

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **June 5, 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, Assistant City Engineer Daniel Collins, 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.

The Law Director explained the process of the Planning Commission meeting.

1. **PC19-20: Jessica Development** – Terrence Monnolly of Jessica Development LLC is seeking building and site plan approval for proposed project which includes construction of an 890 sq. ft. office building along with associated site improvements and demolition of existing structure, located at 14900 York Road, also known as PPN: 483-27-011 in General Industrial (GI) District zoning.

Terry Monnolly said he is proposing to demolish the existing house and add on an office building. He said he is trying to match the other two buildings on the property which were previously approved by PC. The color on the back warehouse will be redone; he will try to make the front office blend in with the existing structures.

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

2. **PC19-21: Viewpoint Subdivision** – Richard Beran of Builders & Developers Co., Inc. on behalf of Terrence Monnolly and Viewpoint Development LLC is seeking Preliminary Plan approval for Viewpoint Subdivision. The subdivision will consist of 14 single family residential lots located on PPN: 482-28-037 Residential (R1-B) District zoning and PPN: 482-28-001 Residential (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.

Terry Monnolly representing the Cartwright family trust and Rich Beran of Builders & Developers Co. were present. Mr. Beran stated the site is an extension of two stub streets: Margaret Drive and Cartwright Parkway. Two sections of land underneath that are zoned either single family or multi-family. At one time they had expressed an interest in putting in single family homes and cluster homes. The City advised them they should stay to a single family layout versus apartments or high density condominiums on the back of the site. The 14 lots are close to one acre and go as high as three and one-half acres. The 12 acres on the south end of the site will stay as a conservation area. The homes will have water and sanitary sewer services available to them.

Mr. Beran displayed a riparian setback map. He stated the blue areas show two streams which require a 25 ft. riparian setback, along with an additional 100 ft. setback that is

required because of the grade of that area. The yellow area is a transition area taking it from the 100 ft. setback down to a 25 ft. setback. The area where it changes from blue to green shows where the grade is leveling off so the setback is not as heavy. He said in S/L 1 there is a small area of wetlands that is outside of the stream riparian buffer; that is category 1 and does not require any additional setback. Along S/L 11 and 12 there is a category 2 wetland which requires a 75 ft. setback. He said they have far exceeded those setbacks. They have received a jurisdictional letter from the Army Corps of Engineers regarding the verification of streams and the wetlands. They have an application into the Army Corps of Engineers to make three crossings of the streams. They also have a separate application made for the water that comes to the top of their site off of Highview Drive from a pipe underground. The force of the water from that pipe is making an existing small ditch into a V-bottom and cutting into the hillside. They have proposed to the Army Corps of Engineers to put in riffles or rocks check dams to slow the water down.

All of the water on site is going to an outlet in the lower area which is currently where it all outlets through the retention basin built by Gross Builders. They are proposing three detention areas on the lower part of the site. The calculations for those three, as far as capacity of storage, will far exceed what was originally proposed. The basins will be part of the HOA to maintain.

Mr. Beran said they are proposing to set up their own standalone HOA for the 14 lots. Their attorney has been working with the City Law Director regarding having their own HOA which will govern everything within that site. It will manage the maintenance of all of the retention basins, the common areas and they will also have the ownership of the 12 acres of land. A separate company will put the conservation easement over that land; it may be part of their permit with the Army Corps of Engineers to have certain other features put into that land. He said if one of the other HOAs is resurrected this group would then have to join in with us as part of that whole subdivision. He added we will still have our own as a standalone.

The Law Director stated in the early 90's the developer of Harley Hills single family homes put together documents for purposes of attempting to create an appropriate HOA but it failed; it has never been an operating entity. To resurrect it now appears to be a very significant task that is not part of our jurisdiction. We have requested of their attorney to require they build into their documents that in the event if a Harley Hills HOA is formed for Phases 1, 2, 3 and 4, then they would be required in this Phase to merge with that functioning HOA so as not to have multiple entities unnecessarily.

George Hasek, 89001 Hi-View Drive, expressed concern regarding the amount of water creating a situation that will impact the hillside, York Road and the areas down lower. He said there are three major ravines that can get 6 to 8 ft. of water running through them. The culverts are not big enough to handle the water coming off the street. He said they would be removing the natural absorption and replacing it with impervious ground.

