

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **March 6, 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 Kulchytsky, 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. **PC19-07: Meadowview Subdivision** – Richard Beran on behalf of Builders & Developers Co. Inc. and Landev LLC is seeking Final Plat approval for Meadowview Subdivision located on PPN: 481-04-050, 481-04-049 and 481-04-048 off Abbey Road in R-2 District zoning.

Richard Beran stated they are requesting approval of the final plat for Meadowview Subdivision. He said a majority of the improvements are completed and a walk-through was done last week. Many of the outstanding items which need to be finished are weather based but some can be started early next week. Once they are completed, he said they will move forward to get the proper maintenance bonds posted. The HOA documents and the documents for the conservation were forwarded to the Law Director. Copies were included in the PC packets.

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

2. **PC19-08: Robert and Katherine Ventura** – seeking sketch plan approval for a minor subdivision consisting of (3) three single family lots with a private drive on an 8.8 acre parcel of property. The proposed minor subdivision will be located at 6800 Edgerton Road also known as PPN: 487-20-010 in RRZ District zoning.
3. **PC19-09: Robert and Katherine Ventura** – seeking approval of a frontage split on existing street for (3) three single family lots on an 8.8 acre parcel of property located at 6800 Edgerton Road also known as PPN: 487-20-010 in RRZ District zoning. The applicant is seeking to split one parcel into three separate parcels.

Robert Ventura stated he is seeking sketch plan approval to split an existing lot into three separate lots. He said he would like a main street to come in and have three lots off of it. There is an existing house on the property. Approval of PC19-09 would need to be approved in order to accomplish the splitting of the lots.

Karen Ursini, 6943 Edgerton Road, stated she lives across the street from where the property will be developed. She said they have a 200 ft. frontage and tried several years ago to build a second home for one of their children on the other 100 ft. which only had a 90 foot frontage. She was told by the city it was not allowed; a 100 foot frontage was required. She asked if that has changed.

**Moved** by Mr. Baxendale, seconded by Ms. Fenos to **move PC 19-08 to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. **Motion carried.**

**Moved** by Mayor Stefanik, seconded by Mr. Baxendale, to **move PC 19-09 to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. **Motion carried.**

4. **PC19-10: Royalton Car Wash** – Russ Sposit, Jr. on behalf of Russ Sposit, Sr. is seeking site plan approval for exterior modifications to the current business located at 6165 Royalton Road also known as PPN: 487-06-003 in **GB** TCD-2 District zoning.

Russ Sposit, Jr. stated they are looking to add vacuums and pay stations to the car wash and also to renovate the building.

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

5. **PC19-11:** Chris Bailey of **Bailey Development** on behalf of Paul T. Prusinski and Bradley and Crystal Weber is seeking Sketch Plan approval for a minor subdivision consisting of (5) five single family lots within a private street on an 8.25 acre parcel of property. The proposed minor subdivision will be located on PPN: 486-17-013 and PPN: 486-17-012 in RRZ District zoning. The proposed minor subdivision will be an extension of Watercrest Drive ending in a cul-de-sac.

Chris Bailey stated they are seeking a minor lot split on a parcel of land that is currently now in a subdivision and is stubbed up to the property. She said they are proposing a small cul-de-sac of five lots. She said they are working with the Engineer to abate water issues relative to existing concerns. The lots are above what an R1-A zoning would be; they are planning aesthetically rural residential looking estate lots. She said after speaking with City Administration, she would be willing to do a city street with curbs, gutters and sidewalks versus a private street.

Ray Lahotsky, 5160 Waterbridge Drive, explained the creek and the sloping topography that creates a large amount of water flowing down towards the cul-de-sac. When it rains, they can raft down the creek which ends up in the backyards creating wetland areas. The catch basins have 10-15 ft. puddles surrounding them. The storm sewers cannot handle additional water.

John Zalenka, 5449 Riverview Drive, stated Riverwalk is only connected to Pinestream with the easement on Edgerton; however the eight or ten houses were required to be part of the HOA. We would prefer the five houses be part of the HOA. He said the concerns he has are because of the topography and the slope in addition to the water volume. He expressed his concern regarding the recourse the HOA to be able to protect themselves against environmental impact. He is requesting a bond be required from the construction company that would help protect the HOA's interest against water or soil erosion damage during the time of the construction and for at least two years after construction is complete.

