

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **March 8, 2023 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 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 Ian Russell. Administration: Law Director Tom Kelly, City Engineer Justin Haselton.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Moved and seconded to approve the minutes of **February 8, 2023. Motion carried.**

The Chair gave an overview of the PC meeting process. He stated the order on the agenda will be slightly changed. PC23-04 will be heard first. The Public Hearing portion of meeting called to order.

The podium microphone was recording at a volume level which at times made it inaudible to decipher.

PUBLIC HEARING / OPEN MEETING

New Business

1. **PC23-04:** Frontier Land Group, on behalf of Michael Kinsey and Eric and Brittany Ruprecht, is requesting a lot split and consolidation located at 8217 Ridgedale Drive, also known as PPN: 489-02-005, and 8237 Ridgedale Drive, also known as PPN: 489-02-018 in Residential (R1-A) District Zoning. The split would result in the creation of a lot that does not meet the required 100-foot frontage at the street.

Jeremy Rosen of Frontier Land Group and Project Engineer Kevin Hoffman of Polaris Engineering were present to speak on the application. Mr. Rosen stated they are looking to split out lot one which is about .8-acre parcel with 100 feet of frontage on Ridgedale to create a conforming lot for the zoning district. The second aspect is to consolidate so the additional acreage we have with our property that we are representing; consolidating that in the existing parcel which is PPN: 489-02-018 which is the Ruprecht property. The consolidation would be a total of a little over 4 acres with the Ruprecht property. Why we are doing this is the Ruprecht property is landlocked. There is a driveway that exists on our property that they are using as an access easement. It is therefore a landlocked property with zero frontage on Ridgedale, so it is currently a nonconforming lot. We are carving out that driveway including that in the consolidation going to the Ruprechts. They will have access by removing the landlocked status. They are going from zero feet of frontage on Ridgedale to 30 feet of frontage on Ridgedale. He said they understand it is still a nonconforming lot but the applicant is improving their situation to the best of their ability; it is a good overall improvement.

The Chair asked Mr. Rosen to show an overall view. Mr. Rosen went over the document displayed and pointed out the location of the proposed lot split within the overall subject parcel. Mr. Marnecheck asked the applicant if they will be straightening out the parcel lines. Mr. Rosen responded no. The Chair stated there will be no possible access off Ridgedale to the applicant's property or proposed subdivision; is that correct? The applicant said that is correct. The only access will be from Sprague Road.

City Planner: Lot 1, which is the conforming lot being created, meets required lot area and width per Section 1270.05. Lot 2 which would be the lot that would be split off and consolidated into the Ruprecht property, would be a nonconforming lot due to not having the full 100 ft. lot width at the street. It would be an improvement over the existing condition with an access easement since it would be a part of their property now.

With no additional comments from the Departments, the Chair opened the meeting for public comments:

Jackie Berger, 5854 Bunker Road, wanted confirmation that there will be no access to the subdivision from Ridgedale. The Chair responded, correct. The entrance is off of Sprague Road; a little bit west of State Road.

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.

The Mayor asked for clarification of the creation of the parcels, the landlocked parcel and the parcel which will be sold off as a separate parcel and eventually be built on. The applicant responded right now the Ruprecht property is landlocked; they were looking to purchase additional land. They have a gas line running along the south property line that is currently leading to something. A water connection for the Ruprecht's property runs along the north property line as shown in the dashed lines. We were provided a 10 ft. utility easement so that there is record of that easement being plotted.

The Law Director asked if there was an easement there before; they had water and no easement. The applicant responded there was an easement but it was vague and there was not a metes and bounds. The Law Director responded, so that has also been cleaned up. The applicant responded, correct. The Law Director asked is there a structure on the parcel they are keeping. The applicant responded, correct, there is no structure. The Law Director reiterated, there will be no access from Ridgedale to the major development area. The applicant responded, correct.

Ms. DeCapite asked if the shape of lot 1 is on an angle because of the existing driveway. The applicant responded, yes. Mr. Marnecheck stated we have a few lots like this where there is a narrow section to get to a bigger area. This wouldn't be out of the character of North Royalton. The City Engineer responded, that is correct.

With no further discussion the Chair asked for a motion to approve.

Moved by Mr. Marnecheck, seconded by Mr. Ranucci to approve the lot split and consolidation. Roll call: Yeas: Five (Marnecheck, Baxendale, Mayor Antoskiewicz, DeCapite, Ranucci). Nays: None. Motion to approve (5-0).

