

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Thursday, **January 3, 2019 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, Vice Chair Frank Castrovillari, Jessica Fenos, Mayor Stefanik, Gene Baxendale, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchysky, City Engineer Mark Schmitzer, Law Director Thomas Kelly, Director of Community Development Thomas Jordan.

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. **PC19-01:** Dan Egizii of **EGZ Properties** is seeking building and site plan approval for construction of a 12,000 sq. ft. office warehouse building along with associated site improvements located at 9925 Royalton Road, also known as PPN: 483-26-002 in General Industrial District.

Dan Egizii stated he wants to build a five unit office/warehouse single story building. It will be located in front of an existing building on the site.

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

2. **PC19-02:** Chris Bailey of **Bailey Development** is seeking Sketch Plan Approval for a minor subdivision consisting of (4) four single family lots with a private drive on an 8 acre parcel of property. The proposed minor subdivision will be located on PPN: 486-17-013 off Watercrest Drive in a Rural Residential Zoning District.

The Law Director stated he understands the applicant, Ms. Bailey, is unable to be at tonight's meeting and has requested the application be tabled. He continued, because this application was advertised, anyone in the audience wishing to be heard on the matter has the right to be heard. He recommended that we take any commentary from the residence. He also recommended the residents within the 500 ft. area be re-noticed of the upcoming meeting.

Ray Lahotsky, 5160 Waterbridge Drive, spoke in disapproval of the application. He stated there are existing water problems and expects the problems to worsen if this application is approved. He said the whole slope of that hill comes down towards two or three houses on Waterbridge. The storm sewers are unable to handle the water during heavy rains; the sewer grate bangs up and down because the water cannot get up the street. If the proposed roads and houses are all tied into the storm sewer the water will not be able to exit. He said there are houses in the area which have flooding issues in their basements even with sump pumps. They fear if there is a power failure, basements will flood because the sump pumps will not come on.

Norm Pawlowski, 16887 Watercrest Drive, spoke in disapproval of the application. He said water constantly comes down off the hill from the cow pasture on the east side. The plans show their properties will be lower than the proposed building toward the north side. He said

they get flooded now because the ditch for the recently built home is not sufficient and cannot handle the water.

John Zlenka, 5449 Riverview Drive, stated the creek which flows through several of the properties from Edgerton Road slopes towards Waterbridge. The sewer outlet that goes to the main is unable to handle the rain water. The backyards are saturated after heavy rains. He asked if the proposed homes would be part of the Pinesteam HOA.

Arthur Dilger, 17319 Waterbridge Drive, asked about access to the properties that flow between the Pinesteam Development and the farmland to the east. He expressed his concern for the homeowners that are adjacent to Edgerton Road and if it would severely limit access to all of those properties. He questioned the long-term plan as far as the potential development of the lots and is it their intent to cut off access to those ten or so lots from the cul-de-sac part of Pinesteam Development adjacent to this property. He added the access road would be from a street within Pinesteam development which is a private road rather than a city road.

An affidavit was received from Steve Stransky, 5189 Waterbridge Drive, expressing disapproval of the application. His reasoning listed the construction being disruptive and did not want the increase in traffic.

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.**

PC19-03 and PC 19:04: The Law Director stated the OMNI Development Company is here tonight with two separate applications: the first is for the rezoning of the parcel on York Road which is intended to square off the proposed development site for General Business purposes which is the subject of PC19-04, the second application. The proposal is to construct an assisted living facility on that site with varying types of housing. The rezoning is to take one lot from Residential zoning classification to General Business. That is because the remaining developable land is all zoned for General Business as well. General Business encompasses all of the permitted uses in local business. In Local Business assisted living facilities are a permitted use subject to the approval of a Conditional Use permit.

3. **PC19-03: ORDINANCE NO. 18-137 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 482-01-006 FROM ITS PRESENT RESIDENTIAL (R1-A) ZONING CLASSIFICATION TO GENERAL BUSINESS (GB) ZONING CLASSIFICATION AS REQUESTED BY APPLICANT OMNI SENIOR LIVING, AND DECLARING AN EMERGENCY.**

Gary Biales, Vice President of Development for OMNI Senior Living, presented an exhibit of the parcel to be rezoned, currently zoned Residential. The properties outlined in yellow are presently zoned General Business. The area outlined in red is zoned residential. It has a rental house on the property which is in poor condition. The properties are all owned by the same individuals combined. He said they are looking to square off the property and demo the house and put an entrance and detention pond that serves the whole project.

