

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **May 8, 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, Assistant Law Director Donna Vozar.

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.

The Assistant Law Director explained the process of the Planning Commission and what information the applicants will provide, such as an explanation of how they are in compliance with our Master Plan and our zoning ordinances. The PC Board will then either grant or deny if the applicant is not in compliance.

1. **PC19-15: Dollar Tree** – Cocca Development, Ltd. on behalf of 12822 State Road, LLC is seeking preliminary building and site plan approval for proposed Dollar Tree in order to construct a new 9,750 sq. ft. building and associated site work located at 12822 State Road also known as PPN: 488-05-019 in Town Center (TCD-3) District zoning.

The Assistant Law Director stated the applicant is seeking approval of a preliminary site plan; this is the first step in the project.

Anthony Cocca from Cocca Development stated they are a developer out of Youngstown, Ohio. He said they will own the building and lease it back to the tenants. He said during the construction of the project, they are the contractors. They are proposing to build a Dollar Tree store. He stated they are almost all in compliance except for one item, the distance away from the creek in the back. He explained the preliminary layout design. He said the building design is done with a grained insulated panel using the tan colors. He said block will be going 3 ft. up the front of the building; step outs will give it a better design finish.

Linda Palko, 5650 Godman Drive, expressed her concerns regarding existing traffic problems during rush hour, and if this the kind of business we want to bring to North Royalton. She said there are a number of vacant buildings in North Royalton; she asked if one of those buildings could be a better place for the Dollar Tree.

Jeremy Dietrich, 5621 Goodman Drive, expressed concerns regarding the water issues in the area and the amount of water that flows through the residents' properties in the area. He requested that this large building not add to the already existing water problems.

Mark Breen, 12940 State Road, Total Benefits Advisors, stated he was required to build a large dry basin when building his new building. He expressed his concern with where the water from the large building and parking lots will drain. He questioned the lack of maintenance in the stores he has been in.

Dale Germano, 5631 Goodman Drive, asked if a traffic study has been done. Exiting Goodman and heading north can be difficult. He said he was concerned about the operating hours for idling and unloading of diesel trucks being early in the morning.

Paul Marnecheck, Ward 4 Councilman, stated we are a bedroom facility. This facility will occupy a very prominent place in our town. This section of State Road is one of the areas with the highest volume of traffic. We must do all we can to improve the water management on this site and to make sure we minimize residential impact. He urged the board to be sure a bland monotonous cookie cutter design is not used; give us a facility which speaks to the unique character of our community to minimize its impact on the residents.

The Clerk read into the record the following affidavits:

- a) Lawrence Young, 5830 Goodman Drive. He stated they are opposed to the proposed Dollar Tree project due to the high volume of traffic, existing empty retail buildings and because of close proximity within seven miles of other Dollar Tree stores.
- b) Julie and Matthew Frantz, 12744 State Road. They are opposed to the building of a large discount box store next to their professional building for the following reasons: the parking and traffic would cause problems for their patient population, existing drainage issues and they feel it would also dissuade the efforts they are currently making to bring more physicians and medical providers into the area.

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

2. **PC19-16: Florio & Son Cement** – Dominic Florio on behalf of Rosa Florio is seeking building and site plan approval for construction of a 2,400 sq. ft. pole barn located at 9900 York Alpha Drive, also known as PPN: 483-14-023 in General Industrial (GI) District zoning.

Dominic Florio stated he wants to build a 40 ft. x 60 ft. pole barn on a masonry foundation with metal siding and metal roof. It will be used as overflow storage for storing more equipment, trucks and machines which have been sitting outside. It will be located behind the existing building.

The Clerk read into record an affidavit from Dan Langshaw, Ward 3 Councilman, stated he supports the application; it will be an enhancement to their business property and will allow them to store more equipment inside vs having it outside.

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.**

3. **PC19-17: Nicholas Gorey** – Donald Bohning & Associates on behalf of Nicholas Gorey and Jimmy Long, is seeking approval of a lot split and consolidation creating three lots from two parcels, extending a public roadway, Kimrose Lane, as well as requesting a 65 ft. variance for wetland setbacks adjacent to a category 2 wetland in order to construct a dwelling. The parcels involved are PPN: 487-12-007 and 487-11-009 located in Residential (R1-A) District zoning.