Old Business

1. **PC22-12.1:** Application tabled on November 2, 2022. Frontier Land Group, on behalf of Michael Kinsey, is seeking preliminary site plan for a proposed detached single-family cluster development consisting of 20 sublots located at 8217 Ridgedale Drive also known as PPN: 489-02-005 in Residential (R1-A) District zoning.

Law Director: The original application was for 21 subplot to be located at 8217 Ridgedale Drive. The permanent parcel described there in would be -005. The City Planner responded yes that is correct; it is not necessarily a Ridgedale address but the address hasn't been changed. There is no access off Ridgedale and there is no address on Sprague Road to use. Law Director stated once the lot split is formally filed with the County, essentially the Ridgedale piece will no longer be part of the development. The City Planner responded that is correct, once the development is finalized and the plats are set, we would assign a new address off Sprague Road.

The Chair asked for a motion to remove from the Table. Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck. Motion carried.

The Chair asked the applicant to speak on what was proposed before and what is different about the revised plan.

Jeremy Rosen of Frontier Land Group spoke on the application. He gave a brief overview of what has changed since we were last here. First and foremost, we did engineering design per your request. Second, we moved the stormwater retention basin south from what was previously proposed. The retention basin is now entirely on the City of North Royalton property. As a result, we lost one additional subplot. The proposed subdivision now consists of 20 sublots as opposed to 21. Not much else has changed overall conceptually since last year. He said .28 acres of this overall project is proposed to be in the city of Parma. It is highlighted on the plan. It is the property owned by the St. Therese Church. We have an agreement with them to purchase a portion of their property. We have a process to go through to get all the lots. A small sliver of roadway will be located on that property. Essentially it is the entrance to the subdivision. We are working with the City of Parma's Engineering Department. We are in the process of going for a land division in order to process the lot split. Parma said they had no issues with what is being proposed in the city of Parma. Plans would be to go before Planning in March or April. The other aspect to their process is they are looking for some sort of acknowledgement or document from the City of North Royalton that North Royalton is going to take responsibility for maintenance and repair in perpetuity of this extremely small sliver of roadway infrastructure. That is something we can discuss at the next part of this meeting. Aside from that, we will entertain questions about the stormwater management which exists today and what will be in place if this goes through.

Kevin Hoffman with Polaris Engineering Surveying spoke on stormwater management calcs which were given to the City Engineer. We have taken the previous plans and moved it up a notch; it provides more detail to them. There are two watersheds on site. The red area drains to the northeast and the stream that comes through the culvert under Sprague Road. The blue is part of the west water shed. That drains south into the creek. The orange is the 500-year flood plain. The blue area is predeveloped; all that area drains to an existing stream that will be eliminated and we will get an application for the Corps for that. That comes out of the stream and goes into a culvert under Sprague Road. Post-developed, no water is going to, we are taking basically all the watershed away that was going to the stream. Everything in purple is basically routed to the stormwater management basin. The little bit on the back sides of these lots, it will be grass back there and it is just runoff.

Mr. Hoffman spoke on the intervals of storm events and impact and the retention basin. Zero flow is going to the red section; it will be going to detention basin. The area that is heavily wooded right now will have the woods removed. We will have to hold more water down stream and will be reducing pre-developed flows. He said the storm water management basin will be basically located under Sprague Road. It will be located right by the entrance; possibly a nice entry feature. It will be wet; a permanent pool and will always have water in it. It should be around 4 ft. deep with a safety fence around it. He continued speaking on the water detention system. It is designed for a 100-year storm. The Chair stated if we have a huge storm and it is raining for five hours, most of the water up there will be collected and will go into the pond and then release into the storm sewers or into the creeks very slowly over a 24-hour period so it is not inundated during the storm. Mr. Rosen responded correct. Applicant responded that the topography will lend itself to avoiding stormwater issues for the homes. The Chair stated that the Planning Commission is not as worried about the new homes going in as they are about the ones that are there since they are the ones having problems.

City Engineer: As the applicant said, a couple of key features are that stormwater to the east will be eliminated basically down to zero. The water to the west will be controlled. It is designed for a 25-year critical storm. The flows will be greatly reduced. They provided a significant stormwater report which is more than we normally receive for the preliminary stage. We still want to see a catch basin located on each parcel. Everything they have provided is good. As they go through the process, they will need final Engineering approval plus approval from Cuyahoga SWCD and other entities.

