

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **April 3, 2024 to conduct the Regular PC Meeting**. The meeting was called to order at 7:01 p.m. by Chair Frank Castrovillari and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Frank Castrovillari, Mayor Antoskiewicz, Paul Marnecheck, Marie DeCapite, John Ranucci. Secretary/City Planner Ian Russell. Administration: Law Director Tom Kelly, Assistant City Engineer Joe Pavlick.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Moved and seconded to approve the minutes of **March 6, 2024. Motion carried.**

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

PUBLIC HEARING / OPEN MEETING

Old Business

1. **PC23-12ext:** The City of North Royalton is seeking a 180-day extension of the plan approval for the sanitary sewer improvements on Abbey Road which include the installation of 5,441 linear feet of gravity sewer and 8,830 linear feet of force main. The project will begin at the existing sewer connection point near Baldwin Creek, just north of I-80, and travel west to Abbey Road. The project will then proceed north within the Abbey Road right-of-way to a point south of Sprague Road before heading east to 11355 Sprague Road, also known as PPN: 481-07-026. **The project previously received approval at the May 3, 2023 Planning Commission meeting.**

Law Director: Mr. Chairman, may it please the Commission, I can speak to this one briefly. At last night's City Council meeting, at which any number of us were in attendance, our Wastewater Superintendent, Mr. Smith, who was there last night to speak to Council, indicated that it was his belief that we would be going out to bid in May and that the project would be on target then through December. We do need the extension, and we're hopeful that another extension may not be necessary.

Mayor Antoskiewicz: We received a grant, but ran into some issues with getting that grant approved. That's where most of the holdup has been, but we believe we're on that final stage.

With no further discussion the Chair asked for a motion to approve PC23-12ext for a 180-day extension of the plan approval for the sanitary sewer improvements on Abbey Road. Roll call: Yeas: Five (Castrovillari, Antoskiewicz, DeCapite, Ranucci, Marnecheck). Nays: None. Motion to approve (5-0).

2. **PC24-04.1:** Mark Holz, of Frontier Land Group, on behalf of FLG Woodland Bend LLC, is seeking final site plan and preliminary plat approval for a proposed detached single-family cluster development consisting of 20 buildable lots located off of Sprague Road, also known as PPN: 489-02-033, in Residential (R1-A) District zoning. Preliminary Site Plan approval was granted at the March 8, 2023 Planning Commission meeting. **Tabled at the March 6, 2024 Planning Commission meeting. Public Hearing held at the April 27, 2022 Planning Commission meeting.**

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

Mark Holz (applicant): Mark Holz with Frontier Land Group, 25700 Science Park Drive, Cleveland, Ohio.

Kevin Hoffman (applicant engineer): Kevin Hoffman with Polaris Engineering and Surveying, 34600 Chardon Road, Willoughby Hills, Ohio.

Mark Holz (applicant): We were here last month and the request was made by the Planning Commission to add catch basins to each sub lot and to add beehive tops to the catch basins and we have done all of those things. The drawing here is to show that the catch basins are running along the back of the property lines. We've also added language to the HOA documents that addresses the concerns that were brought up last time with who owns the line and who maintains it and giving the city very strong language to enforce maintenance issues and clean up.

Chairman Castrovillari: Do we have anything from the Law Department?

Law Director: Mr. Chairman, I've read the language that was provided, that we requested, and it is as advertised. It is very acceptable to me.

Chairman Castrovillari: Thank you. Any comments from the Engineer?

Assistant City Engineer: With this modification, there are now catch basins on every lot, so they now meet the code requirement. Just a reminder, the applicant will still need to apply for a stormwater pollution protection plan with Cuyahoga Soil and Water. We will need to see the final approval letter before approving any permits. Likewise, per the code of regulations of the sewer district stormwater management code, if the Planning Commission approves final plan for the project, the applicant's engineer will submit final plans and stormwater management calculations to the sewer district for their review and recommendation for approval. After which, once this receives final Planning Commission approval, they'll have to submit a permit to the Engineering Department for final approval as well.

Mark Holz (applicant): If this part gets approved, does this go to Council next?

City Planner: You'll come back to us for final plat approval. So, you'll work with Engineering to make sure that they approve the plans, that would be after you construct all the improvements. Once those are built, you'll come back to us with the final plat, and then we'll recommend that to Council for their final dedication.

