

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **December 6, 2023 to conduct the Regular PC Meeting**. The meeting was called to order at 7:04 p.m. by Chair Gene Baxendale and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Marie DeCapite, John Ranucci. Secretary/City Planner Ian Russell. Administration: Law Director Tom Kelly, Director of Community Development, Thomas Jordan, City Engineer Justin Haselton, Building Commissioner David Smerek.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Moved and seconded to approve the minutes of **October 4, 2023. Motion carried.**

The Public Hearing portion of meeting called to order. A brief overview of the meeting process was given.

Chairman Baxendale: What we will do is get through one application at a time. The first applicant will be asked to come up and present their case. Different departments from the city will give their comments about the project. Once the comments have been addressed, we will open it up for discussion or comment from the public. Once the public portion is completed, we will close the public portion and go in to the regular portion of the meeting for that specific application. We will talk about anything else that needs discussed or addressed and then take a vote on the application. After that is completed, we will move on to the next application and this process starts over again until all applications have been heard.

PUBLIC HEARING / OPEN MEETING

Old Business

The applications will be out of order as PC23-15 coincides with PC23-17 in New Business.

- 1. PC23-02ext:** Thomas Denk, of 12557 Abbey Road, LLC., is seeking a 180-day extension of the Preliminary Site Plan Approval granted on January 4, 2023 for a proposed 11,675 square foot flex industrial office building located at 12557 Abbey Road, also known as PPN: 483-03-007 in General Industrial (GI) District zoning.

Tom Denk (applicant): My name is Tom Denk, I live at 7425 Cady Road. In order to go ahead with this project, I want to make sure that there's a pending sanitary sewer project. I want to make sure that's going to actually happen because the new sewer is supposed to be a quite a bit deeper than it is right now. I don't want to do drawings twice to accommodate that project. I'm hearing that it's going to happen, but I want to see it happen or at least go out to bid before we move ahead with this project.

Chairman Baxendale: What is your understanding on the timing of the sanitary sewer project?

Tom Denk (applicant): At a meeting in May, they were saying the part of the sewer project in front of our property would be done by June, which I knew was pretty ambitious on that part. But if I see it go out to bid, I'll know they're serious about doing it, and I've been dragging my feet because of that.

Chairman Baxendale: So, it is projected to be done in June of 2024?

Tom Denk (applicant): In the May meeting, six months ago, that's what was implied at that point. That's why I'm here.

Director of Community Development: To the chair, the bid would be out before then. So, what he's asking for, the work would not be performed by June, if it did go out to bid in the next couple of months.

Tom Denk (applicant): Understood, but at the May meeting...

Chairman Baxendale: Mr. Jordan, please approach the Chair next time and not the applicant.

Director of Community Development: To the chair, the bid package for the sewer extension on Abbey Road, which is a multimillion-dollar package, is still under design. Once that is completed, they put all the bid specifications and send it out to public bid. That last step has not occurred, but we anticipate it within the next couple of months. Once that goes out to the public, the project's all but moving forward at that point. So, with the 180-day extension that the Board is offering him, he'd have a very good understanding of where the Abbey Road Sewer Extension project would be within those 180 days.

Mayor Antoskiewicz: Mr. Jordan explained what some of the delay was. We also had to get some easements and other things which pushed back the Abbey Road project. We are not ready yet to put the project out to bid.

With no further discussion, Chairman Baxendale asked for a motion to approve the 180-day extension of the Preliminary Site Plan Approval. Mr. Marnecheck made a motion to approve the 180-day extension, seconded by Mr. Ranucci. Roll call: Yeas: Five. (Baxendale, DeCapite, Marnecheck, Ranucci, Antoskiewicz). Nays: None. Motion approved (5-0).

2. **PC22-07ext:** Shawn Inks is seeking a 180-day extension of the Final Site Plan approval granted on July 13, 2022 for a proposed minor subdivision consisting of 5 lots with a shared private driveway located on PPN: 485-27-003 in Rural Residential (RRZ) District zoning. A 180-day extension was previously granted at the July 6, 2023 Planning Commission meeting.

City Planner: Mr. Chair just to let you know, Mr. Inks was unable to be here tonight. I will read his letter into the record if that would be acceptable?

Chairman Baxendale: Sure.

City Planner: Dear Planning Commission, I would like to request an extension of the expiration date of the Final Site Plan approval for parcel 485-27-003 that was originally approved on July 13th, 2022 for the duration of 180 days. We have received approval from Cuyahoga Soil & Water, and they're waiting on the maintenance agreements to prepare their approval recommendation. These documents are being approved by my attorney and I expect to have these finalized and sent to Soil and Water after review by the Law Director of North Royalton. These documents will be provided to the Law Director within the next two weeks. This past six months have been extremely difficult with significant family medical emergencies and extra burden on the process in getting these items completed so my sincere apologies for the added delay. However, I have already spoken with and procured a contractor that is preparing to begin with the site work in early spring pending all the approvals so I believe this extension will be the final one requested. I will not be able to attend the December meeting as that is the day that my wife is due to deliver our newborn baby. So, I apologize that I won't be able to make it, but I appreciate the consideration of this extension by the Commission and look forward to continuing with the project.

City Planner: Just as a side note, we did approve a six-month extension for this project at the July 6th meeting so, this would be the second extension.

Chairman Baxendale: Let's start with the City Engineer, Mr. Haselton. Anything on this particular issue

City Engineer: No. We have been copied on some of his correspondence with Soil & Water Conservation, so I'm comfortable that where he claims it is. So, no issues with us.

Chairman Baxendale: Building Department?

City Planner: The Building Department has no issues with the extension.

Chairman Baxendale: Law Department?

Law Director: We have no objection to the request.

Chairman Baxendale: Director of Community Development?

Director of Community Development: No.

With no further discussion the Chair asked for a motion to approve the 180-day extension. Mr. Marnecheck made a motion to approve the 180-day extension, seconded by Mayor Antoskiewicz. Roll call: Yeas: Five. (Ranucci, Baxendale, Antoskiewicz, DeCapite, Marnecheck). Nays: None. Motion approved (5-0).

3. **PC23-15:** Russell Sposit, on behalf of CWP Enterprises, LLC, is requesting the withdrawal of his previous application for sketch plan approval for a 4-lot minor subdivision located off of Harley Hills Drive, also known as PPN: 482-27-001, in Residential (R1-B) District zoning.

Chairman Baxendale: Is the applicant present? Please state your name and address.

Russell Sposit (applicant): Russell Sposit, 8115 Edgerton Road.

Chairman Baxendale: Anything you'd like to add to what the City Planner read into the minutes?

Russell Sposit (applicant): No, we are asking to withdraw the application we put in previously.

Chairman Baxendale: All right, let me go to the City Engineer.

City Engineer: As this is related to the next item on the agenda, it makes sense to withdraw this first application.

Chairman Baxendale: City Planner, Mr. Russell, do you have anything to add?

City Planner: Like the City Engineer had stated, the withdraw will be leading to a new application related to the property and actually an adjacent property as well.

Chairman Baxendale: Law Director, Mr. Kelly?

Law Director: We recognize that the applicant certainly has a right to withdraw his application, and it makes sense, as everyone has said, because he's got a new proposal in with PC23-17.

Chairman Baxendale: Anyone else on the Commission?

Mr. Marnecheck: I have a question for the Law Department. If he withdraws this and his ten-home application is denied. Can he go back and have this four-lot plan again?

Law Director: He could resubmit.

Mr. Marnecheck: If he had to resubmit, then he would be starting over again?

Law Director: Yes

With no further discussion, the Chair asked for a motion to approve the withdrawal of PC23-15. Mr. Marnecheck made a motion to approve the withdrawal of the application, seconded by Mayor Antoskiewicz. Roll call: Yeas: Five (Rannuci, Baxendale, DeCapite, Marnecheck, Antoskiewicz) Nays: None. Motion approved (5-0).

New Business

1. **PC23-17:** Russell Sposit, on behalf of CWP Enterprises, LLC., is seeking sketch plan approval for a proposed subdivision consisting of 10 buildable single-family lots located on 2 lots off of Harley Hills Drive, also known as PPN: 482-27-001 and PPN: 482-27-008, in Residential (R1-B) District zoning.

Chairman Baxendale: Okay, again, please your name and your address for the record.

Russell Sposit (applicant): Russell Sposit, 8115 Edgerton Road.

Chairman Baxendale: Very good. All right, why don't you let us know what you have in mind.

Russell Sposit (applicant): My guys here, they know more about it than I do.

Curtis LaBarbera (applicant engineer): Curtis LaBarbera, 154 Parkway Drive. This new submittal is a 10-lot single-family subdivision, which includes both of the parcels on the north and the south. All the lots meet the R1-B Zoning Code for square footage, setbacks, acreages, and the density that's allowed. We're allowed 2.4 dwelling units per acre and we are at 2.36 on this proposal. We are doing 10 individual houses as the entranceway to Harley Hills staying uniform with the entryway as it goes into it to the existing houses. Aesthetics, looks, light earth tone colors so it doesn't stand out as a totally different subdivision.

Chairman Baxendale: Are you planning on being the builder also or just a developer?

Curtis LaBarbera (applicant engineer): No, Tony Svoboda is here as the builder.

Tony Svoboda (applicant builder): Tony Svoboda from Drees Homes, 6860 West Snowville Road, Brecksville, Ohio. I did bring with us some elevations as Drees Homes plans to be the builder at this site. So first and foremost, we do want to create a sense of continuity between the new homes and the existing ones on the street. The existing homes were built in the early 2000s, so market preferences may have shifted a little bit, but by and large, we would want to stick with the Western Reserve styling and color scheme that's already present on the street. So, I've brought some elevations that I would like to present that are representative of the homes we would build. Drees Homes is a semi-custom home builder so most of our homes are built to order. These elevations and drawings presented here today wouldn't be the exact homes we would build, but they are representative of the style that we would plan to build. We do have an internal design team that manages our design process with the customer that ensures no two elevations will be side-by-side on the street.

Chairman Baxendale: Are these comparable to what's there now?

Tony Svoboda (applicant builder): Yes, in terms of architectural styling, yes. As I understand it, most are ranches on the street now, at least at the bottom of the hill. So, we do have three ranch-style plans here, as well as two two-stories, per your view. The first one here is our Hialeah, that's a ranch plan. Next, The Beachwood, is one of our newer plans here. The square foot with the smallest plan is the Beachwood here at about 1,800 square feet. The plans can range all the way up to, depending on what options the customer chooses, 3,600 square feet with the maximum options.

Mr. Marnecheck: I'm sorry, is one of these the 3,600 square foot option?

