

Cheryl Hannan: City Engineer?

Mark Schmitzer: Thank you Madam Chair. I believe you have received my comments,

Lia Consiglio: No, we have not.

Mark Schmitzer: Well, I can go over those.. I'm going to mention items here to make sure you take care of them after permits are filed. 88 compliant parking spaces and should be 9-feet by 19-feet. Include a sign with a wheel sign, whatever is allowed by Code. We did not see any site lighting for the property. Your architect should provide the lighting on the plans. Storm water management. I did review what you had submitted. I do have a little concern as the storm

water relates to the south at Swan Lake. We have seen issues in the past there, not because of this property. Now that you are managing the storm water with a basin. If that basin shall fill up and want to overflow. We don't want it to deluge over onto those properties. So, I ask that your engineer to work with the City on a safe route for that overflow of water to a system that could handle that water so that it doesn't affect adjacent properties. Are you willing to do that?

Lia Consiglio: Actually, we weren't really thrilled with the location as well. We will call him in the morning. We would like to go with a sewer line, or something, but we didn't want it in that location.

Mark Schmitzer: I definitely would work with them on this and to analyze the existing storm system and to make sure it could handle the proposed development and handle the flow.

Lia Consiglio: We talked about it a few months back but there was a miscommunication with the basin. It wasn't our first choice and we don't want it in that area cause it doesn't make sense with the way our building is going to sit. We want to make sure that we do whatever is best to handle the water. We don't want to flood either.

Mark Schmitzer: Yes. I also noticed the dumpster area

Lia Consiglio: That dumpster is in the wrong place. It should be on the side of the Quick Lube center.

Mark Schmitzer: Thank you. That was a big concern for garbage with flood water right there.

Lia Consiglio: That was an error too. It wasn't supposed to be on that side.

Mark Schmitzer: If Planning Commission does approve, I ask that you submit one full size set of civil site plans to my office for review. We will need answers to additional comments before permits. We will work with your architect and engineer to meet all codes and we will issue permits at that time. That's all I have Madam Chair.

Cheryl Hannan: Thank you. Anything from our Building Commissioner.

Dan Kulchytsky: Madam Chair. There are several items I need to make note of. The design and appearance and the type of building that is being imposed is good planning and transition from the residential cluster homes that are to the south to more of a commercial area to the north. Additional items to the Board; phase ii, the future building site plan is not a part of this

approval, Any approvals for that would be at a different time when they are prepared to go forward with that. This is only for the phase I project. My recommendations would be stipulated that some sort of screening or buffer occur between the parking areas and the residential homes to the south like a board on board fence and landscaping to buffer any lighting that could come across. Any lighting would be approved by the architectural review Board and they would be able to submit documentation that there will be no lighting trespass from site lighting. Finally, the dumpster has been covered. It should be moved away from the residential side and closer to the commercial side. The ground sign will require a variance, as it is in a TCD district. Other than that, I have no further comments

Cheryl Hannan: Anyone in the audience what to speak on this? This is under old business. Any questions from the Commission?

Larry Antoskiewicz: Yes, Madam Chair. Real quick, something Dan brought up, since this is phase I, is it 2600 square feet?

Lia Consiglio: Yes.

Larry Antoskiewicz: Okay. 2600 square feet is all phase I. Another thing, are you going to apply for a ground sign as well?

Lia Consiglio: Yes.

Larry Antoskiewicz: So, you will be going to BZA for that. Okay. That's all I have.

Cheryl Hannan: Anyone else from the Commission?

Tom Kelly: Madam Chair. Before you ask for a motion, I want to say to the members of the Commission that the motion of approval will be contingent upon the applicants meeting the requirements of the Engineering Department and the Building Department relative to the comments from both gentlemen this evening.

Cheryl Hannan: Do I have a motion and a seconded to approve.

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz, **to approve the professional building contingent on the requirements of the Building Commissioner and the Engineer.**

Roll Call:

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Abbey Royalton, LLC/Pride One Construction, Villas of Worthington Subdivision. Residential Zoned District. **Revision to open space and park land. Tabled.**

Moved by Tim Miller, seconded by Larry Antoskiewicz, to **remove Abbey Royalton, LLC/Pride One Construction from the table.**

Roll Call:

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Cheryl Hannan: Is anyone here from Pride One?

Patricia Rakoci approached the microphone.

Cheryl Hannan: State your name and address.

Pat Rakoci: Hi, Pat Rakoci, Pride One, 387 Medina Road, Medina Ohio. I'm before the Planning Commission here tonight to ask for reconsideration. I think that's what it's called.

