

## **BUILDING & BUILDING CODES COMMITTEE MINUTES MARCH 21, 2023**

The Building & Building Codes Committee meeting was held on March 21, 2023, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:24 p.m.

**PRESENT:** **Committee Members:** Chair John Nickell, Vice Chair Heidi Webber, Joanne Krejci; **Council:** Paul Marnecheck, Linda Barath, Mike Vos, Jeremy Dietrich; **Administration:** Mayor Larry Antoskiewicz, Finance Director Jenny Esarey, Law Director Tom Kelly, Economic Development Director Tom Jordan, Fire Chief Robert Chegan, Police Chief Keith Tarase; **Other:** Vincent Weimer, Cathy Miller, Tim Miller, Joel Spatz.

### **APPROVAL OF MINUTES**

Approval of February 21, 2023 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Mr. Nickell. Vote: Yeas: 2 Nays: 0 **Motion carried.**

### **UNFINISHED BUSINESS**

#### **1. Economic Development**

See report.

Mr. Jordan reported that the new building for Gray Matter has been built. They are still awaiting some parts in order to complete it. We received communication from the federal government pertaining to the \$2M grant; relative to the funding agreement and some forms. We have met with the sewer department regarding the funds. Mr. Jordan commented that there are usually strings attached to any funds, therefore we are making certain that the sewer aspect of the York Beta extension will be able to utilize the money. We have yet to decide how we will spend it on the Industrial Park; however, we will update Council at that time.

Ms. Krejci inquired about the source in which the \$2M grant came from. Mr. Jordan reiterated that it came from the federal government; a direct appropriation. Ms. Krejci wanted to clarify that it is earmarked for the sewer. Mr. Jordan clarified that it is earmarked for the Industrial Park; the expansion. This was indicated on our application for infrastructure.

Mr. Jordan reported on Fire 45 Grille, which has received final occupancy and are opening this week. The former Carrie Cerrino's was sold. We have not received any plans from the current owner. Tonight Tonight is under contract; we have not heard that it has been transferred. The vacant property at Wallings and Ridge Road was purchased by the neighboring property owner; they have an office building between the church and the corner. A conceptual plan was brought in and we provided our feedback. The buyer plans to go into more detail for design and submit it to the Planning Commission and/or Board of Zoning Appeals. The buyer is trying to get an office building on that very small parcel; it will require some level of variance.

Mr. Nickell questioned if there had been a doctor's office there. Mr. Jordan clarified it was a house; they just renovated the existing foot print. He went on to say they are building a new structure under the current zoning with the setbacks from the street; it is on a corner. The property owner owns properties and rents them out. By combining the two properties, it will comply closer to our zoning. This was the only person that could potentially purchase it, because it is such a small lot.

Mr. Jordan advised that Mr. Divots was sold, which they have submitted a site plan; that will be before the April 5<sup>th</sup> meeting for Planning Commission. Every aspect of Mr. Divots needs some work, as well as the parking lot, which needs a lot of work. Regarding residential, the Sherwood Trail received preliminary approval, however, the developer is considering some changes, such as reducing the number of houses. We are waiting to see what that revised plan is. The Sprague and State Road project received preliminary approval

in March and they are back before Planning Commission. The Huntington Park Phase IV is also waiting on final plan approval for the seven homes.

Mr. Was referenced the report whereas four different residential developments are in the conceptual stages. He wanted to know where those are located. Mr. Jordan pointed out that some of them were mentioned on the report, which he believed there were two additional ones. There are always those trying to secure the land, then they come to the City and request to fit the subdivision. Eventually, they have to submit to Planning Commission. He continued that Council had previously requested to know more about them, especially if they are heading to Planning Commission; that is why he is keeping it in the report. He noted that there are more anticipated. A lot of the subdivisions in North Royalton are gone; these are all finishing out phases. Harley Hills is its own subdivision and one of the nicest. They are all approved with expected construction this summer. Mr. Was asked if there were any in ward 6. Mr. Jordan clarified that there were; yes.

Ms. Barath brought up her favorite spot, Valley Vista, in which she receives a lot of questions from residents. Mr. Jordan indicated that they are supposed to submit their plans to the City for the site and they had to revise it. The last revision had much to do with the gas line. They reduced the number of homes that they were ready to build and had to return to the School Board to renegotiate their purchase. He went on to say there is a developer and a builder; the school owns that property. He mentioned the schools entered into an option agreement; it is contingent on approvals. Ms. Barath inquired if Mr. Jordan knew the number of homes. Mr. Jordan could not recall, however, it has changed a lot; which is part of what they are resubmitting. He added that they are reducing the number, because there is a gas line that they cannot build nearby.

Mr. Nickell wanted to know if that is still zoned public facility. Mr. Jordan agreed. He noted that was a good point; that is why they will not close on the property. Mayor Antoskiewicz believed that Council had voted to change that to R1-A. Mr. Jordan disagreed, that is why they need to submit a site plan and then Planning Commission would consider rezoning it. He continued that Council has the authority on that parcel to consider change. He reiterated that is why the developer would not close; they have to go through a big process before they know that they can build what they wish. They do not want to close on a parcel that they cannot build on. Mr. Nickell mentioned if that has not come to Planning Commission yet, it is preliminary. Mr. Jordan agreed. Mayor Antoskiewicz concurred that it had not come to Planning Commission. As discussion ensued, Mayor Antoskiewicz stated that as long as it is an R1-A, if they tried to do multi-family, it would have to be a vote of the people. Mr. Nickell asked if Albion Road would be the same scenario on the zoning. Mr. Jordan indicated he has never seen a conceptual design of any residential subdivision for Albion and State Road. Mr. Nickell wanted to clarify it was not sold. Mayor Antoskiewicz concurred. Mr. Jordan reiterated that they are the owners of that property; the schools.

Mr. Marnecheck raised question whether we are exploring purchasing Albion as a potential site for water control. Mayor Antoskiewicz indicated not at this time, and that he knows the asking price. Mr. Marnecheck inquired about the asking price. Mayor Antoskiewicz believed that it was \$500,000. Mr. Jordan explained that a water shed group looked at purchasing it, to preserve it. The Mayor noted it was first put up for auction. There was a water shed group that was interested, which we were looking at possibly partnering with. However, they could not come up with the funds needed to secure that property for the price that the school desired. Mr. Jordan noted that is also zoned public facility.