Tony Svoboda (applicant builder): The Buchanan plan here, if you were to choose this floor plan with every option possible, it would be right around 3,600 square feet. The final elevation I brought is the Belleville.

Chairman Baxendale: Is there anything different here than what you had proposed with just the initial plan? What's the difference between the two? Just looking at the north side, is there anything really different? Generally, the number of houses, the size of the houses, the general plan.

Curits LaBarbera (applicant engineer): On the original plan, we had four lots. The lots were wider than what they are now so they were able to fit a bigger house. Now that we are working with the south parcels, the lots are smaller, which I believe are the 80-foot footprint now. So, it makes the house options are little smaller than the prior submittal that we did.

City Engineer: The plan that they provided now, has two stormwater detention basins. They're both on their own parcels, so that's what we want. Catch basins are shown on each lot except subplot 10 and we will want that added there. All of the utilities are existing and on Harley Hills Drive so that makes it easier. As we mentioned last time, they will have to work on the HOA if they're going to be joining the existing HOA or starting their own. As they move along, they'll have to make sure they're clear on wetlands and streams, what you're impacting. So that's all from us.

City Planner: I can explain the density question and the difference between the plan that we had previously seen and in this one. Previously they were doing four homes on the northern lot and leaving the southern lot undeveloped. If you combine the acreages of the two lots, they have enough to fit five homes on each side, which is why the change and the addition of a fifth home. Based on my review, the density, the setbacks, the lot sizes, everything is to code. I will say, as far as actual comments, make sure the home sizes meet the requirements for the R1-B district, which I believe they will. The other question, and this was brought up in our last meeting, the sidewalks, four-foot sidewalks to be installed around the developed parcels on York. We'd also like to see some discussion with the existing HOA regarding that area that doesn't have a connection to the existing subdivision to the east. Figure out the HOA, meaning if you'll be joining the existing or forming your own. The HOA will be responsible for maintenance of those basins. There was one other item, ensure that all your basins are at least 12 inches off the property line. It looks like the one is right up against the property line, on the south side. The last piece, I saw in your new proposal, there's an easement shown for the signage at the intersection of Harley Hills. Would the signage be under your HOA or is that going to be handled through the other HOA?

Curits LaBarbera (applicant engineer): It would be underneath this subdivision's HOA.

City Planner: Would you be replacing the signs then?

Curits LaBarbera (applicant engineer): No, the signs are going to stay and the HOA has access to maintain each of those signs.

Law Director: As we've discussed previously, you made some approach to the existing HOA at Harley Hills and they've indicated they do not want you to join with them?

Russell Sposit (applicant): No, they do not.

Law Director: Okay, so that leaves us in the position where then you as the developer, in conjunction with Drees, are going to have to create your own HOA declaration, bylaws, and incorporate into the declaration and bylaws all of the things which you have now repetitively heard about the basins and the maintenance. Adding a default to the city which will allow the city to maintain them in the event the HOA fails to do so. Also, to lean the individual owners for the payment of that maintenance. You understand all of those things?

Russell Sposit (applicant): Yes. I think we submitted a preliminary HOA that was drawn up over a month and a half, two months ago. I'm sure we did because I have it at home.

City Planner: I don't recall seeing any HOA documentation.

Russell Sposit (applicant): It was drawn up; Todd Schrader from Seeley Savage Legal Firm drew it up. He assured me that you've seen everything that's on there. And as far as the sidewalk, it's on our plan and it'll be on the other print.

Chairman Baxendale: Okay, very good. Any submittals from the public?

City Planner: No, we didn't get any letters for this.

Director of Community Development: We look forward to working with them in developing that subdivision.

The Chair opened the Public Hearing portion of the meeting.

Frank Castrovillari (resident): Frank Castrovillari, 7675 Harley Hills Drive. It was to my understanding that the signs out front was not part of the cluster homes HOA, it was originally the single-family homes that starts with mine and goes up the hill. So, I don't know if the Law Department needs to look into that, because when Cartwright was there, he told me that when we took over, or were supposed to take over, the signs were ours so I don't know how that works. The second thing is the elevations. Even though they look really nice, a lot of houses there have a lot more stone in the front. That was something that Cartwright insisted when all the homes were being built. So, I was just asking if maybe, the cluster homes were a different package that was done by a different developer and it was sold off and it was treated that way. But if he wants to try to keep the same look as the single-family homes up the street and not the clusters which 90% of them are only ranches, if he's doing two stories all the other two-story houses up the street have a lot more stone or natural materials not siding on it.

With no further Public Comment, the Chair closed the Public Hearing portion of the meeting and called to order the Regular portion of the meeting for discussion by the Board members.

Director of Community Development: The Cartwrights personally owned those two parcels at the front, there was never any easement recorded to any individual HOA. He installed them at his expense initially. They're on his private property and then over the years when we've had problems with the signs, he personally would have it mowed. So, they never really belong to anybody but him and they were on the two private parcels. Those two private parcels are now owned by Mr. Sposit and he's proposing to build there. We did ask him was that the signs be retained and that they still mark the entrance to the entire subdivision, and he has incorporated that. I believe his intent is that he's going to subdivide the lots, turn them over to Drees, and they will individually sell them. Once the developer control period ends, his HOA would be formed, and they would be solely responsible for those signs. Mr. Sposit will be out of it at that point, and the HOA assumes it.

Tony Svoboda (applicant builder): For clarity, the elevations we presented to the Commission tonight are representative of our base elevations so the customers can do more than what was represented here tonight but not less. So, those are our base elevations and will likely have more natural stone and colors and accents and such.

Chairman Baxendale: At the last meeting, they were talking about developing design criteria so the entranceway better matched the existing homes. Ms. DeCapite, do we still need to be looking at criteria?

Ms. DeCapite: I think you still need something for the record. Looking at concepts of design does not hold to what is really going to get built as this isn't binding.

Mayor Antoskiewicz: If I'm hearing you right, this kind of design is the minimum? Do you have a design to show people that have more of the brick and that being more of the minimum? If you're going to match up what's there, does Drees have a design to this where you would show more brick to match more of what the development is?

Tony Svoboda (applicant builder): We have an internal design team, so each house is semi-custom, built to order to the specs of each individual customer. We give the base elevation and let the customer customize their home. Customers will go through that process and do that. But in terms of this subdivision, the minimums would be spelled out in the HOA declaration.

Mayor Antoskiewicz: What I'm looking for is that in your design criteria, the minimum design criteria is to match the design of the single-family homes that are in Harley Hills, which have more brick.

Ms. DeCapite: We could designate a percentage of the front elevation to have brick or stone?

Frank Castrovillari (resident): To my recollection, the way Cartwright originally did the street was no vinyl siding in the front. You could have them on the sides and the back. The front was, he preferred brick, but he allowed any natural material. But no plastics, no vinyl's, and no metal siding. So that was kind of his criteria. So basically, the front was all natural materials, and the sides and the rear could be really whatever you wanted.

Chairman Baxendale: We've given them a good idea of what we are looking for, would it be incumbent upon them to come back with a design criterion that they think would meet that? Allow us to review that and make a decision at that time.

Law Director: Mr. Chair, as this is a sketch plan application, that would make very good sense.

Chairman Baxendale: Would the applicant be willing to do that?

Curits LaBarbera (applicant engineer): During our last meeting, the Commission said for us to match the houses up to the very first intersection. Everything past it, you guys were treating separate. If you go to Google Street View, the ranches going up the hill, they do have vinyl siding on the fronts. There is some brick and stone, but there is siding. So, I just want to point that out.

Mr. Marnecheck: That's the four lots there, correct?

Curits LaBarbera (applicant engineer): Yes. That was what the Commission said was to not go past the intersection because the houses were different after that.

Chairman Baxendale: Would you still be willing to develop a design criterion based on what we've stated here with what we are looking for and come back for approval of that design criteria?

Russell Sposit (applicant): Yes, we would be willing to do that.

City Planner: You'll submit that to me with your application. For the record, the previous application of the four homes was considered a minor subdivision. The process for that was sketch to final site plan. As this is a major subdivision, there are now more steps. The process is – sketch, prelim, final and final plat.

Mr. Ranucci: Shouldn't the design criteria need to be part of the HOA document?

Chairman Baxendale: Eventually, it should be incorporated into the HOA. But we can use it before the HOA is created as a guideline for them as they're moving forward with their development.

Mr. Ranucci: Understood.

Mr. Marnecheck: There are a lot of beautiful homes in that area. Hopefully you can match the aesthetics.

Chairman Baxendale: Justin, could you expand on their stormwater design?

City Engineer: They're preliminarily showing everything that we'd want to see. They've got catch basins in every lot, which will collect water, and they're directed to two different storm water management basins, one on the north, one on the south. And then those ultimately outlet after the water is controlled. So no, no concerns at this point.

Chairman Baxendale: The design will not add any additional water onto Harley Hills?

City Engineer: Correct, the basins are designed in such a way as to actually reduce the amount of water that is ultimately outlet during most storm events. There is a 50-foot storm sewer easement on the far east side, that's on subplot 6. They're proposing to vacate 20 feet of that which would still leave 30 feet. Currently, there's no storm sewer in that easement so we don't have a problem, at least preliminarily, thinking that we could vacate that portion that they're proposing right now.

Mayor Antoskiewicz: Thank you and I appreciate you for putting basins in the back of all the houses, I think that will be a big help in that regard. I know there was a talk about that little stretch of sidewalk on the back, connecting your subdivision to the current subdivision. Is that part of your plan to put it in that part, or are you still getting together with the other HOA to try to talk about that?

Russell Sposit: Yes, we will be installing the 100 feet of sidewalk on the north and roughly 70 on the south.

With no further discussion the Chair asked for a motion to approve the application for sketch plan approval. Roll call: Yeas: Five (Baxendale, DeCapite, Marnecheck, Antoskiewicz, Ranucci). Nays: None. Motion approved (5-0).

2. **PC23-18:** Ashley Rothstein, on behalf of 13393 York Road LLC., is seeking final site plan approval for the addition of a bathroom to the existing ice cream building, exterior modifications to the existing ice cream building and building signage, the construction of a pergola structure, the replacement and modification of exterior paving, and the area expansion of the existing miniature golf course at Mr. Divot's Sports Park located at 13393 York Road, also known as PPN: 482-27-005, in Research Office (RO) District zoning.

Ashley Rothstein (applicant): My name is Ashley Rothstein. My address is 39695 Lockmore Drive in Solon, Ohio and my architect, Steve, will be presenting.