William Stuehr, 7511 Harley Hills Drive, asked if there will be signage for the subdivision and where it will be placed. He asked how they proceed in Harley Hills Subdivision to create a HOA. The Law Director responded stated he would meet with Mr. Stuehr after the meeting to discuss this issue.

Kevin Kuntz, 7481 Hi-View Drive, expressed several concerns but said the natural storm water is currently being managed through ravines, vegetation and wetlands. He asked if the

Environmental Impact Study will be available to be reviewed. He felt the maintenance of the detention basins is more than an HOA can handle. He also stated a concrete cone storm manhole at the bottom of Margaret is dislodged.

Sharon Rybak, 12798 Heritage Trail, said she is part of the cluster homes that have an existing HOA. She asked if they would be part of the new HOA. The Law Director stated the cluster homes have a separate HOA and will not be expected to join the newly created HOA.

Jim Heidenreich, 8120 Hi-View Drive, agreed with the water concerns, but also expressed concern regarding noise pollution from the clearing of trees and taking out the natural buffer. The turnpike echoes in to their backyard. He said he earlier asked if the houses set toward the back property lines on Hi-View Drive could be moved up a little bit. He was told they can possibly move the house forward from where it was originally shown.

Tom Kociuba, 7640 Hi-View Drive, expressed his concern that many residents in this area will not be happy with the result of the subdivision going in.

Beth Kociuba, 7640 Hi-View Drive, stated the noise pollution started when they clear-cut the land three times for three sets of apartments. The turnpike sound barriers have made no difference. Herds of deer now eat all vegetation in their yards. She expressed her concern regarding the high water flooding her property and the properties below. She asked who would bear the brunt of the cost and burden from the absence of an HOA.

Paul Marnecheck, Ward 4 Councilman, stated 190 notices were sent out for both this meeting and the prior meeting. He said he has received numerous emails and phone calls. He requested if this application moves forward, improvements to handle water flow from the seemingly increasing number of storms both in frequency as well as production be as much as possible. He requested they have as much green space and buffering as possible and to be sure the neighborhood overall is improved.

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

3. **PC19-22: ZNZ Trucking Inc.** – Zoran Cupac of ZNZ Trucking Inc. on behalf of property owner 9621 York Alpha, LLC is seeking approval of similar use to operate a truck dispatching company at 9621 York Alpha Dr., Unit F also known as PPN: 483-15-022 in General Industrial (GI) District zoning.

Zoran Cupac stated he is planning on moving his business from 9925 Royalton Road to 9621 York Alpha Drive. It is a similar use.

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. **PC19-23: Monarch Recovery** – Tim Murdock of TVM Enterprises Inc. doing business as Monarch Recovery is seeking approval of similar use to operate an automobile repossession company at 8700 Akins Rd., Unit #6 also known as PPN: 483-30-003 in General Industrial (GI) District zoning.

Tim Murdock stated he has been doing business in North Royalton since 2004 in a rental facility. He said his company repossesses cars; they do not do towing. They are not a salvage yard; they do not sell parts. He said at any one time on his lot, there could be 50 cars. Most cars only stay on the lot for not more than one week and then by law go to auction. He said he has 38 payroll employees; 35 of them pay city taxes in North Royalton. He received a letter from the Building Commissioner regarding the property he was renting at 8810 South Akins. He was told he could not operate his business there because it was not for vehicles. He also received communication regarding the CEI access road which runs behind his business. He said he has a document dated 1976 which states he can use the access road. He said permission to use that access road is a gray area so he will not be using it until he is told he can. He said the area from the gate to the back is graveled every three or four months. He will look into the complaint regarding mud being tracked onto main road. Angela Murdock also made positive comments regarding the business operations.

He said the parking in the back is all gravel with cars in an orderly fashion. Their tow trucks are in the back and front lots. They are open 9:00 - 5:00 with occasional trucks coming in and out in the evening. He has not received any complaints. He said occasionally the transporters will park their trucks on Akins; he has informed the drivers they cannot do that.