Christine Comer of Donald Bohning & Associates spoke on behalf of Nicholas Gorey. Jimmy Long, home owner of 4436 Akins PPN: 487-11-009 also was present to speak. She stated they are proposing a two lot split into three lots. She said they are looking at swapping some

of the land from each of the two parcels. PPN 487-12-007 will then also be split into a separate parcel. A dedicated right-a-way is proposed to extend Kimrose Lane to the next parcel line. Once the approval has been received for the lot split and consolidation the parcel to the south of the proposed dedicated right-of-way is for a proposed dwelling. Kimrose Lane will have a T-turnaround to allow for public vehicles to turnaround. With the extension of the proposed dedicated right-of-way it is 199 feet. It would allow the split parcels to have the required 100 foot frontage and both lots would have the required acreage.

She said the wetland on the site, which is considered a Category 2, is predominantly right over the city owned sanitary sewer that was constructed through the property. A setback is required from the wetland. They are requesting relief from the wetland setback in order to build the house. The side yard setback along the property line is 10 ft. They are proposing a 15 ft. setback in order to give more relief to the neighboring properties. By doing so, it moves the house closer to the wetland.

Christopher Meyer, 4571 Kimrose Lane, stated he feels both he and the applicant will benefit from the increased setback allowing the proposed dwelling to be further east. He asked that the PC grant the variance needed to do so.

Walter Morris, 4315 Royaltan Road, asked what was the original planning for Kimrose Lane and why is it a dead-end road. He expressed his concern regarding this project adding to their existing water issues.

Ray Zemanek, 4136 Akins Road, said he had serious concerns about the water issue and the existing bog wetland. He questioned how the category of wetland is determined.

Dave Arend, 14117 Kimrose Lane, asked for additional information regarding the wetland area and the current red tag markings around their properties.

Dennis Cline, 4576 Kimrose Lane, expressed his concern regarding water issues and the substantial grade differences. He said the water funnels into his property. The catch basins help during normal conditions, but in heavy rains it completely floods creating a flowing creek and pond on the corner of the property. He asked if an environmental impact study has been done for the surrounding properties. He also asked if the storm water runoff will drain into the retention pond in the Ashley Woods Subdivision. If it does, will they be required to become a member of the Ashley Woods HOA and pay dues for maintenance of the catch basin.

Tom Harrington, 14127 Kimrose Lane, and Terry Laing, 4215 Akins Road both expressed their concern regarding the worsening of the wetlands if the building is approved. They said the Engineering Department and Mayor have been out to their properties regarding the wetland conditions. They feel when the most recent A-frame house was built, the major water issues began.

Dan Mohney, 4126 Akins Road, did not like the setback of the dwelling. He said it will look out of place.

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

4. **PC19-18: ORDINANCE NO. 19-42** – An ordinance amending the official zoning map by changing the zoning classification of the rear portion of PPN: 482-12-019 currently zoned Local Business (LB) zoning classification to General Business (GB) zoning classification as requested by applicant CERINO REALTY, LLC, and declaring an emergency.

William Snow with Stouffer Realty spoke on behalf of Cerino Realty. He said they want to coordinate the zoning on both parcels to General Business.

Tom Krul, 7905 Tilby Road, expressed his concern if future changes of water runoff or drainage will be addressed. He showed pictures of the flooding in the area.

Russ Donda, 7373 Tilby Road, asked what the difference is between General Business and Local Business zoning and what their plans are for the property.

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.**

5. **PC19-19: ORDINANCE NO. 19-43** – An ordinance amending the official zoning map by changing the zoning classification of the rear portion of PPN: 482-12-020 currently zoned Residential (R1-A) zoning classification to General Business (GB) zoning classification as requested by applicant CERINO REALTY, LLC, and declaring an emergency.

William Snow with Stouffer Realty speaking on behalf of Cerino Realty said they are seeking reclassification of the residential area in the back of the property to match the front parcel which is General Business District zoning.

Elizabeth Wells Rothenberg from the law firm of Berns Ockner & Greenberger said she is representing the family of the property owners at 9222 Ridge Road. She wanted the PC to be aware of the fact that there is a residential home very close to the currently zoned residential parcel. She said the application is not in compliance with the zoning code or with the Master Plan. She added there is a procedural defect in the petition Section 1266.02. This portion of the code is necessary in order to consider the actual future use of the project in making its determination of whether or not to rezone it. She questioned whether the residential zoning was originally placed there to create a buffer; that is what is at risk by this proposed ordinance. Without knowing what the future use is, they have no idea whether or not this buffer would continue to stand. She said this property has a lot of water issues possibly preventing any future developing of the property. Why are they seeking rezoning. She noted that Goal C3 in the economic development section states in locations where new development is proposed in neighborhood retail centers, the City should ensure that the surrounding residential uses are adequately buffered from new development and that any expansion does not permit big box store development. She said they are seeking to make sure the existing buffer remains in place and does not get removed.

