

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **April 5, 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, Building Commissioner David Smerek.

## **REGULAR ORDER OF BUSINESS:**

### **Approval of the Minutes:**

Moved and seconded to approve the minutes of **March 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. PC 23-11 will be heard first. The Public Hearing portion of meeting called to order.

## **PUBLIC HEARING / OPEN MEETING**

### **New Business**

1. **PC23-11:** As required by North Royalton Codified Ordinance Sections 1220.06(e) and 1244.07, Jeff Rucinski is seeking final plat approval for the Huntington Park Phase 4 Subdivision and the dedication of the roadway extension for Angelina Drive. The subdivision is to consist of 7 single-family residential lots located on PPN(s) 488-12-036 and 488-12-037 in residential (R1-A) District Zoning.

The Chair recused himself from involvement in this application and handed the meeting over to the Vice-Chair Paul Marnecheck.

Jeff Rucinski stated they are seeking final plat approval for the subdivision. Dan Engle, stamping surveyor on the project, stated they have taken care of all the comments from the City and County for the platting process.

City Engineer: We have monitored the construction. Phase 4 has been added to the existing HOA. A dedication checklist and punch list has been included in the packet. Many of the items have been completed. The Engineering Department has no concerns at this time.

Law Director: Mr. Rucinski has demonstrated to our satisfaction the new phase will be joined to the existing HOA. There is sufficiently protective language incorporated into the documents to evidence the responsibility for the storm water facilities.

With no additional comments from the Departments, the Vice-Chair opened the meeting for public comments.

Terry Kaminski, 11331 Villa Grande, questioned the downed trees on the existing property. Will the developer be clearing the large uprooted downed trees or is it up to the future homeowners.

With no further Public Comment, the Vice-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.

**Moved by Ms. DeCapite to approve final plat approval for the Huntington Park Phase 4 Subdivision and the dedication of the roadway extension for Angelina Drive and open the meeting up for discussion.**

Mr. Rucinski stated it is a large piece of land with a lot of trees scattered throughout. He said they brought in a tree company to remove most of the trees and debris. As the lots get sold, the new owners

will continue to clear out the remaining trees on their property. Their intention is not to remove any additional downed trees as part of the project.

Mayor Antoskiewicz asked about the three houses coming down from Villa Grande and wanted a catch basin in the back yard of one of those properties. Mr. Rucinski responded that catch basins were added in. Dan Engle stated that as part of the platting, there is an easement for the stormwater and pipe network in the rear of those lots. The City Engineer stated he was out there and there is an easement for storm; the plat does not show the catch basins but they are there. Mr. Marnecheck stated they have done more than the minimum required by adding the additional catch basins for storm water management.

**With no further discussion the Vice-Chair asked for a motion to approve. Roll call: Yeas: Three (Marnecheck, Mayor Antoskiewicz, DeCapite). Abstained: Baxendale. Not present for vote: Ranucci. Nays: None. Motion to approve (3-0).**

**After a brief delay, John Ranucci joined the meeting.**

2. **PC23-07:** Alan Rothstein, on behalf of 13393 York Road LLC, is seeking final site plan approval for the renovation of the Mr. Divot's Sports Park located 13393 York Road, also known as PPN: 482-27-005 in Research Office (RO) District zoning.

Brad Erdman spoke on behalf of Alan Rothstein as his owner agent; the proper signed document permitting him to speak on behalf of the applicant was part of the submittal. Mr. Rothstein recently purchased the property. He said they are now looking for final approval. There is approximately \$1.5 million dollars in improvements slated over the next year for this project. He displayed a picture of the proposed plan. The main items include the repaving of the parking lot, they are looking to install new poles with nets encompassing the entire back side of the property in a "U" shape to protect the surrounding homes; the nets will also be higher. We have the electronic capability to track on electronic security if someone were to intentionally hit a ball above the nets. The light poles will be sanded down and repainted with high-efficient head lamps installed to replace the current lights. In the front area they will be redoing the existing putt-putt course. The batting cages will be replaced and will be fully netted. Some of the golf bays will be enclosed to make them more customer centric and make them more all-weather friendly. The bar and the volleyball court are owned by a separate entity that does not have anything to do with this project. The landscaping on the existing ice cream business will be maintained and beautified.

City Engineer: From a site civil engineering perspective, the changes are not major and are mostly refurbishing of existing areas, there does not appear to be very much new impervious area. Therefore, we do not have stormwater concerns. If PC approves the plans, the Engineering Department will review the final site plans such as the resurfacing of the parking lot.

