

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **Wednesday, September 6, 2017 to conduct a Public Hearing**. The hearing was called to order at 7:00 p.m. by Chair Tim Miller and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Tim Miller, Larry Antoskiewicz, Mayor Stefanik, Jessica Fenos, acting Secretary Bonni Becka. Administration: Law Director Thomas Kelly, City Engineer Mark Schmitzer.

Motion and second to excuse Frank Castrovillari for cause. Motion carried.

PUBLIC HEARING:

The acting Secretary to the PC stated Public Hearing notices were sent to property owners within 500 feet of the property in question and posted as required.

1. **Royal Collision, LLC.** Roy Werner owner of Royal Collision, LLC is seeking a conditional use permit on behalf of the property owner Jessica Development, LLC to operate an auto body and paint shop facility. The facility is located at 14800 York Road, also known as PPN: 483-27-011 in a General Industrial District.

Roy Werner, owner of Royal Collision, and Terrence Monnolly representing property owner Jessica Development, LLC were present to speak. Mr. Werner stated he is seeking to have an auto body shop. Mr. Monnolly stated Mr. Werner is presently in the building which Mr. Monnolly owns that also has the same address. He will be moving into the new building which will have a paint booth.

Moved by Mr. Antoskiewicz, seconded by Ms. Fenos to **move this item to the Regular Order of Business**. Roll call: Yeas: Four. Nays: None. **Motion carried.**

2. **Joseph Solomon.** Joseph Solomon is seeking approval for a lot split of PPN: 483-25-002 also known as 9992 Akins Road in a General Industrial District.

The applicant has **withdrawn** his application from consideration.

3. **Meadowview Subdivision.** MG Civil Design LLC on behalf of Terrence Monnolly Trustee is seeking approval of Final Plan including the Subdivision Plat for **Meadowview Subdivision**. The subdivision will consist of 37 single family residential lots on PPN: 481-04-050 and PPN: 481-04-048 on the west side of Abbey Road between Albion Road and Sprague Road in a R1-A Zoning District.

Dan Barcikoski with MG Civil Design LLC and Rich Beran with Builders and Developers Co. were present. Mr. Beran stated they are seeking a final plan approval including subdivision plat for Meadowview Subdivision. The layout of the roadways and the major utilities has not changed since the previous two meetings. The majority of the changes are in the way storm water for the site will be handled. Mr. Barcikoski stated we have maximized the volume and minimized the outflows from the last submittal. The southeast pond is now a little bigger and they have added an additional pond; it is approximately the same size as the other pond. There is a catch basin with a pipe heading to the pond; this was in collaboration with the property owner to help aid in some drainage issues which they were having. The existing catch basin

will be replaced with an ODOT structure and will be directed toward the pond. He said the PC asked that they add some storage volume to the plan. Therefore, the ponds were split into two in the central area which holds the bulk of detention. Giving the two ponds their own outlet structure will help minimize the outflows and maximize the volumes on the two ponds. A 25 ft. drainage easement was added to the rear ends of the lots which help to increase the storage volume. Mr. Barcikoski stated the site to the north has four catch basins designed in that area. They have been changed from a plastic pipe with an inverted elbow to 2-2B catch basins which are bigger and sturdier. The catch basins will be installed in the rear yards. Mr. Barcikoski stated easements for all of the drainage ways will be put onto the designs of the final plat. The replacement of the box culvert underneath Abbey Road is also now part of the plans. The entire area will be controlled by the HOA including any of the drainage areas, easements and landscape entrance ways off of the detention areas. The rear yard drains and any sanitary sewers that leave the right-of-way will have easements placed on top of them on the final plat.

He added they will complete and execute the Developer's Agreement. He said once final approval is received, the Engineering Department will review what amount is owed to the City for the actual costs for construction. He said they will provide all the agreements and the bonding required prior to the start. As suggested by the Fire Department, the road names will be changed. He said the proposed fire hydrant locations and water main layout shall be reviewed and approved by the City of North Royalton Fire Department. A master tree plan will be completed along with the landscape treatments for the north and south entranceways which will also show signage and lighting. Along with the plan will be another plan showing landscaping found around the basins; they have discussed with certain property owners the installation of additional trees at certain locations to block certain eye sores. In some cases, those trees will be installed on their properties and maintained by those residents.