Mr. Jordan discussed the TCD (Town Center District), in which we are still under administrative review and hopefully will forward those to Council soon. Pertaining to the York Road baseball fields, the bids are due next week. We have had a few more interested in going into the Store Front Program. Regarding Memorial Park, we are now on the ten foot wide All-Purpose Trail design stage. We finished the paperwork with the State of Ohio. Mr. Jordan noted that we are closing the tree grant. Again, we have a \$1M grant from the County that we will need to do some reporting within the fall. He spoke of the NOACA grant for the charging station, whereas installation has been pushed back by NOACA. In regards to the land bank parcels, we have two parcels that are on the Council's agenda this evening. Mr. Jordan went over a small slide presentation on the York Beta Extension / Abbey Road Industrial Park. **See report.**

Ms. Krejci asked about the cul-de-sac at the end of Beta Drive, as to what the property may be worth. Mr. Jordan explained that we have to do it by appraisal and it was donated to the City. The one parcel, as well as the other one, was obtained through a tax foreclosure. There was no transfer and we did not buy it; therefore, there is no recent pricing on it. Ms. Krejci wanted to know if it was going to be enough to cover the construction costs. Mr. Jordan indicated that it could, however he was not certain.

Mr. Nickell felt that it was probably a good time to have land available. He preferred option 2. He pointed out that getting out to York Road by Divots is a problem and shared the idea of implementing three lanes. He spoke of the area at the end of Wallings, where the ranch house was; on the corner. He suggested buying that parcel and making that the other entrance to York Road. He felt that would make a good second entrance. Mr. Jordan explained that people purchased those and rent places as they are. He was uncertain that it would be ideal from a fire perspective to have another possible entrance. However, we have been safely using that entrance and exit for some time. His goal was to try to open up more developmental land and take the space that would meet the market. Mr. Dietrich stated that Abbey Road would be a good second entrance as well; if it was connected.

Ms. Krejci shared her previous thought to connect them. She felt it would do no good, to not have it all connected. Although after reviewing this, she did not feel that not having it connected would be a problem. She was not sure if it really mattered much; not for the additional cost. Mayor Antoskiewicz pointed out that after we did the analysis, that bridge would probably be on our dime. We had at least one business in the Industrial Park that voiced their opinion against any kind of a cut through, conveying they did not want that extra traffic; another consideration that we looked at. He felt that option 2 seemed favorable, especially since you are cutting into developable land. He continued that the bridge would cut through, and you are not looking at smaller parcels that could be built on some of those; verses keeping it open.

As discussion ensued, Mr. Nickell brought up working with the federal government and the EPA (Environmental Protection Agency) on wetlands, whereas they paid at least \$600,000 to buy up their credits. He went on to say that if we had to do all of that mitigation with wetlands, the wetland mitigation drastically changes that; therefore, that would slow us down again. Mr. Jordan agreed. He stated the cul-de-sac is easier. You are not really enlarging the right of way. If you are waiting to go over the bridge, there would be a much longer design period and approval process, etc., because you are impacting wetlands.

Mr. Dietrich expressed that he had been in support of having it connected over there. However, he did not expect that analysis and asked about who did the analysis. Mr. Jordan clarified that it was done by CT Consultants. Mr. Dietrich felt that was a lot of money; he did not expect such a high price. Mr. Dietrich mentioned if you are going to develop all around that cul-de-sac, you would never be able to add a bridge or anything in the future. Mr. Jordan stated that cul-de-sac is near a ravine, and if you want 'straight ahead', there will be no building; it would be on the sides. He could not guarantee anything, however the ravine starts a lot closer to that cul-de-sac than how it appears. Mr. Dietrich asked if it is possible to connect in the future perhaps. Mr. Jordan agreed. He noted that construction costs are not getting any cheaper. He felt that people do not understand; that is why we received the money through HUD. We would never be able to get any federal money for it.

As discussion ensued about cost, Mr. Dietrich questioned the cost of the bridge, which had been broken down to \$8M. He went on to say, if you are asking for \$1.3M dollars to extend the main entrance, why not connect it with the bridge then; if it is a difference of \$500,000. Mr. Marnecheck commented that it would increase the impact to wetlands too. Mayor Antoskiewicz indicated that amount is just for the bridge, however, the whole project would be \$4M more. He discussed the spending of money on York Alpha, whereas the one complaint that we receive is regarding traffic. Folks have a hard time moving out of that facility when they go home. The Mayor went on to say that we need to extend it so there is a turning lane there. When people get stuck there, it holds everyone up at the Industrial Park.

Ms. Webber conveyed that initially, she would have been as concerned about it not being connected, if we had some wider roads that they were coming in and off of. However, both York and Abbey Road are narrow roads. If we had ingress on a narrow road and we were coming out to, a three or four lane road, perhaps being connected would make more sense to her. She felt that we are also going to have some issues on Abbey Road. In her experience, we are already having tractor trailers stop, back up, and go in; something needs to be done there as well. Mr. Jordan agreed, stating that it will need a reconstruction at some point.

Mr. Nickell wanted to confirm, pertaining to the sewer district, that we are waiting to repave. Mayor Antoskiewicz clarified that we received a 50/50 grant for that part of Abbey Road; it is three years old. He continues to ask for an extension. Mr. Nickell noted that we will have to do it regardless. Mayor Antoskiewicz indicated that they keep giving us the extension and the money is still there for the project. He keeps pushing it back; he does not want to do that until we get the sewerage. The Mayor indicated the area is from the Turnpike to Albion Road.

Mr. Nickell referenced the point made by Ms. Webber, whereas if we ever do that, we would not have a middle turning lane, but perhaps a right turning lane to go into the Industrial Park; similar to what the school had to do. Ms. Krejci wanted to clarify, part of that would be to widen or do something with Abbey Road. Mr. Jordan reiterated that is solely resurfacing. Ms. Krejci wondered if there would be some other potential project needing to be done to widen it, if we have an Industrial Park there with high traffic going in and out. Mr. Jordan indicated that it depends on how that developed out; it is zoned industrial. He continued that there is some land assembly going on. If we terminate on the other side, then we build the sewers; that is the first step. That is a county road, which is on the Federal Transportation System; it is eligible for federal funds to get redone. The internal roadway system is not eligible.

As discussion ensued about ideas, Mr. Nickell asked if something was needed from Council at this time. Mr. Jordan explained not at this time. However, you are going to start seeing those next steps; we would probably start some design work. He went on to say that we also have to settle a lot of issues relative to our grant money, and we did not want to do that without Council understanding why we are doing what we are doing. Mr. Nickell suggested that Council may prefer option 2, and to proceed; although there would be no voting. Mr. Marnecheck agreed with option 2 as well. All of Council was in agreement.