Norm Pawlowski, 16887 Watercrest Drive, expressed his concerns regarding the current water issues and the additional water that will be created by the addition of the five homes. He asked about the six foot mounds and how they were going to enter through that area into the proposed development. He was not happy with the arrangement and location of the homes. He showed several pictures of the water heading into the wetlands that are in his backyard. He asked to see elevations showing where the water will flow.

Rob Williams, 55220 Waterbridge Drive, said he is in front of the proposed lot #1. He asked has engineering been done to determine the impact to existing drainage systems from increased storm water and what systems are being proposed. Can the existing catch basins on the corner of Watercrest and Waterbridge handle the additional storm runoff? He expressed his concerns regarding the water coming back into his backyard from the creek when the water overflows the conduit headwall.

Art Dilger, 17319 Waterbridge Drive, agreed with the previous concerns regarding water and the implications of the development. When will the decision be made regarding whether it will be required to be a city street and whether it will be part of the HOA. Those decisions will have ramifications. Now if there is an annex to the original development, will that same level of development be considered between the City and the Conservation District and the HOA to ensure that it is properly planned with strategically placed detention and retention basins and any easements or restrictions that would be put in place as part of it?

Sue Lyons, 16897 Watercrest, located on the corner of Waterbridge and Watercrest, showed a picture of her back yard which is to the east. She said the ponding water has increased and she now has a lake in her backyard.

The Clerk read into record a letter from Richard and Marylyn Latek, 5170 Waterbridge. It was in protest against the proposed development project. Their main concern was that the natural watershed will be disturbed and cause additional flooding. The letter stated when lot 486-21-009 was developed, the drainage problem worsened and now they have standing water on their lot after a rain.

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

6. **PC19-12: Viewpoint Subdivision** – Richard Beran of Builders & Developers Co., Inc. on behalf of Terrence Monnolly and Viewpoint Development LLC is seeking Sketch Plan approval for **Viewpoint Subdivision**. The subdivision will consist of 14 single family residential lots on PPN: 482-28-037 R1-B District zoning and PPN: 482-28-001 RM-D District zoning. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Richard Beran and Terry Monnolly representing the Cartwright trust, spoke on behalf of Viewpoint Subdivision which is located off Harley Hills Drive. Mr. Beran said the land directly behind the homes is zoned residential; the section at the bottom is zoned multi-family. He said they will be extending the two stub streets to newly formed cul-de-sacs for 14 single family lots. He said sanitary and water is available at both stubs. The smallest lot in the proposed subdivision is three-quarters of an acre; the largest lot is three acres.

The plan shows detention scheduled to go in the lower area which is behind Mr. Divots. The site generally falls across; the maximum fall is 140 foot from the east to the west. Highlighted in the darker areas are wetlands. The Army Corps of Engineers has done a jurisdictional determination and have approved the plan showing the location of where the wetlands are located. If this is approved, he said they will return back to the Corps to get some fill permits; up to a half-acre to get a little more room for some of the front yards. He said they will need to mitigate in the areas crossing the streams. The red line, south of the homes on Harley Hills, show the non-buildable area. Everything from the back of the homes to that red line will be left as is. Some of it falls within the stream corridor and the stream setback which is approximately 125 ft. from the lowest area behind the homes. The water

from Hi-view Drive is not detained; it drains right into the site and is eroding the ditch making it deeper (shown with a circle on the plan at the end of Margaret Drive). The Army Corps wants to have a discussion with them about possibly putting in some type of step pool or detention to slow the water down. That will be part of the mitigation plan.

He said they are only developing 23 acres out of the 38 acres; leaving 14 acres of green space which is about 40 percent of the entire property. He said they have done research on the HOA. Supposedly an HOA was formed by Cartwright; the documents have not yet been located. He said they plan on having their own HOA formed but they would be part of their HOA if it does exist. If not, they will still have their own to govern the size of the homes and type of construction. He said they will clear the area for the actual roadways and for the improvements. The individual lots will be cleared and graded by the builder. They anticipate the homes will be custom homes by individual builders.

William Stuehr, 7511 Harley Hills Drive, expressed his concern regarding the existence of an HOA. He said they have been in Harley Hills since 1995 and they do not have an HOA. Years ago, Roger Cartwright stated they would have one by 2002 when 80 percent of the lots would be sold. Mr. Stuehr said it would be of utmost importance for the new development to piggyback with the Harley Hills development to get the HOA moving forward. IF they had a separate HOA, the signage would have to be made for a new subdivision at the end of Margaret and the other cul-de-sac. We want to maintain the signage for Harley Hills down by York Road.