Building Commissioner: Mr. Divots is considered a legal non-conforming use in the Research Office District. They are proposing a tee-box structure over the existing tees. They have six batting cages removed and they intend to replace them with five cages. They are repairing the light poles with LED heads; no new poles will be added. Based on the current photometric plan submitted, there will be no light intrusion onto the neighboring properties. Shields can be put on the lights to stop light intrusion or by putting buffering up. Plans are to replace and restripe the current parking lot. The current ball net is 50 ft.; they are proposing to raise it to 75 ft. The ball net along the north side line runs short of the tee-boxes. It stops at about the 50-to-70-yard line. That opening allows some balls to get over to approximately four or five lots on Heritage Trail. He recommends it be extended down to cover that gap opening. It appears all the trees buffering the west side line have been removed; possibly to put the net

up. Unfortunately, there is residential to the south of it; it is now exposed. Because of the two different zones, Research Office and Multi-Family zoning, buffering is required. He requires some buffering along the south and east side line, such as trees. Regarding the hours of operation, we found some historical data from 1990 and 2010 which basically said they are permitted to be open from 10:00 a.m. to 11:00 p.m. on the weekends, and 10:00 a.m. to 10:00 p.m. weekdays. They are proposing to go to midnight; maybe 11:00 p.m. on Friday and Saturday would be fairer and can be discussed further by the Planning Commission.

City Planner: The existing, Mr. Divots, is a legal nonconforming use. As such, anything that would be considered an expansion of that use would require additional approvals. Based on our review, most of the proposed improvements are one-to-one replacements for routine maintenance of that property.

Law Director: He believes the entire property has been under a singular ownership of Mr. Bogucki and his family at least since the early 80s. He said he has concerns that the reference to the bar and the volleyball courts as representing separately owned buildings and separately operated businesses on the same parcel. He said if it were under common ownership, he would not have a problem; the fact that they are going to be operating multiple businesses as legally nonconforming uses on the same piece of property, that is a troublesome concern. In every other business district, the parcel is lawfully entitled to have one business as the main use; the question now becomes what is the main use. Another question is the nonconforming quality of the uses that are currently being made. The law prohibits an expansion of the nonconforming use. Is what is being described here an expansion or simply maintenance or renovation. The City Planner and Building Commissioner have made a determination and are satisfied that these are renovation efforts and therefore would not violate the provision against an expansion of a nonconforming use.

The Chair opened the Public Hearing portion of the meeting.

An affidavit was received from Karen Linder, 7673 Homestead Circle, the increased business will impact the lives and wellbeing of their neighbors. The hours of operation will impact the lives of the neighbors for 17 hours Sunday through Thursday and 18 hours of the day on Friday and Saturday, yearly. She expressed concern about being able to safely use their yard or sit on their patio because of those engaged in trying to hit the golf balls over the netting causing property damage to the residences. The netting does little to stop that. She expressed concerns regarding the additional lighting which would also impact the neighborhood and the loss of the use of their property.

Rosemary Hern, 7655 Homestead Circle, said she lives on the cul-de-sac on the north side of the applicant's property. She expressed concern that some of their homes angle out to the view of the driving range. She said she has 80-plus cracks and gaping holes on the three sides of her house. They have replaced a car windshield and had her car repaired. She asked if the plans are to not only add on to the fencing but also if they are planning to reposition the angle of the driving range so people can't purposely aim at the houses. She expressed it being a safety concern; they are limited to using their back yard because they have almost gotten hit by a golf ball while grilling out last year.

Frank Castrovillari, 7675 Harley Hills Drive, he expressed his opinion after looking at the redesigned drawings. He said he feels this is an expansion because the 18-hole golf course is larger than what is there now; however, he does not see that to be an issue. He expressed concern regarding the lighting and the hours of operation. He said there is a noise ordinance and said the proposed application shows going to midnight and starting hours of 6:00 a.m., seven days a week. He said he would like the hours to be changed to opening later in the morning and not as late at night. He said the noise travels; they hear the hitting of every golf ball and every bat swing hitting the ball. Because of the height of the lights,

he asked some shades be added. Possibly lower the lights or something to minimize the big glow of the lights; the LED lights may make the existing situation worse than it is now.

Karen Linder, 7673 Holmstead, has bags of golf balls which were collected in her yard. They have not used their patio because they were hit with golf balls. She is unable to use her yard. She spoke against the hours.