Building Department/City Planner: It is zoned correctly. It meets a lot of the requirements of the single-family cluster provision. They meet the 10-acre minimum development area. They have more than enough open space based on the requirements. The roadway and cul-de-sac meet all the requirements of our street ordinance. Moving forward, ensure the homes meet the minimum floor area requirements for R1-A. All the cluster dwellings are designed and located with the provisions for the multi-family cluster which is section 1270.32(e). The common open space shall comply with requirements of Section 1270.33(g), (h), and (i). For final site plan approval note sections 1270.33(j), (k) and (l). One last point is they ensure that there is a 50 lineal feet area at the end of the cul-de-sac that remains unobstructed.

Law Director: Is this a cluster development.

Applicant: Yes, correct

Law Director: The structures to be built, are they on envelopes or on individual parcels?

Applicant: They are on individual parcels.

Law Director: Is there common property surrounding each one.

Applicant: No, the lot lines are the individual permanent parcels.

Law Director: What else is common property?

Applicant: Basically, anything outside of there. There is zigzag line shown on the plans.

Law Director: The applicant said the zigzag line is parallel to Sprague Road. There is a 10 ft. stormwater easement there.

Applicant: Correct.

Law Director: Is that just a swale type experience or is there a structure in there.

Applicant: There will be a structure for basically storm sewer and running storm sewers along the back of the properties.

Law Director: And that is all in the common property area.

Applicant: For the most part; right around the cul-de-sac there is a couple where there will be an easement placed over it.

Law Director: Other than that, the structures will be within the common property.

Applicant: Yes, that is correct.

Law Director: The storm water basin itself is common property; on a separate parcel?

Applicant: That is correct. Yes, on the remainder of Block C which is the remainder of the whole property.

Law Director: I'm not sure that is what our code had in mind. We changed the code within the last 18 months or so to provide that the stormwater basins themselves will stand on a separate permanent parcel and be recognized as common property and be made subject to regular maintenance chargeable to homeowners. We are making as strong an effort as we possibly can to place clearly the burden for the maintenance of stormwater structures on the homeowners who are part of that development. In order for that to happen, it has to be in the declaration and by-laws; it has to be in all of the covenants;

it has to be in all of the deeds. Every deed will reflect that they have a dollar maintenance obligation for that stormwater structure. Now in addition to that they have the stormwater structure that you created parallel to Sprague Road. That will all need to be part of it. He asked the applicant if we are clear.

Applicant: Yes

Law Director: It must all be in the declaration and by-laws. There is specific language that Mr. Haselton has available to him to share with you to see to it that we get the declaration and by-laws before we get too much further down the road. He said the applicant can work with the City Engineer. He will require the stormwater basin be on its own separate parcel or if he is okay with leaving it on parcel 005 on the theory that nobody will ever develop the rest of it.

City Engineer: We can look more closely as how we worded that code and see if it needs to be on its own parcel. We know for sure our biggest thing was not to be on any individual's parcel. We can look at that more closely.

Law Director: Is there egress and ingress to the basin parcel for maintenance.

Applicant: The access would be from the street. It is shown on plan in the dotted area.

Law Director: The structures will also extend further west, correct. Is that a catch basin shown way at the bottom.

Applicant: Correct, there is the storm outlet into there and then a space for the base outlet.

Law Director: There is an outlet structure too; that will need to be maintained.

Applicant: Right

Law Director: We would like to see the documents in advance and we would like to see as clearly as possible the homeowners all understand fully their obligation. There is no other common property. We are not talking about a community building or tennis courts, etc. But at the same time, I can't stress enough how we want the buyers to understand. He asked the applicant is he going to develop the property and build or are plans to sell them off.

Applicant: We are not going to build. We will have a Homeowner's Association so it will be very clear. We will get you all that information.

Mayor: If possible, we would like to see any easements put into these documents. Also, if we can, include in the documents that before the developer turns over the HOA, they notify the city of when that will be. We would like to be present at that meeting when they turn over the HOA so we can clearly let them know what their responsibilities are. We found that to be very helpful. Sometimes what the developer says may not match up one-hundred percent with what we are requiring; we would like everyone to fully understand.

