

The North Royalton Planning Commission Caucus was held on Wednesday, September 22, 2010 and started at 6:45 P.M.

Present: Mayor Robert Stefanik, Chairman Tony Sandora, Michael McCarthy, Don Willey, Law Director Tom Kelly, Building Commissioner Rito Alvarez, City Engineer Mark Schmitzer, Larry Antoskiewicz, Neil Price, Attorney Robert Lynch, Scott Sopata, Shelia Sopata

Absent: Victor Bull

Planning Commission Agenda Reviewed.

Call to order

Roll call - I'll need a motion and a second to excuse Victor Bull for cause

Opening Ceremony - Pledge of Allegiance

Public Hearing:

North Royalton Animal Hospital/Dr. P. Adam Hechko/Paul Beegan Architect 9027 Ridge Road, PPN: 489-04-006. Local Business Zoned. Site Plan Approval for Improvements and Building Addition. Attending BZA on 9/27/2010

Paul Beegan will make presentation

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

Motion and a second to adjourn the Public Hearing.

Regular Meeting

Roll Call - I'll need a motion and a second to excuse Victor Bull for cause
I'll need a motion and a second to excuse Don Willey from voting on the minutes of 9/1

Roll call

Motion and a second to Approval of minutes of September 1, 2010

Roll call

Old Business

Woodcroft Glen, Tabled - No action.

Ordinance No. 10-85 - tabled - need a motion and a second to remove from the table.

Roll call.

Discussion of Dept. heads - Board Members

Motion and a second to table until further information.

Roll call

New Business

North Royalton Animal Hospital/Dr. P. Adam Hechko/Paul Beegan Architect 9027 Ridge Road, PPN: 489-04-006. Local Business Zoned. Site Plan Approval for Improvements and Building Addition.

Comments from Department Heads and Board Members.

Motion and a second to TABLE until BZA approval

Roll call.

Motion and a second to adjourn. Roll call.

Chairman Sandora: Good evening ladies and gentlemen, welcome to the **North Royalton Planning Commission meeting for Wednesday, September 22, 2010.** This is the Public Hearing portion. Mrs. Broestl, please call the roll.

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

Chairman Sandora: I need a motion and a second to excuse Victor Bull for cause.

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

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

Mike McCarthy: Yes.
Don Willey: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

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

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

Public Hearing

North Royalton Animal Hospital/Dr. P. Adam Hechko/Paul Beegan Architect
9027 Ridge Road, PPN: 489-04-006. Local Business Zoned. **Site Plan**
Approval for Improvements and Building Addition.

Mrs. Broestl: Public Hearing notices were sent to the required property owners and posted. The Chairman will recognize anyone wishing to be heard, please come up to the microphone.

Chairman Sandora: Is the applicant here? Please step forward and state what you would please. The other gentlemen, we will call you when he is done. Unless you just want to stand there?

Paul Beegan approached the microphone.

Mr. Beegan: My name is Paul Beegan. I'm the Architect for the project you have before you. Also here represented here is Jen Hechko, Dr. Hechko's wife, and they are the said property owners. Do you want me to just go into it?

Chairman Sandora: Just briefly tell us what you want to do up there?

Mr. Beegan: Sure, no problem. We submitted for a conceptual project and need approval for this. Four and a half years ago Dr. Hechko was able to take over the veterinarian practice located on Ridge Road, and fortunate for him his business has been very successful and the practice has grown considerable and he has outlived the facility which is forty some years old and kind of out dated for a modern animal clinic facility. The plans that were submitted shows a fairly large addition to the building to the front, side and the rear of the existing building that is on site, with some additional parking and landscaping improvements. There also is a storm water retention area as well on site. The owner would like to move ahead with this project could it be approved to enter into the document phase where we do full engineering and design of the entire project.

Chairman Sandora: Okay. Thank you. Anyone else in the audience have anything that they wish to say on this? Please step forward and state your name and address for the record please.