Mr. Marnecheck inquired about the status of Burger King. Mr. Jordan explained that they are in foreclosure. The broker indicated that their intention is to lease it to another business. Mr. Marnecheck asked if there were any businesses brought up, such as Starbucks; since there is a drive through. Mr. Jordan indicated not to his knowledge. Mr. Dietrich wanted to know if it was possible to reach out to Starbucks. Mr. Jordan noted that the central business district has been a target for a number of coffee houses looking to locate there. He was more than willing to call the leasing agent and communicate the desire for a coffee house.

## **2. Memorial Park Update/Splash Pad**

Mr. Jordan reported that the water is getting turned on. The rest of the repairs are needed on the Splash Pad and would be completed in April, to get it in working order. He noted that the Mayor is working with Parks to ensure that the staff are trained on how to manage the chlorine that is used. Also, we have to get an operating permit from the Health Department.

Mr. Marnecheck brought up some communications that he had sent to the Mayor inquiring about the possibility of sponsoring benches at Memorial Park. Mayor Antoskiewicz was not sure at this time; however, we could think of adding some when we are done with the trails. He continued that there may be an opportunity for some benches. Mr. Jordan commented that it would be a lot longer of a trail to put a bench on. Mr. Marnecheck stated he had a few families reach out about it. He asked about possibly sponsoring some of the new trees we received. Ms. Webber mentioned the idea of 'in memory of' or a donation. Mayor Antoskiewicz explained that generally, there is a cost. He was not sure how it would work. At this point, the trees did not cost us anything. Mr. Marnecheck mentioned that the County might still allow us to put a plaque

as a sponsorship opportunity. As discussion ensued, the Mayor felt there may be some opportunities and wanted to get the trail going first.

Mr. Jordan added that last year we were not able to use the picnic tables and the bathrooms were cut off because of the construction. We are trying to keep the park open as much as possible. He spoke of the construction of the All-Purpose Trail, which would be delayed until after Labor Day; so that we can keep the park open. The schools plan to work on their baseball fields this summer and there will be some productivity in the park.

### **3. Senior Center**

Mayor Antoskiewicz reported that we have sent out RFQ's (request for quotes) to roughly five companies and we are waiting to get those back. Mr. Nickell asked about the previous preliminary design. The Mayor indicated that it was a template. He continued that we will see what comes back and then come to Council. Mr. Marnecheck inquired about when that is due. Mr. Kelly clarified that it is due April 7<sup>th</sup> or 9<sup>th</sup>.

### **4. Chapter 845 Mobile Food Units Requirements**

Mr. Jordan provided a background about mobile food units, in which food trucks were not allowed in the City of North Royalton years ago. We made them permissible under certain regulations and then amended it. When we started out, mobile food units or trucks were in the right of way in most cities. They were independent and ran on their own generators. The City of North Royalton had used them at larger public events. Currently, food truck parks are the most common. The concept was not around when we began this process. Mr. Russell presented a report including some edits made to address concerns raised by the public, as well as, by Administration officials, since we originally introduced the ordinance. **See report.**

Mr. Dietrich agreed with points made about the need to plug in. He brought up the resident that came here complaining about the noise. He too, felt that there should be a plug in. This would help eliminate problems with the residents. As a Council member, he did not feel that the business should be able to run generators at all, unless there is a buffering. He went on to say that if there is not a buffer between the trucks and residential properties, the business owner must have a hook up for the food truck to eliminate the noise.

Ms. Krejci mentioned that our Building Commissioner is actively working on issues with that power, because they are supposed to have a power source there; however, they never got a permit for it. She agreed that we should be changing the requirements so that you have to have a plug in to be able to use it. Mr. Jordan mentioned that most food trucks, such as the street ones, operate on a generator or off of the power from the truck. If they are using a generator, we could consider having them farther away. Mr. Dietrich felt that they cannot go far enough, in order to not be noisy. Mr. Jordan discussed the current consideration, which is 50 feet from a residence. Ms. Krejci commented that should not be allowed, because our current code states 75 feet. Also, the original ordinance was meant to have no more than one food truck at a time. She continued that it was never the intent of the original ordinance for people to have three different food trucks there in one day, nor having them there for more than a four-hour period.

Mr. Jordan stated that there is no limit on it and it has to be amended. Mr. Nickell expressed that he does not want to make laws for one problem; perhaps tweak them at this time. He noted that the business being referenced (Blue Monkey Brewing) does not have a kitchen. He went on to say, perhaps they need to be required to have a 220-volt outlet. He felt that we should not get too complicated on code. He would not want to discourage their use with our special events. Mr. Nickell did not wish to make this too restrictive due to this one particular problem. Mr. Jordan indicated that we are not going to try and do away with them entirely. We would likely create another category for food truck parks. He went on to say that on the existing park, on the limited basis, we are going to address buffering and generators.

Mr. Dietrich asked about the trucks that have to operate on their own power, whether that means they do not have the capability of plugging in. Chief Chegan explained that some may not have it. They run on a generator alone and may not have that conversion. Mr. Dietrich felt they should not park there then, unfortunately. Mr. Jordan noted that particular problem area has a wall, in which the noise bounces off. Mr. Dietrich is looking at both ends. He spoke about the business there, which has had a business for over 40 years. He was not trying to be against the business owner; however, he is thinking about the residents. He liked what Mr. Jordan proposed. Also, in addition to the park, you are going to have to create an amendment or multiple amendments to the way it sits currently. He continued that he would also want to keep it so that they can still have food trucks at the business referenced. However, if they do not have the capability of plugging in, he thinks that they should not be allowed to be there. He agreed with this as a requirement, as far as an amendment goes. He felt that minimally, a food truck must have the capability and also, the business has to provide the ability to be able to plug in.

Mr. Nickell had a question on Section 845.04 of the presentation regarding registration fees. Mr. Russell clarified that would be a one-time registration fee for the calendar year; you would do that once in the City. As discussion ensued, Mr. Jordan pointed out if the truck is on a city park, it is a separate permit process, and a special event permit could be issued to them; they are already cleared to operate. They can go to Memorial Park, for example, as long as it has the sticker for the year; for the Fire Department. Mr. Nickell stated that he was concerned about nickel and diming these people. Mr. Jordan noted that a business owner makes arrangements with the food truck and the City about locating it at their business.