Law Director: We are also moving to City Council to have them consider legislation. It will not be applicable to you. but there will be legislation requiring that the developer create a capital replacement program and begin immediately funding a trust account for the purpose of replacement of all the capital assets and/or maintenance of the storm water structures. Too often when the developer is done and they turn it over to the HOA, there is no money in the till for the homeowners to begin contributing to. That has got to stop. To the extent you can bear that in mind in terms of the proposed development, we would appreciate that.

Mayor: We would ask the developer to agree to clean the basins before we turn them over. So, the home owners are starting from ground zero. That is why we want to be involved in that turnover meeting.

Applicant: Understood.

Jackie Berger, 5854 Bunker Road, asked who owns the property between her property and the proposed subdivision.

Mary Jean Krueger, 6735 Arbor Way, Parma, spoke about the NEORS D watershed and their plans for some improvements or changes to that creek area within the next year or two and working under those power lines to eliminate some of the flooding that is happening further down in Parma. The pond will overflow into that water shed and may affect the planned improvements. Has the applicant worked with NEORS D?

Mayor: The proposed plans must be reviewed by the NEORS D as well as Cuyahoga Soil and Water for approval.

Chair: If the agencies see the plans and feel they have a detrimental effect, they can deny the plans or request modifications.

John Zajac, 8250 State Road, asked what do they plan to do with the rest of the land behind the proposed 20 clusters? Are the trees going to be removed; is a fence planned?

Chair: With no other comments, the Public Hearing portion of the meeting was closed and the Regular Session called to order.

Applicant: The first question related to the Bunker Road property; the answer is yes. We would be approving the purchase of the property and it would be Frontier Land Group that would own the property between the subdivision and her backyard and that property is proposed to be open space. That whole area is planned to be open space. All that we are looking to develop is that cul-de-sac street. The dotted area is all wetlands, the City ordinance requires that category 2 wetlands require a 75-foot buffer which is that magenta line all this will remain woods. It should be quite beautiful site when we are all done.

Chair: Reiterated, so you are only going to be taking down trees where the development is, but nowhere else on the property, is that correct.

Applicant: A little bit in here as we will probably have to borrow some soil material between the wetland setback and the cul-de-sac. We may go in there and take some soil out, approximately 10,000 cubic yards of soil that will have to be moved out. They will be moving some dirt and clay out of there. Other than that, everything else is going to stay mostly vegetation.

Mr. Marnecheck: Is this somewhere where you could put that land in conservation easement or in some way to put everyone at ease so in the future it can't be developed. You can mitigate wetlands.

Applicant: As part of our zoning requirement, 50% must remain open space so we are not be able to develop beyond that requirement. We have had conversations with, to be clear, our direction is to keep that open space in perpetuity. We have had conversation with West Creek Conservancy; we understand their process. They are interested. We are interested. We have spoken to the various builders we are talking to and they are not opposed to that but, ultimately, it is the decision of the builder. We have not selected a builder yet. It is put on the back burner for now until we decide if that will be handled by the Conservancy or handled by the HOA to manage.

Mr. Marnecheck: Hopefully you can find a way to put that in some sort of conservation easement. He asked if they had mentioned they would be eliminating the creek.

Applicant: No, we were taking the flow away from the creek. The creeks come back together on the other side of the street. As part of the City of Parma's process; they are looking for acknowledgement

or a document from the City of North Royalton that relates to: North Royalton is going to provide maintenance and repair on this small section of roadway that is going to be part of the project in the City of Parma. He asked what are the thoughts on that and how we are going to achieve it. We have proposed some language on that which was provided with the submittal. The proposed language is located on the title sheet. If this is something included in our approval tonight, does that check the box to know that this language has been approved, ultimately it is going to signed when the plat is signed by both North Royalton and Parma. Or will we need some other document whether it is more or less regurgitating this on letterhead from the City of North Royalton or some other form of documentation. That is the only other item that I wanted to discuss.

Law Director: Mr. Rosen brought this up to me before the meeting. I explained to him then that they will need PC's approval. We would need the Mayoral approval and not sure if we will need Council approval because this can amount to the dedication without the ownership. The City would be undertaking perpetual maintenance and repair of all infrastructure located within the Woodland Bend Drive right-of-way limits and within the City of Parma all of that shall be by the City of North Royalton. It is a very small piece. The actual burden upon the tax payers of North Royalton probably is light to negligible in terms of snow plowing and a very little area of curbing. I don't know if there are any sewers in that area or not.