Tom Kelly: Madam Chair, if I could speak to the Commission on this. Ms. Rakoci and Pride One has worked very close with the City, and with both homeowners associations. I see some representatives here tonight. In order to assist us in revisiting the original application for this

entire development. The original developer met the then requirement for the contribution to the City's rec fund by granting the City a piece of land to the community for what was seen at that time a desirable park. Since that time we have come a long way and learned from our prior efforts of what we think is desirable and what we now feel is more desirable. In this instance this administration persuaded Ms. Rakoci and Pride One that it would serve the community at large, and serve the interest of the homeowners associations if we would revise and amended the original application to provide in lieu of vacant land a dollar contribution be made according to the other alternatives that are available to us under the Ordinance. Pride One, Ms. Rakoci, and Doug Lore, were very helpful and agreed, as I understand it, that Pride One and their development company will transfer the ownership of the land in question to the homeowners associations, and at the same time make a significant contribution to the recreation fund so long as we approve this amendment. Mr. Schmitzer, I think, can speak regarding the dollar amount because it's a calculation he had to make.

Cheryl Hannan: Thank you. Anything from our Building Commissioner?

Dan Kulchitsky: No madam chair. I have nothing.

Cheryl Hannan: Okay. Would you like to say anything else?

Pat Rakoci: Fine job Mr. Kelly, thank you.

Cheryl Hannan: Anyone else from the audience

Dan Langshaw approached the microphone.

Dan Langshaw: Dan Langshaw, Ward 3 Councilman. 11500 Sommerset Drive. I'll keep it brief since everything has already been said. It's a very welcomed change for the residents. Thank you to both homeowner associations and to Pride One. Thanks to the administration for working on this. I'm sure everyone is happy with the outcome of this. Thank you.

Cheryl Hannan: Okay. Thank you. Anyone else on the Commission? Mr. Law Director, if we put this through are there any other stipulations that we have with the amendment.

Tom Kelly: No madam chair. If you so approve of this tonight I want to personally thank Pride One, and Pat Rakoci for their assistance in getting to this agreement. Thank you.

Cheryl Hannan: It also will be great to have \$ 28,000.00 in our recreation fund. I need a motion and a second to approve.

Moved by Tim Miller, seconded by Larry Antoskiewicz, to **approve Abbey Royalton, LLC and Pride One Construction.**

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

Samir Nakhle /K & F Properties, 13000 Royalton Road, PPN: 483-07-001. Local Business Zoned. Site plan approval for remodeling and expanding a patio. Tabled.

Moved by Larry Antoskiewicz, seconded by Tim Miller, to remove K & F Properties form the table.

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

Tom Kelly: Madam Chair. As we have heard from our Building Commission in caucus, Dan Kulchytsky, the applicants in this matter have apparently no longer wish to pursue this matter I feel that at this time it would be appropriate to vote this application down.

Cheryl Hannan: Any other questions? Okay. Can I have a motion and a second.

Moved by Mayor Stefanik, seconded by Tim Miller, to approve K & F Properties application.

Roll Call:

Mayor Stefanik: No
Larry Antoskiewicz: No
Tim Miller: NO
Ray Priest: No
Cheryl Hannan: No

Ayes – none. Nays – all.

Motion denied . (0-5)

New Business

Ordinance No. 13-85: An Ordinance amending Chapter 1281 'Traditional Town Center/Main Street District (TCD), Section 1281.03 Permitted Uses in TCD 1,2,3,4, and 5, to allow for the establishment of Veterinary Clinics and /Veterinarian practices.

Cheryl Hannan: Anything from our Law Director?

Tom Kelly: No. Thank you.

Cheryl Hannan: Anything from Engineering?

Mark Schmitzer: No Madam Chair.

Cheryl Hannan: From Building?

Dan Kulchytsky: No Madam Chair.

Cheryl Hannan: Any questions from the Commission? Okay. Need motions

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz to **approve and refer it to Council Ordinance No. 13-85**

Roll Call:

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

Ayes – all. Nays – none. – Ordinance referred to Council

Motion carried. (5-0)

**Mark Breen, Breen Holdings, LLC/Ray Goodman. PPN: 488-05-012. Traditional Town Center.
Approval of the storm sewer easement.**

Cheryl Hannan: Does the applicant have anything else to day?

Mark Breen approached to microphone.

Mark Breen: Mark Breen, 3091 Osage Way, Broadview Hts., Ohio. I have a signed easement from the owner Ray Goodman. Can I present this to the Commission because I know it has to go to Council.

Tom Kelly: Madam Chair. Mr. Breen is right, this does have to go to Council. Mr. Breen, you could give me that and I could hold onto it. We won't do anything with it until Council approves of this.

Mark Breen: Just one more thing. In the Engineering report asked for the easement plat on Mylar. I'm not sure what that is, but it was determined by our surveyor that what we presented was acceptable, which is not Mylar.

Tom Kelly: Okay Mr. Breen. I can assure you that if our Engineer wants it on a Mylar, it's going to have to be done on a Mylar.

Mark Breen: I'm saying it doesn't necessarily have to be on a Mylar. I was told that.

Tom Kelly: By whom?

Mark Breen: Our surveyor.

Tom Kelly: Your surveyor doesn't decide on what we need to record on. If you want this recorded and our Engineer's wants this on Mylar, you will have it on Mylar.