Tom Krul, 7905 Tilby Road, said he has the same concerns with this issue as he had with the previous issue.

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

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 8:02 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **May 8, 2019 in regular session**. The meeting was called to order at 8:02 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, Assistant Law Director Donna Vozar.

APPROVAL OF MINUTES:

Moved and seconded to approve the minutes of March 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 General Business District zoning. Tabled on 11-8-18. A 180 day extension expires 5-7-19.

Motion and seconded to remove from Table. Motion carried.

Albert Paliwoda stated they are filing for an extension. He said they have recently submitted plans after an exhausted search for a Surveyor and Engineer. He said they have found one. Anna Paliwoda confirmed they have hired one.

The Building Commissioner stated he has had numerous conversations with the applicant. They have been over the past few months trying to secure a Civil Engineer Surveyor to accomplish the task which would allow them to complete their work. They have now secured one and he has spoken with him. He has submitted a preliminary plan for the Building Department and Engineering Department's review. They plan to return at the next PC meeting with an actual plan of what they intend to do and any improvements on their site. He recommended granting of the extension.

The Assistant Law Director expressed her concern that they are seeking yet another extension. She said her recommendation is the extension be limited in order to keep this project moving or withdrawn.

The Building Commissioner stated there is no reason they cannot come back for a preliminary at the next meeting and a final at the meeting thereafter. A 90 day extension would be appropriate; it would allow them an opportunity to start the project this summer.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to **grant a 90 extension**. Roll call: Yeas: Five: (Baxendale, Fenos, Antoskiewicz, Castrovillari, Mayor Stefanik). Nays: None. **90 day extension granted.**

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 Residential (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.

Motion and seconded to remove from Table. Motion carried.

Tom Sutcliffe, Ohio Land Acquisition Manager for Drees Homes, stated they are not the original applicant. He said they have recently entered into an agreement with Zillich Interiors to purchase the currently developed nine lots and the undeveloped six lots on the property. He gave an update of the project. He said a recent acquisition allows them an immediate purchase of the nine developed lots which they plan on developing and building those lots immediately. He said they developed and built over 30 of the existing homes that are there. He said they were the original applicant 12 years ago with Zillich Interiors. He spoke about the six undeveloped lots. He said they are under a recent agreement and working with the local developers in Cleveland to do the due diligence on the property such as soils, rocks, EPA wetlands, HOA status, etc. He said he would like to come back before the PC after he has met with Hess Engineering who did the original drawings and with the City Building and Engineering Departments to make sure the plans submitted in the past meet the current Engineering and Building requirements. He said he would like to be allowed to come back in the next two meetings to finish this up.

Mayor Stefanik asked the applicant a question regarding the HOA and if they will be taking over all of the Zillich Properties and their responsibilities of maintaining the entrance and common area. Mr. Sutcliffe responded their lawyer and the lawyer for Zillich Interiors are doing some due diligence on the status of those HOA's to get resolution. Mayor Stefanik asked if they are also purchasing the oil well property; the entire development includes that parcel where the oil well is located. Mr. Sutcliffe responded yes they are also purchasing the parcel; the oil well will eventually be part of the common area. He said the mineral rights will be transferred to the HOA.

Motion and seconded to return to the Table. Motion carried.

3. **PC19-14: 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 Zoning District. PC19-01 Preliminary plan approved 1-3-19 with contingencies. *Applicant seeking final approval.*

Motion and second to remove from Table. Motion carried.

Dan Egizii stated he is seeking approval for a 12,000 sq. ft. building.

The Building Commissioner stated at the previous meeting there were a number of items that were of concern to the Building Department, Engineering Department and the PC. We enumerated those items and provided them to Mr. Egizii. They spanned everything from the number of vehicles in the rear of his property, different types of cargo containers, etc. plus what his plans are for the asphalt grindings across the entire parcel. He gave a short synopsis which included:

- A. Provide us a diagram showing the rear southern portion of this property
 - a) What areas will be used for parking.
 - b) Which areas will be paved or graveled.

- c) Where the stormwater detention basin shall be located for that increased parking area which occurred over time.
- d) Where the anticipated Phase 3 building will be located.

Mr. Egizii submitted a diagram outlining:

- A. The location of the detention basin.
- B. He has expressed he will be removing and replacing the asphalt grindings with gravel.
- C. He will be installing a catch basin during the second phase, which is what the PC is currently approving, to handle the expanded parking area which occurred without permit.

