

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Thursday, **November 8, 2018 to conduct a Public Hearing**. The hearing was called to order at 7:00 p.m. by Vice Chair Frank Castrovillari and opened with the Pledge of Allegiance.

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

Motion and second to excuse Larry Antoskiewicz for cause. Motion carried.

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. **PC18-22: North Royalton City Schools.** TDA (ThenDesign Architecture) on behalf of North Royalton City Schools are seeking approval of a lot consolidation of PPN: 487-18-015 and PPN: 487-22-001 also known as 16400 State Road. The site is currently zoned as Public Facilities District.

Greg Gurka, Superintendent, spoke on behalf of the North Royalton City Schools along with Claire Bank from TDA (ThenDesign Architecture). Ms. Bank stated they are looking to combine the two parcels that are currently on the site into one parcel.

The City Engineer stated everything looks in order for the proposed lot consolidation. If approved the Applicant will need to work with the City Engineering Department to have it checked and recorded.

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

2. **PC18-25: Hugh and Margaret Kerr** are seeking approval to install an 8" diameter sanitary sewer extension to connect to the public sanitary sewer along Akins Road for a length of 229.5 ft. within the public right-of-way to service PPN: 483-19-002 located in a R1-A District.

Hugh Kerr was present to speak on the application for the sanitary sewer extension.

The City Engineer stated he submitted the Engineering Department's commentary to the Board and to the applicant for their review at an earlier date. He stated the Engineering Department needs to do a full review of the plans but everything looks to be in conformance. He said they are looking at the location of the upstream manhole which stops at their east property corner. They are recommending the sanitary sewer extension go across the entire frontage of the property so the next person west, upstream of the Applicant, will not need to go across the entire front yard to extend to the sanitary sewer. He added the manhole would be placed at the Applicant's west property line instead of the east property line so any future extensions would not affect the Applicant's property as well as any property east of them. For clarification, he said the manhole would be moved further west which would require some additional piping. EPA permits will be required. Mr. Schmitzer stated the Applicant will be following all the standards of the City; a full time inspector will be on site. Once the

sanitary sewer is installed and approved it will become an asset of the City of North Royalton. The Applicant responded he understands the process.

Marcus Just, 11600 Akins Road, stated his property is located two doors east of the property under consideration. He said his property will be excavated for the installation of the proposed sanitary sewer. He stated he and his wife are not in favor of this sewer extension project. He expressed the following concerns: 1) Being required to tap into City sewer. 2) The direction of the flow which is in the opposite direction of the proposed sewer project. 3) Their septic filter bed and run off is in the front yard and may be disrupted by the project. 4) They do not have confidence that this project can be successfully carried out in light of the drainage challenges in the area because of the high water table. He stated the drainage ditch in the front yard has never fully drained properly and is often full of standing water after significant precipitation. 5) All disruption to the driveway, drainage culvert, trees, front yard, and grass will be repaired without expense to them. 6) The current septic filter bed, runoff and storm drain running through the right of way will not be disturbed and will remain functional; any needed repairs will be performed at no expense to them.

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

3. **PC18-26: MKA Truck Driving Academy** on behalf of property owner 9621 York Alpha, LLC is seeking approval of Similar Use to operate a truck driving academy at 9621 York Alpha Dr., Ste. B also known as PPN: 483-15-022 currently zoned as General Industrial District.

Phil Morrison, Training Manager, spoke on behalf of MKA Truck Driving Academy. He said they are trying to resolve some issues brought up at the last PC meeting. The lot needed to be cleaned up and some of the trucks on premises which weren't part of the school needed to be removed. He said trucks have been removed and trash cleaned up. Some fencing remains for future use; it is not located in the training area. A couple sheds need to be put in place for students to get out of the weather.

The Building Commissioner stated there are a number of comments that were presented to the PC Board the last time the Applicant appeared before them. When we had visited the site there were a number of vehicles in various levels of disrepair, numerous trucks. During that meeting the Applicant modified their request for a Similar Use determination from a trucking establishment and a school down to just a truck driving school. Recently we revisited the site. They cleaned up the semi dismantled vehicles and cleaned up the site to a significant degree. We need clarification as to how many trucks are going to be on the site. Mr. Morrison replied there will be five trucks and six trailers.