Bob Wido, 7555 Harley Hills, said you cannot walk in the area behind his house. It is a sheer cliff and then it goes up to a crest then drops down again. He questioned how they can build back in the area of Margaret. He asked how it will affect everyone else on Harley Hills.

Maria Gerace, 7545 Harley Hills, expressed concern of the amount of trees that would be cut down and the view that they would lose. She also said she was concerned about safety due to increased traffic and the additional noise from the turnpike.

Jim Heidenreich, 8120 Hi-View Drive, expressed concern of the proximity of the houses being located so close to his property and how the wetlands will be affected. He also expressed his concern of the increased turnpike noise. He said when the land was logged and trees taken down 10-12 years ago the turnpike noise echoes through there.

Paul Marnecheck, Ward 4 Councilman, stated he lives close to the proposed development. He said there is a good deal of change in elevation in this area and also numerous streams and wetlands. He said the developer must deal with the storm water and water runoff and be required to install numerous basins to retain and control the water. The development should seamlessly be incorporated into the existing system and not cause any water issues. He said he would like to see more details of how they are going to deal with drainage issues so he can gain a better understanding of the proposed subdivision. He spoke about the absence of an HOA for the current development.

**Moved** by Mayor Stefanik, 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 Mayor Stefanik, seconded by Mr. Castrovillari to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 7:48 p.m.

## REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **March 6, 2019 in regular session**. The meeting was called to order at 7:48 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.

### APPROVAL OF MINUTES:

Moved and seconded to approve the minutes of February 6, 2019. 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 7-3-19. Tabled.
3. **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. Tabled on 1-3-19.

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

**Moved** and seconded to **approve the applicant's request for withdrawal. Motion carried.**

### NEW BUSINESS

1. **PC19-07: Meadowview Subdivision** – Richard Beran on behalf of Builders & Developers Co. Inc. and Landev LLC is seeking Final Plat approval for Meadowview Subdivision located on PPN: 481-04-050, 481-04-049 and 481-04-048 off Abbey Road in R-2 District zoning.

The Building Department had no comments on the project. The City Engineer stated both the applicant and the Board have received the Engineering Department commentary which is available in the applicant's file of the meeting documents. He said minor language items regarding the conservation easement naming drainage and storm sewer easements will need to be added to the plat. Once the final plat is approved by PC it will need to go to City Council for dedication. He said he has done the walk through with Mr. Beran and with the contractor DiGioia Suburban and generated a punch list of items. Most of the items are weather related that may be difficult to do. He said the developer would start working on some of the items next week. He said at this time he recommends PC approve the final plat

contingent on addressing the issues communicated through his dedication site walk through and for the additional comments to the physical plat itself.

The Law Director stated we have spent a great deal of time making clear to the applicants and the developers that the language for the retention basins would need to be drawn sufficiently to demonstrate to the HOA members their responsibility for maintenance and upkeep going forward and to have a provision added to allow for the city to step in and take action to care for those basins in the event that they were neglected. Also to then be able to lien back any of those costs to the HOA. He has read the documents from their legal counsel; comments were made and the draft documents were properly amended to reflect that. He said he is satisfied and confirms to the PC the HOA documents are in order and the Law Department has no objection to the final plat approval.

The City Engineer responded to several of the Mayor's questions. He stated a \$200,000 bond will be held for a period of at least two years plus an additional five percent until a certain number of lots are built. He said the berm and busted roadway will be taken care of under the pavement comments. They discussed the plugging of the upsized retention basin. The City Engineer stated it is on the punch list and will be addressed. Mr. Beran questioned whether they should be plugging an outlet that works and is a good backup. The Mayor added that he appreciates the developer upsizing the retention basin and putting in another basin from that of the original plan. That should help out the neighboring homeowners.

Mr. Baxendale asked if the bond money being held back is to address the issues not done yet. The City Engineer stated the bond money is more for maintenance if something were to fail or not get fixed. Council can choose at the time Mr. Beran goes for dedication to not approve it until all the punch list items are complete. Mr. Beran stated a lot of the items can be started as early as next week. Some of the items that are weather related will be addressed within the next couple months.