With no further discussion the Chair asked for a motion to approve PC24-04.1 for a final site plan and preliminary plat approval. Roll call: Yeas: Five (Ranucci, Castrovillari, DeCapite, Marnecheck, Antoskiewicz). Nays: None. Motion to approve (5-0).

- 3. PC24-05:** Russell Sposit, of CWP Enterprises, LLC, is seeking preliminary site plan approval for a proposed subdivision consisting of 8 buildable lots located on two parcels off of Harley Hills Drive, also known as PPN(s): 482-27-001 and 482-27-008, in Residential (R1-B) District zoning. **Public Hearing held at the December 6, 2023 Planning Commission meeting.**

Russell Sposit (applicant): Russell Sposit, 8115 Edgerton Road, North Royalton, Ohio. We are here for the same plan for the last six months. We had 10 lots originally, but we've cut it down to 8 lots. Cuyahoga Soil and Water said that we we're not going to go into the wetlands at all. We think we have everything that we need at this point. We looked at it a lot of different ways but ultimately, settled on 8 houses. If I'd have known that we couldn't touch the wetlands before then, I probably would have changed it then, but we didn't know that.

Chairman Castrovillari: Ok, anything from the Law Department?

Law Director: No, Mr. Chairman, we're satisfied.

Chairman Castrovillari: Thank you. Do we have any comments from the Building Department?

City Planner: Just a couple quick things, Mr. Chair, as the applicant has stated, they've reduced the number of lots from 10 to 8, which has, in general, reduced the density down to 1.89 dwelling units per acre, which is well under the required minimum. All the new lots meet the required width and size requirements as well as meeting all the setback requirements. The only note I had was on the plans for final to show all the setbacks, I don't think you showed the side setback on subplot 6. Sublot 7 and 8 appear to share a catch basin on the property line, those will need to be split into two separate catch basins, so each lot has its own. As we advised the last applicant, every lot is required, by code, to have a catch basin on it or else a variance would be required. All the dwelling units will meet the requirements for R1-B district. I noticed on the newest plan; you do show the sidewalks being extended all the way around the edges of the property on York and then also to the east to connect to the Harley Hills sidewalks that are existing and fill that gap. As far as the HOA documentation, we've been working with your attorney to make sure he's got all of the regulations we require and it sounds like he understood based on our conversation. Also, in the HOA documentation, it needs to clarify who owns those signs or who's going to maintain the signs. I know they're in an easement so who's responsible for that easement? We also need to make sure it's clear as to who will be responsible for the maintenance of those signs. The applicant did provide the architectural design guide or a version of the proposed homes for discussion tonight. Lastly, it's not really a code requirement but it's something to consider, typically landscape buffering is required between commercial and residential uses. To your north, you have a Research Office zoned parcel that is occupied and typically code requires that the buffering be placed on the parcel that is the more intensive use, so the Research Office parcel would be required to buffer. I think it would be in your best interest as the seller of the lots eventually, to add some additional buffering on that northern property line, because in the winter it's very thin, and you're going to be looking right at what's behind that.

Chairman Castrovillari: Thank you. Do we have any comments from the Engineering Department?

Assistant City Engineer: We share the same comments about the catch basins, that we have a catch basin shared between sub-lots 7 and 8. And then if they proceed with that, a variance would be required.

Curtis LaBarbera (applicant engineer): Curtis LaBarbera with Aztech Engineering, 5425 Warner Road, Valley View. The one catch basin mentioned, 7 and 8, because we have the storms going through the two houses, so we have to have a catch basin there. Is there something when he does the HOA that 7 and 8 both agree that both of them have that responsibility of that? Because that catch basin has to be on that property line otherwise, we're running a pipe through the houses?

City Planner: Would it be possible to share the pipe and extend the easement where the two catch basins could be and have them on the back corners of each lot and then just have them share that pipe?

Curtis LaBarbera (applicant engineer): Because you need to have the pipe coming down, you can't tee off that pipe unless you put a structure there. So, if I put a catch basin off of the one closest to the road, I would have to cut across the backyard of the other house, which eliminates the building envelope for that. We're already restricted due to the riparian setback. Can just those two be okay with sharing the catch basin and the HOA specifies that those two are

responsible for that one catch basin, those are the only lots that there would be a shared catch basin?