Eric Edwards, Design Manager and Architect for Gross Residential, and Derik Long with Gross Residential were present to represent Revere Woodcroft Glen Townhomes as well at Traditions at Royalton Place which are neighboring properties to the south on each side. Mr. Long expressed concerns regarding the application. He said they have similar concerns; the three main concerns being the light intrusion, the sound and the hours of operation. The 6 a.m. start and the midnight closing is a change of what exists now and will be difficult for the neighboring residents. He spoke of the tree line buffering the southern line which was removed. It is now a clear open area where sound transfer will be more than what it was. Even without the intrusion of the lights they are more visible with the existing buffer being removed. Mr. Edwards displayed some pictures of the property. The first picture was of the road at the back of Revere Woodcroft Glen; it was obscured before with the trees which have been taken down. Our property line is the creek that separates their property from the property of Mr. Divots. Because of lack of space, it does not allow the Revere Woodcroft Glen Townhomes to add buffering with trees. Looking northward, we can see the lights from the existing parking lot and the batting cages and tees. He said their biggest concern is the batting cages that are 30 feet from the property line and have no sound buffer and will hear the constant ting-ting-ting from the batting cages from 6 a.m. to midnight. He asked if they are planning any speaker system that will be played during those hours of operation that might add to the noise pollution that would escape the property. He asked for a copy of the photometric. Mr. Long discussed the two separate operating businesses on a single parcel. He said the proposal shows upgrades to that building. He questioned if it is a single ownership with a leased business inside. If that lease changes, will there be an intent to play music at night or anything else. The Chair asked if the trees which were removed along the property line taken by the owners of Mr. Divots. Mr. Long responded they were taken down by Mr. Divots; they were on their property.

With no more public input the Public Hearing portion of the meeting was closed and the Regular meeting was called back to order.

Brad Erdman responded to the questions regarding the issues with the above the ground lights. The current ownership has a number of other driving ranges. He will speak with current ownership regarding the lights facing Heritage Trail. They are not putting the poles up higher; they are sanding them down, painting them and putting the new light heads on. The new ownership is looking at putting a shield on the side. They are using a tighter beam of light so it does not fan out as much. The trees were taken down to facilitate the contractor coming in to install poles for the netting. We can define what goes back up to give a visual buffer and sound buffer such as trees or arborvitaes. We are raising the nets up 25 feet higher to alleviate the balls going onto neighboring properties. Our IT Manager can look at a system of capturing someone on video. It is a 24/7 camera system recording all of the different bay's activity. There is a motion sensor alert system as it leaves the net. There are signs which are planned for each bay that spells out consequences such as a lifetime ban or legal charges for intentionally hitting over the net.

Hours: Mr. Erdman questioned if the traditional hours of operation were 6:00 a.m. The Building Commissioner responded the hours in 2010 were 10:00 a.m. until 10:00 p.m. Friday and Saturdays they were permitted to stay open until 11:00 p.m. The Chair asked what are the proposed hours. Mayor Antoskiewicz responded Monday through Thursday 6:00 a.m. to 11:00 p.m.; Friday and Saturday 6:00

a.m. to midnight. Batting cages 10:00 a.m. to 10:00 p.m. seasonal. He thinks the volleyball courts are 10:00 a.m. to 10:00 p.m.

Chair asked for clarification regarding ownership of the bar building and the volleyball courts. Mr. Erdman said he is unsure of the answer; he will need to get that information on what that arrangement is.

Mayor Antoskiewicz asked the applicant if they can slant the tees so it would be more difficult to go towards the residences. Mr. Erdman said he will make that suggestion; however, the increase height of the nets should prevent that from happening. The net has a tighter mesh so there is less occurrence of a ball getting through. The Chair stated the angling of the tee boxes are all on a straight line; can they be put on a concave. Mr. Erdman said he will add that to his notes.

The City Planner stated that based on the plan, the northern section of those tees have been realigned to face more south, away from the homes. Mr. Erdman responded he will verify the realignment of the tees is correct on the plans.

The Chair opened the meeting up for discussion of the Board.

Law Director: He said he is still not clear, based on what he is hearing as to who owns what. This is one permanent parcel with multiple businesses and multiple uses. They are legal nonconforming uses; it is fundamentally nonconforming. The Commission has some discretion as to what they will allow or not allow.

Mr. Erdman confirmed that the applicant does own that building and they have inherited the lease for the bar/restaurant and volleyball court which is good for another two years. At that time, they can either take over that business or be up for another lease.

Law Director: There is one common ownership for the entire parcel for all the businesses that are on it, leasing out the bar to another individual. The plan indicated an intention to renovate the front façade of the existing restaurant. Controlling the hours of operation is within the PC's purview. They have a history and it is a matter of public concern because it is a non-conforming use in a Research Office zoning district. Do we need to speak to ownership about commitment for hours of operation. Mr. Erdman responded it is for the Commission to decide on the hours of operation and what they are going to enforce; he said they have made a request for what they would like the hours of operation to be.

Mayor Antoskiewicz asked what are the hours of operation for the other facilities and what are the heights of the nets; he added the hours of operation being proposed are 'way out there'. Are those hours typically at the other facilities. Mr. Erdman said he does not have the answer but he knows it is early in the morning, such as 7:00 a.m. The facilities hours and height of netting vary.