Mr. Russell wanted to clarify the permit for the business owner to host a truck costs \$25.00. Then the \$50.00 would be to register it for the year. Ms. Krejci pointed out that the \$100.00 is for the year; which is \$50 for Fire, and \$50 for Building; from January to December. When someone wants to have a food truck at their business, they are supposed to get a permit. Mr. Jordan concurred; in a new location. Ms. Barath wanted to know how many times you can come there off of that original permit. Mr. Jordan explained that typically, the bar will guarantee them a minimum amount to make. The bar would make an arrangement, whereas you are expected to get a certain amount of money from them; they are already paid to be there.

Mr. Nickell asked about Section C (845.04) of the presentation. Mr. Russell clarified that it is currently set up to get a permit for each location you plan to operate in. Mr. Jordan indicated that the goal is to ensure they are farther away from a residence; they have to go and approve each location. Mr. Nickell made mention of the section that states 'within 200 feet of residents property when powered by a generator'. Mr. Jordan noted that is one draft that has been circulated, including a 200-foot setback from a residence with a generator; from the original 75 feet.

Resident Cathy Miller, of 10669 Devonshire Drive, North Royalton, expressed her previous concerns about this issue as a follow up. She shared that years ago, a business wanted to have a coffee drive through to enhance their business in the referenced location. The City had determined, not only would the lights of the vehicles, be excessive for the residential neighborhood, but that the noise of the vehicles and the speaker system taking coffee orders would be too loud. In short, this would be a nuisance to the neighbors nearby. They were not permitted in the same area. She pointed out that typical neighborhood sounds are things such as kids playing, occasional music, lawn mowers, cars, etc. These noises are short and temporary; they are not constant. She expressed that this ordinance needs some common sense and consistency. What sense does it make to have the same location use a food truck, running four hours plus, on a generator; possibly four days a week. This would be sixteen hours a week, all year round. She commented that she does not care what her neighbors do in or on their property, until those actions hinder her activities and become a constant nuisance. She reiterated that when this was first proposed, the business was specifically asked about the noise. At that time, it was conveyed that they would not run on generators, and no noise would cross property lines. Not only do the trucks run on generators, they do so when it has been confirmed that a 220-line was installed. When she pulls into her driveway, she can hear the generator. With regard to the buffers, perhaps the plaza needs to update their old privacy fence that is falling apart. She felt that a higher fence could help. When looking at legislation across the State of Ohio, Ms. Miller searched suburban communities. She found many

communities cut and paste the legal language from others; they add or delete items as they see fit. She talked about Parma Heights, stating that the required feet from a residence was 250 feet. The City of Cleveland uses a 50 feet rule on their books, as well as Akron. We are a suburb that borders others similar to us. She would hope our citizens would compare our community needs to those more similar to our suburb. She asked when the food trucks come in, whether we have a list of where they are going. Mr. Jordan indicated no; we do not have a list. Ms. Miller wondered if there was any type of log. Mr. Jordan indicated that the Building Department's process is solely about where they locate them and how far away they are; currently it has nothing to do with the source of power. Mr. Jordan clarified that this is not just involving that one location. We do not want this to come up again someplace else. He felt that the business is somewhat running a food truck park; it is not an occasional thing. The resident, Ms. Miller agreed. She reiterated that she does not care what they do unless it is a bother. For example, she feels that she cannot sit on her patio. It is very frustrating.

Ms. Krejci asked about the differences involving special events. Mr. Jordan indicated that food trucks would need a special event permit, in which we still ensure that they are safe; with Fire and the Health Department. Mr. Dietrich questioned what the resident recalled about past minutes, whereas the business had stated they would not run on generators. Ms. Miller concurred, the minutes from August 2019. Mr. Dietrich understood it as, we are not writing legislation specifically for this business to ensure we do not have future scenarios. However, in this situation, if it was already conveyed in the past, he wanted to know whether we have the ability to hold them accountable. Mr. Kelly recalled that they were not given a conditional use permit. He continued that we just approved their function, questions were asked, and they were given the answers that appear in the record; as Ms. Miller pointed out. That is not binding. Ms. Miller agreed that we cannot make them accountable because the way the law reads, they are not breaking the law. They said one thing, and they are doing another.

Mr. Wos made a suggestion pertaining to the permitting process, to perhaps include a decibel rating for these vehicles; how loud they get. He continued that a decibel meter is a pretty easy device to obtain. Chief Tarase commented that you can do that, however, we will have to do that for everything. Mr. Dietrich shared that it is much easier to change the legislation.

Resident Tim Miller, 10669 Devonshire Drive, North Royalton, expressed that Drug Mart parking lot should not be a food truck haven. Memorial Park would be an ideal location. He spoke about the generators, as well as music playing, people being outside; therefore, folks getting louder. He reiterated the points made by Ms. Miller whereas this is a nuisance at their home. He met with the owners eight months ago, in which they agreed to put in a 220-line to alleviate the generators. As far as he is aware, there may be a 220-line however, there is no permit. He expressed that it is a ridiculous location for food trucks. He felt that we need to consider where food trucks can go where it makes sense; not around residents. He stated that is not what they are meant for. He was appreciative and hoped that Council would consider what was shared.

Mr. Dietrich inquired about who would work on this and also a timeframe on legislation changes. Mr. Jordan indicated that there would be a draft for the next Building & Building Codes Committee meeting. He continued that they would take tonight's comments into consideration. Ms. Krejci reiterated that there are two issues at hand, the ordinance and enforcement. She noted that the Building Commissioner is actively working on that 220-line. Mr. Jordan confirmed that the business has to upgrade their panel, however, they never did; it is not active. Ms. Krejci added that they have been cited for it.

Mayor Antoskiewicz explained that when having only one food truck, that is 50 feet away; that is where they normally will park. He pointed out that under the present ordinance, it has to be 75 feet; not 50. Mr. Russell clarified that right off of the patio, it is actually 78 feet. It is when they park trucks in the next row over that they are cutting into that 75-foot range. The Mayor commented that part of the problem is, we do not work evenings or weekends. We could always follow through if we get a complaint.

Mr. Nickell mentioned that if many residents call, the Police could go out. He wondered if they have the legal right to shut it down. Mr. Jordan stated that we can meet with the Law Department on the enforcement issue.

Ms. Webber asked whether there are any conditions on the permit. What would make sense to her, is to pull their permit so that they are not allowed. She went on to say the Police do not need to be out there every time. Mr. Jordan reiterated that the permit is all about the location. There is a site map on it and they are supposed to be 75 feet away. If they come after hours and park in the wrong location, then we have an enforcement issue. Mr. Dietrich asked if there is language in there to pull the permit if they are not following the rules. Mr. Jordan explained that pulling future permits would be something we could do. Mr. Dietrich felt that there should be verbiage to pull the current permit if rules are broken; for this calendar year. Ms. Webber agreed. Mr. Jordan concurred that we can discuss this with the Law Department.