Mark Breen: The assistant Engineer said it doesn't have to be on Mylar. I'm just correcting the report.

Tom Kelly: You don't correct our reports. We will discuss this with the assistant engineer and the City Engineer and if they say it doesn't have to be on Mylar, then you won't have to do it.

Mark Breen: That's just what I was trying to understand. Thank you.

Cheryl Hannan: City Engineer?

Mark Schmitzer: Thank you Madam Chair. We have been working with the applicant. In regards to the Mylar, we have heard different things with the county. In the past we would submit things to the county a record not on Mylar and some of them down there don't accept it if it's not on a Mylar. So, now we make anyone who want's something recorded we tell them to put it on Mylar. You will record the document and we will get a copy of the document. If you go down to the county and it's not on Mylar and they don't accept it, then it will be your delay.

Mark Breen: Thank you for that. I'm not an expert on this. But, I will do whatever it takes to get this done. I will do it on a Mylar just to be safe.

Mark Schmitzer: I just have one more thing; that you are responsible for maintaining that easement which is the grass and the storm sewer once you are approved. This also conveys to the city that we are allowed to go in there and take down a tree that had fallen into the easement. I just want you to understand that. I'm satisfied with what has been submitted and I recommend approval at this time.

Cheryl Hannan: Building Commissioner do you have anything?

Dan Kulchytsky: I have nothing on this Madam Chair.

Cheryl Hannan: Anything else from the Commission? Okay. Is there any stipulations on this?

Tom Kelly: No Madam Chair. It's an up or down vote on this for the easement. Then it's given to the Council to see if it is approved and accepted.

Moved by Larry Antoskiewicz, seconded by Tim Miller, to approve the storm sewer easement .

Roll Call:

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

Ayes – all. Nays – none.

Motion carried. (5-0)

Jim Casciano/ Jim's All Seasons/York and Wallings, LLC. PPN: 483-06-003, General Industrial Zoned. Site plan approval for a tree service and mulch business.

Cheryl Hannan: We heard your presentation, do you have anything to add?

Jim Casciano: Not at this time

Cheryl Hannan: Building Commissioner?

Dan Kulchytsky: I do have a few questions if you don't mind coming up here again. I believe that this request for similar use would be appropriate. Similar in fashion that this would occur in a general industrial district. However, given the noise and type of work that is occurring there, I believe we that there are some stipulations that would be required. The Planning Commission has to feel that this is a similar use given the four items that were given at caucus tonight. I don't know if you want me to go through what items I feel should be considered for this property to make it more appropriate for the general industrial district. Hours of work given is appropriate and acceptable. How often will you be doing the mulching?

Jim Casciano: It's very similar. As explained, we run through the months of April to July and about two days a week, if that. Obviously, it depends on the demand. The season is May, June, July, three months and two days a week. During normal business hours. I don't have an issue with that.

Dan Kulchytsky: I believe we limited it to 9:00 to 5:00, I believe that's what the stipulated. Monday through Friday, and not on weekends and holidays.

Jim Casciano: As far as the tree business, we start up the trucks around 7:30 am. And the trucks pull out around 8:00 am. There is no noise with that because it's just the trucks leaving.

Dan Kulchytsky: So, your employees get ready at 7:30 and start work at 8:00. Do the vehicles idle at that point?

Jim Casciano: No. They start up the trucks and leave.

Dan Kulchytsky: So, you would start your operation at 8:00, just the departure.

Jim Casciano: Exactly. Not the mulching operation.

Dan Kulchytsky: Would you be willing to start the mulching operations from 10:00 until 4:00?

Jim Casciano: Not at all. It takes that long to get started anyhow.

Dan Kulchytsky: I'm trying to reduce the noise time. Would you be willing to put up a fence along the Northern property line, a solid wood fence in lieu of the chain link fence?

Jim Casciano: A few residents have requested pine trees and others requested a fence. Whatever the Planning Commission asks me to do I will be willing to go along with it.

Dan Kulchytsky: I believe a wooden board on board fence would be more appropriate. It would screen any equipment that might be stored and six feet in height which is what our Ordinance allows for without a variance. The buffer could be increased from 15 to 20 feet so that more trees are saved along that property line. Would you be open to that?

Jim Casciano: There's four acres there. There's plenty of room.

Dan Kulchytsky: Good. This way we could save more mature trees along that property line. I apologize. I'm just thinking of stipulations that would be closure on this. Additional pines where there are gaps you would plant some evergreens. We will review the styles in house administratively at the Building Division. On your plans you are in compliance with our City Ordinances. One of our Ordinances is that you have a main use, a primary use where you would operate your business out of. You would pay taxes to the City of North Royalton and you would have your primary business in the structure. On the plans you have future where the buildings are. What is your idea of future? I think there has to be a stipulation on how long it will be before you do building a main use. Maybe start applications in six months and start within 12 months. I know you're crunched for time and money right now but I think it's appropriate.

