

**BUILDING & BUILDING CODES COMMITTEE MINUTES
MAY 16, 2023**

The Building & Building Codes Committee meeting was held on May 16, 2023, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:00 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Heidi Webber, Joanne Krejci; Council: Paul Marnecheck, Linda Barath; Administration: Mayor Larry Antoskiewicz, Finance Director Jenny Esarey, Law Director Tom Kelly, Economic Development Director Tom Jordan, Building Commissioner Dave Smerek, City Planner Ian Russell; Other: Vincent Weimer.

APPROVAL OF MINUTES

Approval of April 18, 2023 Building and Building Code Committee minutes. Moved by Ms. Krejci, seconded by Mr. Nickell. Vote: Yeas: 3 Nays: 0 **Motion carried.**

UNFINISHED BUSINESS

1. Economic Development

See report.

Ms. Krejci asked about the company Morel Landscaping on York Road. She wanted to know the status on whether they were planning to build something. Mr. Jordan clarified that it is an office warehouse complex, which is what they are building. Ms. Krejci inquired if they are still planning to have the landscaping business and mulching. Mr. Smerek indicated that in the front, is a fence contractor who is renting from them. He recalled it may be United Fencing. Ms. Krejci commented as long as it is not going to affect her neighbors. She wanted to know if Morel is still the owner. Mr. Jordan concurred; that has been sold for years.

Mr. Nickell questioned whether Carrie Cerrino's was sold again. Mr. Jordan indicated it was not. When he spoke to the current owner, he was considering selling. Ms. Krejci asked if they are tearing down the building New Gum Do. Mr. Jordan agreed; yes. He explained that the owner sold it to a local developer, which has filed an application and has been approved for a raising permit. They have discussed some ideas; however, nothing has been approved through Planning Commission.

2. Memorial Park Update/Splash Pad

Mr. Jordan reported on the Splash Pad. They are working this week to train the staff and to finish the punch list. The grand opening is being worked on by the Mayor, which would be Memorial Day weekend. We received our operator's license and also, it passed the Health Department inspection. Mayor Antoskiewicz advised that May 27th at 11:00 would be the ribbon cutting. There will be Chick-fil-A nuggets, Loders ice cream, as well as water for the children.

3. Senior Center

Mr. Kelly advised that we are following the statutory scheme. We have already interviewed a number of candidates to determine qualifications for being selected as the architect. We have more steps to follow, in which we will be following those steps in upcoming weeks.

Ms. Krejci inquired if we are still hoping for that to be implemented this year. Mayor Antoskiewicz was not certain; however, we can hope. Ms. Krejci asked if we expanded the hours of the Senior Center in its current location. Mayor Antoskiewicz concurred; we reopened back to five days a week. We have a few programs that we are doing here at City Hall.

4. Chapter 845 Mobile Food Units Requirements

Mr. Nickell explained that there were some amendments that the City looked at concerning this. Mr. Kelly explained that it is a difficult problem to resolve however, let us begin with the following: Outside sales that are not a primary use are prohibited, except if you make an exception. By the creation of any legislation along these lines, you are creating the exception to allow outside sales which were otherwise prohibited. We have had a work in progress over the last four or five years, and we are beginning to see what works, and what does not. The recent issues that were of most concern had to do with the distance from a residential property where the mobile food units might be allowed. Also, the frequency of the use by their property owners. People have worked very hard on this. Basically, a very significant rewrite was done of those portions of Chapter 845 that deal with the appropriate subjects. Mr. Kelly commented that from the meeting this morning, the Administration is considerably in favor of the newest version; referring to the copy distributed. There had been some minor amendments made, even as late as today.

Mr. Kelly went over the key points, which entail mobile food units are now going to be required to register with the Building Division and pass an inspection. The host of the mobile food units are going to be required to seek a permit. The properties intending to host a limited number of food units are to be required to apply for a mobile food unit permit. The hosting of the mobile food units shall be limited to three times within any one calendar month. The hours are to be limited to 11:00 a.m. – 8:00 p.m. The setback requirements from the residential property line called for the mobile food units using gas generator, diesel generator, or the truck engine, to be located no closer than 200 feet from a residential property line. The mobile food units that are able to plug in and are plugged into a wall outlet for power may be able to operate within 75 feet of a residential property line. This is a compromise that we feel will work.