Robert Lynch approached the microphone.

Mr. Lynch: Good evening everyone, my name is Robert Lynch and I represent the Sopotas that live at 9039 Ridge Road. This is my client, Shelia Sopata. My number is 0072037. My cell phone number is 216-392-7949. My client submitted a statement to Commission basically stating his opposition to this expansion. This is a significant expansion for the reasons he stated. Primarily noise. The other issue is looking at everything on the documents, this appears to be an animal hospital which is a nonconforming use. What they are proposing is to basically increase the size of it by four times of the existing blue print of the existing building. From our standpoint it seems that they can not do that based on the City's own Ordinances. So, they are asking to expand an existing nonconforming use by four times the size. We are opposed to it and on behalf of my clients are opposed to any sort of expansion of the nonconforming use. Based on the plans that are submitted and that I have seen that hasn't been addressed by the property owner as how they can legally expand the nonconforming use. If I may, Mr. Chairman,

May I address Mr. Alvarez the Building Commissioner.

Chairman Sandora: This is the Public Hearing portion. You are going to voice your objections or whatever for or against the addition and then when we go to the regular order of business you will be able to come up again and then you can address the chairman to whatever questions you have and then we will get the correct person to talk with you.

Mr. Lynch: All right. Thank you.

Chairman Sandora: Now you did submit a let. Is this the letter that you submitted?

Mr. Sopata: Yes. That letter was supposed to be submitted for the Zoning.

Chairman Sandora: Would you like to read this into the minutes?

Mr. Scot Sopata read the letter that is attached to the back of these minutes.

Mr. Sopata: I have questions. Should I read those also?

Chairman Sandora: Yes. Read what you have on that letter.

Mr. Sopata continued to read the questions that he had attached to the back of these minutes.

Chairman Sandora: Anything else? Anyone else in the audience have anything on this at this time? No one. I need a motion to refer this to the regular order of business.

Moved by Don Willey, seconded by Mayor Stefanik, **to move Ridge Road Animal Hospital to the regular order of business.**

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

Don Willey: Yes.

Mayor Stefanik: Yes.

Mick McCarthy: Yes.

Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion Carried. (4-0)

Chairman Sandora: Can I have a motion to adjourn the Public Hearing.

Moved by Don Willey, seconded by Don Willey, **to adjourn the Public Hearing.**

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

Mayor Stefanik: Yes.

Don Willey: Yes.

Mike McCarthy: Yes.

Chairman Sandora: Yes.

Yeas - all. Nays - none.

Motion Carried. (4-0)

The Public Hearing was adjourned at 7:05 pm

The North Royalton Planning Commission met in the Council Chambers at 13834 Ridge Road to hold a **regular meeting** On **Wednesday, September 22, 2010.**

Chairman Sandora called the meeting to order at 7:05 pm

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

Chairman Sandora: I need a motion and a second to excuse Victor Bull for cause.

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

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

Mike McCarthy: Yes.
Don Willey: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

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

Mrs. Broestl: I will need a motion and a second to excuse Don Willey from voting on the minutes of September 1, 2010.

Moved by Michael McCarthy, seconded by Mayor Stefanik, **to excuse Mr. Willey from voting on the approval of the minutes of September 1, 2010.**

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

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

**Yeas - all. Nays - none.
Motion Carried. (3-0)**

Mrs. Broestl: I will need a motion and a second to approve the minutes of September 1, 2010.

Moved by Mayor Stefanik, seconded Mike McCarthy, **to approve the minutes of September 1, 2010.**

Chairman Sandora: I have a motion and a second to approve the minutes of September 1, 2010. Mrs. Broestl, please call the roll.

Mike McCarthy: Yes.

Mayor Stefanik: Yes.

Chairman Sandora: Yes.

