

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **September 5, 2018 to conduct a Public Hearing**. The hearing was called to order at 7:00 p.m. by Chair Larry Antoskiewicz and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Larry Antoskiewicz, Mayor Stefanik, Jessica Fenos, Frank Castrovillari, Gene Baxendale, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchysky, City Engineer Mark Schmitzer, Law Director Thomas Kelly.

PUBLIC HEARING:

The Secretary to the PC stated Public Hearing notices were sent to property owners within 500 feet of the property in question and posted as required.

1. **PC18-19:** Abraxus Snow Removal on behalf of Royalton Supply is seeking site plan approval to construct an accessory structure at 11528 Royalton Road, also known as PPN: 483-11-007 and PPN: 483-11-014 in a General Industrial District. The applicant is seeking to construct a 35 ft. x 60 ft. portable fabric arch structure on an 80 ft. x 100 ft. concrete pad. The proposed structure will measure ~~49~~ 25 ft. in height.

Mark Boncella stated they are seeking to put up a fabric structure. It will sit on 2 ft. x 2 ft. x 6 ft. concrete blocks. The structure total will be 25 ft. tall and 35 ft. x 60 ft. wide.

Dan Langshaw, Ward 3 Councilman, expressed his concern regarding possible interference of the existing catch basin. He added the fabric structures are a norm with landscape companies and he supports the approval of the application.

Moved by Mr. Baxendale, seconded by Ms. Fenos to **move this item to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. **Motion carried.**

2. **PC18-20:** MKA Trucking and MKA Truck Driving Academy on behalf of property owner 9621 York Alpha, LLC are seeking approval of similar use to operate a truck driving academy ~~and a trucking company business~~ at 9621 York Alpha Dr., Ste. B also known as PPN: 483-15-022 currently zoned as General Industrial.

Lavinia Bordas, Office Manager, spoke on behalf of the Dusco Giurasevici owner of the business who was unable to come to the meeting because he was out of the country. She stated they are trying to get a maximum occupancy permit for the office space they are renting. She said they are a trucking business and a truck driving academy. They currently have four trucks: day cabs and one sleeper. She said they will have four-week classes totaling 160 hours per student; with ten students per class. They hope to start a new class every month. It will be a week of class training in an upstairs office followed by yard training to do maneuvers, load securement, drop and hook or the trailer, pre-trip inspections and one week on the road. Ms. Bordas stated they are no longer planning to operate a trucking company; their *authorities* (unsure if that is correct word, difficult to understand) were revoked so they will only be focusing on the Truck Driving Academy.

Dan Langshaw, Ward 3 Councilman, expressed concerns regarding the property's zoning being conducive to what they are proposing. He asked the Law Director to explain what our

code permits and doesn't permit. He added that he does not want the property to be turned into a truck junkyard.

Ron White, property owner and owner of White Machine which also operates out of that location, stated he does not think it will become a truck junkyard. As a landowner he would not allow that because it is the place where his shop is located. A truck driving school does not necessarily equate with a truck junkyard. He said it is an industrial property and equipment is parked in the back.

Ms. Bordas stated a lot of trucks will not be coming in and out of the property. There will be a total of four trucks and two trailers: two trucks will be going out on the road; the other two trucks will be only in the truck yard. It will not be a junk yard.

Moved by Mayor Stefanik, seconded by Ms. Fenos to **move this item to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. **Motion carried.**

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mr. Baxendale, seconded by Mr. Castrovillari to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 7:11 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **September 5, 2018 in regular session**. The meeting was called to order at 7:11 p.m. by Chair Larry Antoskiewicz.

PRESENT: Planning Commission: Chair Larry Antoskiewicz, Mayor Stefanik, Frank Castrovillari, Jessica Fenos, Gene Baxendale, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchysky, City Engineer Mark Schmitzer, Law Director Thomas Kelly.