**Moved** by Mr. Baxendale, seconded by Mayor Stefanik **to approve the final plat for Meadowview Subdivision contingent on addressing the issues communicated through his dedication site walk through and for the additional comments to the physical plat itself.** Roll call: Yeas: Five: (Baxendale, Fenos, Antoskiewicz, Castrovillari, Mayor Stefanik). Nays: None. **Motion carried.**

2. **PC19-08: Robert and Katherine Ventura** – seeking sketch plan approval for a minor subdivision consisting of (3) three single family lots with a private drive on an 8.8 acre parcel of property. The proposed minor subdivision will be located at 6800 Edgerton Road also known as PPN: 487-20-010 in RRZ District zoning. *Discussion combined for PC19-08 and PC19-09.*
3. **PC19-09: Robert and Katherine Ventura** – seeking approval of a frontage split on existing street for (3) single family lots on an 8.8 acre parcel of property located at 6800 Edgerton Road also known as PPN: 487-20-010 in RRZ District zoning. The applicant is seeking to split one parcel into three separate parcels.

Bob Ventura said his son will be living in the existing home. Bob and his wife would like to build a 3-bedroom house in the back part of the property. The third parcel will remain vacant unless his daughter decides to build there some day.

The City Engineer explained this is a minor subdivision in Rural Residential. The way our code reads is when you have five lots or fewer you revert back to R1-A zoning. The City

Engineer stated both the applicant and the Board have received the Engineering Department commentary which is available in the applicant's file of the meeting documents. He said the City received a letter from Cuyahoga County Board of Health (CCBH) giving conditional approval for the installation of two proposed soil absorption systems on parcels B and C which are the two parcels they are proposing to split from the existing house. This conditional approval is required by the Board of Health prior to our considering the lot split. The property is unique because it is approximately 29 feet wide at the roadway. Therefore it was created, at some point in time, with the narrow strip of land; it is an existing non-conforming use. We are here to consider if the creation of the two additional lots cause any undue burden and should it be allowed. He said the proposed lot size conforms to code; the only part that does not conform is the 29 foot strip.

The City Engineer spoke in response to Karen Ursini's comment regarding trying to do the same thing. Mr. Schmitzer said generally there is a minimum lot width required. Therefore the applicant is seeking approval for the lot as it is and to receive a variance on the site plan. There would be a common driveway which would extend from the existing home to the two new homes. He said because of the steep grades and slopes and storm water runoff he recommended the entire driveway be made of asphalt or concrete instead of the gravel material that is currently present. Mr. Ventura responded the first 300 feet to the street is concrete; he plans on it being asphalt. Mr. Schmitzer said a utility access easement agreement will need to be granted. It will need to be prepared by a licensed attorney. This is needed because the driveway comes in on one lot and splits off to the other lots. Those lots would need legal access to the utilities.

The City Engineer stated the plans show conceptual footprint locations of dwellings that go into the riparian setback stream corridor on the property. The normal 25 ft. applies, but there is an additional setback of 75 ft. based on steep slopes adjacent to that corridor. This would require a 100 ft. setback on both sides of the stream that by our code should be left undeveloped. According to the code the existing home is within the riparian; but because it existed prior to the adaptation of the riparian code, that code would not apply except for the expansion of the existing home. The code would apply to the two proposed houses and would not be able to be built without a variance because of riparian setbacks. They are asking for relief of at least 60 percent variance to allow the homes to be built in there. He said in the past the PC has allowed small variances where they have touched parts of it; this is a little more significant. He said most of the house is within that footprint. He questions how they would be able to mitigate that on site with such a narrow width of lot. The County would allow the split as long as they have a legal access easement that is given to all properties.

The City Law Director stated this is a minor subdivision in a Rural Residential proposed development; the R1-A rules apply. The existing house on the existing property represents a non-conforming use; a home on a piece of property with a 29 ft. frontage on the roadway. Our minimum frontages are either 80 ft. or 100 ft. depending if it is R1-A or R1-B. Our Ordinances prohibit the expansion of a non-conforming use. This proposal represents a very significant expansion of the non-conforming use. He said the Law Department would not recommend approval. He added the PC has the authority to allow for variances to be given under the circumstances that they deem it as an appropriate development. If the PC were to grant all the variances that would be necessary for this minor subdivision, the Applicant would need to go before the BZA for riparian variances.

The Building Commissioner stated he feels this may be a plan that is too ambitious for the site with the amount of variances and setbacks and other requirements. He said the Building Department would not recommend approval of this development.

Mr. Ventura responded to a question from Mr. Baxendale regarding the maintenance of the drive stating a legal agreement would be created. Mr. Ventura stated the stream that was mentioned for the riparian setback is not a free-flowing stream. In the summer it is dry; it flows only when there are heavy downpours. Because the driveway crossed the stream, the Developer building the proposed house would meet with the city to decide what size pipe needs to be put in if needed.