City Planner: Unfortunately, that wouldn't meet our code requirements.

Curtis LaBarbera (applicant engineer): So, if I put one 5 ft. from it and just a stub so there's two of them side-by-side and one takes that one because it's in the easement and the other one takes the one five feet away, would that suffice for you so I don't ruin a building envelope?

City Planner: Joe, would that work?

Assistant City Engineer: Am I correct that you are stating you would put a catch basin about 5 ft. into the property?

Curtis LaBarbera (applicant engineer): Yeah, the one closest to York, that way it's on that property. They would be responsible for that. Then the house would be responsible for the one that's in the easement on the property line. That way, they each own a catch basin, we'll say. Because other than that, I can't Y off the pipe and put two catch basins there. I've got to T it off. You've got to have a structure there anyway.

Law Director: Excuse me, Mr. Chairman. If I understand it correctly, you're saying you want one right on the property line that both parties are going to maintain?

Curtis LaBarbera (applicant engineer): Yes, it has to because we're going to be running a pipe through the houses.

Law Director: That is not going to work. When you put one catch basin on the property line, and you tell two people that they're to maintain it, you're asking for a disagreement. Somebody's going to say, "I fixed it last time", or, "I cleaned it out last month". No, it's not going to work. Each sub lot has to have its own catch basin however you work that out.

Chairman Castrovillari: Is it possible to move it a foot over so it's on one property about 5 ft. in?

Curtis LaBarbera (applicant engineer): I could try to angle the pipe a little bit off the line so the catch piece hits on one of the properties, then tee off and put another one a couple of feet away.

Assistant City Engineer: That would satisfy our concerns.

Mayor Antoskiewicz: My main concern is that each house will be draining into their own catch basin.

Chairman Castrovillari opened discussion to the Board regarding the exterior material requirement for these specific homes. The Board came to an agreement that the home should match the materials of the existing homes, excluding the cluster homes, off of Harley Hills Drive.

Chairman Castrovillari: I'm going to propose an 80% natural material on the front façade only. The remaining 20% of material can be whatever you're listing in a vinyl material, but cannot be straight horizontal vinyl siding, a shake style siding is acceptable.

With no further discussion the Chair asked for a motion to approve PC24-05 for the architectural standards to be at minimum. Roll call: Yeas: Five. (Antoskiewicz, Ranucci, DeCapite, Castrovillari, Marnecheck). Nays: None. Motion to approve (5-0).

With no further discussion the Chair asked for a motion to approve PC24-05 for the approval of the application for preliminary site plan. Roll call: Yeas: Five. (Ranucci, Antoskiewicz, DeCapite, Castrovillari, Marnecheck). Nays: None. Motion to approve (5-0).

New Business

1. **PC24-06:** Ordinance 24-48 – Council has referred to the Planning Commission an ordinance amending the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1262 Administration, Enforcement and Penalty, Section 1262.07 Conditional Use Permits, Paragraph (c) by adding Subsection (2) and renumbering, and declaring an emergency.

City Planner: Ordinance 24-48 is dealing with the subsection for Conditional Use permits and outlining what the requirements are to grant a Conditional Use permit. Currently, that section deals with Residential Districts and Business, Research, Service, and Industrial District requirements. All this ordinance is adding is requirements for Conditional Use permits that are granted in a Public Facility District. Now the four parts A, B, C, and D are actually pulled from the Public Facility District code, which has, for some reason, its own subsection with requirements, so we just moved it to a different section of the code to fit better where it should be.

The Chair opened the Public Hearing portion of the meeting.

With no further discussion the Chair asked for a motion to recommend PC24-06, Ordinance 24-48, to Council for approval as submitted. Roll call: Yeas: Five (Antoskiewicz, Ranucci, DeCapite, Marnecheck, Castrovillari). Nays: None. Motion to approve (5-0).

2. **PC24-07:** Ordinance 24-50 – Council has referred to the Planning Commission an ordinance amending the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1274 Public Facility Districts, Section 1274.02 Use Regulations, by adding Paragraph (c), and 1274.04 Yard Regulations, Paragraph (b)(1), Main Buildings and Uses, by adding “Inpatient Healthcare Facilities,” with specifications, and declaring an emergency.