The Building Commissioner stated the concern was brought up at the last meeting regarding paving on the site for maneuvering and the use of their vehicles. Our ordinance requires that some type of paving be installed on a property if appearing before PC. He added we have not decided if the required paving would be asphalt, concrete or compacted stone. Giving the large amount of area, compacted stone might be sufficient. The PC was also looking to have the parcel fenced-in in its entirety in order to prevent any kind of illegal dumping or dropping off of additional vehicles and miscellaneous storage occurring on the site (for rentals, etc.). He added those positions still stand on the Building Division's recommendations in PC's review of this project.

The Building Commissioner reviewed the determination of Similar Use for the PC Board. A Similar Use determination is where a particular use is not clearly defined within our zoning

code. In this particular instance, a truck driving academy does not fit in any particular zoning district. The most appropriate zoning district was considered a General Industrial District. The PC has to take under consideration several items in their review of the application in which they weigh whether or not it is appropriate. He reviewed those items listed under C.O. 1262.08(b). He added the PC also has broad discretion in placing stipulations on the Applicant as part of this agreement.

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

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mayor Stefanik, seconded by Mr. Baxendale to **adjourn the Public Hearing**. Roll call: Yeas: Four. Nays: None. **Motion carried.** The Public Hearing adjourned at 7:20 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **November 8, 2018 in regular session**. The meeting was called to order at 7:20 p.m. by Vice Chair Frank Castrovillari.

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

APPROVAL OF MINUTES:

Moved by Mr. Castrovillari, seconded by Mr. Baxendale to **approve the minutes of October 3, 2018. Motion carried.**

OLD BUSINESS

1. **PC18-09: 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.

Moved and seconded to remove from table. Motion carried.

The Building Commissioner stated The Swim of Things had an application before PC to expand their parking lot and make modifications to their site. Since then, they were going to remove themselves from the Agenda and leave the site as is. He added he informed the Applicant they need to appear before PC in the near future since they have already expanded their parking lot with gravel, approximately 30 inches. Their parking lot is not capable of handling the demand. This is a temporary fix. The Building Commissioner requested the PC grant the Applicant an extension to be tabled until the spring where they can appear before the PC during the winter to implement a permanent renovation project.

The Law Director asked the Building Commissioner if the additional extension is a reasonable thing to do. Mr. Kulchytsky responded he has been working with the Applicant and he feels it is appropriate to allow them this one time extension. The Law Director said he has no objection.

Moved by Mayor Stefanik, seconded by Ms. Fenos to **approve a 180 day extension**. Roll call: Yeas: Four (Mayor Stefanik, Baxendale, Castrovillari, Fenos). Nays: None. **Motion carried**.

Moved and seconded to return to the table. Motion carried.

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. **PC18-23**: TDA on behalf of property owner **North Royalton City Schools** is seeking site plan approval for the proposed 145,000 sq. ft. +/- **elementary school** to serve grades PK-4 for North Royalton City Schools. The project will also include access drives off of State Road, a bus and emergency vehicle road that loops the building, parking, two playground areas and a stormwater management area. The facility will be located on PPN: 487-18-015 and PPN: 487-22-001 at the southwest corner of Valley Parkway and State Road in a Public Facilities District. Applicant received Preliminary Site Plan Approval on 3/28/18.

Moved and seconded to **remove from the table**. **Motion carried**.

Greg Gurka, Superintendent, spoke on behalf of the North Royalton City Schools along with Claire Bank and Abby Ranieri from TDA (ThenDesign Architecture), and John Urbanik from Greenland Engineering. Ms. Bank stated since their last appearance before the PC, they have continued to develop the design pertaining to wetlands on site. She said they have received BZA approval for a wetlands setback. They are continuing to work through the permitting process with the US Army Corps of Engineers and Ohio EPA. The beginning of construction will depend on those two permits; it is slated between early 2019 to early 2020.