Mike Kling, 8200 Ripley Road, stated he was told if the approval does not go for the zoning, contingencies can be made in order for the application to move forward for a vote.

Kyle Dietrich, 8329 York Road, stated he has lived on the lot next to the proposed retention basin for 31 years. He said they built the house themselves knowing the property on all sides of his lot were residential. He expressed his concern about the amount of water that goes through that parcel and the view of a water retention basin that is only 40 feet away from his house. He said he would like to have it stay residential.

Bobby Paul, 8150 Ripley Road, asked how her property will be affected.

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

4. **PC19-04: OMNI Senior Living** is seeking site plan approval for the proposed Senior Living residential community consisting of a combination of congregate living, assisted living, memory care and congregate villas. This community will be located on **PPN: 482-01-004, 482-01-005, 482-01-008, and 482-01-010 York Road in General Business District and PPN: 482-01-006 York Road** located in its present Residential (R1A) Zoning District proposed to be rezoned to General Business District.

Gary Biales, Vice President of Development for OMNI Senior Living, distributed visual packets to the Board members and displayed several overheads of the site plan. As was mentioned, he said they are asking for a Conditional Use; assisted living is allowed in General Business but it is based on a Conditional Use. He said in General Business the following businesses can be built without Conditional Use: shopping centers, motorcycle or automobile sales, service repair garages, state liquor stores, etc. all are permitted uses and by right can go into General Business.

He said there are certain things needed in order to meet certain requirements in order to obtain a Conditional Use. He reviewed the requirements and explained how they are being met. They included: noise, traffic, lighting, hours of operation and concentration of vehicles in connection with the proposed use. He said based on the City's requirements for Conditional Use, they meets every requirement. He presented a site plan of the project. He spoke about the setback requirements within the General Business District; they either were at or exceeded the requirements.

He said the community is a continuum of different kinds of care. He said the two congregate living buildings (shown in pink) are three story structures, the assisted living building (shown in purple) is a two story structure, the memory care building (shown in orange/ red) is a one story building with a center courtyard. The plan is to leave as much green space on the site as they can; at least 15 feet of undisturbed area. He said the site drains towards York Road. There is a 30 foot drop from the back to the front. All the properties will be graded so all water will be going towards the detention ponds. He explained that it is required they detain the water on the site and it flows at the same rate that it was flowing.

He said a loop road is planned because the Fire Department requires two sources of access. The parking and entrances are facing and are in the vicinity of the existing shopping area; they face away from the residential area. The covered parking area is against the shopping area. The villas are for residents who need less assistance; they are approximately 1,250 sq. ft. They are also designed to face inward with the backyards facing the residential areas.

Mr. Biales said this is a difficult piece of property with a lot of grade and also certain areas with wetlands and streams. He said they need to work around those and will need to mitigate certain things. They are planning on keeping the lake/pond area; it will make the facility nicer by having more natural walking areas. They will be working with the City and the Army Corps of Engineers to make sure they meet all the requirements of the wetlands, streams and setbacks.

He explained the landscape drawings, which included wrapping the property with 8 ft. Norway spruce trees. He said they are not showing any fences at this time but they are open to suggestions. He explained the photo metric drawing plan and how they are meeting the lighting requirements. They will not have any light pollution onto adjacent properties. He said the two poles shown on the plan are only 12 ft. high. He showed a rendering of the project which is similar to what is being built in Copley and Stow. He said the project is a little different configuration. He displayed elevations of the proposed building. The buildings will all match to blend and create a community. He showed samples of the building materials for the area of stone on the building, the water table base, two different colors of siding (mocha and smoke) and dark shingles for the roof. He added they have completed projects in Westlake and Strongsville.

He outlined some the many amenities provided; including a dog park. He said they have rooms for 152 occupants. He spoke of how this is a financial benefit to the city.