Applicant: There will be portions of sewer, correct.

Law Director: I suspect we are probably not going to be able to make a decision on that this evening. We need to see if we can do this without Council approval. I am inclined to take PC's recommendation to Council on the subject in order for this to proceed assuming all else is in order and to the PC's liking. It is a burden that we would be undertaking. This is a fairly common experience in the sense that often times at the intersections at the borders of municipalities, the municipality share the plowing experience and the snow removal, etc. But that doesn't extend to maintenance and repair of infrastructure. I'm certain Parma doesn't want to go through the process to change their border for this.

Applicant: Regarding annexation, Parma suggested and we asked North Royalton. The feedback we got back from North Royalton was not interested in going that route.

Applicant: We are talking about .28 acres located at the right-of-way. We will own the yellow portion. The improvement is the right-of-way. Sanitary will extend through the easement and out to the main trunk line. The entrance way would be part of the dedicated street owned by the City.

Law Director: It would be ours up until the triangular piece. We can't dedicate to public use that which we do not have jurisdiction over. Parma refuses to dedicate that portion. They want us to assume in perpetuity all the obligations that would normally fall within the dedication; approved by contract without a formal dedication.

Further discussion took place including discussion on the process to annex the property.

Applicant: This is language that we proposed; this was not language we got from Parma. Certainly, we can revisit it and discuss it. They do want to see something.

Law Director: I had a short discussion with the Law Director of Parma a couple of months ago. The fact of the matter is that it is no man's land. They don't want it. They are not going to dedicate it. We might assume some responsibility for it but we can't dedicate it.

Mayor Antoskiewicz: Being non-dedicated would simplify the process. He asked the applicant if they would consider having a non-dedicated street; a private street. The HOA would be responsible for plowing and maintenance of the street, etc.

Applicant: Yes, it something to think about. I honestly can't make that decision myself. My disconnect is you're mentioning that Parma won't dedicate it even if North Royalton will take responsibility for it. Why do you feel that is?

Law Director: We were told at a prior meeting that they had already approached Parma and they wouldn't have any part of it.

Applicant: That was for the storm water management basin; they didn't want the storm water management basin located in their jurisdiction.

Law Director: I thought it extended to the entire piece.

Applicant: We had a meeting. Ian Russell was at that meeting. The direction we got is they are fine with this so long the storm water detention basin is not on their property. That is why we shifted it south and lost a lot. They are okay with this as long as they have a signed agreement from the City of North Royalton. Responding to the Law Director, the applicant said: As far as I understand it, they will dedicate that little corner and it would be on North Royalton to maintain. They would sign the subdivision plat as well.

Law Director: We still want to have an assessment made of what kind of expense we would be undertaking; were we to absorb this responsibility for essentially infrastructure that is not in our town. The cost may be relatively modest, maybe negligible. If something would go wrong with our sanitary lines, our City would fix it anyway because it is there. As terms of plowing the snow, that shouldn't be a problem.

Mayor: The majority of the sanitary line is on the piece that you bought from the Church. All of that is in Parma.

Applicant: A portion of it, then it comes back and ties in within North Royalton.

Mr. Ranucci: Can the sanitary line be moved on to the Royalton side of the property.

Applicant: It gets a little complicated because the storm water basin there. I am not sure of the maintenance but there is an easement that was granted to North Royalton all through and actually across the street in Parma from the mid-70's or 80's. The City may already maintain that sanitary sewer system that we are tying into until it connects on the other side of the road there.

Law Director: The 1M1. I remember it.

Chair: Could we approve this tonight if we so felt that way without making a decision on that small parcel. We can discuss it over the next week or two.

Law Director: The Commission can do that and consider making a recommendation to Council on what PC thinks ought to be done here in terms of either assuming the responsibility or rejecting the responsibility. That does not bind City Council and the Mayor. We can do this one step at a time.

Mayor Antoskiewicz: If Parma is giving you an easement for their sanitary on that piece that you are buying from the Church.

Applicant: We will own it.

Mayor Antoskiewicz: Yes, that is correct.

Applicant: We could give you an easement on private property.

Law Director: For purposes of giving the City of North Royalton an easement to maintain the sanitary line within private property, and undedicated, then it wouldn't matter if it were in the City of Royalton or the City of Parma. That will not be an impediment.