**Yeas - all. Nays - none.
Minutes approved. (3-0)**

Old Business

Woodcroft Glen Phase 2 – Final Plat Approval is **Tabled**. No action.

Ordinance 10-85 is **Tabled** and there will be no action.

New Business

North Royalton Animal Hospital/Dr. P. Adam Hechko/Paul Beegan Architect
9027 Ridge Road, PPN: 489-04-006. Local Business Zoned. **Site Plan Approval for Improvements and Building Addition.**

Chairman Sandora: The applicant is still here. Step forward again and state your name and address.

Paul Beegan approached the microphone.

Mr. Beegan: My name is Paul Beegan and the architect for this project. Beegan Architectural Design is located at 15703 Madison Avenue, in Lakewood, Ohio.

Chairman Sandora: Thank you. Do you want to add anything else at this time?

Mr. Beegan: No really at this time. I think if you had a chance to review the plans and see the intention of where the project is and this business

has been pretty successful since Dr. Hechko has taken over. He wishes to add onto the old building and make it into a new and more modern animal clinic. I may addressed some of the intentions of the design and the planning on this particular site. It is a somewhat constraint site being only 90-feet wide. With the driveway on one side and we need to go to the Zoning Board as far as the variances go. The design of the building was put together to conform to the zoning ordinances of the Local Business District. So, the front, side and back yards and all the setbacks were designed for a local business district. However, since this is adjacent to an R-1A Residential District that is why these variances are required. Currently, right now where, the outdoor run spaces located they are up far on this site now. And we are proposing moving those outdoor run areas farther back and farther away from the road and farther away from other residence and the one adjacent to it as well. Parking is on the site plan and in the back of the site for employees and parking in the front for visitors and patients. The plans that were submitted show the building plan and show elevation, and I know that the jurisdiction on this Commission, but it goods to look at it and see it all put together. I'm open to any questions.

Chairman Sandora: Thank you sir. You may just as well stay there. Mr. Schmitzer we will go to you first.

Mark Schmitzer: Thank you Mr. Chairman. In reviewing the site plan and conferring with the Building Commissioner quite a few variances will be required for this project. Setbacks, mainly. Along with the parking variance. I incorrectly wrote my report with the wrong required spaces. It is actually 53 spaces vs. the 41 spaces I had in my report. I calculated based on not the entire building just the additional parts. I just wanted that noted for the record. It is still a large variance. Some of the information in concept I can see storm water management, but I don't know if it's the right location or will it work, that is why I want to see some general contour information on which way the site is flowing. Make sure that the outlet is in the right location so that it doesn't cause any flooding of adjacent areas. Are the utilities sufficient to service the building with the upgrades and that sort of thing. Those are some of my comments. I don't know if the applicant has anything he wishes to add to that?

Mr. Beegan: Right now, as I stated before, we really would prefer conceptual approval of the project. There is obviously some additional engineering that has to be done with the site and with the building as well, as to all those issues. That is really down the road. Dr. Hechko really

didn't want to invest the money into engineering of the full site not knowing if it is something he wouldn't be able to be approved to do. Should this project be approved all the drawings will be submitted. Regarding the parking, we did meet with Mr. Alvarez earlier in the year to kind of talk about that. I know that the variances are not approved by this Commission but this is an animal clinic and a large percentage of space on the inside is reserved for indoor kennels and exercise areas for animals. This is not necessarily an office building so a 10,000 square foot office building is going to have different required parking spaces that it would be for this animal clinic. I think we have accommodated the requirements right now. We have doubled the parking spaces that they have right now with what they are operating under.

Chairman Sandora: Mr. Alvarez.

Rito Alvarez: Mr. Chairman. As our Engineer has stated, there is a number of issues here regarding the need for variances. We didn't go over each variance individually, but I did make a note that on the southern part of the parking area I didn't see any type of screening and that is something we need to look into as well. As far as calculating the amount of parking spaces, you have to realize we are dealing with a table for parking. We have to find the closest use for this use here and medical is probably that it falls under and that as a result is how the numbers come up. It isn't specific. But the issues aren't really the fact that you are up against a residential and you need at least a 30-foot variance there.