The Building Commissioner stated the applicant had a number of trucks in the southern portion of the property sometimes numbering 30 trailers. He has since then significantly reduced the number, secured certificates of occupancy for all of the tenants within his first building. He is here for the second building but we are tying it all together. He has met with the Fire Department to handle the refueling tanks and the State Fire Marshal to make sure it is done correctly; they are in the process of resolving that.

He has agreed to limit the amount of trailers and trucks on the southern portion of his lot and will not be renting to anyone other than the tenants themselves which had secured certificate of occupancy. If Mr. Egizii continues on this course he said he expects all issues will be resolved. He recommended that any approvals, should they be granted, for the building up front be tied to any Engineering drawings and the points already covered for the Building Division.

The City Engineer concurred. Approval should be conditioned on the proposed improvements which are depicted on the drawings the Engineering Department reviewed and approved as part of the development. Everything submitted so far shows what we have requested: stormwater management for the parking area that was extended over the years, management of the stormwater for that area as well as for the future third phase building. We will ensure that those items are covered and addressed as part of the improvement plans.

Mr. Egizii said he understands permits will not be granted for Phase 2 which is the current second building, unless it includes stormwater management and making good on any outstanding items that we have on our list.

The Assistant Law Director stated it sounds as though we do not have everything necessary in place in order to put this to a vote. The Building Commissioner stated we typically receive documentation that defines certain areas on the site plan. All the calculations aren't in yet with all the detailed information regarding the catch basin may not be provided plus there may be some other outstanding issues. He said he has resolved many if not all of the issues. The ones still outstanding, such as the occupancy permits, will be handled by the Building Department directly.

Mr. Egizii stated the request to put a retention basin in the back came up during the last meeting; it was not originally part of this phase and has nothing to do with what he is doing up front. He said those plans have been submitted to the Engineering Department. He said his retention up front is solid and all done. The City Engineering reiterated that we do not require all the final detailed calculations to be done; we ask they indicate the location for

stormwater management. It is reviewed for good engineering sound practices to be sure it is correctly placed and sized appropriately. He said all those items have been met.

The Assistant Law Director stated based on the comments from the Building and Engineering Departments, she requests that approval be contingent on the applicant complying with any and all contingencies mentioned in any of the minutes of this meeting and from prior meetings. Dan Egizii said he agrees with the stipulations.

Mr. Castrovillari stated he does not believe they have addressed the requested changes on the elevation. The Building Commissioner stated as per their last discussion, additional requirements were placed on Mr. Egizii and he agreed that he would do the changes. Mr. Egizii and his architect are aware of the minor exterior elevation alterations; the changes will be implemented within the exterior elevations. During the last meeting Mr. Egizii agreed to those changes.

Moved by Jessica Fenos, seconded by Mayor Stefanik **to approve the final building and site plan as it is laid out based on the comments from the Building and Engineering Departments and Mr. Castrovillari.** Roll call: Yeas: Four (Mayor Stefanik, Antoskiewicz, Castrovillari, Fenos). Nays: One (Baxendale). **Motion carried.**

NEW BUSINESS

1. **PC19-15: Dollar Tree** – Cocca Development, Ltd. on behalf of 12822 State Road, LLC is seeking preliminary building and site plan approval for proposed Dollar Tree in order to construct a new 9,750 sq. ft. building and associated site work located at 12822 State Road also known as PPN: 488-05-019 in Town Center (TCD-3) District zoning.

Anthony Cocca from Cocca Development responded to some of the concerns. He said one of the requirements on commercial property is that no additional water will leave the site than what is already there now and no water will change the direction of where the water is going prior to making the area pervious that wasn't pervious before. The water issue is calculated and designed by their Engineers and reviewed by the City Engineer. He responded to the traffic concern. He said their customer, Dollar Tree, doesn't open until typically 10:00 a.m. and closes by 9:00 p.m. He said the store hours will miss the morning traffic. Typically there is one truck per week which only comes during business hours.

He said Dollar Tree has a premium shop. Cocca Development performs the maintenance to the building. He said they commit to the store on a 10-year preliminary lease and have 30 years that they tie up the location. He said their customers' medium income is around \$75,000; it is for all income levels. He showed pictures of the building elevation including the brick down the front and sides of the store and offsets to break up the wall, and the added cornices.

The Building Commissioner stated the applicant has given preliminary drawings to the Building Department; they did some upgrades. Zoning wise, they comply with all of the requirements. They are heavy in parking by eight spaces; that is their prerogative. He said the landscaping is insufficient and site lighting needs additional responses. Both of the issues can be handled at the next meeting. Mr. Cocca said they may have miscalculated the number of parking spaces; the amount can be reduced.