Stephen Ciciretto (applicant architect): Thank you for seeing us again tonight. After Ashley's Corporation took over the project in January of 2023, an earlier submittal came in and you had seen that relative to adding nets to the driving range, covered tee boxes, and new batting cages. So, dealing with the portion of the property to the east, which abutted the apartments and residential districts. What we're coming in tonight to talk about is the ice cream shop and the mini golf course and basically the western section of the parcel. So, at the original meeting, the Planning Commission asked as part of the overall project to take a look at could we do something to upgrade the ice cream shop. It's been years and years since anything's been done in that. The original owner had it from at least the early 80s. So, I think at that point it was more or less conceived of maybe giving it a paint job, freshening it up, landscape, do something with the front because it actually fronts on York Road, which is the most important part of the parcel in terms of streetscape.

Chairman Baxendale: Excuse me, would you move the microphone closer?

Stephen Ciciretto (applicant architect): So as Ashley ran the ice cream shop and we were dealing with issues inside of that building, how dated it was, it became apparent that there were several issues that, because it was so old and not updated, it became apparent that there were several issues with the property that were major issues in terms of ADA compliance. So, since the building predated the adoption of the ADA laws in 1992 as part of the Ohio Building Code, nothing really happened. In theory what happens with ADA is that as you over time fix up you're building or do work on it, a certain percentage should go to ADA compliance. Clearly it never happened. So, we looked at that as an issue that needed to be addressed along with fixing up the building, painting it, whatever we were going to do. In addition, we found there was breaks in underground wiring in the patio lighting. So, in the little patios that are off to the side of the ice cream shop, there were breaks in the wires. The lights didn't work. There was just numerous problems. So, we took a grander look at the front of the building, at the front parcel, and remembering that because in I believe 2021 this this parcel was rezoned as Research Office district, we continue to be non-compliant so we predated

zoning but it's a non-compliant use and so it brought up some issues as we started working through the process with the Building Department and planning and all that. I guess what ended up happening was it became quite a bit grander in scale than what was originally maybe thought of or intended or asked for by the Commission. And so tonight I'd like to present to you what our plans are for how we'd like to see the property finished developing. The back section of the parcel is, as we said, the nets and the batting cages, the covered tee box, all that's been addressed and is under construction now that golf season has kind of come to an end. And so, it's time to concentrate on the front. This is the overall site plan. This aerial map is probably a good object that will tell us that this is the building area here and this is the putt-putt, mini golf, course. There is a non-compliant building in the district to the north which is the care center and office building to the south. As we look at this parcel in the development, it's important to remember that this parcel and this piece of the project doesn't really deal with as many issues as we had with the residential concerns next door. So, this drawing shows in pieces that this red area is the existing mini-golf course, and of course, as you can see in that plan, more than 50% of these areas that we're designating as mini-golf or landscape areas, you know, they're lawns, you can see the tee boxes. And so, the blue area to the north is the expansion, and the expansion is primarily driven on the mini-golf because of the ADA compliance. So, the new course would be ADA compliant and meet all the standards and definitions for that. The current course is not compliant, so not everyone can use that.

City Planner: Excuse me, Mr. Ciciretto, I just want to point out that the plan on the screen is not the plan that was submitted. So, since you amended the plan, we would need you to request the amendment of the plan. If you want to talk through the original plan and then the differences, that would be helpful as well.

Stephen Ciciretto (applicant architect): So, the original submission was this and after some input from the Building Department, we realized that this piece right up here is still, even though it's not, there's no homes, it's a landscaped area, it's still part of the residential zone. And so, technically, there is a one-hundred-foot setback from that lot. So, on this revised set that you may have had, you'll see this kind of circular piece. We were advised that we would be required to go for a variance if we wanted to build it like that. And certainly, as we've discussed, since so much of this is landscape, that area can definitely be a landscape portion of the new proposed mini golf course. So, as we go into it, you'll see that little circle cut out, that's the 100-foot radius from this point here. In addition to the golf course, the primary things that we wanted to work on was the building and the concrete courtyards that are existing around it. So right now, basically, these areas are concrete courtyards where people get their ice cream and go out. Baseball teams from the community will come out and, you know, hang out after their ballgames, getting their ice cream. So, we thought that as part of that concept, we can soften some of the shapes, change some materials in concrete and, you see, this is again schematic and conceptual and we'll be developing construction drawings pending your approval. But for our purposes, you'll see that we thought that it would be a good idea to introduce some landscaping, some trees, some buffer to soften up the appearance and to screen a little bit of the courtyards and the mini-golf that's going on behind it. So, there were several iterations back and forth with questions that the Building Department had and as we go through, I'll try and touch on those for you. Any questions about that? There is, of course, primarily a summer season that people are using the outdoor venues, so we anticipate adding a pergola structure, which we'll talk about in a little bit. A pergola is just a shade structure to cover some tables and provide a new look and shade for anybody that's sitting there. So, the only difference between the original plan that was submitted after input from the Building Department was the elimination of the variance request for that 100-foot setback from a residential lot.

Chairman Baxendale: Steve, just a clarification, the blue area on the new plan is going to be part of the new golf course?

Stephen Ciciretto (applicant architect): Yes, that's correct. So originally, the last time that we had submitted, I think there was an extension of the course that kind of came up in front of the building in this area here, and we've pulled that back and kind of changed it. It's further from the street, and again, remember, it's just that blue area also includes some landscaping elements of the golf course,

okay? But it's primarily used for expanding the golf course to make it ADA compliant, and frankly, to make it funner for everybody that goes there and uses it. Okay, so these elevations, they're not showing up great up there in color, but you'll get the idea. One of the key issues that drove the renovations to the building, as I talked about earlier, was...

Mr. Marnecheck: Are you changing the name?

Stephen Ciciretto (applicant architect): Yes, we were taking Queen off, I guess. This plan indicates that one of the things that was driving this is, you'll see there's no bathroom for users upstairs. There's actually a bathroom in the basement. Originally, it was probably intended for staff because it wasn't really a place that you would stay. But the reality is that people come here, get their ice cream, go play putt-putt. And right now, they have to go to the buildings in the back, to the restaurant building in the back, crossing the parking lot. And so, it's also short of the ADA compliance. So, this plan proposes a minor addition back at the back of the building here that is for the golf course users ADA compliant bathroom. We feel it's a safety concern and it keeps people and kids from crossing the parking lot. If you look at that overall plan, you can get a sense of that a little better. People golfing have to cut across here to go to use the bathrooms back in this building and then come back over. And of course, there's a question of ADA compliance. So now that you sort of see, that's adjacent to the back side. This plan just shows that there is the foundation plan, the basement plan, just to show that there's a basement bathroom that we wouldn't want anyone to use and it's non-compliant. So, the idea came when we looked at this building, and this is the front of it, can we do some of the things the Planning Commission hoped for or asked for and maybe take it even a little bit of step further. It became a little bit of a surprise because, being a non-compliant building, the question was whether or not the Planning Commission would consider this an expansion of the non-conforming use and well, we saw it as an uplift and not really a change of the use at all. So, there's a big overhang that kind of wraps around the building and there is also, as you can see from this photo here, and when you're on York Road, a bunch of rooftop equipment that is clearly visible. So, as I looked at the project and thought, what enhancements can we make? Certainly, signage is a big thing, so we added a sign on the front of the building. This is a screen wall that's built above the flat roof up there, a lattice and solid board that will hide the rooftop equipment so it cleans up the building from York Road particularly, but really from all sides because we wrap around 360-degree architecture. The back should look as good as the front in my mind and so we're introducing some shingle shake style shingles there so a little bit of detail to define the entrance corner. The two signs that we're adding here and here, on the plan, are actually 57 square foot smaller than the existing signs that are on this side and not shown on the other side of the building. So, there's two signs like this. So, we're decreasing signage, but we think it's better signage, more useful. A little playful cupola, something to draw attention to the center. The Fire Department, I believe, has asked for a large address that's clearly visible on the building. And so, you see that there. So, some of those things were in reaction to the city input. The back wall shows kind of where that you go get, if you've ever played there, you go pick up your balls back there and this is the addition for the ADA compliant bathroom. So basically, what we were we're asking for and seeking tonight is a preliminary approval to proceed with updating the building, providing ADA compliance to the to an ADA-compliant bathroom, ADA-compliant mini golf range. And by the way, I told you about the pergola and the little shade structure that would go in the front. It's small, it's a 10 x 20 area, and looks just like this. Those are vinyl materials that simulate wood. So, they will create a shade structure. There'll be a few tables under there and it's 10 foot deep by 20 foot in size of course there'll be details for that one we do construction drawings but that's the concept.

Chairman Baxendale: One clarification, you just indicated preliminary approval.

Stephen Ciciretto (applicant architect): We would submit construction documents at the Building Department, so I think Planning Commission would be a final approval and then pending approval, I guess, by the Building Department.

Chairman Baxendale: But tonight, would be preliminary approval.

Mayor Antoskiewicz: Are you seeking final?

Stephen Ciciretto (applicant architect): So, I guess my terminology was improper. It's actually looking for final. And then our submission to the Building Department would be in compliance with what we told you tonight.

Chairman Baxendale: Okay, we'll discuss that a little further after the public hearing portion. Okay, let's move over then to the City Engineer and get his thoughts and comments on the proposal.

City Engineer: Thank You. Mr. Chairman. If this project goes forward and we get to review the plans at that point we can look to see how much new impervious area is actually going to be proposed here with the putt-putt course and at that point we could recommend a best management practice feature like a bioretention cell in some of this new landscaping if necessary. I would also say that the applicant has a contractor working on site and they've actually built up a bridge over the stream in the back, to get access from one side to the other which really isn't allowed. I want to make sure that the applicant knows that they need to have that restored to pre-existing conditions as soon as possible.

Chairman Baxendale: I'm sorry, did you say that was not allowed?

City Engineer: Yes, they're impeding the flow of the stream. They put some stone in the stream to get from one side to the other. You're not allowed to do that. That has to be restored to pre-existing conditions.

Chairman Baxendale: Okay. Thank you. The Building Commissioner asked me to refer over to Mr. Jordan, Director of Community Development.