Jim Casciano: I'm okay on the office building to get occupancy in an office building and basically running the business out of there completely. The storage building in the back is a couple years down the road.

Dan Kulchytsky: That's fine. We need the main use building. The last thing is that there will be composting at the site. In our Ordinances a similar use for manufacturing process, we are saying that this is a similar use by processing trees into mulch, typical manufacturing is done wholly in an enclosed building. I'm not sure if there would be a variance on that similar use. Maybe the Law Department can speak on this.

Tom Kelly: I would have to think about it Dan. The Planning Commission does have some authority, at this level even, to grant variances without going to the Board of Zoning Appeals. In this instance however, most of those variances have to deal with geography and layouts as opposed to a use. Mr. Casciano, is there any possibility to be able to enclose the mulching in any type of fashion what so ever?

Jim Casciano: Can you describe enclosure for me.

Tom Kelly: Well, what can you do to screen the mulching process itself?

Jim Casciano: In regards to the sound barrier?

Tom Kelly: I don't know. Use your imagination. We're trying to be helpful to you in the sense of allowing you to do what you need to do to make your business successful, but at the same time we have Ordinances that require certain work be confined in a main building.

Dan Kulchytsky: Mr. Kelly, Madam Chair, may I? Mr. Kelly, maybe I can expound on this a little better. How big is this equipment, I'm trying to get sizes on this thing?

Jim Casciano: This is something that you can actually tow with a pickup truck.

Dan Kulchytsky: It's not very large at all.

Jim Casciano: Not big at all. Not more than 6-feet tall. Probably 15-feet long, and about 4-feet wide.

Cheryl Hannan: How do you store the mulch right now?

Jim Casciano: Right now it's stored in an open pile. The pile is pretty significant in size. I'm sorry, let me rephrase that. The material are the raw chips, they are in a pile. The finished product is actually a dyed mulch which goes into concrete bins which is proposed on my plans. So, there are storage bins for the final products.

Dan Kulchytsky: Madam Chair, I think I have a proposal or an idea in a matter of enclosing it. Really my concern is the matter of the sound that would occur with this type of equipment. Obviously with sound you have some type of enclosure to help reduce the sound. Perhaps a full enclosure wouldn't be necessary for this small size of equipment. Maybe an 8-foot by 10-foot board on board fences around two sides of it would deflect some of the sound from the neighbors would suffice.

Jim Casciano: One of the things that I discussed with Dan, there are a number of things with the mulch business. That part of the operation will be way back at the rear of the property which is on the south side which is adjacent with an existing industrial building. It isn't going to operate on the other side, near the residential side where the condos are. Also, the bins that contain the finished mulch product are concrete blocks that are stacked pretty high and when the machine is running it is backed into the bin and the product is dumped into the machine and then it is shot into the bin. So, when it is running it is inside and enclosed in the concrete bin.

Dan Kulchytsky: How high are those bins?

Jim Casciano: Right now I want to say they are about ten to twelve feet tall. Far above the height of the machine.

Tom Kelly: Mr. Kulchytsky, this is in the nature of a conditional use permit. You have been lying out for him, and for all of us, very carefully what the use limitations are going to be, and what specific restrictions are going to be given here. I think it would be appropriate, Madam Chair, in addition to all the other items that Mr. Kulchytsky has laid out here that the operation of the chipping end of the business, as limited as it is, be under control and discretion of the Building Commissioner as part of the overall conditional use permit.

Dan Kulchytsky: Madam Chair, I think that would be an appropriate course of action.

Cheryl Hannan: City Engineer?

Mark Schmitzer: I've met with Jim many times already. You did see my comments regarding this?

Jim Casciano: Yes, I did.

Mark Schmitzer: Is there anything there that you do not want to comply with?

Jim Casciano: No.

Mark Schmitzer: We discussed storm water management on the site, and you said those issues wouldn't be a problem because you actually need more storage for water to assist with the coloring of your mulch. You are willing to comply with all minimum requirements we need for this site, and any extra you would need for this business. Another issue we need to discuss is the main driveway, which is asphalt grindings. I understand why your type of business would want that, Self- compacting, easier to maintain, and I know you have a very large concrete apron up front. Would you be willing to consider, because I know you will be putting in the fence at some portion, would you be willing to put an asphalt surface up to that fence? So, looking at the street would be a hard surface of concrete?

Jim Casciano: I've already had talked to concrete companies come in and give me an estimate just to asphalt it so that we keep the dust down and also for aesthetics too.

Mark Schmitzer: I'm glad you decided to widen the buffer a bit. We need to put some diversion swales in there so that the water is maintained on your site and not flowing onto neighboring properties. I believe on the north it's blowing south, towards you. I know that the fence might be constructed on a swale there and we don't want that, so we will be talking about that. Other than that, as long as you follow my comments and what was discussed here I'm in favor of this. Thank you.

Mayor Stefanik: Madam Chair. Couple quick questions. There isn't going to be retail sales there correct?