APPROVAL OF MINUTES:

Moved by Mr. Castrovillari, seconded by Mr. Baxendale to **approve the minutes of August 1, 2018. Motion carried.**

OLD BUSINESS

1. **The Swim of Things**. Anna Paliwoda on behalf of The Swim of Things is seeking preliminary site plan approval for proposed parking lot enlargement and addition of a second egress drive located at 14386 Ridge Road, PPN: 487-02-023 in a General Business District. Tabled on 5-2-18.
2. **Huntington Park Subdivision Phase 4**. Final site plan approval. The subdivision will consist of 14 single family residential lots on PPN: 488-12-030 in a R1-A zoning District. Phase 4 will be an extension of Angelina Drive. Final Plan approval was granted on 9-7-16. 180 day extension expires 1-28-18. Tabled.

3. **Line-X of Greater Cleveland.** Building plan and site plan approval for a commercial building located at PPN: 483-13-008 Royalton Road in a G.I. District. Tabled. 180 day extension granted on 5-2-18. Expires 10-29-18. *This item will be removed from future agendas; construction is now underway.*
4. **Michael Pizzuti of EMC, Inc.** is seeking Sketch Plan Approval for a subdivision consisting of 10 single family residential lots on PPN: 486-23-003 on the east side of State Road between Cady Road and Wiltshire Road in a RRZ District. Tabled. 180 day extension granted on 5-2-18. Expires 10-29-18
5. **Online Liquidation Auction.** Seeking site plan approval for proposed parking lot improvements at the northwest corner of the existing building located at 8748 Ridge Road, also known as PPN: 482-12-016 and PPN: 482-12-030 in a Local Business District. Tabled 12-6-17. *Applicant has requested to withdraw his application from consideration.*

NEW BUSINESS

1. **PC18-19:** Abraxus Snow Removal on behalf of Royalton Supply is seeking site plan approval to construct an accessory structure at 11528 Royalton Road, also known as PPN: 483-11-007 and PPN: 483-11-014 in a General Industrial District. The applicant is seeking to construct a 35 ft. x 60 ft. portable fabric arch structure on an 80 ft. x 100 ft. concrete pad. The proposed structure will measure 49-ft. 25 ft. in height.

The Building Commissioner stated nothing in the code precludes them from erecting a structure 25 ft. in height. The Applicant has been before the PC before for a similar project which was approved. Mr. Kulchytsky asked the Applicant what will be stored in the proposed structure. The Applicant responded "top soil". It is limited exclusively to top soil so we will not be dealing with salt in the structure. The Applicant responded that is correct. If the structure will be used at a future time for salt or any other materials, they are to notify the Building Department to be sure it is permitted. The Engineering Department may at that time implement guidelines for any other stored materials.

The City Engineer stated we want to be sure you are protecting the storm sewer system. If salt is being stored in that facility we would be concerned because the leach aids from the salt if it gets wet; it will get into the system because it is a short run to the new storm water facility that is being built as part of the widening of Route 82. The leaching would be considered an elicit discharge. If any soil will be moving around the back catch basins, he suggested using a dandy bag for catching sediment and for inlet protection. Mr. Boncella responded they have already purchased the bags.

Mr. Castrovillari asked what is different from this application versus the previous approved application. Mr. Boncella responded the specs on the cover-all were not stamped engineered; the load rating and winter rating were not to the City's specifications. The concrete pad is also bigger than the previous submission. The blocks will protrude beyond the yule; so any spill in front of it will be more contained.

Moved by Ms. Fenos, seconded Mr. Castrovillari to **approve final site plan for an accessory structure**. Roll call: Yeas: Five (Mayor Stefanik, Antoskiewicz, Baxendale, Castrovillari, Fenos). Nays: None. **Motion carried.**

2. **PC18-20:** MKA Trucking and MKA Truck Driving Academy on behalf of property owner 9621 York Alpha, LLC are seeking approval of similar use to operate a truck driving academy ~~and a trucking company business~~ at 9621 York Alpha Dr., Ste. B also known as PPN: 483-15-022 currently zoned as General Industrial.

The Law Director instructed the PC Board they can proceed with the application as it states and was published for both a truck driving academy and a trucking company business. However, the PC may allow the Applicant on behalf of the owner to remove a portion of the application and limit the application to solely a Truck Driving Academy and nothing more. Ms. Bordas stated the owner has decided not to move forward on the trucking company business; not now or in the future. The Law Director stated the record will reflect that the Applicant has limited her application and the application of MKA Trucking to solely a Truck Driving Academy.