Discussion regarding the responsibility of the private street continued. Also discussed language as to how to make the motion.

Law Director: I would recommend that Council be brought in and make a determination as to whether this is something that they want and it would be done by ordinance, and subject to Mayoral approval per the Charter. It has to do with the fact that essentially, we are dedicating a piece of property to public use and assuming the responsibility for it without there having been a formal dedication. There are statutory provisions that permit for this kind of agreement of this nature to be done. We are essentially assuming a public responsibility for the benefit of this development to serve the future homeowners. Does it have a public purpose; it does have a public purpose. But it is at least determination that can be considered both by the PC and by City Council. It is not something that is required of either body. PC can use their discretion and so can City Council.

Mr. Marnecheck: Is this a fatal issue if it is not approved. Do you have a plan B.

Applicant: The whole reason why we shifted to the west is due to the topography.

Law Director: Because this is preliminary site plan, not final, the PC can consider it at this moment with a motion to approve essentially without any contingencies but with the caveat that the final approval cannot be granted unless and until all those other conditions are met. In terms of where we are in the process, because this is preliminary site plan, the motion might be: the motion to approve Frontier Land Group Application for preliminary site plan approval. They know by virtue of this discussion that if they come back for final site plan approval, and they don't have the agreement between the City of North Royalton and Parma, Council's approval and Mayor's approval then this isn't going to happen as presented.

Applicant: After preliminary approval, does Council approve? What is the process of approval.

Mr. Ranucci: How does the applicant seek approval from Council and the Mayor?

Law Director: They need the Mayor or a Council Person to sponsor legislation to assume the responsibilities that are described and to confirm something in the way of a written agreement with the City of Parma that allows Royalton to assume these obligations and take them off of Parma.

Applicant: They will hear us for a lot split but we do not understand the second part of their process.

Law Director: There is a stretch of infrastructure here that represents a significant investment underground. It also requires regular maintenance. He is concerned about what that cost would look like. There might need to be something in the way of a financial arrangement made. Essentially you want us to maintain the sanitary sewer for this development in perpetuity. There may be a cost in that; I have no idea of what that represents. It doesn't lend itself to an easy decision. If it were just the curbing or just the concrete, there may not be a big headache. Underground infrastructure on private property that, not only are we going to accept an easement for but we are going to accept responsibility for; why would we do that without some type of compensation that might represent a fund for which the city could draw upon to cover those expenses.

Applicant: Is there a way that we can work on this separate from the other items upon approval to bring this forward. Not to extend this out until we come back for final approval but separate this, work on it now, bring it quicker to Council. Instead of waiting for all the other items that come together for final approval.

Further discussion took place regarding the process for moving forward.

Law Director: We have a number of issues here. If you were to take the route and make this a private drive/roadway, that would relieve several considerations and a number of the headaches. It doesn't relieve them all. The sewer line, if you have it within the city of Parma parcel, the city would not ordinarily assume any responsibility for it. We have lots of private developments where the sewer lines are essentially private and privately owned and privately maintained until they hit the dedicated portion of the sewer system.

City Engineer: That is correct.

Law Director: So then instead of Royalton taking on that responsibility, Parma would have to be satisfied with an agreement with the HOA. It wouldn't be North Royalton's responsibility until it hit our dedicated portion of the sewer system.

Applicant: I'm not close-minded to the idea of shifting to a private drive; I just can't make that decision unilaterally right now. It sounds like this is something we can address before final. If approval is not contingent on that decision; I am okay with that. I must discuss that issue.

Law Director: I recommend to the Commission if you are satisfied with what you see, recognizing that we are still going to have to have further discussion about public dedication, private drive, ordinances, regulations, agreements, etc.; I don't see any reason why the Commission might not consider giving them approval for this preliminary site plan.

The Chair asked for a motion to approve the application. **Moved by Mayor Antoskiewicz, seconded by Mr. Ranucci. Roll call: Yeas: Five (Mayor Antoskiewicz, DeCapite, Ranucci, Marnecheck, Baxendale). Nays: None. Motion to approve (5-0).**

Chair called for a five-minute break.

Chair called the meeting back to order.