Jim Casciano: Well, in the future with the building we put up, we will have retail sales.

Mayor Stefanik: To the Law Director or Building Commissioner, would that take it up to a different type of use then?

Tom Kelly: Madam Chair, if I may. The nature of the applicant's circumstances because there is no such thing as a permitted use for the business he is operating, he would have to come back here and expand his conditional uses in order to be able to do anything other than what is specifically set forth in the application and or approved by this commissioner this evening. So, Mr. Casciano, I'm sorry, you can't do any retail sales unless you come back here and ask permission to do so.

Jim Casciano: Okay. I thought I was allowed but, that's not a problem because it's pretty far down the road anyway.

Tom Kelly: Oh, was that included in his application? I didn't see it. I'm sorry, sale of mulch. Is that what you're talking about?

Dan Kulchytsky: Madam Chair, yes it was submitted in the application for sale of mulch. That was something he anticipated in the future. Perhaps it might be prudent at this time to delete that portion. Ingress and egress for sales. Mr. Casciano can sell mulch the good old fashion way over the phone or over the internet. Mr. Casciano, would you agree with that?

Jim Casciano: These are future plans anyhow. I have to get the building up first. I also have a lot to get engineered out. So, it's not a problem.

Mayor Stefanik: One more question. The hours imposed were what again?

Dan Kulchytsky: Madam Chair, Mayor, the hours that were discussed were the hours of operation is from 9:00 to 5:00. We discussed the 7:30 time of arrival for the workmen also. Vehicular traffic will start at 8:00 and end at 5:00. Mulching will be limited to 10:00 to 4:00.

Mayor Stefanik: To the applicant, is 8:00 to 5:00 alright? I know most businesses start between 7:00 and 7:30. School buses and garbage trucks are out and running. Are you going to start at 8:00? Tell us now.

Jim Casciano: With my business my guys are expected to show up at 7:30 and they never get out of that shop before 8:00. They have to start up the vehicles are get ready to go. If they pull out at 7:50 one day, I would be a liar to say that won't happen.

Mayor Stefanik: I just don't want that to happen day after day and people will start calling.

Jim Casciano: The approximation is 8:00. They get to the shop at 7:30 and leave near 8:00. Sometimes they leave at 8:30. Just depends.

Dan Kulchytsky: Madam Chair. Mr. Mayor, I believe most of the businesses in the General Industrial districts start up earlier than 8:00. Some even have three shifts for example. If Planning Commission decides on 7:30, and the Councilman agrees with that time also. The mulching would be from 10:00 to 4:00.

Mayor Stefanik: Okay. That's all I have.

Cheryl Hannan: We did talk about the hours, but what about the days?

Jim Casciano: We don't work weekends.

Cheryl Hannan: What about chopping down trees on the weekends?

Jim Casciano: No. We don't work weekends. My men are not on weekends. If some type of catastrophe should come through like hurricane Sandy, we might have to work that Saturday. It's that rare.

Cheryl Hannan: What if it rained all week and you didn't get a job done, would you then work on that weekend?

Jim Casciano: No. I don't schedule jobs on a weekend. Many customers want us on a weekend and we never do. It's very rare. I'm not going to say we never did work a weekend. But we probably worked three weekend days last year. We don't work Holidays We don't work holidays either.

Larry Antoskiewicz: Madam Chair. Just to expound on the other, I know with landscapers, and the hours of light during the summer are a lot longer, is that a problem? I know you guys try to get everything done during daylight. Will you be working way past the 5:00 hour then?

Jim Casciano: Nobody likes to work 10 to 12 hours a day. But if there was an emergency or something and the guys had to work really late the guys could always come back and dump in the morning. Pull out time can vary because I'll tell them to just drop the trucks and go. In general, those will be the hours. Will there be a day that they get stuck out on a job and work late, absolutely.

Tim Miller: Madam Chair. We have heard about the landscaping and mulching which would be done during spring, summer and fall. What is your plans for the property during the winter months?

Jim Casciano: Nothing.

Tim Miller: Nothing at all? No plowing or putting plows on the trucks?

Jim Casciano: We do plow but nothing will go on at that site. Everything is off site.

Tim Miller: During the winter, like Larry said, we have more darkness than daylight, so would there be trucks getting ready early at 5:00 in the morning to go out and plow?

Jim Casciano: With the extent of the plowing, I have a front end loader and when it goes to a site it gets parked there and left on site. It doesn't go to and from that property. I have a pick-up truck that sits at my house for those 5:00 am departures.

Cheryl Hannan: Any other questions? I'm going to try and rephrase and I hope I get everything.

Tom Kelly: Madam Chair, I think we can shorten it up. You don't have to bring up everything.

Cheryl Hannan: Okay. What I thought I would do is; approve the plan subject to the stipulations that the Building Commissioner spoke about tonight, and subject to any other stipulations that the Commissioner brings up with regards to hours, fencing, buffer, and all subject matter we discussed here. And it is a conditional use with the understanding that if there is anything else that was not listed in your plans you would have to come back to Planning Commission for approval. Anything else Mr. Law Director?