Ms. Bank gave a quick overview of the design, including the landscape plan. She said they performed a full traffic impact study; a signal and pedestrian crossings will be added at Valley Parkway and State Road. A 250 ft. south bound right turn lane will be added into the site on the northern drive as well as a 150 ft. left turn lane into the site. Also left turn lanes from State Road onto Valley Parkway will be added in both directions. The parking in the front portion of the site is to serve K-4. The smaller lot to the north is meant to serve the pre-K which is located in the front wing. Parking is meant to accommodate visitors and staff. On the back side of the site is where the bus parking will occur; it is meant to hold 48 buses for drop off and pickup. The buses will leave the site at the same time by looping around the bus turnaround and exiting at the other end.

John Urbanik from Greenland Engineering spoke regarding storm water management. Prior to being at preliminary planning they did a quick evaluation of the site: the topography, the ultimate drainage outlet points and current City and State standards for stormwater management. The western two-thirds of the site drain south and west. The eastern two-thirds drain under State Road and due east. He said the revised plan has multiple storm water features staged to collect, trap, treat and detain all the storm water before exiting the

site in those two spots just mentioned. They have also been working with the City Engineer and the other agencies to implement a plan. Their commitment was to go above and beyond the current standards set by the City and the State and this plan does that. The main flood control basin (located in the rear) will hold approximately 120,000 to 140,000 gallons of stormwater more than what is required by City Code. The detailed calcs will be sent to the City Engineer when available. Mr. Urbanik said the main storm water management basin for the western portion of the site is in the rear. Prior to going into the storm water management basin, a lot of the water from the parking lot area will end up in a bio retention cell immediately west of the bus drop-off and pickup area. In the front, the basins will pick up the eastern portion; much of that will be routed into one basin and then released into a second basin before it all goes out underneath State Road. Permeable paving features will be included in the plan. They have not yet finalized the specific locations for the permeable paving features; they may be part of the sidewalks or in the bus turn-around area.

Mr. Castrovillari expressed his concern regarding maintenance of the permeable pavers and future performance of the pavers. The City Engineer stated the City requires a maintenance agreement be signed by the property owner and the City of North Royalton and recorded by the County; this will be modified to include permeable pavers.

Ms. Bank also addressed the request to connect up to the multi-purpose trail. They are working with the MetroParks prior to designing that feature. It will run along the edge of their property and be within sight of State Road. She reviewed the site plan, building plan and exterior development plan regarding visual preferences. They were trying to keep with the MetroParks theme by using darker earthier nature tones and possibly pull from some of the interior colors and school colors and add throughout the project. She presented a sample of the building materials and color samples and where the CMU (concrete masonry unit) will be located. She said the CMU will be in a limited area. It is primarily brick with some accent areas of CMU to split face. She showed the area where the academic space opens onto what will be an outdoor learning area with a park-like feel.

Ms. Bank addressed the design of the school sign which has a digital component.

The Building Commissioner asked if the connection to the multi-purpose trail will be from the property all the way to the MetroPark's trail. Ms. Bank responded yes. This may potentially be located in the right-of-way.

The City Engineer summarized the Engineering concerns. He stated the Applicant has received a variance from the BZA on October 18, 2018. They committed to working with the City on uses of porous pavement in areas on the site to help capture storm water without choking off the remaining wetlands on the site preventing them from drying up. Hydrologically they are working to meet everyone's needs. The Engineering Department's commentary which was submitted to the Board from this meeting and previous meetings are part of the PC file. Mr. Schmitzer added their design for storm water management is unique and innovative and the design for additional storm water storage on site is favorable.

Mr. Baxendale spoke regarding earlier discussions of moving the north entrance drive further to the north. Ms. Bank responded they did not feel it could move north without impacting negatively some of the drop-off and parking requirements in addition to making sure there is enough of a stretch for the southbound right turn lane. The City Engineer stated he is generally satisfied with what their experts have recommended in the report. He would prefer they be spaced out but being there is a signalized intersection planned; it will help slow and control traffic.