Mr. Beegan: I understand that as well. Concerning that this lot is only 90-foot wide. Actually, the setback is 40-feet and considering the drive is on the opposite side of the lot, we pretty much have a nonusable parcel under the current zoning, even though it is zoned Local Business because of the restrictions with the adjacent property I don't think we could even a door on the side of the building without these same variances.

Rito Alvarez: the other thing when looking at this, the outdoor dog running, which is like an accessory of what you are doing here. I don't know if you can answer the question but how often do dogs go out there and what do they do?

Mr. Beegan: I will let Jen answer that. I know that animals need to be let outside for various reasons. I will let her answer those questions.

Chairman Sandora: Please step up to the microphone and State your name and address and address the chair.

Mrs. Jennifer Hechko approached the microphone

Mrs. Hechko: Jennifer Hechko. 2711 Boston Road, Brecksville, Ohio. In answer to your question, the dogs are let out twice a day under supervised care. We let no more than five or six out at a time based upon the noise, obviously. It is only long enough for them to void and we clean their cages and then let them back in. We abide by all the rules of the City. We never let them out before 8:00 am, and they are always back in by 7:00 pm for sure. In addition to that and a side note is that we have not added any extra kennel spaces. We are equipped to do 42 kennels and cages, and runs, right now so that we can only board 42 animals. Our new building plans actually is exactly 42. So, we will not be taking in any more overnight dogs. I just wanted to clarify that.

Chairman Sandora: Mr. Alvarez do you have anything?

Rito Alvarez: No sir.

Don Willey: Mrs. Hechko, do I understand that you are going to have additional space for daycare?

Mrs. Hechko: Yes.

Don Willey: Okay. So, that would be supper imposed on their kennel requirements, correct?

Mrs. Hechko: Yes, but they will not be overnight. All those dog will be going back home during the day unless they are boarding with us. We actually employ a canine behavioral therapist. If anyone would like to stop by at Dog Paws and Play, which we also own down the road, and at given moment those dogs are not barking. So, she is amazing. Unfortunately she couldn't be here this evening. She definitely has trained all the girls to control the barking. We could have up to 40 dogs and they won't bark. It is pretty amazing actually. She would be happy to talk to anybody about that too.

Rito Alvarez: Mr. Chairman, if I could just ask a question.

Chairman Sandora: Mr. Alvarez.

Rito Alvarez: This is for the architect. You are going to have the southern wall basically ten feet from the property line.

Mr. Beegan: Yes.

Rito Alvarez: You realize that there is a minimum code for insulation, is there anything that you have heard from the neighbors regarding the loudness of the animals? Are you planning on putting in additional insulation or something that would buffer the sound, or thinking about it?

Mr. Beegan: Obviously, when we get into the actual detailed construction documents of the building we can add insulation inside. What's changing from where the way the current hospital is set up right now actually has the boarding areas closer to the resident's next store than the new plan does. Actually it is moving all of the kennel spaces farther back in the site as well as the outdoor runs are farther back into the site. The front of the building is more clinical space which is the exam rooms, x-rays, and surgery, and all those type of activities are going to be up to the front of the building. If you look at the building plans that we submitted we are actually buffering those interior spaces with an exterior hallway that raps around the front of that building as well too. We would be open to looking at some additional construction techniques used to minimize the sound. I think just planning wise, with the internal spaces, the hallway, the door, and landscaping that this commission could recommend, I think this will be forth coming on a more detailed site plan.

Chairman Sandora: Thank you. I was going to bring that up also to make sure that you bring very detailed landscaping plans especially for that southern portion of it. Everyone in this room has to realize is that we are only here tonight to talk about what they want to do. What they would like to do. This Board doesn't do any deals with any variances. I could let Mr. Kelly pine on that a little bit if he would want to. Because from here they will be going to the Board of Zoning Appeals which will be on next Monday. Mr. Kelly would you please.