New Business

2. **PC23-05:** As required by North Royalton Codified Ordinance Section 1262.07(b) and Section 1278.04(d)(1), David Yevtushenko, on behalf of Apex Autocare, is seeking final site plan approval and a Conditional Use permit for an automotive repair shop located at 13001 Abbey Road, also known as PPN: 483-11-015, in General Industrial (GI) District zoning.

David Yevtushenko stated they are looking to open an auto shop. The existing building is to be used as an automotive repair shop, focusing mainly on brakes and tires. The existing house will be used as an office building. We are planning to consolidate both lots. Seeking a Conditional Use permit in case we decide to do bigger automotive repairs in the future such as auto body repair. A majority of the plan remains the same as the last plan. They would like to put a concrete driveway up to this point where the house is and have a few parking spots next to the house for the office workers. We want to temporarily put gravel down until we can afford to asphalt. This area on the plan is existing asphalt, adding some additional gravel behind that for easier turnaround and parking spots. We also want to propose a barbed wire fence around the entire property. There will be nine pine trees to hide the view from Abbey Road. On the side of the building, they are proposing a vinyl fence to hide the garbage cans and scrap metal. The gravel driveway curves close to the property line. They would like to straighten it out and have a portion of the area be grass field. He noticed comments about culverts and storm water drainage and there is a culvert here that runs to the back of the property.

Chair: Opened the meeting to the regular session.

City Engineer: The site has already been developed with impervious surfaces. They are proposing to add approximately 5,000 sq. ft. of new impervious area; therefore, the stormwater runoff will increase. We are recommending a grass swale located at the back of the property. There is still a lot of green space to the east; it all drains that way. A swale will collect the water and promote infiltration. If there is a culvert, it will need to be cleaned out and maintenance done if needed.

City Planner: Currently there are two parcels held in common ownership. Both are zoned General Industrial. As the applicant had mentioned, the existing house in the front of the parcel is a legal non-conforming use. Part of their proposal is to convert it to a conforming office use which is permitted in General Industrial zoning. The two parcels would share a parking lot, so part of the proposal involves consolidation of those parcels. This would clean up the legal language and prevent potentially selling off one parcel; creating an issue where parking would be on one lot and a building on another. Most of the parking requirements were met. The existing residential property which is proposed to be converted to an office does not meet the setback for the General Industrial zone; but that is existing as is. They will need to maintain the 50 ft. landscape area which seems to be existing in front of that building as it is. Ensure that any new parking meets the required setbacks. Any parking that is up against the industrial structure; this mainly relates to the proposed office building, would need to be five feet off the building. Currently a lot of that parking area and drive is gravel; eventually we would require asphalt or concrete in accordance with our standards. All parking spaces need to be delineated by striping, curbs, wheel stops. A lighting system is typically required on all off-street parking areas.

Applicant: Spoke to the lights in the general parking area and on top of the office and warehouse that will light the parking area.

City Planner: Make sure that the light does not trespass over the property line above the foot candle amount allowed. Our code covers the lighting requirements. The proposed drive is 25 feet. Is that existing or is that what you would be paving?

Applicant: It's gravel right now. 25 feet.

City Planner: Our code requires 24 feet maximum. There is one foot difference than what is allowed. If you are planning to do a barbed wire fence, make sure it meets all fence code ordinance requirements. If there is a proposed sign, it will need to meet all the requirements in our sign code. Storage of material and products on site must be clearly accessory to whatever the use is. Anything that you store on site needs to be accessory to the office or to the autobody shop.

City Planner: Brief explanation of the ordinance for a General Conditional Use. A Conditional Use permit is another layer of a permitted use; typically stricter than a normal approval. They are required for certain types of uses. Any type of major auto body repair within the General Industrial zone requires a Conditional Use permit. "Major" is a broad term; it can be for bodywork, spray painting a car, etc. A Conditional Use permit requires PC approval and, if approved, it would need to go before City Council for final approval. There are existing conditions for granting a Conditional Use permit; those conditions have been distributed to the Board. Commercial Use has its own set of standards. We would want to include a discussion of the standards and their application.

Chair: Would the Conditional Use be specifically for what they are applying for now. If they want to expand at a later date, would they need to come back before PC for additional approval.

City Planner: The Conditional Use in this case would cover major autobody repair in a general sense. If they wanted to start out with a paint booth, that would be covered. In the future if they wanted to do

body repair it would also be covered under the Conditional Use permit. Typically truck trailer repair is permitted in General Industrial through the commercial service designation.