The City Engineer stated he has been working with their professional Engineer regarding the east branch of the Rocky River and how much area drains to that. According to Section 1492 of our Code and because it is an owned water way, they may need to have a 25 ft. setback from the normal water line. Based on that it appears there is development, pavement, grading and landscaping within the setback area. The City Engineer said his comment regarding moving forward with the plan as shown, they would need to go before the BZA to request a variance. He said there is opportunity to remove pavement and grading from that riparian section which would ultimately forego going to the BZA; the site would be in compliance without the need for a variance. The applicant understands the stormwater management needed for this site, possibly an underground system.

The City Engineer stated he has concerns with sheet C-4 which shows the truck path in and out showing how a tractor trailer will move. It seems a lot easier to get it in than it does to get it out. It may take 7 or 8 movements to get the truck jockeyed out. The truck will have to get around the parked cars. He asked if there is any opportunity to revisit that with the client. The Building Commissioner stated if the pattern is accurate to the truck pattern, a variance will be needed because the pavement is close to the street. Mr. Schmitzer stated there is a possibility to reconfigure the layout of the back parking stalls. Mr. Cocca stated they will work on that. He said one of Dollar Tree's requirements is that they do not pass over any parking spaces when pulling in.

The Assistant Law Director asked that they look to see if the signage is compliant with the TCD District.

Mr. Baxendale asked does the project warrant a traffic study. Mr. Schmitzer responded a minor traffic impact analysis is what they normally do as part of the Engineering review; it follows the ODOT guidelines. It basically looks at site lines and anticipated traffic in and out to see if anything is warranted without going through a full analysis of both intersections. That is usually based on the square footage of the building and uses. The applicant conducts that as part of the Engineering review for permit. Mr. Schmitzer added they would provide us with most of that analysis prior to the final plan approval.

Mayor Stefanik asked the applicant if the preliminary plan was approved when they would expect to be back for final approval. Mr. Cocca responded within 30 to 60 days. The Mayor spoke regarding some of the concerns of the residents regarding storm water issues and also vacant properties.

Mr. Castrovillari questioned the site plan which shows pavement up to the property line (Drawing C-3). The Building Commissioner stated it is allowed to be within 5 ft. of the property line if it is not a residential district which excludes multi-family. He questioned whether they could possibly have trucks at 8:00 p.m. The applicant stated he does not know what the schedule is. The Assistant Law Director stated there are limits to when trucks can have their motors idling and also when they are permitted to load and unload.

The Building Commissioner stated this parcel is in the TCD District; the PC can hold the building design to a higher standard. Mr. Castrovillari expressed his concern that this is a cookie-cutter design. It does not fit into the neighborhood. Everything else around it feels residential. There is other ways to design this other than their standard. He had issues with the metal panels; he said it is more for warehouses not in a residential area. Astatically he said he would like to see awnings and additional light fixtures up front. It looks like

everything slopes towards the back of the building so all the residents located at the rear of the building will see the HVAC equipment and the 15 ft. parapet wall from the front signage of building. He suggested some screening to be added to blend it in. He said the protrusions on the side of the building should go all the way down to the ground with concrete bases to help break up the concrete row of brick and to reduce the horizontal look. The roof line is very flat; possibly add some articulation with the band up on top. The side view of the Dollar Tree parapet wall from the side of the building which sticks up 15 ft. looks like a stick. Being a residential area, he asked to see more brick on the building.

Mayor Stefanik suggested they meet with the Building Department to discuss upgrading the design before returning for final approval. He said Dollar Tree has many design options that can also be considered. The Building Commissioner asked Mr. Cocca to provide us with additional options which would include a much higher quality product.

Mr. Baxendale suggested we wait on granting preliminary approval for the applicant to provide other options and solutions to concerns brought up by both the Administration and the Board members. Mayor Stefanik stated if we grant preliminary approval and we are not happy with what they come back with, we have the opportunity to deny it. The Chair stated being this is TCD-3 District it needs to blend in as part of the residential area like the Financial Advisor building has done. We need to achieve certain standards for the future of that area.

The applicant indicated he did not want to table the matter and wanted to go forward. The Assistant Law Director stated the criteria for a preliminary site plan is whether or not the information he has provided is sufficient at this point to move forward and to determine if it meets the code.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari **to approve the preliminary building and site plan.** Roll call: Yeas: Four (Mayor Stefanik, Antoskiewicz, Castrovillari, Fenos). Nays: One (Baxendale). **Motion carried.**

2. **PC19-16: Florio & Son Cement** – Dominic Florio on behalf of Rosa Florio is seeking building and site plan approval for construction of a 2,400 sq. ft. pole barn located at 9900 York Alpha Drive, also known as PPN: 483-14-023 in General Industrial (GI) District zoning.