The Law Director asked the applicant if he or someone else is operating a business from that location. Mr. Ventura stated for the past 30 plus years, the old owners of the house has had a landscaper who operates on his property; he said he does not pay rent. Mr. Kelly stated it is a pirated business operating illegally on a residential piece of property which is now owned by the applicant. Mr. Ventura said the neighboring properties do not like it and he will ask him to leave. He added he has lived in the city for 50 plus years; everything he has done is to help the city. He said he is trying to improve the many issues on the property.

Mr. Castrovillari addressed the stream on the property. The City Engineer stated the code is very specific, either it shows up on a USGS map or another type of specific map. He said their consultant shows a stream mapped crossing the property, our riparian code comes into play. Mr. Castrovillari stated it is possible to go back to the state and the Corps to have it reclassified as no longer having a stream. He asked if it is possible that there once was a stream and now may be redirected and no longer is a stream. This could possibly eliminate the one issue. The City Engineer stated if the applicant's consultant showed it improperly on the plan and there is no steam, the riparian issue would not be relevant. He said the steep slope setbacks would apply to riparian setbacks, if there is no riparian setback it would also not be relevant. If it is not a mapped stream all the dash lines shown on the plan would go away. It would be no different than a drainage swale that we deal with in any development. If that is the case, the PC would only be looking at one lot being split into three with a 29 ft. frontage on Edgerton Road.

Discussion followed.

**Moved** by Mayor Stefanik, seconded by Mr. Castrovillari **to approve sketch plan approval for a minor subdivision.** Roll call: Yeas: None. Nays: Five (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). **Motion denied.**

**Moved** by Mr. Castrovillari, seconded by Mr. Baxendale **to approve the frontage split on an existing street for 3 single family lots.** Roll call: Yeas: None. Nays: Five (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). **Motion denied.**

4. **PC19-10: Royalton Car Wash** – Russ Sposit, Jr. on behalf of Russ Sposit, Sr. is seeking site plan approval for exterior modifications to the current business located at 6165 Royalton Road also known as PPN: 487-06-003 in TCD-2 Zoning District.

Russ Sposit, Jr. stated there is an existing vacuum system which has four vacuums on it, two of which are working. He is proposing to remove the island and replace with six new boom style vacuums and the addition of two pay stations toward the back of the building. He said he is also looking to renovate the building. He showed colors and samples of the materials he is proposing for exterior elevation.



The City Engineer stated both the applicant and the Board have received the Engineering Department commentary which is available in the applicant's file of the meeting documents. He said along Route 82 the City would like to get back a sidewalk and a small buffer from the parking. He asked the applicant to replace the existing asphalt sidewalk with a concrete sidewalk adjacent to the curb. He also asked to have landscape islands incorporated into the plan to separate the walkway from the parking. This would allow for room for the addition of brick pillars with an ornamental fence on either side of both driveways. By doing that, they would decrease the amount of surface runoff so stormwater management may not be required on the site. He said they would like to discuss with the applicant's engineer a way to reconfigure the parking spaces. Mr. Sposit responded lack of parking is an issue on the site.

Mr. Antoskiewicz asked the applicant if he is okay with the suggestions. The applicant said he would consider anything that is reasonable. Mr. Castrovillari said technically they are required to have a 20 ft. parking setback that would affect four of the parking spaces. He said if the applicant would agree to the island, pillars and fence; possibly the PC could agree to him losing only two parking spaces.

The Building Commissioner stated after reviewing the plans it looks like there will be a net gain of parking spaces. Therefore the loss of the spaces that should not have existed in the first place is a reasonable thing. He said he recommends they be required to have a green strip separating the parking from the pedestrians walking and also continue the masonry pillars and fencing. Mr. Kulchytsky added he has met with the applicant and they have made some adjustments to the site plan. He said the elevations will be a significant improvement to the appearance of this site. The applicant showed a picture of what the vacuums and boom arms will look like and the location where they will be on the site. The vacuums will be located a little bit in front of the line of the building.

The Building Commissioner asked for clarification from the applicant as to if his intention is to implement changes to both the exterior elevations and vacuums. Mr. Sposit responded he owns the business; his dad owns the building. He said the vacs and the pay stations are the most important part; but he would like to move ahead on the whole business plan which includes the building. He said he would like to sit down with his dad to look at what is needed and the cost associated with the suggestions.