Nick Defazio, 311 Brookshire Oval in Hinckley stated he is the property owner of 8700 Akins Road. He said Mr. Murdock is an outstanding tenant; everything is locked up and secured. He said he runs a landscape company out of that location and may have created the mud issue. He said they purchased a street sweeper. He said he is very adamant to tell the guys to hose their tires off before leaving the site on rainy days. He said they recently scraped the mud out of their parking lot and laid down gravel.

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.**

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mr. Baxendale, seconded by Ms. Fenos to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 7:55 p.m.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **June 5, 2019 in regular session**. The meeting was called to order at 7:55 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 Kulchytzky, Assistant City Engineer Daniel Collins, City Law Director Thomas Kelly.

APPROVAL OF MINUTES:

Moved and seconded to approve the minutes of April 3, 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 (GB) District zoning. Tabled on 11-8-18. A 90 day extension expires 8-6-19.
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 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 because of the schedule change for the July PC meeting date, they are requesting an extension. Mayor Stefanik stated they are working some issues out for the development regarding change of ownership.

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

Motion and seconded to return to the Table. 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. *Tabled 5-8-19. Will be going before BZA on 6-20-19.*
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.

Motion and seconded to remove from Table. Motion carried.

Christine Comer of Donald Bohning & Associates spoke on behalf of Nicholas Gorey. She stated they are seeking approval for a lot consolidation and a lot split of two lots to create three lots including a right-of-way dedication. She said they were at May, 2019 BZA meeting where they received approval for a variance granting relief for the wetland setbacks. The Building Commissioner stated they did appear before BZA for a variance setback; request for relief was granted. The Mayor asked if that variance approval is what PC was waiting on before granting PC approval. The Mayor said the adjacent neighbor asked if the applicant

would move the house over in order to have more distance between the existing house and the proposed house. The Law Director stated there was a full extension of the right-of-way the entire length of the applicant's property to the next property adjoining to the east. They needed BZA approval for a variance for relief from the minimum required wetland setback to allow a use not permitted in a wetland setback under C.O. No. 1492.08. It was also request of the applicant to pave and extend a portion of the roadway beyond the driveway with a crossing T to allow buses and trucks to turnaround. He said they are now back before the PC, with BZA approval, seeking PC approval.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to **approve a lot split and consolidation creating three lots from two parcels and extending a public roadway, Kimrose Lane, contingent on the applicant complying with any and all contingencies mentioned in any of the minutes of this meeting and from prior meetings.** Roll call: Yeas: Five (Antoskiewicz, Castrovillari, Fenos, Baxendale, Mayor Stefanik). Nays: None. **Motion carried.**

4. **PC18-07: Tony Tomaro on behalf of Tomaro Properties received approval for** a lot split and consolidation of PPN:489-12-010 also known as 6700 Wallings Road and PPN: 489-12-011 also known as 12057 Ridge Road in Residential (R1-A) District zoning. Approval expires 6/6/19.

Motion and seconded to remove from Table. Motion carried.

Anthony Tomaro requested a 90 day extension for the lot split of the two parcels on the corner of Ridge and Wallings; the PC approved it last year. He said approval was granted pending four key conditions. One of the conditions was to pave the existing driveway on the two existing houses. They had problems getting contractors to do the work last year. They have since found one. Due to other commitments and wet weather, he wasn't able to commit to having everything done by June 6. The contractor committed to having the work done by Labor Day. Their plan to address the other three conditions which are the removal of the garage, the removal of the vegetation along the side of road and cleanup of existing property over the next 45 days. It should be done by July 22. That will allow for the paving work to be done in the following 45 days or sooner.

Mr. Castrovillari asked if they had a year to do this, why didn't the applicant work on some of the other issues, such as removal of the garage or some of the other conditions. Mr. Tomaro said his intent was to use the same contractor for that work when they bring the equipment onto the site.

Moved by Mayor Stefanik, seconded by Ms. Fenos to **grant a 90 day extension.** Roll call: Yeas: Four (Mayor Stefanik, Antoskiewicz, Castrovillari, Fenos). Nays: One (Baxendale). **Motion carried.**

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

NEW BUSINESS

1. **PC19-20: Jessica Development** – Terrence Monnolly of Jessica Development LLC is seeking building and site plan approval for proposed project which includes construction of an 890 sq. ft. office building along with associated site improvements and demolition of

existing structure, located at 14900 York Road, also known as PPN: 483-27-011 in General Industrial (GI) District zoning.