Bill Nanni, 8950 Abbey Road, stated the back of his yard is the last house before the creek by the detention basin. He asked if it would be dry or have water in it all the time. The City Engineer said his understanding is these are dry basins. They will have a relatively dry bottom which fills with water during a rain storm and then releases. Mr. Barcikoski stated it would be approximately five feet deep. There are rings of contours approximately two feet deep on the inlet and outlet which the EPA requires; they contain sediment storage in them so they could have a wet pool (inaudible). The City Engineer stated per the EPA codes, those ponds will have a small area of water but generally the rest will be grass area or vegetation. Mr. Nanni asked who will maintain the pipes that may clog up. He said every month he is in there cleaning it out so it continues to flow.

Ken Boersma, 8700 Abbey Road, read a document which will be available in the Applicant's file. He and his wife met with Eric Nelson from the development company on August 31st. He went through the list of five items which were verbally agreed to: the developer agreed to planting a minimum of seven evergreen trees on their rear property line; Mr. Boersma agreed to the removal of the large shed structure that is located on rear corner of lot; the developer agreed to connect rear drainage pipes into their drainage pipes; they agreed to bring the necessary fill and topsoil to the proper grade of the sidewalks and seed it, and possibly move the trees to a different location on the property. Mr. Boersma also expressed his concern regarding the private 8" clay storm drain that runs along at least six lots. He said the developer agreed to reattach his drainage pipes to theirs. Mr. Boersma asked that the drain pipes be concrete or plastic pipe. He also asked who is responsible for maintaining the 8" storm pipe located on his property which he is not tapped into, and the six other properties which has no easement. Mr. Boersma stressed the importance that the Developer makes good on the promises they have made to him and the City and the City making good on that commitment to

the residents. He added if it is done properly, it will greatly improve the water problems that he and his neighbors have experienced in the past. He asked if there are any plans for a stop light at the intersection Abbey and Sprague. He asked if a concrete apron will be installed between the new sidewalk and the Mr. Boersma's driveway.

Sue Smith, 8687 Abbey Road, is located by the main culvert coming out of the development. She questioned what the Developer is going to do for her and how is the creek, which is eroding away her property, going to be built up on her property. She was concerned that the Developers have not approached her. She would like her concerns addressed.

David Kowalski, 8809 Abbey Road, asked when the developments on Patricia Drive and Gardenside went in, did the homes on Abbey Road receive the sewage and storm water from West 130th down onto Abbey Road. He also questioned why that development or Pinebrook Development doesn't have a drive into this proposed development. He expressed concern regarding traffic safety by the entrance/exit roads.

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz, to **move this item to the Regular Order of Business**. Roll call: Yeas: Four. Nays: None. **Motion carried.**

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz to **adjourn the Public Hearing**. Roll call: Yeas: Four. Nays: None. **Motion carried.**

The Public Hearing adjourned at 7:28 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on **Wednesday, September 6, 2017 in regular session**. The meeting was called to order at 7:28 p.m. by Chair Tim Miller.

PRESENT: Planning Commission: Chair Tim Miller, Larry Antoskiewicz, Mayor Stefanik, Jessica Fenos, acting Secretary Bonni Becka. Administration: Law Director Thomas Kelly, City Engineer Mark Schmitzer.

APPROVAL OF MINUTES:

Moved by Ms. Fenos, seconded by Mr. Miller to **approve the minutes of June 21, 2017** as submitted. Roll call: Yeas: Four. Nays: None. **Motion carried.**

Moved by Ms. Fenos, seconded by Mr. Miller to **approve the minutes of July 19, 2017** as submitted. Roll call: Yeas: Four. Nays: None. **Motion carried.**

OLD BUSINESS

1. **Huntington Park Phase IV** – The subdivision will consist of 14 single family residential lots on PPN: 488-12-030 in a R1-A zoning district. Phase 4 will be an extension of Angelina Drive. Final Plan approval was granted on 9-7-16. Zillich Interiors Inc. is seeking a 180 day extension of final plan approval.

Motion and second to remove from the table. Motion carried.

Moved by Mr. Antoskiewicz, seconded by Ms. Fenos to **approve a 180 day extension of final plan approval for Huntington Park Phase IV**. Roll call: Yeas: 4. Nays: None. **Motion carried.**

Motion and second to return the item to the table. Motion carried.