Mr. Baxendale asked about the relocation of the wetlands. Ms. Bank responded as part of the permitting process with the Army Corps and EPA they are mitigating two and one-half times what is affected on site. They are proposing purchasing In-Lieu fees for the creation of wetlands which would be built elsewhere in the future. The City Engineer stated the MetroParks mentioned they would like the mitigation completed within the Baldwin Creek and headwaters of the east branch of the Rocky River. However, if the credits are not available for the mitigation and as long as they are within a certain area which is reserved for wetland offsets, they have technically followed the intent of the permit. It will most likely not be within the city of North Royalton. The City does not regulate the wetlands; we regulate the buffers of the remaining wetlands. They are proposing some onsite mitigation items with the bio retention area and unique plantings which will create a wetland like area.

Ms. Fenos asked if the buses would be parked in the rear area throughout the day. Ms. Bank responded the buses will only be there for pick-up and drop off. The buses leave all together once the students are off the bus. No buses will be moving during the times when the kids are getting on or off the buses. A gate will block access to that area during the day. Mr. Presot explained the three tier bus system is for the High School, Middle School and lastly the Elementary schools. Once the buses drop off the students at the Elementary School and all students are unloaded and into the building, the bus drivers will in succession go through the turnaround, exit the same way and then head back to the bus garage.

Mayor Stefanik asked what storm water management is planned for the east side of the property up against State Road. Mr. Urbanik responded the feature is purely a flood control/detention basin; the purpose is to slow down as much of the water as possible before it is released into a dry extended water quality basin. One performs water quality and detention features, the other one is strictly detention. The large box culvert pipe will ultimately outlet east across the street. Eventually they will slowly go across the apple orchard and run out to the Rocky River Bed.

Mr. Castrovillari stated he would like to see the not yet designed pathway which will connect to the parkway be curvy to blend in and match the look of the MetroParks trail. He also said the front canopies look dark in color. He added he was hoping they could pull in something from the High School such as the canopy material instead of the planned vertical siding and possibly use the same banding as on the High School. It would be a great opportunity to connect the look of the NR schools.

Moved by Mayor Stefanik, seconded by Mr. Baxendale to **approve the building and site plan for the proposed elementary school with conditions listed**. Roll call: Yeas: Four: (Mayor Stefanik, Fenos, Baxendale, Castrovillari). Nays: None. **Motion carried**.

NEW BUSINESS

1. **PC18-22: North Royalton City Schools**. TDA (ThenDesign Architecture) on behalf of North Royalton City Schools are seeking approval of a lot consolidation of PPN: 487-18-015 and PPN: 487-22-001 also known as 16400 State Road. The site is currently zoned as Public Facilities District.

Greg Gurka, Superintendent, spoke on behalf of the North Royalton City Schools.

Moved by Mr. Baxendale, seconded by Ms. Fenos to **approve the lot consolidation**. Roll call: Yeas: Four: (Mayor Stefanik, Fenos, Baxendale, Castrovillari). Nays: None. **Motion carried**.

2. **PC18-25: Hugh and Margaret Kerr** are seeking approval to install an 8" diameter sanitary sewer extension to connect to the public sanitary sewer along Akins Road for a length of 229.5 ft. within the public right-of-way to service PPN: 483-19-002 located in a R1-A District.

Hugh Kerr was present to speak on the application for the sanitary sewer extension.

The Building Commissioner stated he agrees with the comments from the City Engineer that the line should be extended across the entire frontage of the Applicant's property.

The City Engineer responded to the concerns expressed by the neighboring property owner. He said the City will not force any resident to tie into City sewers if they have a functioning septic system. If it is in disrepair for any reason, the Board of Health will make a decision based on them regulating the septic systems. He said there may be a time in the future where the Board of Health may mandate them to connect to the sewer.

The City Engineer said the storm drain runs within the public right-of-way west down to Akins Road to the stop sign. He said this is the other direction than where the sewer projects proposed. Topographically everything drains west. The sewer will be designed to pitch to the east where the existing sewer is. It is bucking grade but the sewer will be designed to make sure it is pitched correctly and the sanitary sewage will flow east into the existing system flow to our treatment plant as designed. This project will be involved only in the public right-of-way which is typically 30 feet from the center line of the road. Anything that is disturbed, such as driveway apron, driveway culvert, mailbox, landscaping, etc. will be listed on the plans to be restored back to its original condition. We recommend the contractor do a pre-construction video tape of the area prior to having any equipment on site.