Mayor Antoskiewicz asked what is the life cycle on the nets being proposed and will it be safe for neighboring residents. Mr. Erdman responded he is unsure what the degradation cycle is but it is made of a polystyrene, UV resistant.

Mayor Antoskiewicz asked if the applicant is doing the renovation to the restaurant/bar facility. Mr. Erdman said yes, they will be contracting it out. Mayor Antoskiewicz asked if they are plans for any renovations including a facelift to the ice cream shop. Mr. Erdman responded he does not know; he would have to check with ownership. He said they would not shy away from anything that needs to be restored possibly a new sign and landscaping out front.

Mr. Ranucci asked if there is some type of soundproofing that can be put around the batting cages to deaden the noise of the ball being smacked. Mr. Erdman responded arborvitae are an inexpensive solution. He said if vegetation needs to be added or a mounding of dirt, they can consider that.

Mr. Ranucci asked if the poles with the lights can be lowered. Mr. Erdman said he does not know if they can physically lower the poles because of the way electricity may be part of the poles. He added the side shields take away a lot of the light pollution problem. The light bulbs themselves can be angled so it is not a wide flood.

Mayor Antoskiewicz spoke on the removal of the nice mature trees that bordered the property and had created the right kind of buffer. He said the applicant was premature when removing the trees. He said he would discuss with ownership regarding planting fast-growing trees vs. shrubs. Buffering will also need to be planted in the rear for the new planned houses abutting those homes. The Building Commissioner stated the minimum for buffering is 10 ft. in width. Installation of landscape mounds and possibly evergreens which would match the north side of the property.

Ms. DeCapite asked for clarification of the expansion of a non-conforming use. The Law Director explained our code which prohibits the expansion of a non-conforming use. The meaning can vary. He explained the uses of the current property are technically all the same; they are not change the uses. They are renovating the facility. The one area would be the construction of the proposed tee box structures which previously did not exist. Mr. Erdman said they are doing that in order to keep the people out of the rain. It may also help to encapsulate some of the sound as well. The Law Director stated that it is up to the Commission to determine if that is a reasonable extension or modification other than an expansion. The applicant seems to be cooperative with regard to other issues that are of greater importance.

The Building Commissioner responded the way he looked at the tee boxes is that no additional tee boxes are being added; they are covering them.

Mr. Marnecheck said he is familiar with the area and realizes Mr. Divots was there first. However, this is a great opportunity to fix some of the issues that have been simmering for a while. He asked for clarification on the netting and the ability to make repairs when needed to the netting. Mr. Erdman responded the mesh is smaller and will be approximately 25 ft. higher. They plan to extend the netting farther down to protect the other houses on Heritage Trail. It is unlikely the golfer, unless they are facing York Road, would be able to hit beyond the net.

Mr. Marnecheck asked if there are plans to add new machines which may cause additional noise. Mr. Erdman responded he does not know. He said the antiquated machines that were replaced at their other facility are much quieter.

Mr. Marnecheck asked if signage with our code on it can be added allowing the Police to charge individuals. The Law Director responded, yes. Any intentional act that is directed at property destruction, vandalism, such as if someone were purposely trying to hit a golf ball over the fence at a home; yes, that is a crime. Mr. Erdman responded they have signs that are very similar that they put up in each bay. It can be tailored to the language supplied by the City.

Mr. Marnecheck asked if the applicant is seeking Final site plan approval. Mr. Erdman responded yes. The Law Director said if approved, it would not be required to go to City Council for approval of any of these modifications. The motion to approve would need to include a listing of stipulations.

Ms. DeCapite said the ice cream store should be part of the renovations. Mr. Erdman responded, certainly, he understands.

The Law Director stated the application is limited and does not include the ice cream stand. We can request attention be paid to that but that is not part of the application. Unless Mr. Erdman, on behalf of the ownership, indicate that they are willing to modify the application orally and incorporate a renovation to the ice cream stand.

Mr. Erdman said he can pass along to ownership the request to beautify the ice cream shop. And he said he can promise you that yes it would be done.

The application can be tabled and allow Mr. Erdman share with the ownership all of these concerns and requests and modifications and see if they are willing to modify the application accordingly.

Mr. Erdman responded to a question regarding the height of the netting. In Ohio the typical netting is anywhere from 50 ft. to 150 ft.

The Law Director and Mayor stated that while we would like to see all of these improvements, we recognize the applicant has certain rights that need to be adhered to in order for them to move forward. It might be better if the Commission were to consider final site plan approval tonight subject to all of the limitations that have been discussed. The Mayor has indicated that Mr. Smerek will make a personal concern in seeing to it the ice cream store is properly improved. Mr. Erdman said he does agree to those improvements.