Tom Kelly: No. I'm sorry if I stepped on your toes.

Cheryl Hannan: No, no, that's okay. So, can I have a motion and a second to approve.

Larry Antoskiewicz: Madam Chair. Do we also have to stipulate that the retail selling is not part of this application?

Tom Kelly: The reflection is the minutes that the applicant has withdrawn that part of the application with regards to retail sales, correct Mr. Casciano?

Jim Casciano: Yes. I'll come back to planning.

Cheryl Hannan: Okay. Motion.

Moved by Larry Antoskiewicz, seconded by Tim Miller, to approve **Jim Casciano site plan for a tree service and mulch business subject to all stipulations stated in these minutes.**

Roll Call:

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Mayor Stefanik: I just want to say, I want to work for you. No holidays, no weekends and 8:00 to 5:00 and no winters.

Laughter

Pierre Zanin, 13688 York Road, PPN: 483-15-024. General Industrial Zoned. Approval for water main extension.

Cheryl Hannan: City Engineer?

Mark Schmitzer: Thank you Madam Chair. We recognize that the easement is a 57-foot water main easement and ultimately the Cleveland Water Department will have to accept that easement. You are aware of that because it is their utility, correct?

Claudio Zanin approached the microphone.

Claudio Zanin: Yes

Mark Schmitzer: They may have conditions they want to enforce. I don't know if you have started discussions with them or not?

Claudio Zanin: I do believe that the applicant has had discussions with them and we're willing to comply with what they want us to do.

Mark Schmitzer: You are also aware that the you need to apply for a permit from the Ohio EPA and also from the Cleveland Water Department?

Claudio Zanin: If I remember with the discussion I have had with them, it is all a part of the division of water.

Mark Schmitzer: Each department is a different entity that issues permits for the installations of water mains.

Claudio Zanin: Forgive me for asking again but I believe that is a requirement from the division of water also as we go through the process? We are willing to comply with all of this.

Mark Schmitzer: Just as a note, I know that the applicant was previously granted a permit to install a sanitary sewer extension on the same property.

Claudio Zanin: Correct.

Mark Schmitzer: Just for the record it looks like you will be doing future development out there. What that is to be determined, nobody knows at this point. But there is something in the works.

Claudio Zanin: I hope

Mark Schmitzer: I just want you to understand that if there is a hard surface put in over that sanitary sewer, we know from our inspectors going out there that it doesn't have premium backfill all the way up to the surface, and you will be willing to comply to dig down and brought up to premium backfill.

Claudio Zanin: I wasn't aware of that but yes.

Mark Schmitzer: I just want to tell you that we know you are moving forward and that this is not just a water main extension. I just want you to be aware if that if there is a hard surface over that sewer you must complete with the backfill.

Claudio Zanin: If there is a hard surface? That will be determined if we go forward with the plans. Yes, to answer your question.

Tom Kelly: Madam Chair. Any approval for this water main or for the prior sanitary sewer extension is not to be misinterpreted as conferring upon the property some preapproval for the property that the commission has yet to see. You understand that?

Claudio Zanin: Yes.

Tom Kelly: There is a possibility that if you put this in and any future development you bring forward to the commission, may never be approved. Understand that?

Claudio Zanin: Yes, we do.

Cheryl Hannan: Does the Building Commissioner have anything?

Dan Kulchytzky: No I do not Madam Chair.

Cheryl Hannan: Anyone from the Commission? Okay. Do I have a motion

Moved by Larry Antoskiewicz, seconded by Tim Miller, to **approve a water main extension for Pierre Zanin, 13688 York Road.**

Roll Call:

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

**Jon Schade/Schade's Tree Service, 12662 York Road, PPN: 483-14-008, General Industrial Zone
Approval for a tree and mulch service business**

Cheryl Hannan: Is there anything else you would like to say?

John Schade: I just would like to answer any questions that they might have.

Cheryl Hannan: Law Director

Tom Kelly: No Madam Chair, I have nothing at this time.

Cheryl Hannan: The Engineer.

Mark Schmitzer: Yes Madam Chair, we have been working with the land owner to get some things sorted out. We've asked him to put in a storm water pollution improvement plan to help clean up the property and we are trying to rectify the issues that have been on the property.

Cheryl Hannan: Dan

Dan Kulchytsky: Thank you Madam Chair. The issues related to the engineering and site are separate entirely of Mr. Schade's Tree Service that occurs at this location. Now that we all have a clear understanding of what wood chipping is all about, I don't think this will take as long. Mr. Schade, you gave us a small site plan and you have an operation similar to what Mr. Casciano has. You have the same bins and limited hours. Some of this would apply to you in this instance.