City Planner: The city has received in the past and the present, requests about health care facilities in the city. There was an ordinance in 2001 that removed a use category titled “Welfare” from the Public Facilities district, and that included things like hospitals, specialty hospitals, clinics, and assisted living facilities from the code. A large portion of the reasoning for that, based on what I could find in the minutes, was due to the clinic use. There were requests to put things, such as, dental offices and things like that in the Public Facility district, which they felt was not something that is a public facility. So, the entire thing was stricken from the code. Since that point, a lot of those uses have been shuffled around to other districts. For instance, clinics and medical offices are allowed in business districts and in Research Office districts. We have an entire Senior Citizen District for assisted living facilities to address that use. So, the only use that was left over that wasn't addressed adequately in any way was a hospital or inpatient health care type of use. The objective of this ordinance is to put that back into the public facilities with some limitations as a conditional use.

The Chair opened the Public Hearing portion of the meeting.

Mary Gorjanc (Ward 4 Councilwoman): Mary Gorjanc, 8517 Wallings Road, North Royalton. I'm a retired internal medicine physician. I had concerns about requirement 5, especially that it said involuntary admissions are prohibited and I tried to ask questions about that, as to why that was included. Because in my mind, when I hear that, I think psychiatric facility, that they're prohibiting psychiatric facilities because other medical facilities, you cannot hold somebody against their will. People leave medical hospitals against medical advice not infrequently. That part bothered me because why are we doing that? When I questioned that at our Council meeting, Tom Jordan said, concerns about security. Based on what? It seemed like kind of a nebulous thing to me. So,

I did look up some information, and specifically, there was an article in Cleveland.com in September of 2022 when Metro built a new psychiatric hospital in Cleveland Heights, a 112 Bed Hospital, which they were gradually opening up. In that article they said about 15% of people admissions are involuntary. So that's a pretty small number. And probably the vast majority of people I would think are a harm to themselves or admitted for suicidal ideation. To me, it just sounds like when you're prohibiting a hospital that admits people involuntarily, you're saying you don't want a psych hospital. For what reason? I mean, I don't know if anybody would want to build a psych hospital here, but to me it's just sending the wrong message. And in addition, I found out that Governor DeWine signed into law House Bill 33 in 2023, which tightened up regulations on private psychiatric hospitals. Needing accreditation, inspection, licensing, and no previous history of adverse actions against people opening the hospital. I just wanted to express my concerns about that because I don't know where that comes from.

Law Director: I'm going to take the credit and the blame for using the word involuntary. When I was asked to draft this, we were talking about for-profit hospitals that are intending to operate facilities, essentially, drug and dependency and rehab, and most of those are 30-day facilities. They're all voluntary. I didn't think it would be something that Council would find acceptable, to get into a situation where we were taking, essentially, jail people who are required to attend and rehab by virtue of a condition of probation, for example. That becomes a security concern. People who are voluntarily coming, almost entirely, have the wherewithal to pay or the insurance coverage to pay and that fits with the model that we were anticipating. So, in terms of the wording, it wasn't intended to exclude people who need medical help for psychiatric problems. Certainly, I think everybody here should have the compassion that you have to recognize that we don't wish to exclude people who need help. But in terms of making properties that are zoned for public facility widely available for involuntary inpatient hospital treatment may not be something that's going to be appealing to the public and that I drew it for what I anticipated, not pointing at you people, but for what I anticipated would be palatable to City Council. If you're telling me that you think you that it ought to go in another way, the Commission has the right to speak to it and certainly you do as well. I missed that council meeting where you may have brought this up, so I wasn't there to explain where that came from. Now you know, it came from me.

Mary Gorjanc (Ward 4 Councilwoman): Would the language be able to be changed in some way?

Law Director: Well, the language can be changed anytime, but Council has to do it. The question here is, whether this commission, for their purposes tonight, is interested in making a recommendation to Council on that subject. I'm the scrivener who writes these things based upon a projection as to either what I've been told is desired or what I anticipate might be acceptable.

Mary Gorjanc (Ward 4 Councilwoman): Yes, that was part of my concern, if you're anticipating some pushback or avoiding pushback based on an underlying prejudice or underlying discomfort with mental health or substance abuse.