The Building Commissioner stated some attention needs to be made to the red storage shed along the south property line. Mr. Erdman said they will either make improvements to the structure or remove it.

The Law Director stated the motion properly framed would be: Final site plan approval of 13393 York Road LLC be approved subject to the following limitations:

- Driving range hours of operation (traditional):
  - Monday, Tuesday, Wednesday, Thursday 10:00 a.m. to 10:00 p.m.
  - Friday, Saturday: 10:00 a.m. to 11:00 p.m.
  - Sunday: 10:00 a.m. to 10:00 p.m.
- Batting cages (seasonal):
  - 10:00 a.m. to 10:00 p.m.
- New Netting around three-quarters of the facility for driving range on north side, east side and on the south side: 75 ft. high.
- The tee boxes set forward in a curve arrangement, particularly on the northern end.
- Additional buffering and landscaping along the southern border abutting the residential properties including 10 ft. high mounds and pine trees. Applicant to work with Building Commissioner and City Engineer for location of the mounds and types of trees.
- The lighting for the property be shaded fully on to the property
- The bar and volleyball operation: maintain current hours.
- Some specific attention be paid to the ice cream stand for renovation and improvement.
- Storage shed to be renovated or removed.
- The additional commitments that Mr. Erdman has made that are in the record and in the minutes will also be made part of this motion.

**Motion made by Mr. Marnecheck, seconded by Mayor Antoskiewicz to approve Final site plan to include the stated limitations. Roll Call: Yeas: Five (Marnecheck, Baxendale, Antoskiewicz, DeCapite, Ranucci). Nays: None. Motion to approve (5-0).**

The Chair called for a five-minute break.

The Chair called the meeting back to order.

3. **PC23-08:** William Mason is requesting a lot split and consolidation located at 9781 State Road, also known as PPN(s): 489-17-007 and 489-17-008, in Residential (R1-A) District zoning. The existing lots are non-conforming and the requested split will also result in non-conforming lots that do not meet the required 100-foot lot width.

Bill Mason, 3667 Rachel Court in Seven Hills, said he is proposing a lot split and consolidation. The lot is currently a 90 ft. lot that runs into the existing house. That is lot split #2. He wants to shrink the frontage right down the middle of the driveway of the 90 ft. lot; it would then be a 70 ft. and make the existing house an 80 ft. to square it all off. The back part of the northern lot now becomes part of the southern lot. The current large barn in the back is on the northern parcel. This separates it and puts it on lot split #2 on its own parcel instead of encroaching on the other.

City Planner: The City Departments, including Building and Law collaborated internally on this proposal. The existing lots are non-conforming. Currently the home and the accessory large barn structure in the back are both over the existing property line. His proposal is trying to correct those property encroachments. In doing so, the solution is that they will still be non-forming but the encroachments would be corrected and the side setback requirements for both the accessory structure and the home would be dealt with. Mr. Mason is also proposing an access easement along the existing driveway which is intended to service both properties. The resulting lots would be: 70 ft. on the northern side and the existing lot with the home on it would be about 80 ft.

Law Director: Each lot would have frontage of less than the currently requirement of 100 ft. Both such parcels are less than that now. The applicant is essentially clearing up some of the inconsistencies that exist and did so in some measure largely at our request. We were trying to make this a better circumstance than he found it or what currently exists. From the City's perspective, this is a desirable modification.

Patrick Ryan, 9880 Ridgeline Drive, we abut the rear of the back corner of parcel #1. He expressed concern of what will be put on the first lot; will it be a home, a rental home and will it be dropped in his backyard which would mean he would lose his view and privacy. In the past the renters did not take care of property, didn't cut the grass and left the fence in disarray. It is a unique property because of the valley and water runoff. He liked the rural area with 100 ft. lots.

Ron Baraona, 9920 Ridgeline Drive, spoke against the approval of the application. He said his concern is similar to Mr. Ryans. The current renters are not taking care of the property; will this additional lot be another rental lot that is not taken care of.

Violet Imre, 9705 State Road, spoke against the approval of the application. It should not be allowed. We bought the property because of the rural area lots. The owners own not only the property we are talking about but also nearly all of the development behind them. They were told the parcels would not be developed. They went before BZA for a small variance which was denied. She spoke of the area that dips and is a lake after a rain storm. She showed how the water empties onto her lot through a



pipe from the other property. It is eroding away her property. She spoke of the evicted renters in the past.

Danny Booth, 9909 State Road, expressed concern of the flooded area and where the houses will be built. The backyard will be looking into someone's windows.

Louis Imre, 9705 State Road, spoke against approval of the application. He questioned what is a non-conforming lot.