Applicant: To do any type of truck repair, it needs to be indoors; is that correct. That building cannot fit a truck or trailer in it so if that were the plan we would need to build a new building.

City Planner: I believe it would have to be within an enclosed building.

Law Director: No objection to this application. If there is to be a Conditional Use permit granted, one should be outlined by the City Planner that conforms to whatever the approval is. If the PC approves the application, Mr. Russell will provide the applicant with a Conditional Use permit that outlines what he is permitted to do, including hours of operation, noise, lighting, etc.

City Planner: If approved, this will be sent to Council for approval with a list of conditions attached. That would be what Council would vote on. If approved with those conditions, those would be part of the permit the applicant would receive.

Mr. Marnecheck: Is the Industrial Park zoned General Industrial.

City Planner: Yes.

Mr. Marnecheck: In the Industrial Park if a business does body work, did they also need to get a Conditional Use permit?

City Planner: Looking through the research, many have not; however, it is in our code that they should have. They may have been grandfathered in before that was added.

Mr. Marnecheck: Where in the City can they perform this use without that Conditional Use?

City Planner: The only location where they can open an autobody shop without a Conditional Use would be the General Business zone.

Mr. Marnecheck: And where might that be?

City Planner: It is very limited. There are a few General Business parcels along the north of York where it intersects with Sprague Road. There are also a few parcels of General Business along Ridge Road on the south side by the school. There are probably less than 20 General Business zoned parcels in the city. General Industrial in most cases is the most lenient zoning district in an Industrial zone. Part of our Industrial code is our code section dealing with industrial requirements as far as noise, smoke, dust, fumes, any kind of toxins created, oil, gasoline. We do have strict requirements for that. He suggested that section be reviewed.

Mr. Marnecheck: He is seeking final site plan approval, not preliminary approval.

City Planner: That is correct.

Mr. Marnecheck: Can we approve site plan without approving the Conditional Use application.

Law Director: You can approve the Conditional Use and not the site plan. There would be no point in approving the site plan and not the Conditional Use because he can't make use of it anyway.

Mr. Marnecheck: The applicant can use it for minor use with far less options.

Mayor Antoskiewicz: In the back of the property, there are a lot of places that do paint and repair that sit in the center of town on Route 82. It is all indoors. Are there any plans in sprucing up the office building which used to be an older house. This would include landscaping as well.

Applicant: We have pulled permits to renovate the entire inside of the house and a little bit on the outside. It will look one hundred times better than it did before. There are a couple office rooms and a waiting room.

Mayor Antoskiewicz: Do you have any plans for a truck depot or storage of trucks on this property.

Applicant: Agreed to that condition of not storing trucks on the site.

Mayor Antoskiewicz: I know that is what you came for the first time. We do not want to see trucks being stored there on that site.

Law Director: The Commission can make that a part of the restriction.

With no additional discussion, the Chair asked for a **motion to approve the application for a Conditional Use permit. Motion made by Mayor Antoskiewicz, seconded by Mr. Ranucci. Roll Call: Yeas: Four (DeCapite, Ranucci, Baxendale, Mayor Antoskiewicz). Nays: One (Marnecheck). Motion to approve (4-1).**

The Chair asked for a motion to approve the site plan and lot consolidation of the parcel with the following contingencies:

- a) **The lots are consolidated.**
- b) **A reasonable renovation of the exterior of the house unit be included.**
- c) **No storage of materials or truck storage beyond what is clearly accessory to what the approved use is for the office and/or autobody shop will be permitted. Anything that you store on site needs to be accessory to the office or to the autobody shop.**
- d) **The applicant agrees that at no point in the future would there ever be an attempt to return the housing structure to a residence. It would then be considered a nonconforming structure and lot.**

The applicant agreed to the contingencies.

Moved by Mr. Ranucci, seconded by Mayor Antoskiewicz to approve the site plan and lot consolidation with contingencies. Roll Call: Yeas: Five (Mayor Antoskiewicz, DeCapite, Ranucci, Marnecheck, Baxendale). Nays: None. Motion to approve (5-0).

MISCELLANEOUS:

- The next PC meetings is scheduled for April 5, 2023.

ADJOURNMENT: Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned.

Minutes Transcribed by D. Veverka.

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: April 5, 2023

ATTEST: /s/ Ian Russell
Planning Commission Secretary