The Law Director stated the Applicant can ask to table the application in order to work out the changes and return next month. Mr. Sposit said timing is an issue. He asked if he could move ahead with the vacuum and pay station. Mr. Kelly said the PC is not in a position to approve just a piece of the application and leave the other piece for some other time. He said if the applicant is willing to make the commitments suggested by the PC we can move ahead and vote on the entire plan.

Discussion followed regarding a rough sketch of the landscaping, fencing and pillars. Mr. Castrovillari said if the applicant is committed, we can move forward with a vote. The applicant would then have to submit revised drawings into the Building Commissioner. The applicant stated he would commit to it.

**Moved** by Mr. Castrovillari, seconded by Ms. Fenos **to approve the final site plan and exterior modifications based on the discussions and recommendations of both the Building Commissioner and Engineering Department.** Roll call: Yeas: Five (Baxendale, Fenos, Antoskiewicz, Castrovillari, Mayor Stefanik). Nays: None. **Motion carried.**

5. **PC19-11:** Chris Bailey of **Bailey Development** on behalf of Paul T. Prusinski and Bradley and Crystal Weber is seeking Sketch Plan approval for a minor subdivision consisting of (5) five single family lots within a private street on an 8.25 acre parcel of property. The proposed minor subdivision will be located on PPN: 486-17-013 and PPN: 486-17-012 in RRZ Zoning District. The proposed minor subdivision will be an extension of Watercrest Drive ending in a cul-de-sac.

Chris Bailey stated she is building her own home in the development. She said she wants to be a good neighbor and is very willing to work with the neighborhood and the City regarding any issues that may currently be there and to help abate.

The Building Commissioner stated he is pleased the private road has been removed and it is planned to be a full width road with curbing and pavement to match Watercrest Drive.

The City Engineer stated both the applicant and the Board have received the Engineering Department commentary which is available in the applicant's file of the meeting documents. He said what Ms. Bailey has proposed meets the current City standard for a public right-of-way. She has committed to build and extend Watercrest into a cul-de-sac that meets our City standards. He said we would like that extended as the concrete pavement section with sidewalks and all the necessary utilities. The lots conform to R1-A which is a 20,000 sq. ft. minimum with a 100 ft. wide frontage. Cul-de-sacs are measured differently; they are measured at the building setback line.

The City Engineer stated there are wetlands on the property. The applicant will be working with the Army Corps of Engineers. She may have to come back to PC with adjustments to what she has showed based on where the Army Corps shows the wetlands are and what the setbacks are required. That information is not required for a sketch plan.

The Law Director stated the sketch plan approval it's so preliminary those things can be worked out down the road. If the PC is not in favor of the changes needed because of the Army Corps findings, it can then be rejected during the preliminary plan review as well as the final plan review.

The Law Director asked what their intent is regarding adding the five lots to the HOA and in a very formal way. Ms. Bailey asked why it would be beneficial to the other neighbors for her street to be part of the HOA. Mr. Kelly responded the stub streets were intended, at the time they were created to run contiguously out to the next available crossing street. The applicant is going to cul-de-sac this stub street which will cut it off from extending the development that might have otherwise carried through to Edgerton; then it would be altogether appropriate for her lots to be part and parcel of the existing HOA. The applicant has changed the original intention of what the stub was supposed to be for and effectively what the prior PC did by approving the stub street. Mayor Stefanik said the HOA wants the five new homes to be part of the HOA.

Ms. Bailey shared her thoughts regarding the necessity of belonging to the HOA. She expressed her concerns that the HOA would put restrictions on what she can build and what she can do with the lots. She said they were hoping to have estate style houses; the ideal price range would be around \$600,000. Mr. Kelly stated you will have time after the sketch plan is approved to work with the HOA and read the documents. The HOA President was present at the meeting and it was suggested they speak after the conclusion of the PC meeting.

Ms. Bailey responded to a concern expressed by Mr. Baxendale regarding the existing sewers not being designed large enough to accommodate five more houses. Ms. Bailey said she will look at the whole situation and figure out the best solution for managing the storm water effectively.

The City Engineer said Ms. Bailey is willing to work with the City. We have the original calculations for Pinestream when it was designed and developed and what areas were accounted for offsite coming into that property for drainage. We can work with those calculations along with what Ms. Bailey is proposing to make sure the sewer system is adequately designed, so we are not adding a burden to anyone. If so, she would have to manage stormwater on that property. As she moves forward through the progression of preliminary and final plan, she may need to have additional land acquired from one of the property owners that she is speaking on behalf of to provide some stormwater management to help with stormwater concerns. He said Ohio drainage law does allow water to travel from property to property as it has done; you just cannot increase it.