The City Engineer said he understands the neighbor's concern regarding the drainage challenges with the possible high water table. Pat Hurst of Hurst Design Build Remodel stated the storm water is not an issue at the subject property because of the way the site will be designed. The topography drops off creating natural runoff to the lake to the northwest. It will not affect anything pertaining to Mr. Just's property because the water flow is going towards the northwest. He stated he has no concerns regarding drainage. He said the culvert will be restored to its original state.

The City Engineer spoke regarding the drainage ditch standing water issue. Mr. Just said the ditch is irregular, it could be weeks at a time that the ditch has standing water until it evaporates or soaks into the soil. Mr. Schmitzer responded the City Ordinance states that each property owner is responsible for the maintenance of their own ditch. He said while the contractor is digging for the sanitary, possibly they can take a couple scoops out to help the water drain. Mr. Just stated he maintains the ditch and cleans it out yearly, but at the end of the property line it closes up. He said he would point it out to the contractors. Mr. Schmitzer said he will also go out and access the problem to see what is needed to alleviate the situation. Mr. Hurst offered to create a much better swale than what it currently is.

The City Engineer said the current septic filter bed should not reach into the right-of-way. The right-of-way will be staked; it will not be affected. The drainage pipe that comes out to the ditch may have to be severed or cut temporarily during construction until they get the sanitary pipe built in. Once done, they will reconnect it. Mr. Just said the runoff pipe that is at

the end of his property is close to the clean out tap; that is where his existing storm overflow pipe is located. The City Engineer stated a full time inspection by a City Representative will be done because it will be our asset. If there is a pipe there, we will document it and will require it be put back in place.

The City Engineer asked the Applicant if he plans to pipe in the front ditch or leave it as an open ditch. The Applicant responded they have not decided yet. Mr. Schmitzer responded because of the drainage concerns in the area, the City would prefer to see them culvert the driveway and keep an open ditch.

Moved by Ms. Fenos, seconded by Mr. Baxendale to **approve the utility extension subject to the extension being extended all the way to the west property line as discussed.** Roll call: Yeas: Four: (Mayor Stefanik, Fenos, Baxendale, Castrovillari). Nays: None. **Motion carried.**

3. **PC18-26: MKA Truck Driving Academy** on behalf of property owner 9621 York Alpha, LLC is seeking approval of Similar Use to operate a truck driving academy at 9621 York Alpha Dr., Ste. B also known as PPN: 483-15-022 currently zoned as General Industrial District.

Mr. Langshaw, Ward 3 Councilman, submitted a letter stating he is concerned with the Applicant operating the business for months in defiance of the City Ordinance and violations that have been cited by the City Building Department. The residents and business owners do not want a junkyard in our city. The residents do not want this in our ward and want the property cleaned up in accordance with the City Ordinance.

Phil Morrison, Training Manager, spoke on behalf of MKA Truck Driving Academy. The Building Commissioner asked how the business functions so the PC Board can have a better understanding of what occurs at the site. Mr. Morrison responded they have it set up to make sure they have enough room to operate as a school and meet the State minimum requirements. The State minimum requirements are to have a classroom to accommodate ten students; they have that. He added that will be the maximum amount of students they will have in a classroom.

Mr. Morrison said operating a new class every two weeks would put a rotation of ten students being in the classroom. A week after that they would go out to the yard for range training and road training. The next class would start two weeks after that. They would have ten students in the classroom and ten students in the yard. The week after that there would be no students in the classroom; they would now have a maximum of 20 students in the yard and road training. As far as the yard training, he said they have three yard trucks. They can put up to three to four students on a certain maneuver and they will rotate their time in and out of the trucks for their behind the wheel time. During the time they are not in the truck, they will have another truck off to the side where they can practice their pre-trip inspections. He said they have a total of three maneuvers set up; three different trucks can operate at one time. Most likely it will be two trucks operating at one time with one truck off to the side to practice their pre-trip inspection. He said they have two road training trucks which accommodates three students; one student driving, two observing in the back and an instructor sitting in the passenger seat. Mr. Morrison added if we had a maximum amount of students, we can put 6 students on the road and we would be down to 14 in the yard. They would have approximately 3 or 4 instructors in the yard to manage and train the 14 students plus one instructor for the classroom if they had a class going on. They would have a total of five instructors.