Terry Monnolly said he is aware the Engineering Department had nine points that they wanted completed on the final drawings. He said they are in agreement with those. He said a 12 inch line was brought down York Road to this property; they now have a sanitary sewer connection.

The Building Commissioner stated Mr. Monnolly is removing the oldest building on his parcel in order to erect a new structure to match all the other new buildings on the site. He asked the applicant to delineate any new pavement that may be going around the building and submit that to the Building Division and Engineering Department.

The Law Director said the existing building is a non-conforming building because it is within the front yard setback. He added the current building being proposed reduces that nonconformance significantly. This does not need any further action regarding the nonconformance. The Law Director stated he recommends approval because the applicant is diminishing a nonconforming use.

The Assistant City Engineer said the applicant stated in the record he will address the nine comments of the Engineering Department.

Mr. Castrovillari stated the plans show two different front elevations. He asked how many windows are on the front of the building. The applicant responded there will be five windows. Mr. Castrovillari stated the elevation showing five windows is the better choice.

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

2. **PC19-21: Viewpoint Subdivision** – Richard Beran of Builders & Developers Co., Inc. on behalf of Terrence Monnolly and Viewpoint Development LLC is seeking Preliminary Plan approval for Viewpoint Subdivision. The subdivision will consist of 14 single family residential lots located on PPN: 482-28-037 Residential (R1-B) District zoning and PPN: 482-28-001 Residential (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.

Mr. Beran stated there will be no signage on the site. He said during the construction phase the entire site will not be clear cut. Each of the homes will be custom built homes that will fit to work within the sites of the topography. The lots will be expensive; many of the lots are over two acres and the footprint of the houses will be around 2,400 sq. ft. plus the driveway. He said their covenant restrictions will cover what they can build, the size, the frontage, the location of the house and the materials they can use. They will have rear entry under the home garages. He said they will meet and exceed all the requests from the Engineering Department.

Mr. Beran spoke about maintenance of the detention basins. As part of the HOA documents, the City and Government regulates and approves the documents which becomes part of the final plat application before Council would accept the subdivision. The Law Director stated based on our current code all of the retention basins are required to be maintained by the Home Owner Associations. There was a time when that was not the case and that is why

the City is burdened with a number of these maintenance issues for basins that were built long ago. The HOA is required to produce documents with provisions built into the documents that allow the City, the City may but is not required to, enter upon the property to maintain them if the HOA fails to maintain them. All of the costs are charged back to the homeowners individually; it will be on their tax duplicate. He said we have an agreement with Cuyahoga Soil and Water; we pay them a substantial amount of money every year to do these inspections for the City. We have a regular schedule which the Engineering Department is charged with to review every basin in the City once every three years. This has contributed immensely to the reduction of the flooding that was common in this community 15-20 years ago.

The home on S/L 1 has a 50 foot setback from the property to the east. After looking at the grade and the wetlands, they will research to see if the home can be moved to the west 25 to 45 ft. per request of the City. In doing that, it may need a variance; he asked that they be allowed the time to go back to make the request separately.

The manhole at the end of Margaret Drive is not on Viewpoint Subdivision's property. It is part of Harley Hills Phase II. It is on S/L 22 which is the first house on the south side of Harley Hills and on the west side of Margaret. It may be on an easement.

The Assistant City Engineer stated it is not just the City Engineering Department who is reviewing these plans. There are five governing bodies overseeing this subdivision: the Northeast Ohio Regional Sewer District, the Cuyahoga Soil and Water Conservation District, the US Army Corps of Engineers and the Ohio EPA. The applicant stated he agreed to install sidewalks on both sides of the road for both extensions. The Assistant City Engineer spoke regarding the riparian setback map. He said the blue areas are not the stream channel. There is a 25 ft. minimum setback on each side for 320 acres which is .5 square miles. They are being more generous by adding the steep slope setback as part of the riparian setback. That is why the blue area is so wide; that is a 125 ft. riparian setback. He said this is a unique subdivision for North Royalton; there will be some careful planning involved to control water flow. He said per our code detention basins are designed based on the Ohio Critical Storm Method. In that code it requires the developer to hold a 100 year storm in that pond with one foot of freeboard. The pond and outlet structures need to be maintained. He said having the three ponds condensed in one area makes sense for maintenance purposes.