Mr. Kelly: Mr. Chairman you stated correctly. Mr. Price is here tonight and he is the Chairman of the Board of Zoning Appeals and I expect that he is just getting an education. All the variances that will be necessary if this project is to be approved, have to be approved by the BZA and they will have that opportunity next week. This is a preliminary look, see, and if they get their variances they will come back here.

Chairman Sandora: Thank you Mr. Kelly. Anyone else?

Mr. Robert Lynch stepped up to the microphone.

Chairman Sandora: State your name and address for the record. We are recording all of this for the record.

Mr. Lynch: Robert Lynch. I'm representing Scott and Shelia Sopata and they live at 9039 Ridge Road. My address is 7105 Delbank Drive, Cleveland, Ohio. Couple of things that Mr. Beegan mentioned, and as I am interpreting what he is saying, is that he is taking this project from a nonconforming use and trying to make it a conforming use for a local business district. The existing use is an animal hospital. Although there seems to be a pretty significant component of kenneling the dogs. I understand what the Ordinances say about that if you are changing a nonconforming use to a conforming use you may be able to expand Your building and get variances for the yards and area variances. But, the problem is that, and I understand what Mr. Kelly is stating as well, that the Commission is not here to decide variances, but with their plan I don't really think captures that they are in a local business district, and an animal hospital, vet, clinic, is first permitted in a commercial service district. So, even if their plan is accepted they are not in the correct zoning area for it. Under the City Ordinances, 1276.03, regarding Local Business Districts, talks about under 1276.03(a)(2), Retail Stores and Services, conducted wholly within enclosed buildings, and that is a significant part of that Ordinance is what their plan calls for and what Mr. Beegan has stated is that there is parts of the operation that exist not in a wholly enclosed building, as would be required. The Ordinance 1276.03 also talks about and describes what the City defines as retail uses and sales. Under 1276.03(a)(2), (a)(3), where it defines retail sales, it mentions the sale of drugs, gifts, antiques, books, etc. Pets and supplies, with the exclusion of kennels. So, the City has already thought about this issue and said that kennels would not be permitted in a retail use in a Local Business District. Looking at where this Use would first be permitted, which would be a Commercial Service District, which he is not in, also requires that the Use be conducted wholly inside of an enclosed building. That is what is lacking in their plan. I understand that there are zoning issues, but the overall plan just doesn't meet with any of the City's Ordinances. As far as the noise of the dogs, my clients have a video tape that they would be happy to share it with you and you can hear the dogs and gives you a flavor of what type of noise my clients deal with living next store to the property.

Chairman Sandora: When was this video tape taken?

Mr. Sopata: There are different sections. As late as two weeks ago and as about four years ago.

Mr. Lynch: This has been going on for a number of years.

Chairman Sandora: Again, you have to realize we are only here for what is in front of us tonight. You will be going to the Board of Zoning Appeals. Those are the arguments that you will have to bring up there. Whatever happens there comes back to us with or without approvals.

Mr. Lynch: I understand Mr. Chairman. We just want to make our point.

Chairman Sandora: That is what we are here for. This is a Public Hearing and that is why we are here to hear both sides.

Mr. Lynch: Thank you and that is all I have.

Chairman Sandora: Does anyone else have anything that they wish to say at this time? Anyone on the Board have anything they wish to say at this time? I need a motion to table the North Royalton Animal Hospital. Excuse me?

Mrs. Mary Bryck approached the microphone.

Chairman Sandora: Please State your name and address.