Director of Community Development: For some of the folks with us tonight, and for the benefit of the audience, a little history on the site. The site was originally developed almost four decades ago as a driving range and putt-putt. At what point, all of the features were added over the years. We do have a number of building permits, but clearly in 2004, the site was rezoned to Research Office. At that point, the use became a legal non-conforming use. That's what that term you've heard mentioned this evening. What that is that the use is grandfathered in. But in 2004, this city wanted to balance out, it was primarily an outer ring suburb residential, and they wanted to attract more commercial. So, State Road and York Road specifically, in this case, the residential homes that were on it, that fronted on that section of York Road, were rezoned to Research Office to really provide that. And they used research office specifically on those lots on that side of the street to transition from a residential neighborhood into a commercial neighborhood. It was meant to gently bring it, step down the commercial to residential. So, at that point, that particular use became non-conforming. A lot of these driving ranges and putt-putt areas are typically developed in outer ring suburbs in northeast Ohio as a placeholder by the developers to hold the land while they consider development options in the outer years. You may see a number of these developments, most recently in Avon, where these golf ranges and driving ranges are demolished as development moves out to the outer ring suburbs. And four decades ago, we were very definitely in an outer ring suburb. So, what has happened, Harley Hills has developed around it, the city rezoned the lot, became a legal non-conforming use. And in this instance, when it went up for sale about two years ago, over that period, we did receive a number of proposals to redevelop it into commercial, into what would be a conforming use. But we actually, the owner, wanted to continue its legal non-conforming use. And at that time, during the due diligence period, we told all the parties that they could do that as long as it's a one-for-one exchange. Meaning that the current site could be developed as long as the uses stayed pretty much the same. There is no doubt, if any of the neighbors ever visited that site, that that site did not need investment. All of the site, everything from those nets in the back, to the tees that were there, to the bar that is there, to the ice cream place, they all need serious investment. And we welcome the new owner's investment. They transferred the property, it's still legal non-conforming, they came in April and a new site plan was approved. During all of that period, they are allowed to operate that continued use. The city has not removed anybody's ability to operate a putt-putt or a driving range up there at any point and they have approval from this Commission to do so and have had it since April. What we're here for tonight is for a final site plan approval which is essentially a revision of the April approval and that's what they're here tonight to do. So, they have further site plans and actually I believe are, from what I can see, making further investment at the site. It's just about this non-conforming use, are they so

substantial that would they would become out of compliance with that non-conforming use, so we are asking the Board to review that. Also, we want to make sure, all of this has to do with the sensitivity to the neighbors. What happens when commercial creeps into the residential and we talked about when those rezonings occurred back in 2004. There's also been two master plan updates that, that I chaired both of and what we try to do is try to make them peacefully coexist. Those setbacks are very important, as are the buffers. We now have a commercial use that immediately abuts a residential use. We have setbacks in the code for people to observe. There has been an 11th hour revision. So, what I want to again emphasize is that they were grandfathered in, they were allowed to use it, they made a revision in April, they're going for another revision now. Since they submitted for this Planning Commission date, they made another revision. In that revision, they dropped the requirement because they moved it back further from Harley Hills, essentially. By doing that, they removed the request for a variance. So, they have respected to some level that setback to Harley Hills. I have with me tonight; the Building Commissioner and Ian Russell, our City Planner, have been tracking this. The Building Commissioner is gonna give an update about the status of construction and may address many of the neighbor's concern because they are under construction, they have been making improvements, and he does have some comments about that. But all of this, people get wrapped up. I want to be really clear, the city never stopped anybody from operating Mr. Divots. There have been two permits issued at the site for a batting cage and the nets. They are allowed to continue to use it. They have an approved revised plan. This is just another revision. All of the discussion and this Board's concern is to make sure that they are sensitive to the neighbors and abide by the zoning code and the zoning code is set up there to make sure that those two uses commercial and residential peacefully coexist. So, that hopefully gives you a little bit of an intro. The City Planner and our Building Commissioner have more comments about this revised proposal that was submitted shortly before this meeting and they could fill you in on that. I appreciate your time Mr. Chairman.

Chairman Baxendale: Thank you. We will move over to the City Planner.

City Planner: Regarding the proposal, I won't repeat what Mr. Jordan and the applicant had already said, but it is a legal non-conforming use in the Research Office District. Just a couple comments on the proposal and the different pieces, because there's quite a few of them. First and foremost, the existing ice cream shop is a non-conforming building under our current code due to the front yard setback. Part of the application is to add that 63.75 square foot restroom at the rear of the building. As the applicant had stated, if it were built today, this would be required. You'd have to have a restroom for that use that is accessible. The bathroom would not have any issues as far as zoning as far as encroachments or setbacks. As far as the building upgrades itself, the two of the three proposed architectural columns for the front of the building would move the roof to ground of the building four feet forward. Now one thing to keep in mind is the building has a four-foot overhang currently so the columns would be roughly level with that current overhang. Functionally, the building wouldn't necessarily be moving forward from the overhang from the roof. The height of the building, as they had stated, they're proposing the screening around the edge of the roof line and then the pergola up at the front. The overall height of the building would be going from 11 feet currently to 25 feet total, and that would be to the top of the little pergola, not including the flag. Again, not an issue with our zoning code. Buildings in RO are permitted to heights of 40 feet when adjoining residential, so they would be 15 feet under that requirement. There would be no new usable area with the increase, it's purely aesthetic. As far as the signage goes, there are two existing non-conforming signs on the building totaling 120 square feet. Our code does allow for signage to be on the front of the building facing the street and then at a doorway. Now the door to this building is actually on the south side, and I think there's one on the north side as well. So, they would be proposing two signs, one facing the street and then one on the south side by the door, that would be acceptable per our code. Now our code does require that a building and Research Office is allowed one square foot of signage per linear foot of building frontage. The existing building is roughly 31 feet so their proposed signage total would be 63 square feet so it would be over what code would allow but again it would be a significant reduction from the existing non-conformance on-site. As far as the existing concrete patio, there's one to the south and one to the north that currently has tables, there's some rides out there, things of that nature, and totals 5,500 square feet currently. The applicant is proposing to

replace those patios and change the footprint of them, and it would be, again, I believe 5,500 square feet, so it would be a one-to-one as far as square footage, just with a new footprint. The pergola structure, 200 square feet, 10 feet high, it would be a new accessory shelter on the property, but it would be within the existing paved area and it would meet all setbacks including the 100-foot front yard and the 25-foot side yard against that research office parcel to the north. The last item is the expansion of the putt-putt course, and I am going to amend my comment based on the new submittal a little bit. So just for some history the putt-putt course that's existing is 18 holes. The Planning Commission previously approved a slightly redesigned course that would total 26,000 square feet in size and that was at the April meeting. Based on the new submittal, the applicant is proposing a roughly 32,600 square foot course which would be an additional 6,600 square feet but as they had stated they did remove that northeast portion to have it outside of that 100-foot setback. Another piece of our code does require a buffer and screening along the boundary with a residential parcel. Now there is existing landscaping on that boundary and they are proposing some additional to further visually screen the putt-putt course from the Harley Hills R1-B zoned parcel. Overall, it would be an improvement to the existing screening of the course that currently isn't there. The final piece, parking on-site would be adequate per the calculation they provided even with the expanded putt-putt course. It would remain at that 18 holes and then the final piece and something the applicant didn't mention on their application and I just wanted to mention and bring up for the Board for future reference is the hours of operation. At the previous Planning Commission approval, there were hours that were put forth by the Commission Monday, Tuesday, Wednesday, and Thursday it was 10 a.m. to 10 p.m. Friday and Saturday 10 a.m. to 11 p.m. and Sunday 10 a.m. to 10 p.m. and that was for the driving range and then the batting cages were seasonal 10 a.m. to 10 p.m. so just a note for future conversations as this this meeting goes on. That's all for me, Mr. Chair.

Building Commissioner: My office has received some resident concerns and calls about some light glare and trespass from the neighboring properties from the north and south. So, at this time, we're going to request some kind of shielding or a timer on the lights so they go off at close. Buffering is required between the residential and commercial properties, specifically the new northwest portion of the proposed putt-putt course expansion, and all the buffering along the south property line has yet to be installed. The new batting cages are in and they are provided with a concrete sidewalk in front of the entrances. The new walkway in front of batting cages 3 and 4 must have some kind of a fence or a guard around it as it's very high. I'd also like to say that approval of the final site plan from this Planning Commission today does not allow the project to start immediately. Plans and applications must be submitted and approved for concrete replacement, any building signage, any interior modifications to the ice cream building. Once all fees are paid and permits are issued, work can begin. All commercial construction work shall be done by contractors registered to work in the city of North Royalton per section 1444.01, thank you.

Chairman Baxendale: Thank you, Dave. Let's move on to Mr. Kelly, Law Department.

Law Director: Thank you, Mr. Chairman, members of the Commission. None of this is new to any of you or any of us because we've seen this on at least two prior occasions. As has been said, this is a non-conforming use, but it's a use that has historical significance, has merit to the community, and is not likely going anywhere. The new owners, happily, are willing to put some money into this project and to improve the existing facilities in a way that not only benefits them and their customers but also to some degree benefits the community. Particularly with regard to the new netting that, if I understand correctly, is going up even now. That will hopefully save somebody a broken window or battered siding. That said, the focus of a non-conforming use from the city's point of view is to accommodate only a minimum level of improvement with the idea that over time the use will conform to the zoning code itself. It is in my view, and I think I think it's shared by other people, Mr. Russell, hopefully and Mr. Jordan, that the likelihood of research office coming into this area is very significantly diminished from whatever it might have been 20 some years ago when the thought was that this would be a grand use for the property. The objective then is, at least ought to be, to recognize the tension between holding to the non-conforming use and allowing some level of improvement that recognizes that the property is going to be there and it's going to be this use for the foreseeable future. That being the case, then you have to look at each individual request, as has

been done, and determine whether or not these are appropriate. Well, certainly ADA compliant efforts on behalf of the owner to allow for handicapped people and people who are otherwise impaired to be able to make use of the facility is something nobody can argue with, and no court's going to argue with it. Putting sanitary facilities adjacent to the eating establishment is not something anybody can argue with. I certainly wouldn't want to be going into the court of common pleas and asking a judge to strike down your efforts to put a bathroom on the ice cream shop. It would seem to me, and it does seem to me, that subject to their ability to comply with our rules and our ordinances and our restrictions, in particular with regard to the hours of operation, that this is something that the Commission should very likely approve.

Chairman Baxendale: Ian, any submittals to be read?

City Planner: We did receive one letter. The letter was written by Rebecca Hudach, who is located at 9500 Madison Lane in North Royalton, Ohio. The letter is stated as follows: Good evening, my name is Rebecca Hudach. I have lived in North Royalton for 37 years and now, along with my husband, we chose to raise our four children here. While we love that North Royalton is a bit low key with no big box stores, etc, we also recognize the fact that our family often visits neighboring cities for family entertainment. When we heard Divots was being sold, we feared it would close. We were thrilled when we found out that the new owners not only want to keep the legacy of Divots alive but they also want to invest in it and make it better. I have seen and read about the proposed plans for the property and are excited for these much-needed improvements especially the addition of a restroom and wheelchair accessibility on the course. While we can all love and appreciate the nostalgia of the current building/course, I don't think there has been any major updates in decades. We are thrilled that the new owners are willing to put the time, effort and money into a beloved North Royalton landmark and hope the city will help ease the process and do everything they can to help the new owners make Divots better than ever. Thank you.