Monty Reggetts, 8114 York Road, said he is located across from the ingress/egress drives. He expressed concerns about the increase in traffic and a view of a three-story commercial building.

Gerry Pangrac, 8350 Ripley Road, spoke against the approval of the Application because of flooding concerns, the unsafe conditions which exist because of the 8 ft. drop behind the strip mall and the two truck entrances. She also expressed concerns regarding fire and safety concerns and said this is an unsafe location.

Kyle Dietrich, 8329 York Road, asked how this project will affect the values of their homes. He also said he does not like the view of the water basin.

Russ Klimczuk, 9570 Tilby Road, asked for verification of the property lines; the picture shows an intrusion on his property. He asked if landscaping can be included behind the villas. He asked if there could be a better location for the patios.

Don Grove, President of the Timber Ridge HOA, stated four people are affected on Ripley Road. They ask that the setbacks be larger, possibly it could be 60 ft. against the residential area. The building setback is 40 ft. and the parking is 20 ft. He said 40 ft. on the back line of the property is still not enough. He asked for clarification of what is going under the road on the back southeast corner of the property and if the loop road is a one way or two way road. He said there is a lack of landscaping on the south part of the property facing Tilby just south of the Villas. He suggested a vinyl-type natural wood looking fence be put there. He requested fencing be added to the back end of the property along Ripley area close to the three story buildings. He asked if the front of the buildings will look the same as the back of the buildings.

Mike Kling, 8200 Ripley Road, stated they moved to this neighborhood because of the quietness and peace in the development. He said he was concerned about the light pollution, the location of the waste pickup for the buildings and what the time-frame for

construction is. Since this isn't in a commercial location, he asked that the City consider what is best for the residents living around the facilities.

Bonni Palumbo, 8101 Lakeview Court, expressed her concern regarding once this is rezoned, can a low income company come in and put up a high-rise there. She also was concerned about the noise from building air conditioners.

Bobby Paul, 8150 Ripley Road, expressed her concerns for what are the assurances to the residents in the area surrounding the senior community.

Heidi Michalske, 8300 Ripley Road, expressed concerns regarding security for residents, location of dog park and garbage disposal noise.

Yuliya Pokydanets, 8250 Ripley Road, asked what the construction times would be.

A letter was submitted by Paul Consiglio, 9470 Yvonne Drive, expressing his concerns regarding: the need for another senior and health care facility in our community, additional costs for emergency services, storm water issues and property values.

Moved by Mr. Baxendale, seconded by Mr. Castrovillari 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. Castrovillari, seconded by Mr. Baxendale to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 8:25 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Thursday, **January 3, 2019 in regular session**. The meeting was called to order at 8:25 p.m. by Chair Larry Antoskiewicz.

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

APPROVAL OF MINUTES:

Moved and seconded to excuse Larry Antoskiewicz from voting on the November 8, 2018 minutes. Motion carried.

Moved and seconded to approve the minutes of November 8, 2018. Motion carried.

Moved and seconded to approve the minutes of December 5, 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 11-8-18. A 180 day extension expires 5-7-19.
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 1-28-19. Tabled.

Moved by and seconded to **remove from the Table. Motion carried.**

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

Moved by and seconded to **return to the Table. Motion carried.**

NEW BUSINESS

1. **PC19-01:** Dan Egizii of **EGZ Properties** is seeking building and site plan approval for construction of a 12,000 sq. ft. office warehouse building along with associated site improvements located at 9925 Royalton Road, also known as PPN: 483-26-002 in General Industrial District.

Dan Egizii stated updated drawings were presented showing a revised site plan which accommodates the change of the fascia overhang and downspouts which were eliminated off the front of the building. This now moves the parking further away from the right-a-way of the building.

The Building Commissioner stated during a preliminary meeting with the applicant we made recommendations regarding the exterior elevations. A revised plan was then submitted. He mentioned we have concerns regarding the rear of the property. Even though this project does not include any scope of work, the Building Department recommends the applicant address the condition of the rear of the property. Currently it is a gravel/mud paving area that has been slowly increasing in size. The Building Commissioner stated the site currently houses quite a few box trucks, semis and semi-tractor trailers and various vehicles. At times our maximum count was at 30. He questioned the correct occupancy of the rear building. He said whether or not the front building is added, the Building Department requested the applicant quantify the extent of the paving that has been expanded; propose how they are going to resolve the property maintenance issues, and have documentation regarding occupancies showing they are permitted uses within the City of North Royalton; truck storage is not a permitted use. They will need to make application with the Building Department. Mr. Egizii stated he plans to have the asphalt shavings removed and replaced with something cleaner. He said he will address with the tenants regarding the vehicles on the site and whether they have an approved occupancy permit. The Building Commissioner stated our records show only one occupancy other than Mr. Egizii.