Law Director: That wasn't it. The theory here was that for the past two and a half years, the people at Mount Royal Villa have been knocking at the door of the Development Department asking to be heard on the question of converting their facility from a nursing facility to some other thing. Because our Public Facility zoning code doesn't allow for much else, and we don't have a category in the code to allow for what their use was intended to be, which it was intended to be an inpatient voluntary inpatient facility for rehab. At least that's what I've been informed. They have the right to be where they are, and if they want to change the nature of their use, they can either come and get our permission to do it, or they can sue us and take us down to the Court of Common Pleas and have a judge decide that in fact, yeah, they have a right to operate their business in this way. There's a real strong likelihood that they would get it, because our code doesn't allow for it at all. In which case, the judge then will tell me that in fact, they will be

operating their business. We thought it best to get ahead of this question and to provide the appropriate provisions in the code to make it a conditional use.

Mary Gorjanc (Ward 4 Councilwoman): Then you could adjust the requirements?

Law Director: Within the framework of what's allowed by the code. But code is decided by Council, so you get a vote. If you can persuade 4 of your other Council members to the proposition that you're maintaining, then that can happen.

Mary Gorjanc (Ward 4 Councilwoman): In the future, if somebody wanted to build a psychiatric facility under this, they could say no involuntary admissions.

Law Director: They would then be in a position to come to Council and say we'd like you to change the law. You can change the law now, or later, or not at all. That really is the province of City Council.

Mayor Antoskiewicz: That's where this came from, otherwise I don't know that the code would have even been looked at again with the way it was. Because of the level of interest, we've received from people is why this was addressed and put in there the way it was.

Law Director: I don't wish to have this viewed narrowly relative to the application of one entity. This is much broader and if it's approved, it will apply to all the properties that are zoned Public Facility.

Mr. Marnecheck: To the Councilwoman, are you saying you'd want it to say involuntary court ordered? Is that a neutral area? Would you be able to give me an example of someone who's involuntarily committed that isn't there because a court said they had to be?

Mary Gorjanc (Ward 4 Councilwoman): If a family member brings in their loved one to the emergency room threatening suicide and they refuse to be admitted, but there are serious concerns that they are suicidal. They can be pink slipped under a doctor's order for a period of time.

Mr. Marnecheck: So, this would be if someone brought in a family member threatening suicide or a court is involved but they're there against their will because they need some assistance for a period of time?

Law Director: This is a discussion that you really need to have at Council. The purpose of the Planning Commission is to be able to recommend to go to Council. Our purpose tonight is to look at the question of, do we want to open up public facilities for the purpose of allowing a treatment facility. Planning Commission is looking at what is an appropriate use in a Public Facility zoned property.

With no further discussion the Chair asked for a motion to recommend PC24-07, Ordinance 24-50, to Council for approval as submitted. Roll call: Yeas: Five (DeCapite, Castrovillari, Ranucci, Marnecheck, Antoskiewicz). Nays: None. Motion to approve (5-0).

3. **PC24-08:** Ordinance 24-49 – Council has referred to the Planning Commission an ordinance amending the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1270 Residential Districts, Section 1270.12 Size, Location, Setbacks and Height for Accessory Buildings and Private Garages, Paragraph (a), by adding Subsection (D), and declaring an emergency.

Chairman Castrovillari: Let's start with the Building Department for comments.

City Planner: This Ordinance would prohibit the use of shipping containers, defined specifically as storage shipping containers, such as, but not limited to, railway cars, and containers carried by ships or trucks. It would prohibit their use as accessory structures, sheds or shelters, on R1-A, R1-B, and RRZ residential districts, so single family residential.

Chairman Castrovillari: Do we have any comments from the Law Department?

Law Director: I have no comment.

The Chair opened the Public Hearing portion of the meeting.

With no further discussion the Chair asked for a motion to recommend PC24-08, Ordinance 20-49, to Council for approval as submitted. Roll call: Yeas: Five (Antoskiewicz, Castrovillari, DeCapite, Marnecheck, Ranucci). Nays: None. Motion to approve (5-0).

MISCELLANEOUS:

- The next Planning Commission meeting is scheduled for **May 1, 2024**.

ADJOURNMENT: Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned at 8:09 p.m.

Minutes Transcribed by Theresa Antal.

APPROVED: /s/ Frank Castrovillari
Chair

DATE APPROVED: May 1, 2024

ATTEST: /s/ Ian Russell
Planning Commission Secretary