The Chair opened the Public Hearing portion of the meeting.

Chairman Baxendale: Anyone that wishes to come up and be heard, please do. I would ask you again, please consider if a number of other people have said the same thing that you want to say, maybe let that stand. By no means am I trying to restrict anybody, though. If you want to come up and be heard, you're more than welcome to come up and be heard. So, anyone that would like to be heard, come on up. And when you come up, please state your name and your address.

Dave Fesz (resident): Dave Fesz, 9828 Ridge Road. I'm a product of North Royalton. I was born here in 1970, 53 years old and I have memories going back from the beginning of my memories of hanging out at Divots, from when my older sister was on t-ball teams and we'd go there after t-ball there. When I was on t-ball teams and we would go up there rolling down the front hill, eating our ice cream. If you didn't know, underneath the volleyball courts, there was once bumper boats there. We went on bumper boats. I used to ride my bike up there as a child to play video games. Excite-A-Bite was my favorite video game. This is a jewel of North Royalton. We're so into ripping down things and making new and having veneer wood and everything. Divots is interesting because it is identical to my memories from T-Ball. Nothing has changed. These improvements, I think, are needed and should be embraced and the community leaders should come together and wrap their arms around this establishment and save it for future generations. I brought my son, my son played T-Ball and went up to Divots and did the same things I did and I don't know if he'll have kids or raise his kids in North Royalton. It's a fine community. I would have no objections to that but I think it should be preserved for future generations and I just think it's something that we should embrace and hold on to rather than go with something new.

Chairman Baxendale: Thank you. Anyone else?

Frank Castrovillari (resident): Frank Castrovillari, 7675 Harley Hills Drive. I actually really like this project. I do have some concerns. One, it was brought up, the lighting issue. So, I would like that, again, to be addressed. The second thing is, I just want to clarify, I don't think the entire course is ADA compliant. I think it's maybe half of it is but that's here nor there. I do agree with the bathroom. I

have no problems with that expansion. I am a little concerned about the cedar siding on it, we all know how that goes. That's never going to be maintained 10-15 years from now. Maybe they can change that material to something that's maybe a little bit more durable especially, little kids with wood you don't know if they're going to be picking at it or hitting it, but it would be a maintenance issue. My main concern is the social media that has been posted about the hours. I've read it's going to start at 7:00 a.m., that's what they're advertising. I was here at the April meeting when everyone said it was staying with the hours that are there. But they're advertising way more hours than what was agreed upon. So, I'd really like this Board to make sure that they're very clear that they have to maintain the hours that are there now. That was approved by this Board and take it down from the website social media that it's being offered for more hours. That's a major concern for me. I live right back there; I hear every ball being hit. Also, I believe I thought I read something that the golf was going to be all season instead of seasonal. It'll be all year around. It is not all year round now, so I don't know if that was something that was approved that I didn't know about. But with the heated stuff in there, I'm not surprised that they're not going to be extending those hours. So, I would like that to be clarified. What are the hours of the actual establishment and how long golf is going to go and baseball? Thank you.

With no further comments, the public portion of the meeting was closed.

Chairman Baxendale: I'll ask the applicant to come back up and respond to the comments and questions that may have been asked.

Stephen Ciciretto (applicant architect): Steve Ciciretto, 270 Park Place. Yeah, we would not venture with the true cedar shakes on this building, so these are fiberglass, full fiberglass shakes, so they are pre-made with pre-finished, so with a 50-year warranty on it, so just for that perspective. There's it's a much higher quality than what you think of as vinyl siding, and I would challenge anyone to know the difference between these and cedar shakes when we're done. So that addresses that item. I think Ashley can talk to you a little bit about the different entities and their hours.

Ashley Rothstein (applicant): My name is Ashley Rothstein. My address is 39695 Lockmore Drive in Solon. To go back to the bridge that was put in, there's just some gravel that we had to line the stream with in order to get the equipment back. We were unable to access the rear of our property to put up the nets that were approved and required. So, we made a temporary gravel roadway, which will be removed as soon as they are done with the nets, that was that question. In regards to the hours the property runs with different entities. The batting cages is seasonal and it is 10 to 10, which was approved and we will follow those hours likely to open early spring and go to fall. I mean, it's Ohio and mother nature, I don't I don't know exact dates, I don't have set dates but it would be seasonal. As far as the ice cream shop, that would also be seasonal. We opened this past year the beginning of May and we closed the middle of October and those hours kind of vary based on school season. The earliest we ever opened was 11, the latest we ever closed was 11. During weeknights we closed at 10. We employ about 30 North Royalton, Brunswick, Strongsville kids there, so it's nothing crazy there and it goes based on school schedule. The driving range, there are some, there was some confusion and I guess issues with the hours. I was not present at that meeting. None of the owners were able to appear at that meeting. We were basically told at the time to send anybody with a heartbeat. It's a formality and that is what we did and some hours were discussed and agreed upon that just are not feasible for a driving range. We have a sister property right down the street that goes 6 a.m. till midnight, seven days a week, all year round. We're not asking for that. We're happy to try to meet in the middle, but 10 a.m., and I don't we don't have issues with closing at 10 and 11 p.m., it's the morning hours of 10 a.m. That are just not really feasible for a driving range. It's a business that doesn't have a huge opportunity of time to serve customers and based on the amount of money that we are pouring into this investment it just it's unreasonable hours for the driving range.

Chairman Baxendale: What is it that you're proposing?

Ashley Rothstein (applicant): Um, we would like 7 a.m. till 11 p.m. To open at 7 a.m. and then close at 10 p.m. on the weeknights and 11 on Fridays and Saturdays.

Chairman Baxendale: So, it's 7 a .m., seven days a week?

Ashley Rothstein (applicant): Correct.

Chairman Baxendale: Okay, any other comments, responses to anything that has been asked?

Stephen Ciciretto (applicant architect): I'm not sure if we missed any questions.

Ashley Rothstein (applicant): The driving range would not be seasonal. It's open, it would be open year-round, which is the whole point of the enclosure and the heated base.

Director of Community Development: Mr. Chair, the one area that perhaps they could help us while they're still at the mic, is the lights and turning them off in the off hours and the shielding.

Ashley Rothstein (applicant): The lights are currently on a timer. I checked it yesterday. They turn off at 10:10 p.m. but they are supposed to be closing them off sooner since we're under construction and there's no point in paying an electric bill. And then the batting cages are off for the season.

Director of Community Development: So, the applicant agrees that the lights would be turned off when you're not in operation?

Ashley Rothstein (applicant): The lights are on a timer, yes. So, when the facility closes in the evening, the lights go off about 10 minutes, 15 minutes after, just so everyone can get cleaned up and out of there safely with the light path.

Director of Community Development: One last thing, the shielding request?

Chairman Baxendale: I'm sorry, Tom, please speak a little bit louder.

Director of Community Development: My apologies, Mr. Chair. The shielding request.

Ashley Rothstein (applicant): We can look into the shielding request. I know we previously looked into it prior to the light study, that showed that no lights went off of our property. But we can definitely look into shields for those lights to make sure that Harley Hill residents don't have any reflection.

Director of Community Development: Mr. Chair, it came up and it was in the Building Commissioner's comments that there still seems to be a light trespass. We appreciate the light study but during construction sometimes that doesn't always work out. The Building Commissioner went and did some research on some shielding. But if the applicant will work with us, I believe it was your intent not to have any lights light trespass on the residential properties. We believe there might be an issue as they're being constructed, so if you would work with us to conform to that original intent, we'd appreciate it. The Building Commissioner brought some shields for the architect to look at tonight.

Chairman Baxendale: Yes, I do recall that discussion at the previous meetings, too, about the shielding, and so I'm a little surprised that it hasn't gone further than this.

Mr. Marnecheck: And I've experienced it and I've had residents complain to me. So, I'm glad the Building Commissioner brought it up tonight. There definitely seems to be more lighting in that area now.

Chairman Baxendale: Let me ask the first question to the Building Department. How is the construction going now? We had the bridge concern that Justin brought up, but how, generally, is the construction going of the parts that have been approved and are moving forward?

Building Commissioner: The nettings, I would say, the poles are about half done for the guard netting. Right now, they have the foundation in for the heated tee boxes and it's ongoing.

Chairman Baxendale: Is it going along the lines of how a construction project should be going? The things, the stipulations that we've made, are they in place? Other than the bridge that we talked about, are we following the rules?

Building Commissioner: So, basically, from the previous meeting, we had talked about 10-foot mounds and buffering and trees along the south property line that borders residential. I suspect they'll be doing that after they get the poles and the netting in. I should hope that would be the time to do that. That's not done yet.

Chairman Baxendale: That is the intent, to do it?

Building Commissioner: They just haven't reached that stage of construction yet. Yes, I should hope so.

Chairman Baxendale: Generally speaking, it's proceeding fairly well along the lines the way we hoped it would.

Building Commissioner: It's moving along now. It got off a little rough. It was a rough start, but it's moving now.

Chairman Baxendale: It's moving back on track?

Building Commissioner: Yes.

Director of Community Development: Mr. Chair, I'll follow up on that. I have been in contact with the neighbors as well the Council people and I want to make a real sure the applicant understands. I believe it was also your intent to put that buffering in, but that buffering is very important and it gets back to what I started out originally saying. Those setbacks and the buffering that they required in their April meeting need to be installed. We realize it's winter now, that the proper time prior to do that is a later stage in the project, but a number of the people here tonight and I know that a number of people that have contacted our office want to make sure that they get installed. If you could comment in the affirmative that is part of the plan and will be installed this spring.

Ashley Rothstein (applicant): I would just like some clarification on exactly what is expected as far as buffering. I actually came from there this evening and walked it and walked the property line. I know that a couple of trees were taken down on that property, the property line that provided buffering. I counted, I want to say it was five, and most of them were like small little twigs that had to get removed to get all of the trash. I mean, we hauled three 40-yard dumpsters worth of garbage that was sitting in the woods and the trees were growing up in them. And then there was a larger tree that was dead that was half fallen down that was cut down so we really did not remove any buffering that was priorly there. We don't have issues figuring out buffering, I just want to be clear because I don't understand. I mean, it's a very large property line and then I'm also a little bit confused. No disrespect as to why it wasn't required for the housing development to put the buffer in for their residents if I believe that real estate is recent. Those buildings are newer and we're just built within the last couple years. Our neighbors on the other side do have large gorgeous trees and mounts which they put in and are on the edge of their the Harley Hill residents have buffers that they had put in. So, I just wanted clarification in regards to the expectations and just out of curiosity why it's completely solely our responsibility to put in trees that really were never there?