Law Director: Prior to approximately 1972, the minimum front footage per residential would have been much less or non-existent. City Council adopted zoning classifications and building restrictions which require for properties zoned R1-A, the minimum frontage on a public right of way/street would be 100 feet and for R-1B it is 80 feet. What that didn't take into consideration, although they knew at the time, they were looking for developments; new housing development. There were then and there are today 100's of lots with less than 100 ft. of frontage all throughout North Royalton. All up and down State Road and also some of the lots on Ridgeline are less than 100 feet frontage. You can have a legally buildable non-conforming lot on frontage of less than 100 feet by the virtue of the fact that the lots were created prior to the zoning code being changed. If someone were to come in today with a development, the frontage would need to meet the code. With regards to lots that already exist that were platted long before the zoning code took effect, the owners of those lots have the right to develop them and build upon them even though they have less than the currently required front footage. Some of the lots in North Royalton are as narrow as 50 ft. wide. If you own a 50 ft. wide non-conforming lot which was platted before the zoning code was changed, you can still build on it. In this case the applicant, Mr. Mason has the right to build on the northern most parcel. We are trying to clean up the inconsistencies as to where the buildings were located without apparent regard to the fact that they were being built in a way that created these encroachments.

The Chair said the Commission looks at both sides. On one side you have the land owners who have the absolute right to build on their property. The other side is North Royalton and the type of Community we want to be and the development we want to see in the City. It is not always an easy decision.

With no further input, the Public portion of the meeting was closed and the Regular Order of Business was opened for discussion by the Commission.

The Chair asked what are the zoning of those pieces of property and what can and cannot be done with those properties.

City Planner: All the parcels in question are zoned R1-A. It lends itself to single-family residential. One home is permitted on a single parcel. It has 10 ft. side setbacks, 50 ft. rear setbacks and the front setback in this case would probably be based on surrounding properties per our code. If this were to be approved, any home that is proposed would still be required to meet all those zoning requirements in our code. There cannot be another home built on the large parcel which has an existing house. The other parcel is undeveloped.

Ms. DeCapite said currently there are two non-conforming lots. If we were not considering what is being proposed tonight, it could still be a house built on parcel one. We are simply taking one of the lots and changing the frontage; we are not making them smaller.

Mr. Ranucci: We are talking about moving the property line making a 10 ft. difference. There are currently two lots and if approved, there will still be two lots.

Chair: Asked the applicant what is going in those back buildings on the back of the lot.

Mr. Mason: When he purchased the land two years ago, it was his intention to develop the whole four acres to put housing in there. He said he was discouraged by the City from doing that. They decided to put another lot to the north side of it, build a house, clean up the existing house and sell the land off. The barn is being used for some storage of equipment. He said there is not a house on the parcel to the south. It is only a 50 ft. lot. He has no plans to do anything on it at this time. Mr. Mason said there are approximately 20 currently existing lots on State Road within a half mile of that house that has less than 100 ft. frontages; some are as small as 50 ft. Within a short distance there are many non-conforming lots.

Mayor Antoskiewicz said that the City has dealt with a number of nonconforming lots in the past and people do have a right to build on their property. Mr. Mason's proposal does help to clean up the existing situation. The proposal does maintain the required 10-foot setbacks and appears to fulfill the requirements of the district. Mayor Antoskiewicz asked if that was correct.

City Planner: That is correct. The proposed plat does show all of the correct setbacks per the code. Any structure built on the property would need to comply with those setbacks or would require an area variance.

Mayor Antoskiewicz stated that he does not disagree with the proposal. There are areas within the City that have a number of nonconforming lots that we must deal with on a regular basis. The Mayor asked the applicant about the water issues that were discussed.

Mr. Mason stated that there is a stream running north to south across the property. The stream is existing and there are no plans to impact it.

With no other comments from the members, the Chair asked for a motion to approve the application.

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

4. **PC23-09:** Adam Therrien, on behalf of Transport Services, Inc., is seeking final site plan approval for a proposed 1,800 square foot storage structure located at 10499 Royalton Road also known as PPN: 483-24-008 in General Industrial (GI) District zoning.

David Miller with IDS Construction, located at P.O. Box 771956, Lakewood, OH, is representing Adam Therrien. Mr. Miller stated that they want to replace two temporary storage containers with a metal building in order to facilitate better storage on site. The metal structure will be bolted to the ground and will be 13 feet in height, 3 feet taller than the existing storage containers. The existing privacy fence will be maintained and the new building will be roughly 4 feet above the fence. The siding of the structure will match the existing building colors and appearance. The proposed structure will sit on top of the existing concrete so there will be no additional runoff created.