Specifically the hours of operation. The hours of chipping. I do not think buffering is an issue due to the fact that this particular property is surrounded by general industrial. We want this also to be under the stipulations of the Building Division with regards to our requirements. No composting or compost mulch. You will have to make arrangements with the Building

Department and the Fire Department come into your facility, preferably next week. And no retail sales. With regards to the hours of work 7:30 to 5:00 for the operation of the business. However, the mulching will be allowed between 10:00 and 4:00.

Jon Schade: We have been running our office usually between the hours of 7:00 or 7:30 and to the evening around 7:30. We have been working at this location for three and a half years now and we never have had one complaint of noise or problems with the vehicles coming and going because we are in the very east side of the property. There is no residential properties around where we work. So, usually we work from 7:30 until 7:00. We are strictly delivery. No one comes in or out of the property for retail. We usually just deliver our mulch. We supply Leonti's with our mulch during restricted working hours that you asked us to use. We have always worked between 7:30 and 7:00. Regarding the mulch, 10:00 to 4:00, sometimes 5:00 we will comply with.

Dan Kulchytsky: I have no problem with that if there has been no issues with that. They are further away from any residential areas.

Tom Kelly: Based on this being a conditional use permit, you can allow whatever you choose to allow. Mr. Kulchytsky seems to have a handle on all these things. I would follow his recommendations.

Larry Antoskiewicz: Madam Chair. I know he stated the 7:30, my concern would be, if you are coming in that late, are you just dumping at that time?

Jon Schade: We usually dump in the morning. We are so far from any residential areas. We have never had complaints of noise and we have been running our business for over three years. In the winter we don't do anything there either.

Cheryl Hannan: Okay. Anyone else?

Mayor Stefanik: Madam Chair. To the one resident in the audience, Mr. Barile, we know you don't own the property and we know of previous problems with the property and violations.

We have been trying to work with the property owner. He had until August 28th to start the work, and he did not start. I believe that we did cite him into Mayor's court. So, we are going through the legal process right now. We will stay on top of it until he corrects the issues over there.

Cheryl Hannan: Okay. Do I have a motion to approve **Jon Schade/Schade's Tree Service, 12662 York Road, for a tree and mulch service business with the stipulations that the Building Department and Commission.**

Moved by Tim Miller, seconded by Mayor Stefanik, to approve **Jon Schade/Schade's Tree Service, 12662 York Road, for a tree and mulch service business with the stipulations that the Building Department and Commission.**

Roll Call:

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

iCar, Inc., 13134 York Road, PPN: 483-14-003, General Industrial Zone. Approval to operate a temporary storage of truck and trailers.

John Blanchfield approached the microphone.

Cheryl Hannan: Anything else you wish to add? Building Commissioner?

Dan Kulchytsky: Madam Chair. I do have some questions and stipulations. This is a particular request for similar use. Do you know how many trucks this individual owns?

John Blanchfield: One truck and one trailer.

Dan Kulchytsky: One truck and one trailer. Do you know how many vehicles he could store on this trailer?

John Blanchfield: Seven.

Dan Kulchytsky: Seven. We are not looking to have a storage location but however, this individual is looking to become in compliance with our City Ordinances. He's moved his business here, we can put the stipulation on it that he could have one truck and trailer

associated with that and ten vehicles in case he has a loaded truck and maybe one visitor. Limited to 10 vehicles off the truck at any given time, and the truck itself. I'm not sure if Engineering viewed the site, but the upgrades will occur in terms of paving for the storage of these vehicles. Regards to the noise and working hours, do you know times of his working?

John Blanchfield: He's only there two weeks out of the month. Then he goes in the office and books loads and then he takes off. He's off right now and then he will be back in ten days and stay for four or five days, and then leave again. He might come in at 2:00 am or 10:00 am. He might come in on a Sunday morning.

Tom Kelly: Madam Chair. Mr. Blanchfield, it was good of you to come in his place and represent him here tonight. Can you speak for him as to the question of whether or not any potential at all for this becoming in any nature a junk yard? There will be untagged vehicles, inoperable vehicles, abandoned vehicles. The situation is the concern of the Building Department and the City that when bringing in multiple vehicles and removing multiple vehicles that sooner or later we will start to see multiple used vehicles parked on this site. Mr. Kulchytsky wants to control the number of vehicles being stored and are there going to be any sales of vehicles from this site. Can you make a commitment on behalf of your friend?

John Blanchfield: when he first moved onto the property, all his friends wanted to store their vehicles there, and that's how we got into trouble to begin with, and when the City got involved all the vehicles went out of there. He didn't want to lose the property. The only vehicle down there parked now are his truck and trailer. So, the answer would be no. I don't know if he is going to buy or sell vehicles but I know he didn't mention any of that to me.

Tom Kelly: The application doesn't allow for it. If the commission approves this, he will not have permission to sell.

Cheryl Hannan: Any other questions?

Tim Miller: Madam Chair, I do have one. These vehicles that he brings in, are there on hole or partially stripped vehicles that he will fix and sell? Are these from used homeowner vehicles?