The Building Commissioner stated he is seeking approval for an accessory building with a masonry base with metal siding and metal roof which is not uncommon for Industrial District. It will need variances from BZA for riparian setback. He said if it is abutting a riparian setback, he suggested the rear overhead door be removed. Having that door implies the applicant will continue driving vehicles into the riparian setback area. The applicant responded that is correct; he will be using it as a drive through. He asked the applicant if he would be removing the other accessory structure in the back. The applicant responded there are two accessory structures; the one that is a pole barn will be removed. He said he would like to keep the masonry structure in the far corner; it is made out of block with footers and a full foundation. He said it was done before his time without a permit and does encroach into the riparian setback. Mayor Stefanik asked if the riparian setbacks were in effect when the unpermitted building went up. The Assistant Law Director stated he would not be grandfathered because it was never permitted; it is an illegal structure.

The applicant reiterated he would remove the wood structure. If it entails taking down the masonry structure, he will not build the accessory building. The Assistant Law Director stated because it is an illegal structure, the City still will proceed to require it be removed since it is an illegal structure encroaching on the riparian setback. The applicant asked would it have to come down; is there any forgiveness. The Mayor asked if the applicant could go to BZA to ask for a variance on an existing building. The Assistant Law Director stated that is an option that the applicant can choose to do. He would also need to get a variance for the proposed structure. The applicant stated he would like to try that first. The applicant indicated he would like to table the application and go to BZA. He said if he is required to take the building down; he will need something and would proceed with this application.

The Building Commissioner informed the applicant because it is not a permitted structure by our records, he will be sending him a letter to have the situation remediated. The next BZA meeting he would be able to appear before is June 20. The applicant stated he is requesting his application be tabled and waving any time requirements or limitations.

Mr. Castrovillari suggested the applicant verify the height of his door with the clearance it takes to open the door because the provided drawing does not look accurate.

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

3. **PC19-17: Nicholas Gorey** – Todd Sciano of Donald Bohning & Associates on behalf of Nicholas Gorey and Jimmy Long, is seeking approval of a lot split and consolidation creating three lots from two parcels, extending a public roadway, Kimrose Lane, as well as requesting a 65 ft. variance for wetland setbacks adjacent to a category 2 wetland in order to construct a dwelling. The parcels involved are PPN: 487-12-007 and 487-11-009 located in Residential (R1-A) District zoning.

The Assistant Law Director stated the notice discusses the riparian setback and the variance request. She said the PC does not have the authority to grant the variance on the riparian setback; that is done by the Board of Zoning Appeals. Even though it will be discussed, the matter will actually be heard by BZA on May 23. The Clerk stated the applicant has already submitted a BZA application. The PC will be dealing with the lot split and the road dedication. The Mayor asked if it passes tonight would it be contingent on the variance approval from BZA. The Assistant Law Director responded yes. She said the PC would make a recommendation to Council for the lot split and dedication of the roadway.

Christine Comer of Donald Bohning & Associates spoke on behalf of Nicholas Gorey who is the current property owner of 487-12-007. She stated they did apply to the BZA for relief from the wetland setback. She said as far as the wetland on the site, they have hired an environmental consultant who completed a wetland delineation. That information will be presented at the BZA meeting. She stated there are no plans for development on the property to the north of the proposed dedication. The dwelling is only on the south property which they are seeking a conceptual site plan.

Mr. Castrovillari asked for clarification of what they are seeking approval for regarding the house plan being a part of the approval. The City Engineer responded it is a single family

residence that is being proposed. The reason we are discussing the layout of the house has to do with the neighbor directly to the west of Mr. Gorey and discussions he has had with them as well as how that applies to the location and where the dwelling will be set and how it effects their request for a wetlands setback. The PC is reviewing the lot split and consolidation as well as the dedication of the public right-of-way.

The City Engineer stated this is a complicated request. We have two pieces of property owned by Mr. Gorey and Mr. Long. They have agreed in principle to swap some land to allow Mr. Gorey to build the single family home he wishes to build as well as give Mr. Long some land in return. We are taking two lots and creating three lots. The third lot is the portion north of the property where Kimrose currently dead-ends into Mr. Gorey's property. Legally the size of the lots only work out to be compliant without going to the BZA so long as there is a public right-a-way extension of Kimrose dedicated east through Mr. Gorey's property. That allows those lots to be compliant with our zoning code for 100 ft. frontage for a public right-a-way. The planning principle from previous administration shows there was going to be an extension of the subdivision in an easterly fashion. On Google maps it shows ghosted streets of something that was proposed in the past.