Mr. Kelly went over items regarding approval to operate a mobile food unit park. Properties that intend to frequently host mobile food unit parks will be classified as a mobile food unit park, and be required to apply for a conditional use permit from the Planning Commission. Mobile food unit parks may be permitted to host four or more mobile food units within a one calendar month period. Mobile food unit parks must be in accessory use and shall not be located adjacent to residential zoning district. The hours of operation for such parks will be 11:00 a.m. to 10:00 p.m., in which there were some exceptions previously. Residents hosting mobile food units on a one-time basis, defined as one mobile food unit within a six-month period for a private party or private event, are to be exempt from the ordinance. They are not required to file for a mobile food unit permit. The mobile food unit is not to be required to register with the City. Home Owner Associations, as well as Condominium Owner Associations hosting mobile food units on their private property for their members are likewise to be exempt, and mobile food units are not required to register with the City; provided that these bodies will not be hosting more than three mobile food units within a one calendar month period. The strict application of the ordinance shall not be applied in the case of City sponsored events such as Home Days.

Mr. Kelly stated that we would like to try this. He spoke of the compromises that were edited and what limitations we are placing on both hosts of mobile food unit trucks and the mobile food units themselves. It is a significant change from the existing legislation; however, it seems to make the most sense under the circumstances. We hope everyone will see the benefits of this effort and that Council would allow the Administration the opportunity to try it. We hope this would help get us where we need to be, that it is in balance with the needs of the community and the rights of the property owners; for both commercial and residential. The hope is to move it out of committee tonight and allow us to work on putting together the ordinance for next meeting.

Ms. Krejci asked for more clarification regarding the mobile food unit park. She stated that according to this, they are only allowed to have four mobile food units in a calendar month. Mayor Antoskiewicz explained that it says four or more in a calendar month. He went on to say we need to remember the mobile food unit park is a new section. The only reason we put it in there at this time, is because there have been inquiries to the City about operating a food unit park, and we have nothing on the books. Ms. Krejci felt that this could be a good

compromise if there was someone who would want to do it more often than the two per month, or three per month, then they would have to apply to be a food truck park. Mayor Antoskiewicz agreed; it would have to come to Planning Commission and get a conditional use permit.

Mr. Marnecheck raised question about the conditional use permit as to whether that is permanent, or if it expires. Mr. Kelly clarified that it can be revoked, it is not a variance; it requires compliance. Theoretically, if a given operator or property owner were to secure a conditional use permit, and they conducted themselves appropriately within the limits of the permit, they would be able to continue to do so. He continued that we could not justify revoking it just on a whim. There would have to be some negative that would drive that. Mr. Jordan added that an unlikely thing would be, you are required to have a 220 or electric available and they never install it; then we could revoke it. You approve a site plan under the conditional use process, then they do not meet that and try to operate; we could revoke it. Mayor Antoskiewicz noted that condition only applies to that person operating at that time; if that person leaves. Mr. Kelly clarified that it would apply to the applicant, which in this case would be the property owner. Mayor Antoskiewicz added, if he leaves or sells. Mr. Kelly agreed, it would expire upon the sale; it does not run with the land.

Mr. Marnecheck asked if there was any interest in adding a three-to-five-year time where they have to be reinspected. Mr. Kelly indicated that is normally complaint driven. We are not in a position to inspect everything however; it could be done. As discussion ensued, Mr. Smerek clarified that in Section 845.06, which is specifically focused on mobile food unit parks, item 3 states the permitted number of mobile food units will be approved as part of the conditional use. He went on to explain, let's say the applicant would come to us and they want to have a number of mobile food units on our property, that would be part of the conditional use approval. Ms. Webber commented, for their conditional use permit. Mr. Smerek concurred.

Mr. Nickell was curious as to why it was decided as 'four or more' in one calendar year per month. Mr. Russell clarified the choice of words was to make a clear distinction between an outside mobile food unit park, which is three or less, and then a mobile food unit park; which is four or more. There is leeway again, within that conditional use to set a hard number as to the maximum. Ms. Krejci felt it was a good option. Also, that it was important if we would have a mobile food unit park, which would be fun for the City, that we are keeping it away from residential areas and in more of a business area. Mr. Nickell raised question regarding Section C for more clarification. Mayor Antoskiewicz clarified it would pertain to anybody that was near a residential property line. They would have to be 200 feet away if they were going to operate it on a generator.

Mr. Nickell asked about the ending time of 8:00 p.m., pertaining to hours of operation. He suggested that we may want it to be until 9:00 p.m. Ms. Krejci asked if 9:00 p.m. would be better. She brought up the time for the food truck "parks". Mayor Antoskiewicz talked about the outside ones being located more by residential areas, in which the whole purpose was 8:00 p.m., verses food truck parks. He continued that if you look under parks, they go until 10:00 p.m. Mr. Nickell felt that we could leave it for now and we could revisit it later.