Dan Barcikoski, Civil Engineer, stated the ponds are now located on a flatter area. Ponds one and two are fairly large ponds with a lot of volume; they are very deep with 8 ft. of volume and storage. The storm water management pond number three is smaller; it basically picks up the rear yard of S/L 11. The Assistant City Engineer asked if the retaining walls shown on S/L 11 will be constructed by the developer or the homeowner. The applicant responded it will be by the home builder.

The Law Director asked the developer to state for the record that Block A will be deeded by easement, if no other way, to West Creek Conservancy. The applicant responded it will be to that or another like company. They will have a deeded conservation easement on top of the land. The company will be paid a yearly fee to monitor the actions and activities on the site to be sure there is no construction, no damage and no logging. They do a yearly inspection. They also monitor to make sure the homeowners do not use it as a dump site. The conservation company will receive a percentage of the sale of each lot that is

transferred within that subdivision to cover their costs to monitor that land forever. That information will be provided before final approval. The conservation easement will be approximately 12.5 acres.

Ms. Fenos asked about the wetland on S/L 1 and whether it would be reestablished elsewhere on the site. Mr. Barcikoski stated S/L 1 has a category 1 wetland so there is no setback required. The placement of the house is back farther and the driveway is pulled down in order to stay away from that section of wetlands. As part of their application to the Army Corps of Engineers, they are filling a part of that area so the driveway can go through a level spot on S/L 1. The applicant feels they can move the house farther to the west 25-45 ft. now knowing it has no setback on the wetland. They should have that information prior to coming back for final approval which may be in the fall. Mayor Stefanik asked them to push it up as much as possible away from the resident on Hi-View.

The Mayor asked if the company doing the work can possibly utilize the City's easement and their own equipment on site to correct the problem with the sewer catch basin that is dislodged. Mr. Beran asked if the City would check to see if there is an easement on the plans so they know how to access it.

Mayor Stefanik spoke to the residents regarding the checks and balances in place for storm water retention and the retention basins. The Mayor said he would stick around after the meeting to discuss storm water concerns with the residents.

Mr. Baxendale spoke to the residents regarding the City's Zoning Review Committee; the residents can work with them to try and get zoning changed within the city.

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

3. **PC19-22: ZNZ Trucking Inc.** – Zoran Cupac of ZNZ Trucking Inc. on behalf of property owner 9621 York Alpha, LLC is seeking approval of similar use to operate a truck dispatching company at 9621 York Alpha Dr., Unit F also known as PPN: 483-15-022 in General Industrial (GI) District zoning.

Mr. Cupac clarified he owns a dispatch company which dispatch owner-operated trucks. The trucks are not going from their yard every day on a daily basis; they are over the road all the time. They only come to the company, three or four at a time, for a yearly required safety meeting or something similar to that. He said they have two extra trucks and a four or five trailers sitting in the yard for backup in case a truck breaks down. They do not have storage on site.

The City Law Director stated the PC has broad discretion to grant or deny a similar use determination for this application. The Building Commissioner stated the applicant's proposed use is not listed in our zoning codes therefore the PC has the opportunity to review it to ensure the health, safety and welfare of the community is not negatively impacted, that it will not cause any disturbance to existing neighbors and if it is the appropriate location for that use. The Building Commissioner outlined stipulations that can be placed on this application:

- Limit the vehicles to 3 trucks and 6 trailers (no more). If the applicant has additional trucks or trailers they will be storing on site, he will need to return before the PC.
- Spaces for the 9 vehicles (3 trucks and 6 trailers) are clearly designated with permanent numbered signage for parking.
- The parking lot needs to be dressed with stone throughout.
- Fill all depressions in the existing gravel lot with additional stone.