The Building Commissioner stated upon visiting the site, he noted the current sign location obstructs many of the views as you egress the site; it is located too close to the road. He said we would like to see the sign relocated and redesigned to fit the appearance of the existing building, possibly a masonry structure, and move it out of the site lines of the driveway to increase safety. He added, at this time, he only recommends a preliminary approval be considered for this application.

The City Engineer stated the Engineering Department comments were submitted to both the applicant and the PC Board. He said the revised site plan shows the building meets the required setback from the new established right-a-way for the widening of Route 82. The parking setback will require a variance from the BZA. He stated the neighbor to the east, has called with concerns regarding a pond that drains west through the applicants property. In the past we asked to have the outlet for that to be addressed because of their encroachment of gravel over time for parking surface. Mr. Egizii responded since their last discussion they have swaled the entire side along the fence line with an excavator. The City Engineer stated we want the swale established and parking controlled so the swale can be maintained. We do not want the same problem in the future. The parking area needs to be controlled; as they increase the surface runoff of storm water we have no way to manage it on the applicant's property. He said he would like to work with the applicant for less area for parking and more grass, creating less chance of higher runoff to areas of the City. He said they are in compliance with the proposed improvements and setbacks of the widening of Route 82. He agreed with recommendation on a preliminary plan approval. If these items are addressed at the next meeting he said he sees no reason they cannot receive final site plan approval.

Mr. Castrovillari asked if they have removed the awnings as shown on the elevation drawings. Mr. Egizii stated the awnings shown on the elevation drawings are correct; the drawings provided to the PC are the final set of drawings. Mr. Castrovillari asked about the pillars that go up to a top coping which looks off center with some of it chopped off. He said its minor but asked to have the coping continue in four places. The Building Commissioner stated he would coordinate that change with Mr. Egizii's architect. He asked if the west side of the building will match the east side in terms of masonry and windows. Mr. Egizii said he will run it all around the building. Mr. Egizii presented material samples and colors. The Building Commissioner said both the existing dumpster enclosure and the new proposed one should be masonry. Mr. Egizii stated they will be located in the same spot and he would make it masonry.

Moved by Mr. Castrovillari, seconded by Mr. Baxendale **to approve preliminary site plan approval.** Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**

2. **PC19-02:** Chris Bailey of **Bailey Development** is seeking Sketch Plan Approval for a minor subdivision consisting of (4) four single family lots with a private drive on an 8 acre parcel of property. The proposed minor subdivision will be located on PPN: 486-17-013 off Watercrest Drive in a Rural Residential Zoning District.

Moved by Mr. Baxendale, seconded by Ms. Fenos **to table.** Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried to table.**

3. **PC19-03: ORDINANCE NO. 18-137** – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF PERMANENT PARCEL NO. 482-01-006 FROM ITS PRESENT RESIDENTIAL (R1-A) ZONING CLASSIFICATION TO GENERAL BUSINESS (GB) ZONING CLASSIFICATION AS REQUESTED BY APPLICANT OMNI SENIOR LIVING, AND DECLARING AN EMERGENCY.

PC19-03 and PC19-04 discussion follows.

4. **PC19-04: OMNI Senior** living is seeking site plan approval for the proposed Senior Living residential community consisting of a combination of congregate living, assisted living, memory care and congregate villas. This community will be located on **PPN: 482-01-004, 482-01-005, 482-01-008, and 482-01-010 York Road in General Business District and PPN: 482-01-006 York Road** located in its present Residential (R1A) Zoning District proposed to be rezoned to General Business District.

Gary Biales, Vice President of Development for OMNI Senior Living, said we are here to cooperate with the residents. He apologized for the inaccurate drawings and responded to the residents' concerns and questions.