Ms. Webber brought up Butch's Saloon, whereas he came at the last meeting. He is very close to the residential area however, he plugs in. She asked if he would be restricted to three times as well. Mr. Nickell agreed that his situation is unique. Mr. Jordan indicated he met on site with Butch. Mr. Nickell mentioned how it is very close to residential. Mayor Antoskiewicz clarified that currently he does not operate a food truck. Mr. Jordan added that it is a grill that he uses outside. The Health Department is fully aware of it; it meets their code. Our Fire Department checks the grill to ensure it complies with the Fire Code. It would not qualify as a food truck under our understanding of the definition. The resident had said, however, that he was considering buying a full food truck; he has not yet. He would have to comply with the ordinance. Ms. Webber noted there would be no conditional use permit for this scenario as a single operator. He would need to understand that might not be the best purchase for him to make. Ms. Krejci pointed out if he had a food truck, he could take it to other places; it is his business there and it is his grill. Mr. Jordan indicated he has a commercially licensed kitchen and they view that as just an accessory to that. Mr. Nickell stated that he has never once, had a complaint about Butch's Saloon; he does not run it the same way. Mayor Antoskiewicz added that there is no place for folks to sit outside. Mr. Nickell mentioned with the current legislation, he

could not park a big truck out there unfortunately. Mr. Jordan pointed out that his door is 50 feet from the neighboring property line.

Mr. Marnecheck asked about defining the word “host”, in 845.02 Section D. Mr. Smerek explained that we do not define it, however it is implied if they are on your property, you are hosting the food unit. Mr. Marnecheck wanted to clarify, if he were to have a food truck at his place for one day, that counts as hosting one. Mr. Smerek concurred. Mr. Marnecheck commented we could not have the same three food trucks for the whole month. Mr. Smerek explained, hypothetically let’s say Butch brings a food truck up and you have it three Saturdays; that is okay. Again, it is not necessarily based on the specific food unit. It is based on the number of food units in general. Mr. Marnecheck suggested perhaps we want to define what it means to host.

Ms. Krejci asked about having four in a month, rather than three. Mr. Nickell agreed with the idea. Mayor Antoskiewicz clarified that it is because they would be moving into a food truck park situation. Mr. Nickell brought up that when the next month comes, it is another four weeks; now we have set up for a food park continuous on Saturdays. He understood the point. Ms. Webber liked this and felt that we should try it. Ms. Krejci was in agreeance.

Ms. Krejci moved to draft legislation for Mobile Food Units Requirements for the next Council meeting and move it out of committee, seconded by Ms. Webber. Vote: Yeas: 3. Nays. Motion carried.

REMOVE FROM AGENDA

NEW BUSINESS

ADJOURNMENT

Moved by Mr. Nickell, seconded by Ms. Krejci **to adjourn the May 16, 2023 meeting.** Vote: Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 6:34 p.m.**



ECONOMIC DEVELOPMENT REPORT

BUILDING & BUILDING CODES MEETING

TUESDAY, MAY 16, 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. We are going to perform a reinspection.
- 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. The Engineer on the Abbey Road extension will be responding to the federal government inquiries.
- Morel Landscape is building a 9,000 sf office/warehouse building at 12024 York Road.
- Lozinak & Sons is building a 5,000 sf accessory building at 10769 Royalton Road.
- Fazio Mechanical bought 13821 Progress Parkway and is renovating this 20,700 sf building.

Commercial

- The former Carrie Cerino's Restaurant was sold. I spoke to the owner. They are considering development options. I reminded them of their maintenance responsibilities.
- The former Tonight Tonight property on Royalton Road has been on the market for years. The building has been cited for maintenance issues. The building code violations have moved to Parma Municipal Court and are scheduled for June 5, 2023.
- The vacant property at the corner of Wallings Road and Ridge Road has been sold to the neighbor to the east. They received preliminary site plan approval for a new office building but will also be seeking approval from BZA.
- The Mr. Divots property on York Road has sold and the ownership of the property has been transferred. They have filed for a building permit for construction. They have already started some smaller improvements.
- Encore Clinical Services bought 12301 Ridge Road. The company provides at home wound care. This building will serve as their main office.

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 plan.
- 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. We are waiting for final site plan approval application.

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 goal was to simplify the TCD districts and recognize the current retail market. The Administration's review has just been completed. We will be drafting legislation soon.

York Road Baseball Fields

- Acceptance of the bid for Phase 4 of the baseball field lighting is going before council this evening. The pre-construction meeting is tomorrow. We expect construction to begin in August 2023.

Storefront Program

- As of December 31, 2022, we have approved over \$69,000 in Storefront Program funding. We have \$50,000 available for 2023 and recently approved a grant in the amount of \$4,600 for signage at Town Tavern located on State Road.

Grants

Memorial Park

- The next phase is to install a 10-foot wide All Purpose Trail. The initial design was reviewed last week. We are moving toward final design.

- 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.

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 will be listing the two parcels on West 130th Street.