John Blanchfield: He will pick up old ones from dealers and new ones from homeowners. He will pick up partial cars. He can't fork lift them up on this property because he doesn't have the equipment. He'll pick vehicles from Texas and take them to Columbia Station in an auto body shop. He reshuffles the vehicles on the trailer. There will be no wrecked vehicles stored on the property.

Cheryl Hannan: I'm a little concerned. The applicant is not here tonight. Also, there can only be so many vehicles on the property because we don't want it to become a junk yard.

John Blanchfield: He's not in the junk business. He is in car transporting business. At one time he did store some vehicles there and he got in trouble. Now he doesn't store.

Tom Kelly: Madam Chair, you have a valid concern. Number one, we recognize that you are here for your friend, is that right?

John Blanchfield: Yes.

Tom Kelly: You are here in his place because he is off making a living. Typically we allow people to come speak for the applicant. You have made a good application for Mr. Lydovic? Any condition you would put on the applicant, not Mr. Blanchfield, but the owner, it would still fall under the digression of the Building Department and Commissioner for enforcement purposes. The applications and statements that have been made and what Mr. Kulchytsky stated, we have a good understanding of this application.

Larry Antoskiewicz: I have another question, you stated that he is gone a lot. Who will take care of this property when he is gone for a long period? We don't want the property to become a violation with our Ordinances.

John Blanchfield: He has someone cut the grass and plow the driveway. He doesn't own the property, he just rents it. The City has already been down there and he had to paint the building and some other issues he took care of that was requested.

Dan Kulchytsky: Madam Chair, the Building Department has control over property maintenance issues. This property has had violations and they have come into compliance on all of them.

Cheryl Hannan: Anything else? Do I have a motion

Moved by Mayor Stefanik, seconded by Larry Antoskiewicz to approve **iCar, Inc., 13134 York Road, to operate a temporary storage of truck and trailers with the stipulation and enforcement of the Building Commissioner.**

Roll Call:

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

**John Roush/My Pizzetta, 14290 State Road, PPN: 487-06-016, Town Center District Zoned.
Improvements on existing commercial building.**

John Roush approached the microphone

John Roush: John Roush, 3096 Scarborough Road, the proposal is to use an existing structure at the site on State Road. It's approximately 600-feet. This will be a drive-thru pizza place. We will be adding an outdoor cooler enclosed with a wood frame with a slab to set it on. Also, we will be improving the parking lot. The handicapped parking spaces will be switch around for those who have to wait. There will be signs and a menu board that we are going to ARB with. Any questions?

Cheryl Hannan: Building Commissioner

Dan Kulchytsky: Madam Chair. The applicant and perspective tenant have met with me in the Building Division and went over everything and how to present it to ARB. There is one thing and that is the location of the dumpster. It will be located across the parking lot. That's it.

Cheryl Hannan: Thank you. City Engineer.

Mark Schmitzer: The only comment I have is there is a slight impervious increase near the exterior cooler which I'm not too concerned about. As long as the initial improvement on the front of the site continues to be maintained I find no issues with this application.

Moved by Mayor Stefanik, seconded by Tim Miller, to **approve My Pizzetta, 14290 State Road improvements on the existing building.**

Roll Call:

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

York Royalton, LLC, Villas of Worthington subdivision, Residential Districts. Plat approval for the Villas of Worthington Phase 2C

Pat Rakoci approached the microphone.

Pat Rakoci: Hi, Pat Rakoci, York Royalton, LLC, 387 Medina Road, Medina Ohio. Here to request the referral for final Phase 2C plat with 10 lots

Mark Schmitzer: Madam Chair. Pat Rakoci and I went through the Villas of Worthington with my punch list for improvements she put in on behalf of the City. I'm happy to say we had two minor issues. There was a curb that was damaged by CEI or another utility that was on the punch list. We will be watching and within two years that should be improved and we have their maintenance bond. Second on the list was a driveway apron which will follow directly in line and within two years. Also, sealer of the monument boxes in the roadway. Also, the trees in the right of way that are for each lot.

Pat Rakoci: For Worthington Phase 2, I was going to put the trees in there. For Phase 2C, I was waiting for the homes to be completed and then I will put in the trees in

Mark Schmitzer: Everything from the punch list was approved. All monies have been paid. Maintenance Bonds have been given to us. Title policies have been given to us and plat reviewed ready to be accepted.

Cheryl Hannan: Any questions or comments. Okay then a motion please.

Moved by Mayor Stefanik, seconded by Tim Miller, to **York Royalton, LLC, Villas of Worthington subdivision plat approval for the Villas of Worthington Phase 2C**

Roll Call:

Mayor Stefanik: Yes

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Moved by Tim Miller, seconded by Larry Antoskiewicz, **to adjourn the Planning Commission meeting of September 4, 2013**

Roll Call:

Larry Antoskiewicz: Yes

Tim Miller: Yes

Ray Priest: Yes

Cheryl Hannan: Yes

Mayor Stefanik: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

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Approved: Cheryl Hanna

Date: 10-2-2013

Attest: Julie Broestl