Traffic: A traffic study was submitted to the Engineering Department. Expected traffic is 30 cars during peak period (7:00-9:00). That includes cars coming in and out; it is not a lot of traffic. The City Engineer stated we received a traffic impact study and are in the process of reviewing the data to see what is suggested and warranted. They are looking at whether widening of the pavement is needed, if a dedicated turn lane in or out of the site is needed, as well as the need to adjust the timing of the lights between Sprague Road and Tilby.

Water Detention: Mr. Biales stated we are required to meet City Codes. There will be no more run off than there is today; in some cases it will be less because the curbs will catch the runoff which will go into underground storm and then into detention ponds.

Emergency Calls: He stated the centers use the Foresite Eldercare system which uses wireless sensor technology to monitor the residents' health. The nurses on site would be notified that a resident may be having some kind of health problem. The residents are assessed prior to calling the Fire Department. Data shows the number of 911 calls is reduced by 50 percent.

Loop Road: It is a two way road, 24 feet wide; wide enough and strong enough for the Fire Department apparatus. The buildings are fully serviced with sprinkler systems and alarms.

Building Height: The villas are single story; the first floor is approximately 12 feet; the height to the peak of the roof is 21 feet. The memory care unit building for the most part is only 14 ft. tall and is 25-26 ft. in height to the peak. At that point the elevation will be 15 ft. lower than the houses.

Fencing: Fencing is preferred in many areas; we can add a 6 ft. vinyl fence instead of trees if the residents prefer. He said they may put a fence between their property and the existing shopping center. This would help prevent people from wandering onto OMNI property. The memory care unit has a special system for guests or residents entering or exiting the building.

Future Use of Property: The Conditional Use will mandate that this be an assisted living facility; it cannot be changed to other uses.

Construction Timeframe: Typically the outdoor work such as grading the site and putting foundations in takes approximately 10 to 11 months. It takes another 2-4 months to finish a building; that work will go on inside the building. Total construction time is 14 months. He said their work hours will be whatever the City's requirements mandates.

Lighting: They have 0 light foot-candles at the property line. Lighting shields will be installed where necessary to prevent light pollution onto residential property. Mr. Castrovillari added the light will be visible from a distance; there is always light in the air; that is not light pollution.

Dog Park: The Senior Community is pet friendly. The dog park is located in the middle area. It will have two separate entry gates for safety. Black aluminum ornamental fencing is planned for around the 20 ft. x 30 ft. dog park.

Trash Area: There are two areas for trash; they are in stone enclosures that match the buildings. Both areas are blocked by the building. He stated the Senior Community is a residential area. OMNI regulates what time the trash is picked up by their private trash service.

Landscape: The puffy areas on the landscape plan indicate wetlands. Whatever vegetation or trees that exist will remain. The area in the back which is shown in dark green is also a wetland area. The road will have a culvert to allow the water to run through it. There is a gap of landscape there because with the area being a wetland, no additional trees are allowed to be planted in the wetland area. The Building Commissioner asked if they would consider fencing and increase the density of the spruces on the east towards the Timber Ridge Development. Mr. Biales responded they could put a six foot high fence there. Mr. Castrovillari stated the neighboring properties are 15 ft. higher in elevation; a six foot fence would not do much. He added the property line to the edge of the driveway is 40 ft. of green space plus 24 ft. of driveway and then the first structure. He said the red line on the drawing by the memory care building to the first house on the adjacent property is about 260 feet. Mayor Stefanik asked if Mr. Biales would be able to meet with the Homeowners Association, Mr. Dietrich and the residents on Ripley and Tilby to get input from them regarding fencing and trees to see what the residents want instead of the City making the decision for them. Mr. Biales stated that would be fine and he would be willing to work with them. After the meeting there would be a caucus to schedule a meeting.