Mr. Russell clarified that currently, the ordinance is written with the food truck operator as the person pulling the permit; the property owner just signs off. We could look at having more of the permanent responsibility being on the business itself, rather than the food truck. He continued that the food truck comes for four hours and then it leaves town. You really cannot enforce things in that instance; that is something we are looking into. Mr. Dietrich expressed that it has to be put in there, and there are no clear expectations on anything; you cannot hold anyone accountable. He added that it does not sound as though we can pull permits with the way it is written for the calendar year.

Mr. Kelly was uncertain, however, he stated the last section of the existing ordinance creates a violation as a first-degree misdemeanor; it is a question of whether or not someone wants to write a complaint. That enforcement would normally fall to the Building Department; where the permit comes from. The Police are not generally trained to enforce the building code or licensing issues. Whoever is filing the complaint has to speak from personal knowledge that he or she witnessed the experience. If you desire that kind of enforcement, we must find ways to get some of our inspection people there on the weekends or in the evenings. Typically, that has not been the way we have conducted business in the City for the last 100 years; however, it does not mean it can't be done. Mr. Dietrich questioned who is authorized to do so. Mr. Kelly clarified that would be the Mayor. Ms. Barath wanted to know if that referenced location actually pulls permits for the food trucks. Mr. Jordan clarified they have, however, there are some provisions in there. Often, food trucks may show up on a Friday afternoon and apply for a permit, but not be granted a permit; that has happened a number of times.

Resident Mr. Miller wanted to point out that his wife has taken video and audio of these generators. Ms. Krejci was in agreement. Mr. Kelly stated that we are generally open for business and able to take complaints. He went on to say that typically, we would have them go down to the Police Department. However, in this instance, we would likely refer you to the Building Department. Mayor Antoskiewicz inquired if that would be sufficient to support a complaint. Mr. Kelly indicated that it would be. He would prefer that we have the enforcement and would like to see that it is timely. Mr. Kelly would not want to be prosecuting someone for something that happened last September, for example. We need to be timely about bringing a charge in relationship to when the offense occurred. Mr. Nickell expressed his appreciation for the residents that gave their feedback.

Mr. Marnecheck inquired if a property owner has a number of violations, whether they are still allowed to have a food truck at their location. He wanted to clarify if this was the direction we are moving. Mr. Jordan was uncertain; however, he would have to look at that with Law Department. Mr. Kelly was also unsure whether that could be done. Mr. Marnecheck stated that we had looked at possibly having a Building Inspector work Tuesday to Sunday in the past and wanted to know the status. Mayor Antoskiewicz indicated we have not done that yet; however, he will look into how to address it with the Building Inspector. Mr. Marnecheck shared the idea of employing someone on a temporary or contract basis just to work the weekends. Ms. Webber pointed out if we change the ordinance and it is drafted correctly, that this would be a one-time thing. She went on to say that this will have been a good learning experience; once it is ironed out. She concluded that we can do the changes and hopefully it would prevent any future issues.

## **NEW BUSINESS**



**1. Proposed legislation: Sale of PPN 483-07-009 – Land Bank**

Mr. Jordan summarized that we knocked down a structure several years ago on West 130<sup>th</sup> Street. Subsequent to that, they did not pay their taxes. Then it was offered back to the City and it is in the City's land bank. This entails two parcels that one house used to sit on. By passing legislation with the reserve price of roughly \$35,000, you would be indicating that the City does not need it for its own purpose, and that we can have the authority to offer it for sale under the land bank procedures. It would be open to anyone that wishes to make an offer; it is zoned R1-A.

Mr. Nickell moved to recommend items 1 and 2, the sale of both PPN 483-07-009 and PPN 483-08-001, to Council for approval, seconded by Ms. Krejci. Vote: Yeas: 3. Nays: 0. **Motion carried.**

**2. Proposed legislation: Sale of PPN 483-08-001 – Land Bank (see item 1)****ADJOURNMENT**

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the March 21, 2023 meeting.** Vote: Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 8:02 p.m.**



# ECONOMIC DEVELOPMENT REPORT

## BUILDING & BUILDING CODES MEETING

TUESDAY, MARCH 21, 2023

### Industrial

- The new 12,000 square foot building for Gray Matter, LLC, located at 9841 York Alpha Drive, has received a temporary occupancy. The power upgrade has yet to be completed. The extensive electrical components for the project are on back order.
- In the final 2022 Federal consolidated budget the City of North Royalton received a \$2 million appropriation/grant for the York Beta Industrial Park Extension. We have received the draft funding agreements and are reviewing them.
- Please see separate presentation of update on Abbey Road/York Beta Extension.

### Commercial

- Fire 45 has received final occupancy. They are opening this week.
- The former Carrie Cerino's Restaurant was sold. We have not received any renovation plans.
- The former Tonight Tonight property on Royalton Road has been on the market for years. There is an interested buyer but transfer of the property is still pending. The city met with the prospective owners to discuss their redevelopment plans.
- The vacant property at the corner of Wallings Road and Ridge Road has been sold to the neighbor to the east. We have received conceptual plans for this property and they will need to go to Planning Commission.
- The Mr. Divots property on York Road has sold and the ownership of the property has been transferred. An updated site plan will be discussed at the April 5, 2023 Planning Commission meeting.

### Residential

- There is a four-lot minor subdivision proposed for the end of Sherwood Trail. The project received preliminary site plan approval but the developer is currently considering changes to the preliminary plans.
- There are at least four different residential developments that are in a conceptual stage to be reviewed by the city.

- The proposed subdivision located near Sprague and State Road received preliminary approval at the March meeting of the Planning Commission. The project will be seeking preliminary site plan approval for 20 single-family cluster homes.
- The Huntington Park Phase IV subdivision is preparing to submit for final plat approval and the dedication of an extension to Angelina Drive. The proposed subdivision is to consist of 7 single family homes.

### **TCD updates**

- The company that performed the Master Plan has provided a draft of the TCD updates that were recommended by the Master Plan update of 2020. The administration is currently reviewing the draft before referring it to Council for their review. The goal was to simplify the TCD districts and recognize the current retail market.

### **York Road Baseball Fields**

- Design work is underway for the specification for lights for the last field to receive the LED lights and upgrades. The bids are due later this month. Once this project is completed, all lights will have been upgraded at the baseball complex.