The Building Commissioner gave some background on the Application. He said they requested a Certificate of Occupancy to run a Truck Driving Academy. At that time, he spoke with their representative and informed him we do not have a use within our code for a truck driving school nor do we permit trucking companies. He was told he would need to fill out a PC application in order to seek a similar use determination and go before the PC. Since that time they have moved in and are already operating out of that location. Mr. Kulchytsky visited the site today and took photos. The Building Commissioner passed around photographs that were taken of the property in question. The photos show some of the better vehicles in the front and in the back are the damaged disassembled vehicles. He said the concerns Mr. Langshaw expressed are valid. He added he saw 11 truck cabs (motor portion of truck) of varying types and 7 beds or trailers, not including the box trucks. Some of the trucks are in terrible state of disrepair (disassembled or damage from accidents sitting around unused). In the two brief months we have found the site is unacceptable in its current condition. He said the Building Department has the same concern as the Councilman. Mr. Kulchytsky said the other concern with a truck driving academy or trucking company may end up being ultimate storage locations for trucks possibly for renting or being used by friends for storage of multiple trucks at the site. Ultimately this becomes the City's problem.

The Building Commissioner stated the Building Division does not recommend approval of the application unless the Applicant can give the PC a great level of confidence that they will not ever exceed four trucks and two trailers and that they are able to provide an area that is clean and well organized; not what is there on site right now. The yard would need to allow the safe maneuvering and training of students. The area is currently a combination of mud and stone; it will need to be paved. It should probably be cordoned off with fencing so you do not have issues with excess trucks being parked on the property.

The Law Director stated the provision made in the code for a similar use permit puts the burden on the Applicant to persuade the Board that the use that is proposed to be made, not already being made, is in fact an acceptable and similar use to other uses in the Industrial District and will not cause additional burdens to either the Municipal Corporation or to the neighbors. The PC needs to decide if they have been persuaded by the Applicant on the question of what is to be made of it versus what is already being made of it.

Ms. Bordas stated some of the parked trailers are not theirs. She said she is not sure who they belong to. Mr. Kulchytsky stated some of the semi-disassembled trucks have your names on the vehicles. Ms. Bordas responded the owner is fixing trucks with the removed good parts of other trucks; those vehicles will be removed when he returns back in the

states. Mr. Kulchytsky stated these trucks have not been there for a short time. It looks like they have been there since you moved in and many have their company name on them. She said three trucks are going to be sold in the near future since they will not be operating a trucking company. She said the trucks lined in the back and the trailers are not all theirs. She said six of the seven trailers are theirs. Mr. Kulchytsky asked who owns the 11 cabs. Ms. Bordas responded the cabs are all theirs; the four non-working cabs will be removed. Mr. White stated the trucks are not his.

The Law Director stated the Applicant has some significant efforts to be made in order to satisfy the Building Department. The Board can make a decision with or without the Building Departments input. He added it might well be to the Applicant's interest to consider asking for a one month continuance. In the interim they can meet with the Building Commissioner and if necessary the City Engineer to see if they can comply with the recommendations or whether there is any ability to discuss these things in a way that would be conducive to the application. On behalf of the Dusco Giurasevici do you seek from the PC Board a 30-day continuance to discuss this matter further? The Applicant responded yes she does request a continuance.

Mayor Stefanik asked for clarification from the Building Commissioner regarding the question of an Occupancy Permit back in April and whether it was denied. The Building Commissioner stated it was not denied; they accepted the Occupancy application and the Applicant was told immediately the trucking company is not a permitted use and the trucking school, at best, would need a similar use determination. He did not give them a temporary occupancy permit. He recommended at that time they approach the PC prior to moving in. He said he spoke with Claudio Berson on several occasions, a different representative of the company. It appeared he was going to make application with PC but since then he is no longer with the company. Mr. Castrovillari asked if in fact they moved in illegally; they have no right to have been moved in. The Building Commissioner stated that is correct. Mr. Castrovillari added, five months later we have a junk yard and now we are asking to give them one more month.