City Engineer: The proposed storage structure will be placed on top of existing impervious surface so there will be no additional stormwater created on site. The City would like to see the roof drainage contained within gutters and downspouts and to be directed so as to remain on site.

City Planner: The structure appears to meet all required setbacks and height requirements for the General Industrial district. Is the intention to remove the existing storage containers on the property following the construction of the new structure?

Law Director: The Law Department has no comment on this application.

Chair: With no public comment, we will close the public portion of the meeting and begin the Regular Order of Business and discussion from the Commission.

The Chair asked the applicant to confirm that drainage will be directed to existing drains and to confirm that the existing shipping containers will be removed from the site.

Mr. Miller confirmed that all runoff will remain on site and be directed to existing drains. The existing shipping containers will be removed from the site.

Ms. DeCapite stated that she felt that the proposed structure fits into the context of the surroundings and has no objections.

Mr. Ranucci said that he felt that the proposal was in improvement over what is currently on site.

With no further comments from the Commission, the Chair requested a motion to approve the application.

**Motion made by Mr. Marnecheck, seconded by Mr. Ranucci to approve the final site plan. Roll Call: Yeas: Five (Ranucci, DeCapite, Baxendale, Antoskiewicz, Marnecheck). Nays: None. Motion to approve (5-0).**

5. **PC23-10:** Anthony Tomaro, on behalf of Wallings-Ridge LLC, is seeking preliminary site plan approval for a 5,400 square foot office building located at 12289 Ridge Road, also known as PPN: 488-01-001, in Office Building (OB) District zoning.

Anthony Tomaro, 8094 Sandstone Drive, Northfield, OH 44067, stated that he is requesting preliminary site plan approval for the construction of an office building at the southeast corner of Ridge and Wallings Road, 12289 Ridge Road. The building will be 5,400 square feet and designed to house medical and professional offices in accordance with the zoning code. The parcel in question is the corner lot and Mr. Tomaro is the owner of the property directly to the east which also has an office building. He would like to consolidate the two lots into one lot which would create a roughly 1.7-acre conforming parcel. The proposed design would push the building closer to the street and include parking located between the existing and proposed office buildings. Mr. Tomaro stated that he feels that consolidating the lot will allow for a combined parking area and create a better-looking project. Under the current design, the building would be located closer to the street than the 75 feet required by code with a 45-foot setback from Ridge and a 37-foot setback from Wallings. The proposal would require some variances for the setbacks. He is also aware of the need for stormwater detention as well as parking lot lighting and intends to ensure that those are covered in the final design plans.

City Engineer: The plan shows a stormwater feature on the south side of the property within a sanitary easement. It would appear that the application mentions an underground stormwater system not shown on this plan but that should work. The City would need an easement from the public right of way to the

location of the underground system. The City, Northeast Ohio Regional Sewer District and Cuyahoga Soil and Water will need to review the plans once they are further along.

City Planner: The site is a unique corner lot roughly .7 acres in size. The Office Building district requires a minimum of 1 acre and 100 feet of frontage. The proposed parcel has the frontage but does lack the size required. The proposed lot consolidation would correct that. The surrounding properties are mostly residential and the design choice by the applicant appears to reflect that by placing the building closer to the street and placing the parking behind the building. That being said, the proposed design will require a number of variances. NOACA classifies both Wallings and Ridge as arterial roads which, per the code, establishes a 75-foot front and side yard setback. The structure appears to meet the 30-foot height requirement as well as the non-street side yard and rear yard setback. For the parking, the proposal appears to show adequate ADA parking and the proposed parking stalls drive aisles do meet the code requirement. The proposed plan will require variances from the front yard setback requirements along both Wallings and Ridge Road. The parking lot fronting Wallings would also require a front yard setback as it does not meet the 25-foot setback. Some of the parking spaces are too close to the building and the lot would be required to be lit. The parking count would appear to be short of code requirement by roughly one space but there are concerns about the safety of some of the parking spaces and the traffic flow in the parking lot. Finally, landscaping would be required along the street to buffer the proposed building but careful attention should be paid to traffic visibility with the corner.

Law Director: No comments.

Chair: With no public comment, we will close the public portion of the meeting and begin the Regular Order of Business and discussion from the Commission.

Mayor Antoskiewicz commended the proposed design for blending well with the residential character of the surrounding area. The Mayor asked the applicant if he planned to perform some maintenance on the existing office building.

Mr. Tomaro said that he recognized the need for some maintenance and once construction started on the new building there would be an opportunity to perform that maintenance.

Mayor Antoskiewicz stated that despite the extensive nature of the variance needed, he preferred that the building be located closer to the street as opposed to the parking. The Mayor expressed some concern that the proposed landscaping, if too high, could create visibility issues on the corner.