The City Engineer asked Ms. Bailey to expand on their discussions regarding clearing for the road and where any utilities would come through. He asked if she planned on clear cutting the whole site. Ms. Bailey responded she is trying to maintain as much backland woods as possible. There is a 50 ft. setback therefore she is obligated to do that and the footprint of the house. She said she will only clear what she has to in order to make the improvements. She feels there will be six acres of untouched property that will not be cleared and will be left as woodland.

The City Engineer stated because this is a public improvement, we have an agreement with the developer with bonds and licenses in place. There are protections afforded through the City to the Pinestream HOA and the properties. Once it is dedicated and accepted, the City has additional bonds for two years that we hold to make sure the basin grows up to be the basin it needs to be, erosion is controlled, etc. The residents on the east side of Watercrest Drive showed pictures of the water in their backyards. He said these properties are adjacent to a wetland. The reason the first house on the north side of Waterbridge behind them is set so far back is because that wetland goes that far back and that is where the wetland setback is. Water has always come down to that area. That wetland was part of the preservation when City Council and PC approved that subdivision.

The City Engineer said the PC should afford her the effort of moving to the next step to see what she can do.

**Moved** by Mayor Stefanik, seconded by Mr. Castrovillari **to approve sketch plan for the Minor Subdivision.** Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**

6. **PC19-12: Viewpoint Subdivision** – Richard Beran of Builders & Developers Co., Inc. on behalf of Terrence Monnolly and Viewpoint Development LLC is seeking Sketch Plan approval for **Viewpoint Subdivision**. The subdivision will consist of 14 single family residential lots on PPN: 482-28-037 R1-B Zoning District and PPN: 482-28-001 RM-D Zoning District. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Terry Monnolly representing the Cartwright Trust and Richard Beran of Builders & Developers Co., Inc. spoke regarding the application. Mr. Monnolly spoke regarding the

HOA. He said he wanted the PC members to know the Cartwright he represents does not have any party over Harley Hills HOA; it is a different member of the family. He said we have looked at the covenants and restrictions that were put in effect back in 1992 on that subdivision. We know that our project will exceed every one of those requirements. We will try to work with that Cartwright, with whatever they can do to get that HOA rolling. Back in 1992 on the deeds and restrictions the first house sold was supposed to have the HOA in place. It makes total sense to have that done for maintenance reasons.

The Law Director stated as he told one of the prior applicants what may not be compelled by law should be compelled by logic. The extension of two cul-de-sacs off the streets that otherwise have the Harley Hills HOA, albeit not in a functioning form. We have spent a conditional amount of hours with Roger Cartwright who has yet to put together the HOA for Harley Hills in the formal sense of turning it over to the homeowners in the correct fashion and assist them in getting up and going with a Board of Directors, etc. He suggested to Mr. Monnolly and Mr. Beran that this is the exact right time for the two of them who are attempting to create their own development with their own HOA to join these two HOA's together even if it means having Mr. Roger Cartwright as declarant effectively adopting their documents, which he presumes are better than the 1992 documents. He may have the authority to adopt Viewpoint Subdivision's documents, declare them, file them and have them apply to the existing HOA so we have one HOA for the entire development. That is the only logical way that this should precede. It should not be two separate HOA's. Mr. Monnolly said he agrees and said they have had this conversation. He said legally he has no power over it but he would certainly use Mr. Kelly's suggestion to make their own and approach Roger and the homeowners and try to get enough of them behind them to let Roger adopt the new HOA. Mr. Kelly said most of the people in what is ostensibly the Harley Hills HOA are not interested because for many years there has been no active HOA in place. They have not had to pay dues or contribute and do all the things required in the HOA. Even the rather primitive documents that apply to those homes have simply not been adhered to. That has got to stop. Mr. Kelly addressed Mr. Monnolly and Mr. Beran and said he knows this is not of either of their creation. But we know there were familial connections to the Cartwright family that brought about all of this development. Wilbur and Roger are brothers even though Wilbur passed away. Mr. Kelly said Mr. Stoyer will give them help; and hopefully you can get help from all the other people in the HOA. It does not make sense to go forward with this new proposal without combining these properties into the existing HOA and enhancing the level of the documents that you have and apparently the 1992 people do not have. He said that is his strong recommendation to the applicants.