Director of Community Development: Actually, the City Planner can explain what was approved and submitted by you.

City Planner: At the last meeting, I believe the property to the south actually brought in photos showing that there was quite a bit of thinning of the landscape buffering between your property and the property to the south, the residential property. At that meeting, one of the requests was that there be new buffering installed with landscape mounds to help shield that. Now typically within our buffering code, the way it works is buffering is usually installed by the less restrictive use so, for instance, a residential use is more restrictive than a research office use or a commercial use I guess in this case. So, the buffering that was there was removed and now that you're making modifications to your site, such as taking down the poles to put up the new poles, understand that it is your responsibility to put up that new buffering along that property line and to replace especially what was removed initially.

Stephen Ciciretto (applicant architect): Well, of course, the issue goes to full compliance. If you start mounding over existing tree roots, now you're going to lose the existing tree roots. So, I'm sure there's a compromise that would work out. I mean, the intent is to shield the residential parcel from ours. But, of course, now we have polls and things in the way, too. So, it's a little more complex when we predate, when the field actually predated the apartments. And since there was no work done originally on this property, it seemed, if I was on the Planning Commission, that I would have wanted to make sure that the apartments screened themselves from issues because there was no mandated reason until now. So, if you're saying that some of the trees and things were removed, we certainly can replace those in infill, but mounding becomes a little bit more of a challenge.

City Planner: I believe the request at the last meeting was mounding, but it was open to you submitting something to us for our review. I believe it was to the Building Commissioner for a review of the landscape plan to ensure that there was adequate buffering. If you would like to propose something different than the mounds, you're welcome to submit something and we can review that.

Director of Community Development: Mr. Chair, I want to be very clear. There is a requirement on this applicant to have buffering at this site. They are to submit a plan to the Building Commissioner as a requirement of the April meeting, and that still stands.

Chairman Baxendale: Okay, are there questions with that?

Stephen Ciciretto (applicant architect): I can work with the Building Department to design a plan.

Chairman Baxendale: Just like earlier tonight, with the design criteria, it would be your responsibility. I think based on what we've talked about a couple of times, you can come up with a proposal for what the buffering should be, then we can take a look at it. At that point, as you say, we can go back and forth, but we can come to a compromise.

Stephen Ciciretto (applicant architect): Agreed.

Director of Community Development: I believe a good landscape architect, and I'm sorry if you're not so designated, but you are an architect. I think this buffering issue isn't a complex design issue at all. I do believe he had the room for it and it is a very customary requirement of any, whether it was on the residential side or on the commercial side, whenever the new construction occurs that we do. I might add that all of our residential developments also, we require this when they also do their installation.

Stephen Ciciretto (applicant architect): So, did they do it in the apartments?

Director of Community Development: The apartment buildings are in full conformance with any of the site plans that were approved for them.

Stephen Ciciretto (applicant architect): So, they have their own buffering to this property?

Director of Community Development: They are in full conformance with the requirement.

Chairman Baxendale: Questions or comments from anyone on the Commission?

Mayor Antoskiewicz: I want to thank you in your dissertation that you didn't throw me under the bus as I was the one that wanted the front of the ice cream shop fixed. Full disclosure, at the last meeting I was the one that brought it up. I do think it's a good improvement. As Mr. Kelly said, I think the bathrooms are a necessary addition. I do believe the putt-putt is going to be 9 holes with ADA compliance which is great. I think it's something that, any more, is overlooked and I think it's necessary and a great addition for the community to have that feature there. I do believe that we should be able to work within the spirit of non-conforming. I do believe I think you guys have done a lot of work working with our Building Department to get in compliance with a lot of the other stuff as Ian so eloquently described. Regarding the 4-foot frontage and a lot of other stuff and I appreciate the work that both sides have done to try to come as much in compliance with it as it is. It wasn't an easy task and I think that's what everybody here, even in the audience, needs to know. It isn't easy when you start dealing with a non-conforming use, it becomes a little more difficult and I'm not sure how

many people understood exactly what that was. Luckily, we have people here that can explain it a lot better than I, so I don't want to go back over it again. But it does make it difficult. I think we've worked through this thing very well from where we started and I love the improvements. I do think it would be a welcome addition for the city to move forward with this. I think we've come a long way from where we started.

Chairman Baxendale: Anyone else?

Mayor Antoskiewicz: Mr. Chair, one more thing. Talking about the hours of operation, and I if I heard you right, the batting cages everything else will stay 10 o'clock, correct? I believe that for the driving range, I do think there's some flexibility there. I don't think 7:00 a.m., I think 8:00 a.m. makes more sense. Most of our noise ordinances as far as when you can pick up a dumpster is 8:00 a.m. I think that makes probably the most sense. As a golfer who doesn't golf much anymore because I just don't have the time, you know, I mean I've never done the six or seven o'clock bucket of balls, but I think eight o'clock is fair. Like I said, I think it complies more with our noise ordinance because, you know, if you were having your dumpster picked up, it couldn't happen until 8:00 a.m., so I think some of that makes perfect sense with the 10:00 a.m. I think being a little bit too late for the driving range but that's my opinion.

Chairman Baxendale: What's your thought on the all-season driving range?

Mayor Antoskiewicz: I don't have a big problem with it only because I think in the winter it becomes less of an impediment because usually everybody's windows are closed. I think it's actually less of an impediment in the in the winter than it is in the summer.

Chairman Baxendale: Let me ask a question to Mr. Kelly. They're looking for final approval tonight. This is really the first time that we have seen this. There seems to be a number of issues still involved or still to be resolved. You can look at the stormwater that Justin talks about over on the northwest. The buffering, the light shielding, those are all issues that are still open.

Law Director: Mr. Chairman, I understand your concerns, and I recognize that we've discussed all those things, but they're more enforcement issues. We have a wonderful group of people who review all these things and they can hold Mr. Ciciretto's feet to the fire to make sure that he does what he promised he would do. Considering the fact they've already had an approval and this simply is a minor, I don't want to say minor, somewhat minor, de minimis kind of an expansion for the purposes for which are being displayed. Yeah, I would recommend that you treat it as a final, but that's entirely up to the Commission. You guys get to vote, I don't get a vote.

Mayor Antoskiewicz: I'll reiterate a little bit. I think the lighting issue, I think the buffering issue, I think Mr. Ciciretto said he would work with the Building Commissioner. Dave is fully capable of handling the landscaping issue as far as what he thinks would work.

Stephen Ciciretto (applicant architect): I think you have to understand that we intend to be good neighbors, and nobody wants to operate a business with any animosity with their neighbors. So that's our intent. This group, this family has an impeccable reputation of doing what they say they will do. So, we intend to do the light screening.

Mayor Antoskiewicz: I'm glad you said that, because I could tell you I've sat on Planning Commission now for maybe 15 years. We always believe that when people coming forth with us are going to do what they say they're going to do and we rely on that. I will say, in most cases, that is exactly what happens and that helps us. I know on this end the Board when they give the approvals they give, they're doing it based on the fact that that's exactly what you're going to do. We like to live up to our word on our end as far as what we're going to do, the Building Department lives up to their end so we appreciate the fact that you're going to live up and do what you say you're going to do because that's very important to us.

Law Director: Mr. Chairman, I still recommend, however, that we have a very clear and very fixed understanding on the record of what the hours of operation will be for the driving range. That we must

have, and that would be something that essentially, we would be in a position to refer to in the event that the operation changed in any way. So, we again, hopefully we have something from you, Ms. Rothstein, as to what the hours of operation will be and that conform to what the Commission here is attempting to secure.

Chairman Baxendale: Okay, let me ask Mr. Russell to read the hours of operation that we have discussed and see if that makes sense.

City Planner: For the driving range, based on the mayor's comments, and anyone else on the Board is welcome to comment, Monday, Tuesday, Wednesday, Thursday 8:00 a.m. to 10:00 p.m. Friday and Saturday, 8:00 a.m. to 11:00 p.m. It was previously 10:00 a.m. to 11:00 p.m. Sunday would be 8:00 a.m. to 10:00 p.m. Would those be acceptable?

Ashley Rothstein (applicant): We could agree to those hours for the driving range.

Mr. Ranucci: I like the plan. I've been living here 40 years, and like the other resident, took many baseball teams there for ice cream, my own kids to ice cream, and now looking forward to taking my grandkids to get ice cream there. The improvements look very nice, and it's a good job on your behalf. The only comment I was going to have on the hours is doing the 7 o'clock during the week, 8 o'clock in the weekends when people are home, sleeping in later and stuff. But the 8 to 8, or the 8 to 10, that's been recommended, I'm obviously good with that.

Ms. DeCapite: My only comment would be on the cedar siding, just because the note says cedar shingle stained, which says wood to me. So, if you're saying that's not what it's going to be, it's going to be the composite and not a vinyl sided type of shape. That was my main comment on the architecture. The vinyl lattice roof screen, is that sitting on the main building wall or at the awning?

Stephen Ciciretto (applicant architect): It's a cast fiberglass shape. It's a fiberglass product. We haven't secured the color yet. The vinyl lattice is at the awning. Yeah, a little bit set back just because I want to get a little difference between the gable and that. So, it could be back, but I, frankly, those old, those overhang awnings, I think, date the building. And so, with the new look, we're trying to conceal that a little bit. It doesn't have to be but we're trying to screen everything that's up there.

Ms. DeCapite: I feel like it wants to be at the main building wall, set back a little. The other thing might be the lattice over the other board could be a maintenance cleaning type of issue. If it's white vinyl and you have rooftop units.

Stephen Ciciretto (applicant architect): It's a PVC back with PVC on it so it could be power washed. And it's through color so it's always white.

Mr. Marnecheck: So, I think I share my fellow commissioners as well as Dave's feelings. I have fond memories of Divots years ago. I achieved a life goal, I hit the car that's in the driving range and I kid you not, I called my childhood friend and I said, "I hit the car at Divots". We've been coming here for 20 years I finally achieved this this life goal. He said, "what do you do now?" I said, "I'm going to go get some ice cream". I came here and I don't view the change in hours as a small change, that's a pretty big deal when you consider the time of day as well as the time of year. I represented this area for 14 years so I know the residents that border it and that that is a big deal. I came here tonight to consider a bathroom addition, paving, and a pergola to a great city gem. This is something pretty big, so I'm a little torn on this. I see the need for investment to keep this a great city gem. But those hours, I felt that was kind of a settled issue coming in tonight. So, I'm a little torn still on what I'm going to do. Must you change the hours from what was agreed upon at the last meeting?