### **Storefront Program**

- As of December 31, 2022, we have approved \$64,706 in Storefront Program funding. We have \$50,000 available for 2023 and recently approved a grant for Zeppe's Pizza for \$765.00 to replace their neon sign.

### **Grants**

#### **Memorial Park**

- The next phase is to install a 10-foot wide All Purpose Trail. This is currently moving to design stage.
- The city has received a \$1,000,000 grant from Cuyahoga County to cover the cost to implement the Memorial Park Master Plan including all of these phases.
- The city was awarded \$200,000 from the State of Ohio for the All-Purpose Trail. The city has drafted and signed the Agreement. The State of Ohio reviewed the Agreement on March 20<sup>th</sup> and should return a fully executed copy to us in the next couple of weeks. The next step is to get the design work underway.
- We received a \$33,000 tree canopy grant from the Cuyahoga County Healthy Tree Canopy Program. Tree have been installed. We are completing the paperwork to receive reimbursement.

## **NOACA Grant**

- The date to install the charging station at Memorial Park has been pushed back. We contacted NOACA for an update.

## **Land Bank Parcels**

- The city is considering marketing some of the larger vacant parcels from the land bank.
- Also, we plan to place all the vacant land bank parcels on the city website.
- We are waiting for Council to grant authority to sell two parcels on West 130<sup>th</sup> Street.

# Mobile Food Units

# Description of a Mobile Food Unit

- Defined in our code as “any apparatus or equipment that is used to cook, prepare or serve food, and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.”





# Mobile Food Unit Locations

- Mobile food units are most often parked either in a private parking lot or within the public right of way



# Mobile Food Unit Park

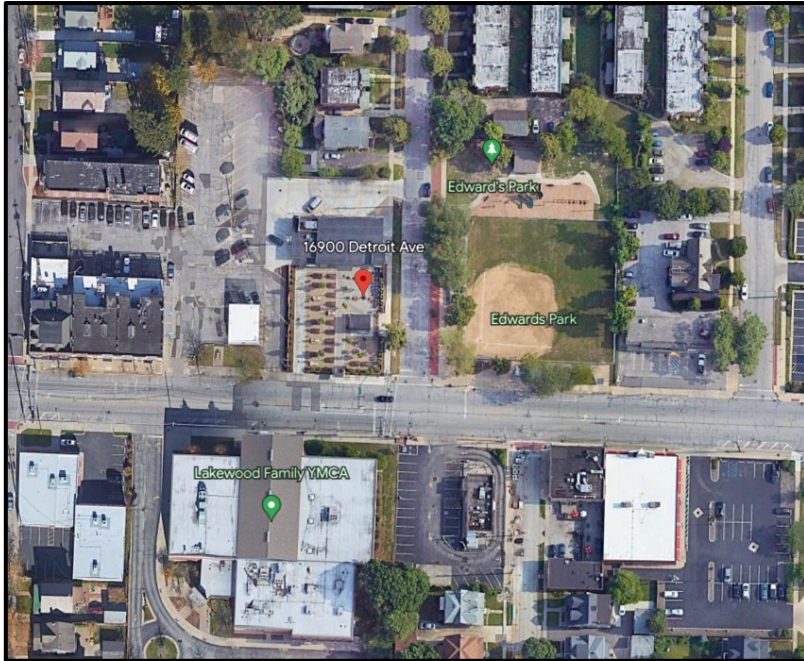
- A recent trend has been to construct food truck parks
- These spaces often provide seating as well as hook-ups for the food trucks
- The business model is to sell beverages and utilize food trucks as a means to draw in customers



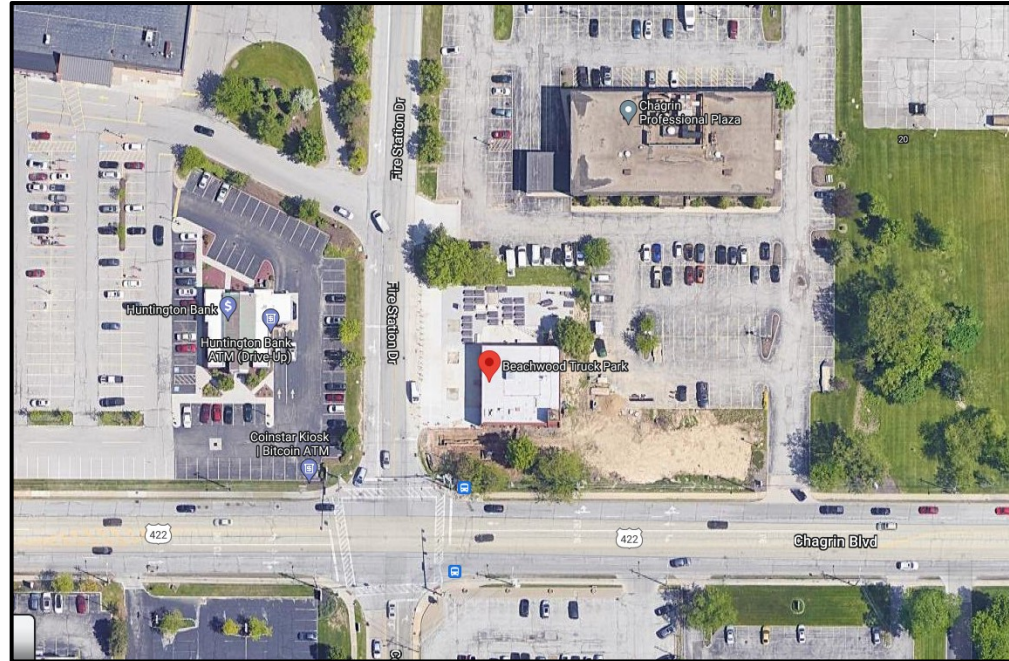


# Mobile Food Unit Park

- ▶ Examples in Lakewood and Beachwood show these food truck parks as being buffered from residential by distance or structures



Lakewood



Beachwood

# Mobile Food Unit Park





# Local Food Truck Conditions

- ▶ Food trucks currently parked anywhere from 50 to 80 feet from residential property line
- ▶ Minimal buffering between uses



# Ordinance Recommendations

- Streamline registration and permitting process for food truck operators and property owners
- Establish definition and requirements to permit and operate a mobile food unit park
- Restrict frequency, numbers, hours of operation, and locations for food trucks not located within a permitted mobile food unit park
- Encourage businesses intending to host mobile food units to provide less noisy means of powering the units