Zoran Cupac questioned special treatment for other business, such as the one he is currently located at, and limits his business to only a few. He said while at that location he has never had more than six trailers or three trucks in the yard. He also mentioned the U-Haul business which rents space for semi-trucks which come in and out on a daily basis. The Building Commissioner said he is aware of the business on that site he is speaking of and assured him that they have been cited for fuel tanks and other issues. He added they are a contractor which is a permitted use in the GI District. He said the reason we have this process in place is because the City does not have a dispatch location in our zoning code; so the applicant needs to appear before the PC and state why it is an appropriate use.

The Building Commissioner spoke to the property owner Ron White. He asked if he would be willing to dress the parking lot with stone and fill all depressions; it is a muddy mess back there. Mr. White disagreed and said it is not a muddy mess. He said he would dress the parking lot with additional stone and fill in the low spots.

The Assistant City Engineer recapped what the Building Commissioner said regarding the low spots. He also requested the applicant and property owner ensure the trucks leaving the private parking lot and going onto the public street are not tracking any mud. The City would like to ensure that mud and debris does not get washed down our storm sewer system. Mr. White responded there is approximately 180 feet of concrete between the back lot and the street.

Mr. Baxendale asked the applicant if the semi-trucks would be staying overnight and if so, will the drivers be sleeping in the trucks. The applicant stated trucks come to the site for an hour or two; rarely will the truck be parked overnight in the parking lot. Possibly after a safety meeting if they are waiting for a load. He said they would normally go to a truck stop. He said they do not do maintenance on the trucks on site. They use a business on York Alpha to service their trucks.

Moved by Mayor Stefanik, seconded by Mr. Baxendale **to approve a similar use to operate a truck dispatching company subject to the terms and conditions outlined by the Building Commissioner.** Roll call: Yeas: Four (Mayor Stefanik, Antoskiewicz, Fenos, Baxendale). Nays: One (Castrovillari). **Motion carried.**

4. **PC19-23: Monarch Recovery** – Tim Murdock of TVM Enterprises Inc. doing business as Monarch Recovery is seeking approval of similar use to operate an automobile repossession company at 8700 Akins Rd., Unit #6 also known as PPN: 483-30-003 in General Industrial (GI) District zoning.

The Law Director stated the PC has broad discretion to grant or deny approval. If it is granted, the City can revoke it at any time.

Tim Murdock stated of the 18 trucks he owns; only 6 or 7 are in the Cleveland area. The remaining trucks are in the Columbus, Dayton and Mansfield area. He said he has security cameras everywhere on site with a 6 ft. barbed wire fence.

The Building Commissioner stated this use is not listed in the General Industrial Zoning District. The Building Division feels this is the most appropriate district for such a use. The following stipulations are recommended to be placed on the approval so they have a clear understanding of what we expect out of them in order to operate their business. The stipulations are as follows:

- All repossessed vehicles shall be located behind the building.
- The number of repossessed vehicles in the back lot shall be a maximum of 50.
- Parking in front of the security gate and along the building side shall be for employees or visitors only.
- Unloading of vehicles shall occur only in the back lot or adjacent to the employee/visitor parking lot on their property.
- No vehicles shall be loaded or unloaded in the public right-of-way in front of building.

The Assistant City Engineer stated he would like to see a fresh compacted gravel surface over the parking lot to help keep the dust down and the runoff from the natural drainage ditches. Mr. Murdock responded they do it every few months; the main drive from the gate back to the turnpike area is taken care of with the property owner's help. He said the parking places are not graveled as often.

Moved by Ms. Fenos, seconded by Mr. Castrovillari **to approve a similar use to operate an automobile repossession company subject to the stipulations, terms and conditions outlined by the Building Commissioner which Mr. Murdock gave assent.** Roll call: Yeas: Five (Mayor Stefanik, Antoskiewicz, Castrovillari, Fenos, Baxendale). Nays: None. **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, July 10, 2019.

ADJOURNMENT

Moved by Ms. Fenos, seconded by Mr. Castrovillari to adjourn the June 5, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:03 p.m.

APPROVED: /s/ Larry Antoskiewicz
Chair

DATE APPROVED: July 10, 2019

ATTEST: /s/ Diane Veverka
Planning Commission Secretary