Ashley Rothstein (applicant): Honestly, yeah, I mean you have different people that visit the range. So, you have your set people that go in the morning before they go to work, it's a driving range. I mean, it's, yes, the hours we would like them to be 8 a.m. We would like them to be originally I think when we submitted the application was 6 a.m. to mimic a sister property that is 15 minutes away.

Mr. Marnecheck: I'm not familiar with the sister property, there might be other reasons.

Ashley Rothstein (applicant): Stonebrook in Middleburg Heights, which is also located on, there's housing directly on the property line. So, that was what we originally asked for in the meeting in April. We would contest to or we would agree to 8 a.m. but 10 a.m. it's just you'd be missing a whole pocket of customers that would be visiting the range during that time.

Mr. Marnecheck: So, why did your previous representative agree to it then?

Ashley Rothstein (applicant): To be 100% honest. We were told that they did not, the city did not want to delay this project. It was set for a date that all four owners were gonna be in Florida. We were told it is just a formality send anybody with a heartbeat. I had no idea, no one knew that it was going to be a whole negotiation and some of the items would have been discussed. The representative who attended was doing his best and thought, I guess, he was doing what was right at the moment. It wasn't something that any of the owners would have agreed to in regards to those hours.

Law Director: Ms. Rothstein, can you tell me who it was that told you that you just need to, quote, send a body with a heartbeat? Because I don't imagine anybody who works for the city would have ever said that.

Ashley Rothstein (applicant): It was nobody on this Planning Commission that I'm looking at and unfortunately, I don't feel comfortable throwing anyone under the bus here. Because it's someone that I'm going to have to continue to work with going forward.

Law Director: I want you to tell me right here and now who that person was. Don't play games with us.

Ashley Rothstein (applicant): Mr. Kelly, last time I talked to you, you looked at me and told me I was a liar, so I am not going to be saying anything at this moment.

Law Director: Well, isn't that sweet?

Mr. Marnecheck: I don't know if the community was aware, when they're sent the notices and it says what it said. I don't know if the community was aware that the hours of operation might be rediscussed. So that's kind of where again, I'm coming from. This is really hitting me in an odd place that we're discussing the hours of operation when that wasn't something I thought I'd be discussing tonight. I thought this was more the aesthetics, the buildings, not hours of operation and how it's going to impact people's ability to use their porches and yards. That's just where I'm coming from.

Chairman Baxendale: Question for the Mayor. Can we go in next summer assuming it's three or four months into the summer and we're getting all kinds of complaints about noise. Can we have City representative there at 8:00 in the morning a couple of times and yeah, it's really noisy. Then some sort of noise ordinance that would come into play? Or is there nothing there that would help that?

Mayor Antoskiewicz: I doubt it would ever, if you know anything about the noise and the machine, I doubt it would ever go to that level of a noise violation. I doubt that. I'm very aware of residents, but I also know that as people testify here, Mr. Divots has been around for 40 years, 50 years. People have been hitting golf balls from there for that many years and I think a variety of times. I know the last at least 5 years or so that the hours were whatever he wanted the hours to be. They were, sometimes 8 o'clock in the morning, sometimes 10 o'clock in the morning, sometimes 8 o'clock at night, sometimes 10 o'clock, they were all over the place. You can't do a lot of things in the city before 8 o'clock and to me this is a facility that's been there, it's got the same purpose it's had for 50 years and I believe that in those times that 8 o'clock is a reasonable time to allow for operation. I don't believe 6:00 a.m. is reasonable. I do believe 10 a.m. is too late. I think the compromise is 8 o'clock, and I think it's a good compromise, just based on the way we run a lot of our, residential areas, they can't run their lawnmower before 8 o'clock.

Chairman Baxendale: Commission members, any other thoughts or comments? Let's then entertain a motion to approve. Let me say, before I do that, let me say that's one of the reasons, particularly the outbursts that we had here just a couple of minutes ago, why I would suggest that we go with a preliminary approval and not a final approval. And we can revisit at a later date.

Mayor Antoskiewicz: I honestly don't think that we should. Mr. Chairman, especially based on the time. Do you want to agree or you don't want to? I don't think that changes anything. I think they're still going to be requesting the same thing coming back if everybody's stuck on it.

Stephen Ciciretto (applicant architect): The issue starts becoming construction timelines. So, we're already behind where we thought we would be. Another month of review of planning means that we don't start construction. Obviously, Ashley doesn't want to start paying me to develop construction documents and then building department review. And as it continues, we'll be getting our approvals by the time we should be starting, should have been through construction.

Law Director: Mr. Chairman, in spite of the little outburst and the little exchange with Ms. Rothstein, I still would recommend to you that you treat it as a final approval and move forward. This is a revision of a plan previously approved. The revised portions aren't that significant. The greater issue was really the hours of operation and to the extent that the applicant is willing to compromise, and the city is willing to compromise, I think that you ought to move forward on that basis. If you're inclined to grant approval, do it conditionally upon the understanding that the hours of operation are as committed to by the applicant who is here tonight, heartbeat and appropriate.

Chairman Baxendale: Would it be appropriate then to have a motion to approve contingent upon submitting a buffering plan that eventually is approved by the city? Submitting a shielding plan that is eventually approved by the city? Also, with the stipulation of the 8 o'clock a.m. driving range hours and year-round.

Mr. Marnecheck: You're looking to be able to operate the driving range 12 months a year?

Ashley Rothstein (applicant): I believe that was on the April meeting.

Mr. Marnecheck: I don't believe so. I think it was listed as seasonal. But you're looking to operate this 8 a.m. to 10 p.m. every day of the year?

Ashley Rothstein (applicant): Correct except for on Fridays and Saturdays which would be open till 11.

Mr. Marnecheck: So at least 8 a.m. to 10 p.m. every day of the year?

Stephen Ciciretto (applicant architect): It's weather dependent.

Chairman Baxendale: Okay and we'll add the 8 a.m. to 10 p.m. or 11 p.m. depending on the day all year round. Okay can I have somebody to place that motion?

With no further discussion the Chair asked for a motion to approve contingent upon submitting a buffering plan, shielding plan and driving range hours starting at 8:00 a.m. daily. Roll call: Yeas: Three (Ranucci, Antoskiewicz, DeCapite). Nays: Two (Baxendale, Marnecheck). Motion approved (3-2).

- 3. PC23-19:** Randy Parsons, of MPG Architects, on behalf of Dean Costello, of TMRD, LTD., is seeking preliminary site plan approval for a 24,928 square foot building addition and associated parking lot expansion for an industrial building located at 9601 York Alpha Drive, also known as PPN: 483-15-008, in General Industrial (GI) District zoning.

Chairman Baxendale: Can you state your name and address please?

Randy Parsons (applicant representative): Randy Parsons, MPG Architects, 3660 Embassy Parkway, Fairlawn, Ohio. What we have here to show you is, this is the existing site as it exists today. There are 46 parking spaces for 49 staff. So, they have a few staff that don't work at the facility, that work remotely because they don't have enough parking. The new facility, the expansion of the new facility shown in red, is what Ian discussed, of almost 25,000 square feet. We are developing up to a

maximum of 0.49 acres because everything behind the existing parking lot is wetlands. Mr. Costello has been working with Mr. Eric Flickinger over the past year to mitigate the necessary wetlands. It's a Category 1 wetland, so we don't have any setbacks as required through a Category 1. The new parking would add 16 additional parking spaces, take us to a total of 62 parking spaces. He anticipates building his staff to 60 employees. He's currently at 49, like I mentioned. So, we would meet that necessary requirement for parking. We show 3 compact parking spaces, which are right here. You can see these 3 parking spaces right in this corner. He does have staff that ride motorcycles or drive smaller cars, so we felt like it was appropriate to put compact spaces and pick up a couple more spaces in the process. Additionally, up near the front, we're seeking a variance for 4 parking spaces. I like these 4 parking spaces right here would require a variance from a setback standpoint. So, that's short and sweet. No height requirement issues. The building is for manufacturing purposes.

City Engineer: We have been working with the applicants, and I met with their engineer on this project. He came in, and we've worked successfully with him in the past. There is an existing detention basin shown on the site, but it's not big enough for this addition, so they're proposing underground detention to go with it, which should work. They mentioned the wetlands, they are going to disturb up to the amount that you're allowed to and they are, so far, we've seen as Category 1, so they don't have a setback as they mentioned. So, from a stormwater and wetland perspective, it looks like we'll be okay on this one. Thank you.

City Planner: As the applicant has stated, the property is zoned General Industrial, so the use is appropriate. Based on the plans, it's again, it's mostly additional warehouse and production space as far as the addition itself. As far as the parking lot expansion, the impervious area currently is about 26,500 square feet. The expansion of that parking area would be at roughly 3,300, so the total impervious at the end of the project would be about 29,815. As stated, with the height, you're allowed to go to 50 feet, and they're at about 38'-7", give or take. And then as far as the building itself, it meets all setbacks. The parking setback from the structure from the addition is acceptable. As the applicant had stated they will require some variances for this. So, the front parking is roughly 18.6 feet from the right-of-way. Code requires 25 feet on an industrial street. So, they would need a variance of about 6.4 feet for that front parking addition. On the side of that that front parking that western parking or northern parking. They are about 4.4 feet from the side property line, they would need a variance of 5.6 feet as they're supposed to be 10 feet. A couple other notes, the parking seems adequate with the 62 spaces. I believe you're proposing 31- 9' x 19' spaces, 11- 9' x 18' spaces, and then 3 of those 8' x 16' compact. Code requires 9' x 19' with a 24-foot drive aisle so you would need a variance for the 9' x 18' spaces that would be new and then also the 8' x 16' compact spaces. The other items are mostly related to the loading dock. You show it on the north side of the building, which would be facing out towards York Alpha there. Our code does require that manufacturing establishments over 40,000 square feet, I think with the addition, the total square footage would be roughly 49,000 for the building, require two dedicated loading spaces. I believe you were intending to remove one, or at least the recess dock for it, and then you would be adding the new one. Would it still have two loading spaces with the new one combined?

Randy Parsons (applicant representative): Yes, sir.

City Planner: Two code compliant loading spaces, so then there wouldn't be anything required for that. Now, our code does require that loading spaces have a 15-foot clearance. And since it's a dock where you would pull the truck in, you would need a 15-foot door. I think your door's 14 feet on the plans. So, you would have to raise that door one foot just to have that clearance. Then the last piece is obviously the dock is quite a bit off the street, but our code does say that they're not able to be visible from the frontage so you would require variance to place it facing York Alpha. Other than that, the wetland is category one as you had said so the building would be roughly 15 feet from it. So, you would be okay since there's no setbacks.

Director of Community Development: Mr. Chair, if I understand right, this is sketch plan approval, correct?