2. **Indian Trails Subdivision Phase II**. Woodhill Properties, Inc. is seeking preliminary site plan approval for Indian Trails Subdivision Phase II. The subdivision will consist of 13 lots on PPN: 481-26-051, 481-26-050, 481-26-011 and 481-25-014 in a R1-A Zoning District. Tabled. 180 day extension expires on 12-4-17. No action.
3. **Line-X of Greater Cleveland**. Building plan and preliminary site plan approval for commercial building located at PPN: 483-13-008 Royalton Road in a General Ind. District. Both approvals received on 1/6/16. Tabled. 180 day extension expires 12/18/17. No action.
4. **St. Paul Greek Orthodox Church**. Justin Haselton of R.E. Warner & Assoc. on behalf of Saint Paul Greek Orthodox Church is seeking site plan approval for proposed parking lot improvements located at 4548 Wallings Road, also known as PPN: 489-20-003, in a Public Facilities District. Tabled: 3/22/17. No action.
5. **Michael Pizzuti**. Michael Pizzuti of EMD, Inc. is seeking Sketch Plan Approval for a subdivision consisting of 10 single family residential lots on PPN: 486-23-003 on the east side of State Road between Cady Road and Wiltshire Road in a Rural Residential Zoning District. Tabled: 5-17-17. No Action.

NEW BUSINESS

1. **Royal Collision, LLC**. Roy Werner owner of Royal Collision, LLC is seeking a conditional use permit on behalf of the property owner Jessica Development, LLC to operate an auto body and paint shop facility. The facility is located at 14800 York Road, also known as PPN: 483-27-011 in a General Industrial District.

Roy Werner and Laura Werner stated they have built the business up over the last four years and they are looking for a larger place to operate their growing business.

The Building Commissioner asked the Applicant if his proposed use for an auto body collision shop includes the installation of a spray booth to capture and handle any kind of particulates, odors and/or chemicals and filter those out and capture the particulates. Mr. Werner stated yes the company that is building it is Col-Met; everything is EPA approved. He added ABC Fire, Inc. will be doing the fire suppression system. He said there will be filters everywhere coming in and going out. The Building Commissioner asked the Applicant, exclusive of the spray booth, for the balance of the facility which is the dirtier environment, is there going to be a method to capture and contain any kind of contaminants, particulates, etc. prior to exhausting. Mr. Werner stated there would be exhaust fans in place; these would not capture any particulates. The dust from

bondo will be swept up and disposed of. The Building Commissioner stated that the only stipulation from the Building Division is that a method of venting the primary work space, exclusive of the spray booth, be in place for capturing the dust and the particulates, not allowing it to directly vent to the exterior so as not to cause a nuisance to the adjacent neighbors. Mr. Werner confirmed that he would do some research and will do that. The Building Commissioner stated that stipulation is also included in the approvals of the construction documents which were submitted to the Building Division.

Mayor Stefanik expressed his concern regarding maintenance of the property, stuff falling over the side of the hill, and a semi being stored on the property. Mr. Monnolly responded they have put straw trailers back there so no one has access to that area. He also responded Erin Landscaping who rents there, stored his lawnmowers in the trailer. The semi is no longer on the property.

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz **to approve the conditional use permit for Royal Collision LLC. to operate an auto body and paint shop facility.** Contingent on the installation of a system to vent the primary work space, exclusive of the spray booth, which would capture the dust and the particulates not allowing it to directly vent to the exterior. Roll call: Yeas: Four (Fenos, Miller, Antoskiewicz, Mayor Stefanik). Nays: None. **Motion carried.**

2. **Joseph Solomon.** Joseph Solomon is seeking approval for a lot split of PPN: 483-25-002 also known as 9992 Akins Road in a General Industrial District.

The applicant has **withdrawn** his application from consideration.

3. **Meadowview Subdivision.** MG Civil Design LLC on behalf of Terrence Monnolly Trustee is seeking approval of Final Plan including the Subdivision Plat for **Meadowview Subdivision.** The subdivision will consist of 37 single family residential lots on PPN: 481-04-050 and PPN: 481-04-048 on the west side of Abbey Road between Albion Road and Sprague Road in a R1-A Zoning District.

The City Engineer responded to a question regarding the storm water basin and its design to make sure it is built to code. He stated three entities will be inspecting the site. The City's Engineering Department and NEORS D will be reviewing the construction for code compliance; Cuyahoga County SWCD will also be reviewing the plans. He added the City of North Royalton will hire an outside firm to perform full time inspection of construction to make sure it is built per design/plans. The inspection company will note any deficiencies which need to be corrected prior to it being approved and prior to the City dedicating the subdivision to be used by the public for sale of homes.