The City Engineer stated generally the site flows west and south draining towards the new regional basin which was just constructed. Mr. Biales stated the intent is to have two wet ponds approximately two to three feet deep with fountains. The two ponds will be interconnected. The City Engineer stated all the storm water will go through there along with the existing streams and the wetlands. The water will exit the site, head one house south and enter an existing 6 ft. diameter culvert which crosses underneath York Road and runs west to the Brailey Creek and to our regional basin. The storm water managed on this property will then exit into the regional facility. The code allows both wet and dry basins. The calculations will show how much water quality and quantity is needed per the code. They can decide how to manage it. They will handle a lot of the water quality through natural buffers on the wetland areas to keep the old existing system better. The quantity will be in the basins themselves. Mr. Biales responded a dry basin in some cases is not as nice as a pond.

Mr. Antoskiewicz said there is a missing gap of sidewalk on York Road and asked if they would be installing sidewalks on the total front of their property. It would then connect the shopping area all the way down Tilby. Mr. Biales stated yes, they would put in brand new sidewalks. He added they have planned walking paths; this additional sidewalk would give the residents more ability to walk places.

Mayor Stefanik stated they have been dealing with Carter Properties, which own the shopping center. They are difficult people to work with. We have reached out to them multiple times over the past ten years but the owners cannot come to an agreement with anyone. We are hoping they will repurpose the shopping center if they do not want to lease it. OMNI has also reached out to the property owners.

The City Engineer stated with the late submission of the wetland study and the traffic study he suggests we consider preliminary plan approval.

Mr. Biales said he would like the rezoning approved tonight and also would like to move on to the next step with a final site plan approval. He added no matter what category wetlands, he has been told they are category two; he still would need to go to BZA for some riparian setbacks. The Mayor suggested offering Conditional Use approval subject contingent upon BZA's approval of a variance for the wetland issue.

The Building Commissioner stated should the PC Board consider this project for approval, the overall appearance of the building shall be cohesive in design. All the facades shall have the same appearance as what was presented today.

The Law Director stated the PC can be voting on the approval contingent upon BZA approval and the motion to grant the applicant's final site plan and Conditional Use permit to be submitted to City Council.

The Chair asked the Building Commissioner to give a brief explanation of Conditional Use. The Building Commissioner reiterated the area is zoned General Business. General Business is the least restrictive of the zoning districts for businesses; it allows for almost any type of project. It also allows for you to do projects from more restrictive districts, in other words a Local Business District, which this is a permitted use under Local Business. However that requires a Conditional Use permit which is granted by the PC and ratified by Council. He said OMNI meets the criteria of the Conditional Use permit and it does meet the requirements set forth by Section 1262.07 for Conditional Uses.

Harry Harwat, 8050 Lakeview Court, asked in other communities where they have built similar facilities what was the effect on the property value on the surrounding homes in the area. The Mayor responded there isn't an answer; it is very subjective. He said this is an improvement compared to some of the homes on York Road which are disgusting. This type of facility which is a quiet community development will increase the property values versus if a car dealership, bar or restaurant was built. The Law Director stated it is not the standard by which this commission is required to make its judgement. In reviewing the standards that are applicable, the effect of a development on a property that is already zoned for general business on nearby properties is not part of the Board's concern.

Ms. Fenos stated we all want our greenspace; nobody wants to see trees gone. What is now on the corner of York and Sprague is not beautiful to look at. We want something to go into that shopping area. Something will eventually go on that land. What they are proposing to put there looks very nice. They are willing to work with the City and the residents to

accommodate our requests. If it is going to help with the flooding issues, that is a positive. The Mayor added this could spur some development at the Timber Ridge Plaza.

Moved by Mr. Castrovillari, seconded by Mayor Stefanik to **approve ORDINANCE NO. 18-137**. Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**

Moved by Mr. Baxendale, seconded by Mr. Castrovillari to **approve Final site plan approval contingent upon the approval of the Board of Zoning Appeals with regard to the application for a variance for wetland mitigation, and a Conditional Use Permit submitted to Council**. Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Fenos, Castrovillari). Nays: None. **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, February 6, 2019.

Residents gathered after the meeting to speak to Mr. Biales regarding the specifics regarding their landscaping concerns.

ADJOURNMENT

Moved by Mr. Baxendale, seconded by Ms. Fenos to adjourn the January 3, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:31 p.m.

APPROVED: /s/ Larry Antoskiewicz
Chair

DATE APPROVED: February 6, 2019

ATTEST: /s/ Diane Veverka
Planning Commission Secretary