Chairman Baxendale: It would be preliminary.

Director of Community Development: Just to remind the applicant, the areas that he pointed out that are for variance, you could amend it very easily to be in compliance and not go for variance. Did you realize that?

Randy Parsons (applicant representative): No, I don't, Mr. Jordan. Could you expand upon that, please?

City Planner: Yeah, I can, so the parking obviously you have more spaces than you need. I think you have 62 in the newest version. You have the compact spaces; you could cannibalize one of those and have two compliant 9' x 19' spaces and then you have the front parking addition. You might be able to remove two of the front spaces and maybe either reduce that variance or you might be able to eliminate it and still have the parking. Obviously that side variance, I don't know if you'll be able to adjust it. Now the loading dock, if you were to move it further on this plan down, you could try to fit it behind the building. I don't know how that would work with the truck maneuvering but just something to keep in mind if you wanted to try to avoid going to BZA.

Randy Parsons (applicant representative): Yeah, we looked at, originally it was further south, but with how they anticipate laying out the manufacturing in the building and where it makes most optimal sense to end product, if you will, and then ship product in and out, it just happens to face the road. So, I think we would probably try and still stay with that variance and get that door as far north as possible so they can maximize manufacturing instead of doing on both sides of an overhead door.

Director of Community Development: I wanted you to understand the parking lot issue, so you can clear it off of things you need.

Randy Parsons (applicant representative): We were trying to maximize parking on site as they have a deficit of three spaces now. We are trying to make sure they have plenty of parking for the future. Speaking with the owner, we are willing to take those three compact spaces to two. So that would knock off a variance there.

Chairman Baxendale: If we approved preliminary tonight, they would have to go to BZA. If they tabled preliminary tonight, they'd still have to go to BZA or they would do that to redesign so they wouldn't have to. Is that what you're suggesting?

Director of Community Development: One, I want to make very clear, this is actually, you were very patient this evening. I don't want to belabor the point. It was very nice of you to come. Kent Corporation is one of our most important businesses here. This is a multi-million-dollar investment. The owner only agreed to build 15,000 square feet, he's now up to 25,000 square feet and bringing on more jobs. I really appreciate you being patient this evening. The suggestion to do the preliminary approval, refer them to BZA, and come back for a final approval.

City Planner: You can make changes to the plan if you're removing the variances before we go to BZA. I wouldn't recommend major changes, but if it's shifting some parking spaces to avoid some variances, we can work that out.

The Chair opened the Public Hearing portion of the meeting.

With no further comments, the public portion of the meeting was closed.

Mayor Antoskiewicz: Kent Corporation is one of our best employers in the city and we're glad that they're expanding the business.

Director of Community Development: Again, thank you for your patience.

With no further discussion the Chair asked for a motion to approve with a positive recommendation from the Commission to the Board of Zoning Appeals. Roll call: Yeas: Five

(Antoskiewicz, Ranucci, Baxendale, Marnecheck, DeCapite). Nays: None. Motion approved (5-0)

4. **PC23-20:** Ted Polesiak, of CDMG, on behalf of Stevens Painton Corporation, is seeking preliminary site plan approval for a 25,000 square foot accessory storage warehouse building located at 14470 York Road, also known as PPN: 483-26-001, in General Industrial (GI) District zoning.

Ted Polesiak (applicant): Ted Polesiak, 622 Pennsylvania Ave., Oakmont, Pennsylvania. First off, I appreciate Ian's help thus far, Justin, David, and Tom. They've been patient with me. We are an industrial contractor. We do steel mills and process mills and things of grand nature. We do not start at this level ever. We pay people to do this. I drew the short straw, so we've been easing our way through this. This is where we are right now. This is our property as it exists today. As you can see, if you were a bird, it's an eyesore if you drive on the highway. It's also dysfunctional for our business. So, the goal here is to eliminate all the shipping containers you see there a lot of the external items. We're going to build a 25,000 square foot structure. Things are going to go inside there; it'll be more efficient for us. Things won't get ruined out in the rain and so forth. So, that's basically the objective from the business side. You guys have this package up here. You have to really take a close look. This is like the Wonder Woman view of the building. The see-through version, kind of giving you an idea where it sits on the property. So, this one kind of gets into why we can't be getting final plan, and we'll talk about this in short. We initially have our site grading plan here, but this next one here, we did not get to the point prior to this submittal to fully develop the stormwater management, stormwater retention. So, what you're seeing here is actually not representative of what we're going to do, but it's being developed. We're working with Gutowski and Associates out of Chagrin Falls. I'll show you a couple little drawings they did, but, working with Justin and Ian, we're moving in that direction, so it's in the works. This is the main building, basically just a glorified shed, 25,000 square foot facility to house things we don't want outside, you don't want outside. It's a pre-engineered metal building that we actually wrap and sell as the engineering side. It's a new core, pre-engineered metal building, you see them everywhere generally, you know, vertical metal siding, aluminum, no, actually it's steel building, relatively small building. This is basically what we're envisioning. So, this is what we're envisioning, you know, basically the two on the right would be the view that's facing Royalton Road and, you know, also the highway view as you drive by. You know, the front facade, we're willing to do whatever really, we need to do there to accommodate, you know, what you guys are looking to have us do as far as the Royalton Road side view. The door, you know, the other doors will be more of a commercial roll-up style door. This front door, you know, being that it is fronting Royalton Road, we can do whatever we need to do there. Windows, anything, just make it a nicer door than just a standard gray metal roll-up door. And then you can see in the back of the building, which is out, you know, from the view of the roadway there, we have an open lean-to for unloading, basically kind of outside of the weather there, potentially closing in down the road. So, this is where Gutowski has kind of gotten us to this point with the stormwater management. You know, basically the goal is to have less water, basically retain water, less water leaving the site than is leaving now, which calculations have worked out to allow us to do that with the addition of the green space and a small, it's actually a water quality pond, it's no retention required. This is just another view, I guess just more detail on here from those guys. The one, you know, the other item here that basically is holding up, going to final, we're waiting to hear from CEI as far as an easement which already exists. We have a roadway that comes off Royalton Road, that's there. there's an apron, it's all there, but they need to kind of review it and bless it and then hopefully we go from there.

City Engineer: As the applicant mentioned, we've been working with them and their engineers on this plan. The submitted preliminarily works, still schematic in nature but the one he showed has a little bit more detail. and they are proposing more grass area which will reduce storm water and they'll have that water quality feature So it'll be an improvement for the site. He mentioned the with CEI, that's just something we, you know, know about and they'll need to get figured out before, you know, final approval. But at preliminary stage I think we're fine. Thanks.

City Planner: As the applicant had said, you know functionally this is really an accessory building to the main use which is that office building out front with the small warehouse already attached to it. The proposed accessory structure will really just house equipment, tools, things like that, is my understanding. It seems to meet all setbacks and then, since it's an accessory structure, and based on my discussions with the applicant, there are no permanent employees assigned to it, it doesn't require any kind of parking or anything like that. It meets the height requirements. So, a couple comments. We do have a code section reading that you can have more than one industrial building permitted on a lot, as long as all the buildings meet zoning. Now, your front building is a non-conforming building, technically, per the front yard setback but technically this isn't a separate industrial building as it's just a functional accessory structure which you already have a number of on-site so we don't believe that applies in this case. There are some performance standards in section 1278.09 which I believe you've already looked over that you should be familiar with. The applicant did propose a masonry facade for the steel building facing Royalton to make it look a little nicer and then, as Justin had mentioned, there is a CEI easement that runs along that northern side of your property in a section of your proposed drive. The existing drive is already in it but the proposed drive has a small sliver in it as well so you'll need their approval prior to returning for final approval. Any paved areas have to meet our code as far as the paving type and the depth and everything like that if, in the future, you ever propose parking, it would have to meet all code requirements. And then we do have another section stating that storage establishments under 40,000 square feet require one dedicated loading space. You have the overhead doors on the side and the front. Now as you saw with the last applicant, the loading doors are not supposed to face the roadway. Unfortunately, the north end faces Royalton and the ones on the east side face York, even though they're deep in the property. I would recommend maybe on the south side, especially now that you've moved the retention basin, facilitating a loading space there. I think there's a door there already it would just have to be 15 feet in height for the clearance and then just going off of that any of those doors facing Royalton or York should not be used as dedicated loading spaces. You can obviously use them for vehicles but commercial trucks should use the dedicated loading area for the building. Any lighting that you may proposed needs to be shielded and maintained on your property. As far as the signage on your accessory building, digging through our code I couldn't find anything that said you can't have signage on an accessory building so it would need to meet the requirements for our code which basically says you need could have up to 75 square feet of signage as long as it faces that Royalton Road which you don't show a sign plan on this so in the next submittal show us how large the sign will be meeting code and then we'll go from there.

Building Commissioner: Expanding on the sign, if you were given approval for that sign on your second building, would you be willing to take that sign off your fence that you have interweaved in your fence over on 82? Would that be to replace that?

Mike Switzer (applicant representative): Mike Switzer, 1672 Nork Akron Lane, Akron, OH. Yes, the temporary sign that's on there now is because there was a cloth sign that somebody partially ripped off in the middle of the night. So, we put something up there to identify the existing roadway, driveway coming off of 82. We'll take that down. And that, obviously, the signage on the front of the building facing 82 would replace that. Okay.

City Planner: There was one comment from the fire department, and you received these as well. for applicable codes, it may require the addition of a private fire hydrant in proximity of the building and or fire alarm or suppression systems. Obviously, once we get to the building permit piece, we'll kind of address that, but just so you're aware.

Mayor Antoskiewicz: No major comment other than I want to reiterate again, thank you for your patience, and you guys also have been around for a long time and a very valued business in North Royalton, and we appreciate the expansion and the commitment to stay here. We value you guys a lot as well. Thank you.

Ms. DeCapite: What you're proposing, looks great. It's going to clean it up.

Director of Community Development: The only thing we have a concern about is CEI. We don't want to approve a building that would interfere with their easement.

With no further discussion the Chair asked for a motion to approve. Roll call: Yeas: Five. (Baxendale, DeCapite, Marnecheck, Ranucci, Antoskiewicz). Nays: None. Motion approved (5-0).

MISCELLANEOUS (IF ANY):

Chairman Baxendale moved, Mr. Marnecheck seconded, to approve the 2024 Planning Commission meeting schedule. Motion Carried.

- The next Planning Commission meeting is scheduled for **January 3, 2024**.

ADJOURNMENT: Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned at 9:42 pm.

Minutes Transcribed by Theresa Antal.

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: January 3, 2024

ATTEST: /s/ Ian Russell
Planning Commission Secretary