He said there are some obstacles they are dealing with such as some wetlands. We do not have the full wetlands report but all indicators preliminarily show it is a category 2 wetland. The boundary of that wetland has not been set in stone; that is when the Army Corps of Engineers comes out and does a JD (jurisdictional determination). They will map the wetland and they will send a letter with the mapping stating they agree to the map of the wetland and the category of wetland. The categorization is done through the Ohio EPA. Those setbacks are intended to be left undisturbed for the most part. The idea is to keep the upland area preserved to the wetland area which is also preserved. The Army Corps and EPA control the wetland, the City controls the setback.

The applicant is presenting what they feel they would need which includes a small extension of the road with a concrete T-turnaround. He said the review of the proposed lot split and consolidation meets all of the zoning requirements and Engineering requirements of our code. The proposed dedicated right-of-way of 60 ft. (199 ft.) does meet our standards. He asked that Mr. Gorey improve the street with the same standards as we do for every subdivision and match what is there with the concrete, thickness and slopes.

He asked the applicant if they are going to tie into the system that ties into the Ashley Woods storm water basin. There is a catch basin close to the property corner in an easement near the public right-of-way; that is an opportunity to connect a single family home drainage and for the roofs too. We are not sure what their plan is. But we will work with them. The single family home and accessory structures as they preliminarily indicate are built in accordance with our code. He said hopefully it will slow the water flow and will improve with their addition of landscaping. He said the Engineering Department is in support of the proposed lot split and consolidation and dedication contingent on BZA approval and confirmation of wetlands and boundaries.

The Chair asked will the determination of wetlands possibly change the location of where he builds his home. He then added the PC will be voting on the lot split and consolidation as well as the dedication of the road. The Assistant Law Director stated the PC can recommend the applicant table the application, go before BZA and come back to PC. They would then know what their option is. The Chair asked if they would be joining the HOA.

Mayor Stefanik asked to make it a contingency that the applicant agrees to join the HOA if requested by the current HOA Board members. Ms. Comer agreed to the stipulation.

The Mayor asked if they would have the wetland delineation report before the BZA meeting. Ms. Comer stated they have the report from their environmental consultants; that report will be provided at the BZA meeting. She said the secondary JD report to confirm the wetlands delineation will not be ready at the time of BZA. The Assistant Law Director stated it is her understanding that when they go before the BZA for the variance, they will supply whatever information they have regarding the delineation. The Board has various factors under our code that they will have to address. The variance would be contingent on the JD report findings. The Mayor asked if they were also doing the wetland study on the vacant parcel to the north. Ms. Comer responded she does not know if it was a part of the study. She added it was just for the area where the dedication is and south of that. She said she would confirm that if it needs to be done.

The Chair stated because of the many questions unanswered regarding the wetlands, he would like to see the application tabled.

Mr. Long asked, in terms of water mitigation, what are the options. One option is tying into Ashley Woods; is there another option? The City Engineer stated he is unable to act as their consultant. He said there is a big pond on the property; generally that is where the water will go. Mr. Long responded absolutely not. The City Engineer clarified for drainage he is talking about the single family home roof structure itself. We do not treat the larger homes with a pool deck and turnaround drive within a subdivision any different than a typical size house. When we do the design calculations for a subdivision, we assume certain factors of safety when designing stormwater management.

Mr. Baxendale asked what the timeframe is for construction of the roadway. The City Engineer responded they would not be able to get a certificate of occupancy for the structure until the roadway was built because they have no legal means of egress from their property through a public right-of-way with unconstructed roadway. The approval is good for one year. The Assistant Law Director stated when Council considers accepting the roadway they would go through the process of the timelines and the different bonds.

Mr. Baxendale asked if the proposed roadway will go through the wetlands. The City Engineer responded preliminary indications show it is not going to go through the wetland. Ms. Comer responded as of right now the preliminary plan shows there is no impact on the wetland; it is only in the wetland setbacks.

The Chair stated he would like to have more information and more assurances about the wetland and how it will play out because it has an impact on what we are approving. He asked the applicant if they would consider tabling the application until they get more information from the BZA meeting. The Assistant Law Director stated we are voting on the lot split, consolidation and the roadway. If they do not receive approval from the BZA, they may not want to put in the roadway; it may be to their advantage to get BZA approval first and then come back to move forward for the lot consolidation, lot split and roadway.