The Building Commissioner asked Mr. Morrison to describe the two accessory structures in the yard. Mr. Morrison said they want to put in a wooden structure shed; something to accommodate up to five or six students. They would like to put one on each end of the lot. The structures will have electricity and electric heat. This is an area where the students can sit to get out of the weather while they are not in the truck.

The Building Commissioner stated as part of the application a porta-potty is planned to be on site. Mr. Morrison responded currently they have two restrooms inside the building. If they had the maximum number of students (10 students in the classroom and possibly 14 students out in the yard) they might need a portable restroom in the yard to make it easier. The Building Commissioner responded that is a prohibited type of application; that should be excluded from the application. He recommended the Applicant strike it from the project. That comes to the appropriateness of the site. The Law Director asked the Chair to consider asking the Applicant on the record whether he will withdraw from his application the provisions calling for the porta-potties. Mr. Morrison responded yes he will withdraw that from his application. The Law Director asked the Building Commissioner if the facility with two restrooms would be sufficient to accommodate that maximum number of people on the site. The Building Commissioner responded he believes there would be adequate toilet facilities. It may be inconvenient because it is on the second floor and further away, but it would meet code.

The Building Commissioner recapped for the Board the Building Division's concerns: they are required to have a paved, it not impact city street traffic, it should be fenced, and the amount of vehicles be controlled by numeration and the requirements of this Board.

The Building Commissioner stated his understanding from the Applicant is that no training shall occur on the street. He said we need to make sure that stipulation is made clear before the Board and as part of this Similar Use determination should it be granted. No training shall occur in this Industrial District. Training will occur in the yard. According to the Applicant, the only vehicles that would be on our streets would be to exit the City to go do training on the highway. The Applicant responded the route they would use would be from the school just out York Road, down Rt. 82 onto Route 71. They would later that day return back to the school the same way. He said they do not have a certain guideline set up for that yet. One or two road trucks may go out in the morning approximately 8:30/8:45 a.m. and could come back approximately 4:30 p.m. They could also come back mid-day around lunch time.

The Co-Chair asked the City Engineer if six inches of compact gravel is sufficient. The City Engineer responded they are looking for a controlled surface so it is not mud. They do not want mud being dragged in and out of the site. They will have to figure out what they want to do with their truck loads with turning movements; 57 gravel will rut up. They can use asphalt grindings that are compacted in place; which eventually hardens up over time. They can put down an asphalt surface or concrete surface. Mr. Morrison stated he believes at one time some type of asphalt grindings were on the lot. Since the previous hearing they have added two more loads of asphalt grindings to some low areas and also spreading it out to pack down. As far as trucks turning and rutting up the yard, they will have to maintain the area throughout the year by leveling it back out and adding more asphalt to low areas. He said he will commit to maintaining the property while they are operating the business. The picture showing grassy areas is actually graveled. Once they start driving over it, the grass will be gone.

The Co-Chair asked what the requirements are for fencing. The Building Commissioner responded the General Industrial District permits almost any type of fence. They can do something as minimal as a four foot high chain link fence to enclose their maneuvering areas. That is there to maintain their property so they know where their boundaries are and no additional trucks get parked there without their permission. The Co-Chair asked the Applicant if they commit to putting up a fence. Mr. Morrison responded they have not committed to putting up a fence at this time. He distributed pictures to the Board.

The Building Commissioner asked how long will vehicles be idling in the parking lot when training occurs. He also expressed his concern regarding it being a loud noise nuisance that runs for eight hours a day, five days a week. Mr. Morrison responded trucks will be idling throughout the day from approximately 8:30 a.m. until noon. They won't be moving; they will be idling engine speed. We do not allow any shifting or acceleration in the yard. The students are only permitted to use first gear and reverse. They will shut down for a one hour lunch and come back out to start the trucks back up; they will idle for another 3½ to 4 hours.