Ms. DeCapite agreed with the Mayor that the design addresses the corner well. She stated that it may make sense to further reduce parking for the sake of safety and traffic flow.

Mr. Tomaro stated that the parking was calculated based on the square footage of both structures but that the current parking lot is usually not filled.

City Planner: That is correct, the parking requirements were calculated based on the square footage of both the existing and proposed office buildings.

Mr. Tomaro asked if parking adjustments would need to be made prior to the submittal of the final site plan.

City Planner: If this application was to be approved tonight you would still need to address the lot consolidation as well as the variances through the Board of Zoning Appeals prior to returning for final site plan approval.

Law Director: If the Commission is agreeable, it could be communicated to the Board of Zoning Appeals that the Planning Commission sees this as a positive development.

City Planner: I would be happy to communicate that if the Planning Commission supports the application.

Mr. Marnecheck stated that he agreed with the Mayor and Ms. DeCapite regarding the design of the building. He feels it is a dramatic improvement over what used to be located on the property.

Mr. Ranucci stated that he agreed with the concerns regarding the proposed parking layout and would like to see an effort to increase safety.

The Chair stated that he has some major concerns regarding the proposed parking layout as well as the existing ingress and egress for the lot. Due to the proximity to the school, traffic creates issues getting in and out of the parking lot. Based on this, he would like to see some form of traffic study for the parking lot.

Mayor Antoskiewicz said that he was not as concerned about the traffic since the proposed use was an office building and would not be generating significant traffic.

The Chair asked the City Engineer what would be required for a traffic study.

City Engineer: The study would analyze the traffic count as well as the distance to the existing traffic lights at the intersection. They would also be looking at the surrounding uses and the impact on traffic.

The Chair asked the applicant if they would be willing to have a traffic study completed.

Mr. Tomaro stated that he was not sure of what would be involved or who would perform the study.

The Chair said that there are engineering companies who can perform the study and relay the findings.

Mr. Tomaro stated that if it was required, he would perform the study. He said that the school creates traffic issues everywhere in that area and it is not just concentrated around his property. He is not sure that the traffic study would be a benefit and he is not proposing to change the ingress and egress points for the site.

Mr. Marnecheck agreed that traffic is a legitimate concern.

The Chair asked for a discussion amongst the Commission regarding the need for a traffic study.

Mayor Antoskiewicz asked the City Engineer if a traffic study is performed based on the required number of cars.

The City Engineer said that the traffic study would be based on the property owner's expectation of how many cars may be on site at a given time.

The Law Director said that the traffic issue would appear to be related to the school. He asked if it would be possible to make the southern drive an ingress point and the northern drive an egress, right turn only lane during peak hours.

Mr. Tomaro stated that he feels that limiting the flow of traffic would create issues with the businesses on the property.

The Chair reiterated his concern regarding traffic.

The Mayor stated that he has concerns regarding the accuracy of any traffic study based on the nature of the business.

Ms. DeCapite said that the ingress and egress are already existing.

The Mayor said that there is a light at the intersection of Wallings and Ridge which stops traffic.

Mr. Tomaro said that the existing building is roughly 14,000 square feet and they are adding a building that is about a third of the size. The increase to the number of cars is less than it would appear. The types of businesses that will be located in the building will be appointment based so people are able to schedule around the peak times.

The Chair stated that it would seem that the Commission is not in favor of requiring a traffic study. He asked if there were any other questions or comments from the Commission.

The Mayor emphasized that there are still variances that will be required for the proposal.

The City Planner emphasized that variances will be required and that it would be best to finalize a site plan based on the results of the meeting prior to applying to the Board of Zoning Appeals.

With no further comments from the Commission, the Chair requested a motion to approve the application for preliminary site plan approval.

**Motion made by Mayor Antoskiewicz, seconded by Mr. Ranucci to approve the preliminary site plan. Roll Call: Yeas: Four (DeCapite, Ranucci, Marnecheck, Antoskiewicz). Nays: One (Baxendale). Motion to approve (4-1).**

#### **MISCELLANEOUS:**

The Chair asked the Commission if there is any miscellaneous business.

Mayor Antoskiewicz asked if the meeting scheduled for July 12, 2023 could be moved to July 19, 2023 due to a scheduling conflict.

Mr. Ranucci stated that he would not be able to attend a meeting on July 19<sup>th</sup>.

The Mayor asked if July 6, 2023 would work instead.

Mr. Marnecheck stated that he would have to check his schedule.

The Chair stated that the Commission would tentatively plan for July 6, 2023.

- The next Planning Commission meeting is scheduled for May 3, 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: May 3, 2023

ATTEST: /s/ Ian Russell  
Planning Commission Secretary