Ms. Comer requested the application be tabled and agree to a waiver of any time requirements.

Moved by Ms. Fenos, seconded by Mr. Baxendale **to table PC19-17**. Roll call: Yeas: Five (Mayor Stefanik, Antoskiewicz, Castrovillari, Fenos, Baxendale). Nays: None. **Motion to table carried.**

4. **PC19-18: ORDINANCE NO. 19-42** – An ordinance amending the official zoning map by changing the zoning classification of the rear portion of PPN: 482-12-019 currently zoned Local Business (LB) zoning classification to General Business (GB) zoning classification as requested by applicant CERINO REALTY, LLC, and declaring an emergency.

William Snow with Stouffer Realty spoke on behalf of Cerino Realty. He said they want to combine and coordinate the zoning on the property they own. There are several different lines of different zoning districts that the City has created over a period of time. He said they are at a very early concept and just want to clarify the zoning so they can look at the future; there are no development plans.

The Assistant Law Director responded to the question regarding 1266.02 map changes and what is supposed to be submitted. She said PPN: 482-12-019 is currently zoned Local Business. As the applicant has indicated these parcels have split zoning which is not conducive to proper zoning and planning. The applicant is a long term resident and owner of this property and has continued to use it as General Business. They have indicated there is no proposed plan except to correct this split zoning. Our code does protect residential properties from encroachment by having setbacks and buffers. It was determined by the Law Director a sketch plan was not applicable from the point that the applicant is merely seeking to have both parcels have the same zoning on each of its parcels and to comply with the current use of the property, which is General Business.

Mr. Castrovillari asked the applicant if they have no plans, they why do this now. Mr. Snow responded we have looked at this; the zoning created confusion. We do not have a predetermined plan. Mr. Castrovillari stated he is against taking the buffer away without a plan of what it is going to be used for. He said the Residential zoning was there for a specific reason. The Assistant Law Director stated they are limited to expansion. There has been a taking of the property from the front owner if they cannot fully use the back parcel because of the zoning. They are requesting to be able to fully utilize their property. The Building Commissioner stated we have in the past heard cases before the PC that were merely housekeeping and were not required to have a site plan. He said they are both listed under Business Districts. The difference between General District and Local Business District are very similar; one is slightly larger and the other is slightly smaller. Local Business may be a convenience store; General Business might allow for something larger expanding some of the sale of items than that of a convenience store. The Assistant Law Director clarified Local can go in General Business but General cannot always go in Local Business. Mr. Castrovillari asked how the rezoning will affect the residential buffer zone. The Assistant Law Director stated it limits the use of the General Industrial because the setbacks are greater than it would be if it was Residential to Residential. The property owner of the General Business will lose part of their property for buffering purposes. Any development plan in the future will have to come before the PC.

Moved by Mayor Stefanik, seconded by Mr. Baxendale **to approve Ordinance No. 19-42**. Roll call: Yeas: Four (Mayor Stefanik, Antoskiewicz, Fenos, Baxendale). Nays: One (Castrovillari). **Motion carried.**

4. **PC19-19: ORDINANCE NO. 19-43** – An ordinance amending the official zoning map by changing the zoning classification of the rear portion of PPN: 482-12-020 currently zoned Residential (R1-A) zoning classification to General Business (GB) zoning classification as requested by applicant CERINO REALTY, LLC, and declaring an emergency.

William Snow with Stouffer Realty spoke on behalf of Cerino Realty. He said they would like to coordinate the land uses on this property.

The Assistant Law Director stated the comments for this application are the same comments as the comments from the prior Ordinance No. 19-42.

Mayor Stefanik commented about the Tilby Road storm water issues. He said if and when a plan would come forward, the residents in the area can be guaranteed it will contain a lot of stormwater relief, retention basins or anything to help that area; it will be something the City insists on.

Moved by Mayor Stefanik, seconded by Mr. Baxendale **to approve Ordinance No. 19-43.**
 Roll call: Yeas: Four (Mayor Stefanik, Antoskiewicz, Fenos, Baxendale). Nays: One (Castrovillari). **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, June 5, 2019.

Motion and second to reschedule the July 3rd PC meeting to July 10th. Motion carried.

ADJOURNMENT

Moved by Ms. Fenos, seconded by Mr. Castrovillari to adjourn the May 8, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:55 p.m.

APPROVED: /s/ Larry Antoskiewicz
 Chair

DATE APPROVED: July 10, 2019

ATTEST: /s/ Diane Veverka
 Planning Commission Secretary