# YORK BETA EXTENSION & ABBAY ROAD INDUSTRIAL PARK DEVELOPMENT PROSPECTS

Thomas Jordan

Community Development Director

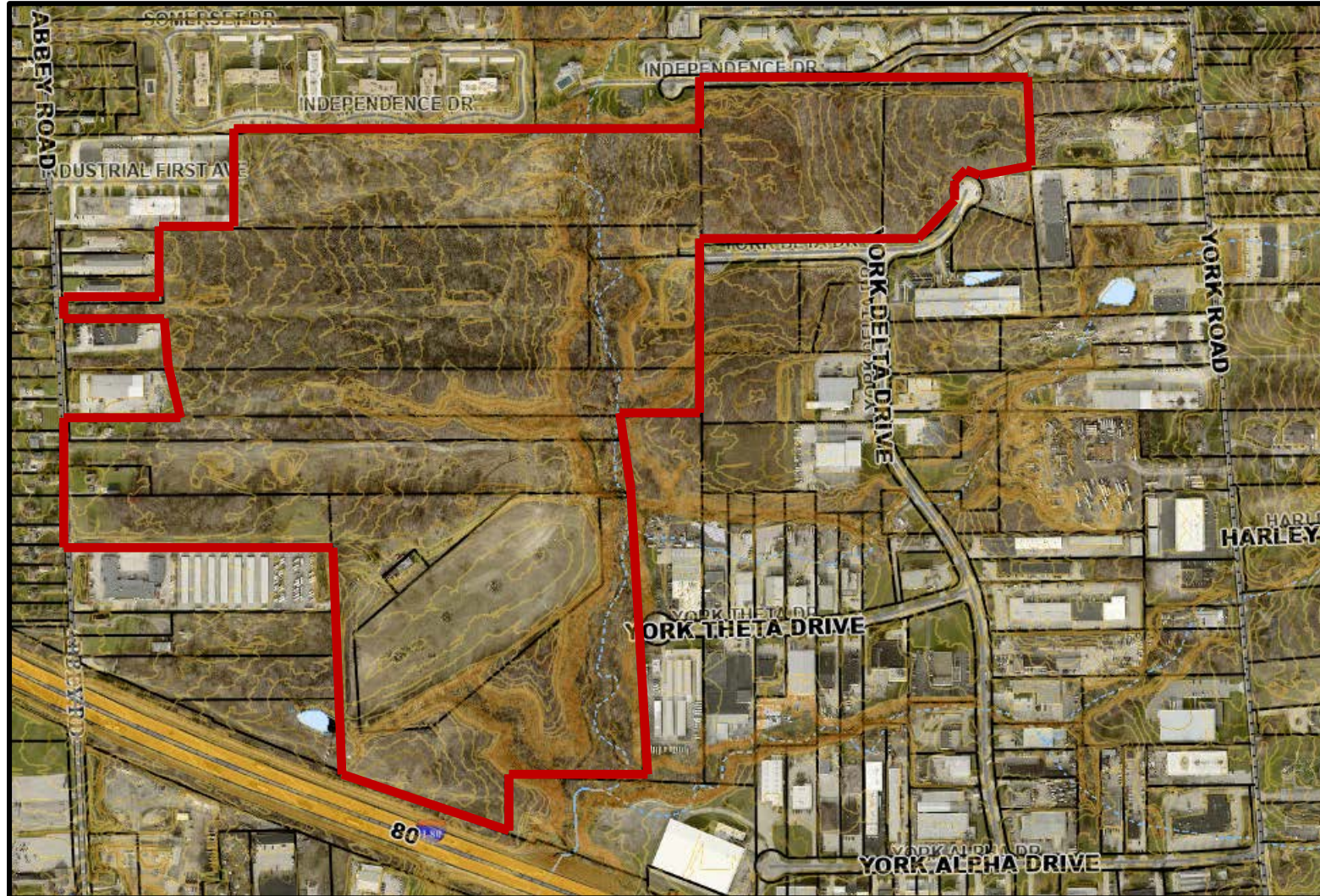


# PROJECT BACKGROUND

- ❑ Demand for industrial property in North Royalton continues to grow
- ❑ Existing industrial park off of York Road has been largely developed
- ❑ Large number of vacant, industrial parcels are available off of Abbey Road
- ❑ New gravity sanitary sewer proposed along Abbey Road will open this vacant land up to industrial development



# SITE OVERVIEW



# DEVELOPMENT OPTIONS

## ☐ Option I:

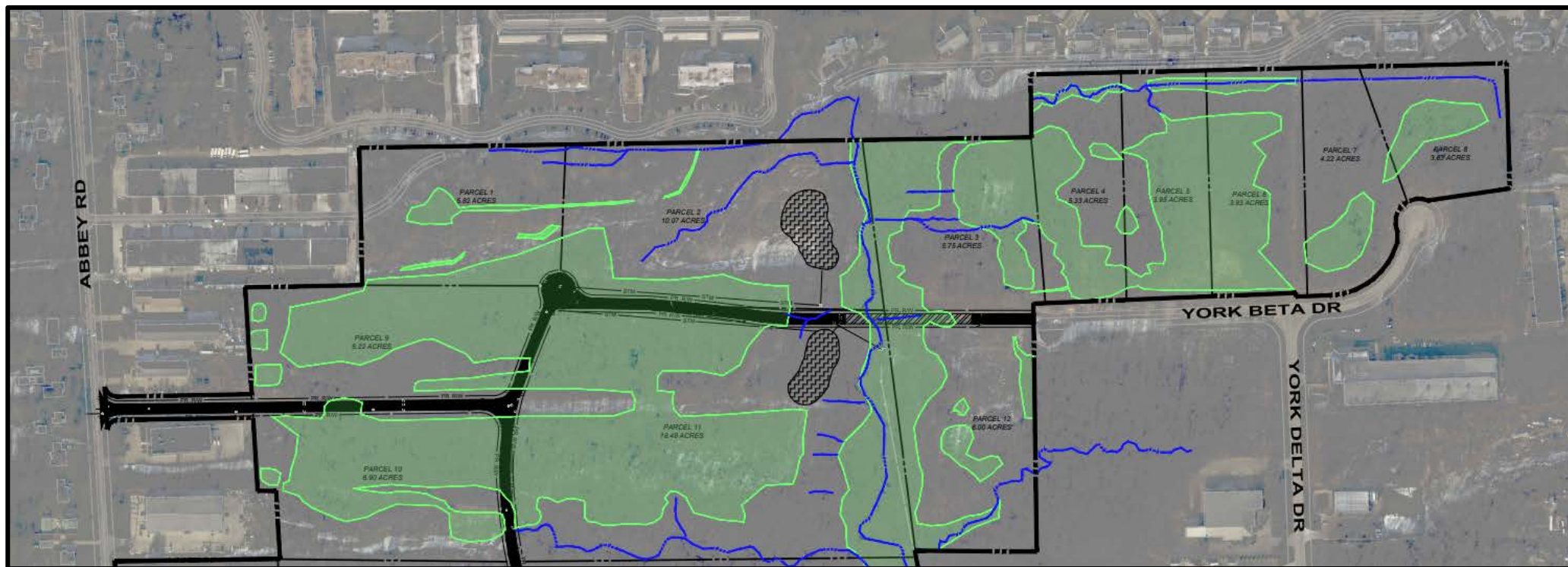
- ☐ Connect Abbey Road to York Beta Drive utilizing a bridge over the existing ravine