Mr. Schmitzer gave an update of the Cedar Estates Detention Basin project. He said the two detention basins act as one and will provide approximately 15 acre feet of water storage; this will help slow down water that comes through the Applewood Creek heading west to Baldwin Creek. By designing these basins, the rate of flow will be reduced from 600 CFS down to 400 CFS. It will be reducing the flow coming from the east towards Baldwin Creek by one-third. The Mayor has requested the Sewer District review and inspect the Baldwin Creek area between Sprague Road and the south end of Cedar Estates. They have located numerous areas of wood debris and siltation that have to be removed. As part of the Stormwater Program, the Sewer District is under contract to have that removed; work orders are in place. All these items tied together should significantly reduce the flooding issues and help the flows where the water

from the Subdivision enters into. He said the properties on the east side of Abbey Road have the Baldwin Creek in their backyards. That area is a designated flood plain. It will not dry up to the point where there is no water back there; however, removing the debris will help the water flow north into Parma.

Who maintains the basins will be written into the covenant and restrictions and on the plat; it will be the responsibility of the HOA that will be formed for that subdivision to maintain those items, the basin, the storm sewers leading to them, etc. The City has a three year program to inspect every basin to make sure they are in compliance. Prior to the building of the first house, we will make sure everything is clean and operating properly. Moving forward it should be easy for any kind of maintenance. When the builder is close to turning over the HOA to the actual people living there, the City will get involved. We will give the HOA members information so they understand what is necessary and how much money they should set aside for maintenance items, and what they should tell their landscape contractor what to look for while maintaining the common areas. The City has a third-party-right in case no one is doing what is needed.

Mr. Schmitzer said a traffic study was performed for the proposed 37 single lot subdivision. In summary, it showed no negative impact that would warrant any improvements to Abbey Road and or the intersection of Abbey Road and Sprague Road. The spacing of the two roads coming out onto Abbey Road meets our City Code and the traffic consultant said it meets current ODOT criteria and will not cause a traffic issue. He said the City has been working with the County on the improvements on Sprague Road from Webster to York. They will be widening the road to a three lane cross section in 2020-2021. There is no proposed traffic light at that intersection. We asked them to straighten out the intersection to make it a 90 degree angle instead of a hard angle looking left. The lights between York and West 130th will be timed differently so that traffic should flow better allowing queuing and spacing.

Mr. Schmitzer stated the issue regarding the storm and sanitary flows from Patricia and Gardenside, he believes, are coming through an easement onto Abbey Road as originally designed. He stated he is reviewing the report from the consultant with the sanitary flows added by this development with the existing flows. At this point it has not been fully reviewed but at first glance, it does not seem to have a capacity issue for the sewage generated by the subdivision. There may be other issues globally within the system but it is to be determined whether it is between the parties, between the developer and/or the City. The Engineering Department will look at what the solutions are for that. He said it is the same with stormwater. Stormwater is naturally coming through there and is draining through the natural drainage swale that cuts through the property. That is being maintained in its entirety through an easement except the portion between sublots 25 and 37 before it enters the culvert that goes under Abbey. He added, he knows our riparian code does not apply because it is not a shown stream, but he said he would request the Applicant to place a portion of the creek just under a drainage easement so we can protect that corridor so nothing gets built in there and it gets stabilized so we don't have future problems down the road.

He addressed the question regarding why there isn't an access road from another development. He said the Administration and PC may not have felt it was necessary at the time the development was built. It could have been left at a stub or temporary cul-de-sac for possible future development.

He addressed the issue regarding the 8 inch clay storm sewer pipe running through the front yard that leaves the neighboring property and goes into the ditch as it comes under Abbey. He

said that is a private matter between the resident and the developer. The Applicant stated they would address that issue with the resident directly. (inaudible)

Mayor Stefanik asked if the ditch in the back yards connect to that clay pipe. The Applicant responded no, that is a separate structure; separate drainage in the front yard and the back yards. Six lots connect with clay tile; at one point the resident disconnected it due to constant flooding issues in his house. (inaudible) The Applicant responded from the resident's point north, the pipe will be replaced and he will get a better outlet. Mr. Schmitzer asked the Developer if they would consider investigating the storm sewer that fronts Abbey Road for possible improvements to that portion which would include five houses south of the driveway and also the island home. The Developer said this pipe is a recent development and they haven't had an opportunity to figure out what is going on with that pipe.