The Building Commissioner recapped.

- The site needs to be cleaning up of debris and vehicles; whether it is from the owner, from other tenants or from the applicant.
- Paving the areas where maneuvering will be occurring.
- Enclosing the areas where maneuvering and training will be occurring so vehicles will not be parked in those areas and therefore training would be on the streets.
- No training on the streets within the City of North Royalton (maneuvering or otherwise).
- Numbered spaces for the designated vehicles.

The Building Commissioner stated it sound like 17 of the 18 vehicles are theirs. There is filth and garbage on the property. Mr. Antoskiewicz asked Mr. White who his other tenants are.

Mr. White stated Haravono Enterprises, a landscaping-concrete-miscellaneous business rents the back building. Some of the debris may be from their business. Mr. White stated his business is the downstairs of the main building. He said the container behind the main building belongs to him.

Mr. Antoskiewicz expressed concern about when other trucks break down. How will the repairs be handled? Will the repairs be done on this site? The Building Commissioner stated repairs are not permitted; that is not part of the application being considered. That would be

a separate application for a conditional use. Based on the revised application, four cabs and two trailers are what will be the business. Four number spots for cabs and two numbered for trailers and a fenced in area with paving would allow us to keep track of that. Mr. Castrovillari stated the owner will have to keep his site clean. Mr. White responded if it is an issue, he will tell them to have the site cleaned up.

The Law Director stated there are two ways to approach this. The Board may choose to grant the applicant's request for a 30-day continuance until the next PC meeting or in the alternative it can be put up for a vote. The operation that is presently in place is not a legally constituted operation. We have not moved to stop it; the Building Division has not ordered it to be shut down; and no law suits have been filed with the Court of Common Pleas. They did not follow-up and do what they were supposed to do to make sure they were legal.

Ms. Bordas stated the first application was completed by a different person (inaudible); he was in charge at the time. He worked for the company for three months and was terminated July 5. They were not aware that he proceeded and didn't follow through with the completed application. She said when she received the phone call from the City of North Royalton, she proceeded with the application and turned in the paperwork. She said they got their fire inspection. They also were inspected by the Ohio Department of Public Transportation and they were approved on the site of the yard; they did not ask for a paved yard. She added she did not know an occupancy permit was needed. Mr. White asked why the lot needs to be paved.

The Building Commissioner responded, what was originally paved may have been under prior ownership. Only one area of the lot was permitted to be paved. The City's Ordinance requires every lot be paved, short of exceptions by the Engineering Department. After rain, the lot is essentially mud; it is not gravel. The site should be a designated clean lot usable for maneuvering the vehicles.

The City Engineer said he could have discussions with Mr. White regarding the storm water fee and the credits for impervious surfaces.

The Chair stated, in his opinion he would like to vote on the issue. A 30 day continuance would not solve anything. The Applicant and the owner of business should discuss with the Building Division and decide if they want to continue to pursue. Mr. Castrovillari, Ms. Fenos and Mr. Baxendale agreed. Mr. Baxendale added he has no confidence they will follow through with our stipulations now or in the future. Mayor Stefanik recommended the fee be waived if they choose to come back before the PC. The Building Commissioner requested the ownership to be present should they come back to the PC, along with a qualified person, such as an Engineer to assist you in putting together documentation that will suffice for approval.

Moved by Mr. Baxendale, seconded by Mayor Stefanik to **approve similar use to operate a truck driving academy**. Roll call: Yeas: None. Nays: Five (Mayor Stefanik, Fenos, Antoskiewicz, Baxendale, Castrovillari). **Motion denied**.

MISCELLANEOUS

The next scheduled meeting is Wednesday, October 3, 2018. The Chair asked the PC Board members to check their schedules for attendance at the Thursday, November 8th PC meeting. Mr. Antoskiewicz said he would not be present.

ADJOURNMENT

Moved by Mr. Castrovillari, seconded by Ms. Fenos to adjourn the September 5, 2018 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 7:49 p.m.

APPROVED: /s/ Larry Antoskiewicz
Chair

DATE APPROVED: October 3, 2018

ATTEST: /s/ Diane Veverka
Planning Commission Secretary