## ☐ Option II:

- ☐ Terminate York Beta Drive with a cul-de-sac and develop the industrial land with an entrance on Abbey Road



# OPTION I



# OPTION I ANALYSIS

## ☐ Increased Cost

☐ Probable cost estimate of \$12,730,500 if the land were to be developed with the bridge connection.

## ☐ Greater Connectivity

☐ The existing York Road industrial park would be directly connected to the proposed Abbey Road industrial park.

### ENGINEER'S OPINION OF PROBABLE COST FOR CONSTRUCTION

CITY OF NORTH ROYALTON  
ABBAY ROAD - YORK BETA  
EXTENSION (WITH BRIDGE)

ITEM NO.	DESCRIPTION	COST
1	ROADWAY	\$ 5,000,000
2	WETLANDS MITIGATION	\$ 625,000
3	BRIDGE	\$ 1,750,000
4	SIGNAL	\$ 250,000
5	UTILITIES	\$ 1,600,000
	CONSTRUCTION TOTAL	\$ 9,225,000
6	CONTINGENCY @ 20%	\$ 1,845,000
	SUBTOTAL	\$ 11,070,000
7	ENGINEERING FEES @15%	\$ 1,660,500
	TOTAL PROJECT	\$ 12,730,500

# OPTION II



# OPTION II ANALYSIS

## ☐ Lower Cost

☐ Probable cost estimate of \$8,176,500 if the land were to be developed without the bridge connection.

## ☐ Less Connectivity

☐ The existing York Road industrial park would lack a direct connection to the proposed Abbey Road industrial park.

### ENGINEER'S OPINION OF PROBABLE COST FOR CONSTRUCTION

#### CITY OF NORTH ROYALTON ABBAY ROAD - YORK BETA EXTENSION (WITHOUT BRIDGE)

ITEM NO.	DESCRIPTION	COST
1	ROADWAY	\$ 3,800,000
2	YORK BETA CUL-DE-SAC	\$ 200,000
3	WETLANDS MITIGATION	\$ 375,000
4	SIGNAL	\$ 250,000
5	UTILITIES	\$ 1,500,000
	CONSTRUCTION TOTAL	\$ 5,925,000
6	CONTINGENCY @ 20%	\$ 1,185,000
	SUBTOTAL	\$ 7,110,000
7	ENGINEERING FEES @15%	\$ 1,066,500
	TOTAL PROJECT	\$ 8,176,500



# CONCLUSION

- ❑ The market analysis conducted by CT Consultants concluded that, once fully built out, the estimated tax revenue would be slightly greater with Option II due to the reduced right of way.
- ❑ The proposed Abbey Road industrial park at full build out could result in an additional \$4.34 million in annual tax revenue for the city.
- ❑ Based on the increased cost of Option I, as well as the minimal cost advantages at project completion, it is our recommendation that the city pursue Option II and begin design work for the proposed cul-de-sac at the end of York Beta Drive.

# NEXT STEPS

- ☐ Begin design of the cul-de-sac extension for York-Beta Drive and widen the existing roadway for York Alpha Drive in order to implement a turn lane on to York Road
- ☐ Market the existing city-owned property within the York industrial park
- ☐ Continue work on the Abbey Road sanitary sewer project and promote assembly of industrial land off of Abbey Road in preparation for future industrial park project.

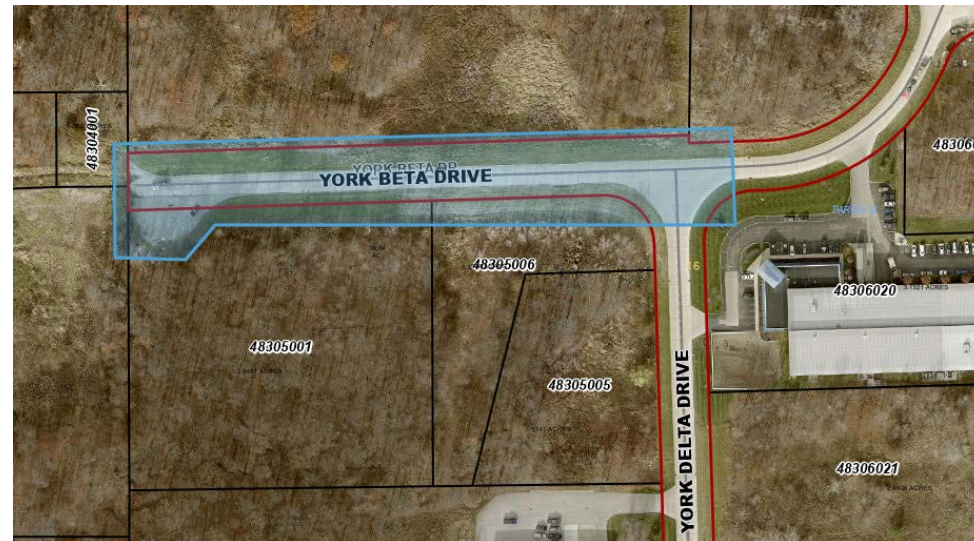
# YORK ALPHA IMPROVEMENTS

- ❑ York Alpha Turn Lane Project
  - ❑ Widen roughly 1000 feet of York Alpha in order to implement a turn lane at the intersection of York Road
  - ❑ Estimated construction cost of \$1,385,000



# YORK BETA IMPROVEMENTS

- ❑ York Beta Cul-de-Sac Extension
  - ❑ Construct a cul-de-sac turnaround at the western end of York Beta Drive
  - ❑ Estimated construction cost of \$220,000





# ABBAY ROAD INDUSTRIAL PARK CONCEPTUAL PLAN I





# ABBAY ROAD INDUSTRIAL PARK CONCEPTUAL PLAN II