A resident showed his blue print when his house was being built which shows an 8 in. existing storm drain. He said the Cartwright's may have put in a private 8 inch storm drain so there are no easements. The resident stated his concern is who is responsible if this thing goes down on his property. He believes the pipe is compromised. Mr. Stutzman also spoke regarding the 8 inch clay pipe. Mr. Barcikoski stated the section which is on the subdivision's property will be replaced. He added that they will camera the rest of the lines to see what it's like. Mayor Stefanik asked if a drive is going in what happens to where the pipe is draining. It can't just end there and go nowhere. Mr. Barcikoski said they will photograph and come back with a separate proposal. The City Engineer closed the conversation stating that any improvements to the existing 8" pipe which is on private property should be pushed out on to the public right-of-way on Abbey Road so there are no private property responsibilities. We are putting all the improvements similar to building a new subdivision; every house connects into a public sewer allowing positive flow and a properly sized pipe. The Law Director asked the Applicant if he would give a commitment to fix this and resolve the issue. Mr. Monnolly responded yes.

The City Engineer clarified the area between the sublots, from his measurements based on the top of the bank, it appears it is approximately maximum 20-25 feet whatever centers on that to control that area is what we would like to have platted as a drainage easement. If it was 20 foot, it wouldn't even affect the side yard setbacks for the lots or placement of homes in that area. The Applicant clarified if they are talking about the two houses south of the south entrance way and the houses in between the drives. He agreed that he would work with the City Engineers regarding that issue.

The City Engineer stated all the concerns from the Engineering Department have been addressed. The only issue that is still being reviewed is the sanitary sewer flows; we haven't had time to review in full the report submitted by their Engineers.

The Law Director stated he is waiting for the submission of the Declaration of Covenants and Restrictions so that we can be assured the HOA has the full responsibility for maintenance. Mr. Beran stated they are close to having the document completed. He said they are waiting for the completion of the final plat. Mr. Schmitzer stated the way our agreements are written, the developer is the HOA until 90 percent of the lots have been occupied. At that point, the developer would be able to turn over the Subdivision HOA from his control to the residents' control. If any issues exist such as silt, erosion issues, etc., it is the developer's responsibility. The Mayor clarified the developer will start collecting money from the property owners as their houses are built each year paying \$150-\$200 into the HOA; once the subdivision is finished being built the money is turned over to the HOA.

The Mayor addressed the residents living on the east side of Abbey Road and invited them to stay after the meeting to review the inspection reports from the NEORSD concerning the tributary creek that goes into the Baldwin Creek; this includes the area where they will be doing the work and taking out the debris and concrete that has been stuck in there for years. The Sewer Department will be contacting some of the residents regarding entry ways through some properties to have access to the creek. He addressed the resident at 8687 Abbey Road regarding storm water flow from the development. He said looking at the stormwater maps, it looks like the flow has always come underneath the street then through their property and the neighbor's property. With the new retention basin on York Road and with the four retention basins being put in on this subdivision, it should significantly slowdown that water. He said they should see some improvement as far as velocity of the water coming into their properties. The creek in their backyard will be able to release quicker to get under the road and into Parma.

Sue Smith, 8687 Abbey Road, and Chris Cepelnik, 8687 Abbey Road spoke about their concerns regarding the property to the north of that property. This is where the galvanized pipe is located which the creek goes through their yard and flooding the back portion of the neighboring yard. The City Engineer stated the culvert will be replaced within the public right-of-way. Typically stone riprap is on the outlet of these culverts to help with erosion protection to help slow any flows coming out of that culvert pipe. He said he would visit with the neighbor to the north and follow-up with both the Mayor and the residents of what his findings are.

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz to approve the **Final Plan including the Final Subdivision Plat for Meadowview Subdivision**. Roll call: Yeas: Four (Fenos, Miller, Antoskiewicz, Mayor Stefanik). Nays: None.

MISCELLANEOUS

The next scheduled meeting is September 20, 2017.

ADJOURNMENT

Moved by Ms. Fenos, seconded by Mayor Stefanik to adjourn the September 6, 2017 Planning Commission meeting. Yeas: Four. Nays: None. **Motion carried. Meeting adjourned at 8:25 p.m.**

APPROVED: /s/ Timothy Miller
Chair

DATE APPROVED: October 18, 2017

ATTEST: /s/ Diane Veverka
Planning Commission Secretary