Mayor Stefanik asked the Applicant where they fuel the trucks. Mr. Morrison responded they will take the trucks to a local fueling station. They do not have fuel on the property. Mayor Stefanik stated there are a lot of little things that just don't add up to making this something very desirable for the City of North Royalton. He added as far as the huts or building in the back how will they be constructed. Mr. Morrison said they will be pre-fab with nothing permanent in the ground. The Mayor responded our code calls for a concrete pad for any type of structure. The Building Commissioner added that is correct. The structure has to have concrete pads and footers based on the Ohio Building Code and our local ordinances. Mr. Morrison said there are two concrete pads in the back part of the lot; they could possibly put up one larger shed there to accommodate more students to escape the weather.

The Law Director stated the PC Board has broad discretion with regards to Similar Use permits. The Applicant has a business and has the right to be here and has the right to be heard and the right to be treated with respect. But he doesn't have the right to put this business wherever he wants to put it and under whatever conditions he wants to make. If the Board has some interest in setting standards that are slightly higher, the PC is well within their discretion to do so.

Mr. Baxendale asked if they were operating without a permit and if the classes are still underway? Mr. Morrison responded there have been no classes underway since he has been there. He said he came into the school mid-September. Since then, there has been nothing going on as far as classes. He cannot respond to anything prior to that time. He said he will be the Training Manager at this school. He is licensed through the State of Ohio; he will not do anything to jeopardize his license. He said he has set up cones, maneuvered the truck around to make sure it will work and they can operate and train and do the maneuvers and have the space the State requires.

Mr. Baxendale asked if the photos provided by Mr. Morrison are recent photos. Mr. Morrison responded yes they are. The Building Commissioner responded they have cleaned up the site sufficiently; the old and damaged trucks have been removed.

Mr. Baxendale asked the Building Commissioner for his opinion about the classification in the General Industrial District including the dangerous aspect regarding smoke, dust, safety issues, noise and an increase in traffic. The Building Commissioner responded the Applicant stated there will not be a significant increase in traffic and should not have a significant impact on traffic. He said he has concern regarding the specific decibel for the idling trucks;

if the trucks are not shifting gears he does not see this to be an issue. If they have put down additional stone and it is acceptable to the Engineering Department that might handle the dust and site maintenance issues. The City Engineer asked the Applicant with the current material being loose, does it make sense to have that type of material even though it is not what they will be driving on in the real world. Mr. Morrison responded for the area they have to maneuver the trucks; it's very expensive to pave a lot of that size. It will be more work for maintaining but they will do it. The City Engineer said he would recommend compacted asphalt grindings. They will harden up to an asphalt surface over time so long as they maintain it.

The City Engineer asked who owns the cell tower. Mr. Morrison responded it is already fenced off and separated from the other portion of the lot. He said they have placed barrels going from the front of the yard, where the gate area is, straight back to the fence line for the tower. Anything to the left of the barrels is part of the existing landscape company. He said they have one white truck pictured in the photo that still needs to be moved over into their own area. He said everything to the right is their training area.

The Law Director asked if all the trucks and trailers will be licensed and tagged. Mr. Morrison responded all of the trucks will be licensed and tagged. This is necessary in order for them to be taken down to get fueled. As far as the trailers, at least three will be licensed and tagged to be used for road use. The trailers that are not for road use according to the state driver training curriculum do not have to be licensed or tagged to be maneuvered in the yard. The Law Director stated as part of a Similar Use permit grant, the Applicant is making a particular assertion that there will be a limited number of both trucks and trailers on the lot. As part of the Similar Use, if you should grant this permit, he recommends that the Applicant be required to submit to the Building Commissioner on a regular basis, annually if necessary, a list of all the trucks and trailers on the site. In the event if other trucks or trailers are on the site, we will know they do not belong there. Otherwise the City runs the risk of the yard becoming a parking lot again.

The Mayor asked can we grant a one year temporary Similar Use approval so we can see how it plays out next year. The Law Director stated that a Similar Use permit is a permit and is revocable. Meaning if they stray outside the limits of the permit and have more trucks and more trailers, the permit is able to be revoked and the Building Commissioner can shut them down. Mr. Morrison responded he understands.