Mrs. Bryck: My name is Mary Bryck. 1349 Homestead Drive, Broadview Hts., Ohio. My husband built the North Royalton Animal Hospital in 1957. I do have knowledge that he had approval from the Board at that time to have outdoor kennels. That's 53 years ago and until recently there hasn't been much problem with anyone complaining about noise when they are outside, for 53 years. My husband, when he set up the hospital and put the outdoor kennels we remodeled about 1998, I think, and he was in front of the Board and we had the approvals then. So, I don't know what the law is regarding this, but the kennels have been there for many, many years and we have always complied with the Ordinances of the City of North Royalton and I think that this is kind of disingenuous type of thing of trying to stop my son in-law and daughter from improving the Animal Hospital and actually making things much better. They have taken this into consideration and they don't want to be an annoyance to the

neighbors there. They do everything that they can to decrease the amount of sound. I understand that with the new building that things will get even better. We have been a part of North Royalton for 53 years and before that my family and my husband's family has been there when there was still farming in North Royalton and Ridge Road was a dirt road. Please take that into consideration. Thank you.

Chairman Sandora: Mrs. Bryck can you step forward again please. Our secretary has asked, did you get a variance of any sort when you did any of these improvements in the past?

Mrs. Bryck: We did whatever we had to. We came here before the Board.

Chairman Sandora: Could you give us the dates again?

Mrs. Bryck: I would have to check my records to see when we put the outdoor runs in but I'm thinking it was 1998. You should probably have access to those records. The approval with the City so that we wouldn't get into trouble.

Julie Broestl: Excuse me Mr. Chairman. You said something about the kennels, did you get a variance for those kennels?

Mrs. Bryck: When they were originally built?

Julie Broestl: Yes.

Mrs. Bryck: Back in 1957? I would assume so. I was just 10 years old at the time.

Julie Broestl: I just wanted to know because I can look through our City records.

Mrs. Bryck: I'm sure he was. He would not have built an animal hospital without getting all the approvals that he needed. That would be silly. I do know that when we redid the outdoor runs in the back we did come before the zoning commission and everybody and got approvals for the outdoor runs.

Julie Broestl: Okay. Thank you.

Don Willey: Mr. Chairman can I ask Mrs. Bryck something?

Chairman Sandora: Yes.

Don Willey: Is there any intention of consolidating or using the property to the rear of the kennel property, the property from Bunker?

Mrs. Bryck: Not as far as I know right now. I own that property or my family owns that property. If it would help them to set it back further or something they might need for drain water control, I offered that property to them. The problem with that property is that it is still zoned Residential. I think that you were here a few years ago when my husband was still alive, we tried to get that free. Originally that was zoned commercial. Many years ago in the 1960's the City asked if we could rezone it to residential and he said okay and then he got drafted into Viet Nam and we never got back to it again and by then it was lost in time. So, we were not able to get that rezoned to commercial again. If the zoning boards would consider that, that is something else we could do to help the situation so that they could move it back even further. That is a possibility but we would have to rezone it to commercial.

Don Willey: Thank you. Thank you Mr. Chairman.

Chairman Sandora: Thank you. Anyone on the Board have anything? Okay. I need a motion to refer this to the Board of Zoning Appeals.

Moved by Don Willey, seconded by Mayor Stefanik, **to refer the North Royalton Animal Hospital to the Board of Zoning Appeals.**

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

Mike McCarthy: Yes.
Don Willey: Yes.
Mayor Stefanik: Yes.
Chairman Sandora: Yes.

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

Chairman Sandora: The next meeting of the Board of Zoning Appeals is next Monday at 7:00 pm.

Julie Broestl: Nothing under miscellaneous.

Moved by Don Willey, seconded by Mike McCarthy, to **adjourn the Planning Commission meeting of September 22, 2010.**

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

Don Willey: Yes.
Mayor Stefanik: Yes.
Mike McCarthy: Yes.
Chairman Sandora: Yes.

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

Meeting adjourned at 7:45 PM

Approved: _____
Chairman Sandora

Date: _____

Attest: _____
Secretary Julie Broestl