Mr. Castrovillari stated he was the president of the HOA for one year. He said they had difficulty getting the \$5 a month maintenance fee, any interest from the homeowners to come to the meetings or get involved. Roger Cartwright said he gave it up. He said the area where the sign is located eventually was supposed to be turned over to the Association. Everything past the sign was for research and office.

The notice to the homeowners in the HOA has to grab their attention. The way that has to be done is to be notified there will be dues and a lien can be placed on their property if they fail to pay. Mr. Kelly reiterated it legally exists; it's simply defunct, not functioning.

Mr. Monnolly said they will try to do everything they can to work with the homeowners to try to get this resolved. Mayor Stefanik said they have had similar situations in other parts of the City where they had to drag them to the table to make them do the right thing.

Moved to recess for 5 minutes.

Mayor Stefanik said while we in recess, he spoke with Roger Cartwright who is out of town. Mr. Cartwright said he was going to have his son meet with the City next week with Mr. Monnolly, Mr. Beran, Mr. Castrovillari and Mr. Shrader or some Legal Council on their behalf. A significant change would be necessary in order for all documents to be made applicable to the existing HOA. They responded yes they would meet.

Mr. Beran stated the grade in the back of the land is severe as is Harley Hills Drive. This layout does not connect the two roads. The cul-de-sacs are put in those positions because they are the most likely place with the least amount of disturbance to build. The reason the homes on the east side where Hi-View Drive homes are shown on the plan is because there are wetlands in both of the front yards. The one wetland is about 3,600 sq. ft. We should have no problem working with the Army Corps of Engineers to fill most of those wetlands under their national permit. They will work with the Army Corps as to whether they will do remediation of the streams or add different rock pools into the streams in order to help slow down the water that is cutting through there now. That will all be part of that permit. Hopefully those homes can be pulled in a little bit closer.

He said stormwater wise; they are showing multiple basins along the Divots property. He said what they didn't point out is on the end of Margaret Drive there is a detention basin; multiple basins are planned. It will be over detained. This water all ends up at the back of Divots and in the new basin that Gross Builders installed.

Mr. Monnolly responded to the concerns regarding the steepness of the valley. He said they are able to do major fills; that is not a problem to fill. It may be a box culvert similar to the one at Meadowview. Mr. Beran said they have the jurisdictional letter completed so they know what they are working around. There will be no clearing of trees close to Harley Hills Street because it is on the other side of the ravine. They can't build anywhere close to the red line on the plans; it will be at least 200 feet away. The only clearing will be for the roadway; the views are what make these lots attractive. The total acreage is 46 acres with 40 percent green space.

The City Engineer stated both the applicant and the PC Board have received the Engineering Department commentary which is available in the applicant's file of the meeting documents. The two properties are currently zoned R1-B and RMD which is two-family residential and multi-family residential. Allowable use in those districts is R1-A. What he has shown here is a lot less dense than what is allowed by code to be built on that property. He said he appreciates the larger lots and also the plan of minimizing the disturbance. He said there are a total of seven wetland areas identified on the property and eleven potential stream corridors. Recently Gross Builders constructed a regional detention facility at the corner of York Road and our Industrial Park. That is where all the water will drain to. A lot of shale is coming from the cut in the deep ravine up there. He said as we move forward with this plan, they will seriously look at doing something up there in the steep corridor with some step pools to slow the water down. Mr. Beran said the step pools break the kinetic energy and stop the erosion. That is why the pipe under York Road keeps filling up with shale. This will help cut down on the maintenance cost on that Regional Facility. Mr. Beran said the Army Corps is working with them on the design of the step pools. Mr. Schmitzer said there are five proposed stormwater management facilities as they indicate on the plan. They seem to be managing their stormwater very well at a sketch level plan. He said he has no objection to the plans as presented at a sketch level plan. He added the residents will be notified as we go through the next steps for preliminary and final approvals prior to the next meetings for the subdivision as they move forward.

Mr. Monnolly stated the homes are going to be custom homes. The lots will be expensive; the homes will average \$600,000 and above.

**Moved** by Mayor Stefanik, seconded by Mr. Castrovillari **to approve sketch plan for Viewpoint Subdivision**. Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**

**MISCELLANEOUS**

The next scheduled meeting is Wednesday, April 3, 2019.

**ADJOURNMENT**

Moved by Mr. Castrovillari, seconded by Mayor Stefanik to adjourn the March 6, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:40 p.m.

APPROVED: /s/ Larry Antoskiewicz  
Chair

DATE APPROVED: May 8, 2019

ATTEST: /s/ Diane Veverka  
Planning Commission Secretary