The Co-Chair asked when they would start teaching if this is approved. Mr. Morrison said they are ready to start classes. He said they already have a few trucks that have been inspected by the State Highway Patrol that can be used for training. There are a couple other trucks that need to be inspected but can be ready to go in a few days. They are simply waiting for the City's approval to start operating and then start recruiting students.

Mr. Castrovillari stated he has issues because they were operating without a permit. Discussion followed regarding the fence. The Law Director stated if the PC is going to set conditions and limitations or restrictions they should be set now so the Applicant fairly knows what he is required to do in order to operate legally. To add conditions at a later date or to require additional restrictions at a later date, would not be appropriate nor in keeping with the law. Set the conditions now, if he does not meet the conditions, he cannot operate. Mr. Baxendale stated he felt it was a requirement from the start that the City wanted a fence put up. He feels the requirement should be part of the conditions. Ms. Fenos asked for clarification of the location of the fence. The Building Commissioner stated the photograph showing the diagram of the barrels gives an accurate description of where the fencing

should go. Since there are two occupants that reside on this property, the blue barrels on the right designate the truck driving school. That will continue down to the left and then continue down to the back of the property. This allows the landscaping company to come and go without being hindered and also allows access to the cell tower in the back. Ms. Fenos expressed her concern regarding the look of the barrels. The Building Commissioner stated York Road is over 200 feet away from this area with the barrels; it will not be highly visible from that distance.

Mr. Morrison explained the reason for the Applicant not committing to a fence is when looking down the lot and down the straight line of barrels to the cell tower that is the space they need to operate according to the State for the dimensions of the maneuvers that they do. He added, if they put up a permanent fence down through the straight line, the lot will be a problem at times, when the people that work on the cell tower come in with bigger, heavier equipment. With the barrels in place, it makes it so they are able to move the barrels if they need to get a bigger piece of equipment in there versus having a permanent fence; they would be unable to get in. He said the trucks and trailers coming in for the landscaping company can fit through as set up right now. If anything bigger would come in, the barrels can be moved out of the way so a bigger piece of equipment can fit back there.

The Building Commissioner addressed the Board, this goes back to the question of the appropriateness of the site. If they are unable to fence it in, is this the appropriate site for them. This would be a stipulation for both here or at a different site. Mr. Morrison showed a document with the dimensions needed according to the State for each maneuver. If they move the fence over to accommodate a larger vehicle, they will start encroaching on the space they need to do a maneuver. The Building Commissioner repeated, maybe this is not the right site if they can't fence it in.

Mr. Baxendale said this does not feel reasonable for the site, for the city or for what we are looking for. Mr. Castrovillari expressed his concern for rookies, even though there are only two trucks, pulling out on York Road with a semi and the aspect of the traffic impact it may have.

Mayor Stefanik asked being this is in the Industrial District, what is the reason for the need of a fence. He added he is not thrilled with the business. There are a lot of issues but he hates to turn away a business. He added he'd rather see a machine shop with 30 employees.

The Law Director spoke to a motion to be considered.

Moved by Mr. Baxendale, seconded by Mayor Stefanik to **grant Similar Use for MKA Truck Driving Academy subject to the improvement of the parking lot and training area with appropriate asphalt grindings, with limitation on the number of trucks and trailers (five tractors and six trailers), with hours limited to 8:00 a.m. to 5:00 p.m. and subject to a one year annual renewal before the PC.** The Building Division will send inspectors out periodically to take a look. Roll call: Yeas: Two (Mayor Stefanik, Fenos). Nays: Two (Baxendale, Castrovillari). **Motion denied.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, December 5, 2018.

ADJOURNMENT

Moved by Ms. Fenos, seconded by Mr. Castrovillari to adjourn the November 8, 2018 PC meeting. Yeas: Four. Nays: None. Motion carried. Meeting adjourned at 9:05 p.m.

APPROVED: /s/ Larry Antoskiewicz
Chair

DATE APPROVED: January 3, 2019

ATTEST: /s/ Diane Veverka
Planning Commission Secretary