

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **July 10, 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:**

For the benefit of those in the audience, the Law Director provided an overview of the PC meeting process. The Secretary stated public hearing notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

1. **PC19-24: Bailey Development** – Chris Bailey of Bailey Development is seeking Preliminary Plan approval for a minor subdivision consisting of (5) five single family lots on 8.25 acre parcels of property. The proposed minor subdivision will be located on PPN: 486-17-013 and PPN: 486-17-012 in Residential (RRZ) District zoning. The proposed minor subdivision will be an extension of Watercrest Drive ending in a cul-de-sac.

Chris Bailey said they are currently working on some engineering issues.

Brad Williams, 5220 Waterbridge Drive, expressed concern regarding potential unreasonable increase in stormwater by the proposed subdivision including removal of open fields, forest and wetlands vs. developed areas with impermeable surfaces. He said there is a drainage issue on the parcels in question and between his property and the neighbor's property. He said the current drainage pipe is not large enough. He feared the possibility of standing water on his property and requested a drainage structure be part of the design so water can flow away. He shared multiple pictures of his property and adjacent properties including pictures from the rainstorms from 4/15/18 and 7/5/19 showing the rainwater overflowing the headwall.

Norm Pawlowski, 16887 Watercrest Drive, said the wetlands have increased by 10 or 11 ft. He and Mr. Williams had water in their basements from the recent rainstorm. He said there is too much water for the sewer system and a retention basin is needed.

Tony Rohloff, 5230 Waterbridge Drive, showed pictures and videos of the recent storm. He said, because of the elevation, three houses including his should never have been allowed to be built on this unbuildable property. The creek and sewer pipes cannot handle any more water. The water needs to be mitigated and redirected possibly into a spillway. A retention pond needs to be built to help with the debris that flows down the creek. The proposed four or five house should be part of the HOA. He asked who is responsible for ditching and cleaning the creek. He said he has been doing it for the past 19 years. He would like the City to help out.

Ray Lehotsky, 5160 Waterbridge Dr. stated he and his neighbors all had water in their basements from the 7/5/19 rain. He said since the catch basin was added, the water cannot get up the street. The water floods the street and they are unable to get out of their driveways.

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

2. **PC19-25: Ventura, Katy and Bob** are 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 Residential (RRZ) District zoning.

Robert Ventura said they have addressed some of the issues brought up at the previous PC meeting. He said each of the three lots will be over an acre in size. There will be minimal disturbance to the land.

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

3. **PC19-26: The Inn Between Bar & Grill** -- Greg Bieniecki owner of The Inn Between Bar & Grill on behalf of property owner Manojle Bjelicic, is seeking site plan approval for proposed patio enlargement at 8684 Ridge Road, also known as PPN: 482-12-034 in Local Business (LB) District zoning.

Greg Bieniecki said he is seeking to install a front patio on the front of the business. He said he is looking to purchase the property in the future. He added PC approved a patio in the past but it was not built. He has modified the original plan.

Chuck Ajuski, 7270 Tilby Road, said he did not have any problems as long as the noise level, the traffic and the lighting controls are kept in place. He said in 2014 when they received approval, fencing requirements and stormwater drainage guidelines were not implemented. A 6 ft. board-on-board fence was to be installed the entire length of the west side of the property and continue to the north side. He said the fence was partially erected on the west side and the bad side of the fence is facing outward. The fence does not exist by the dumpster. They are using an area behind the fence as a dumpsite for chairs, etc. He said if a permit was issued, someone from the City would have made him correct that during the installation. During the approval process, stormwater runoff from the new parking lot was a concern and that they wanted all the storm water to run toward Ridge and not toward Tilby Road. He said the parking lot slopes to the northwest corner; the water flows down Tilby Road and floods both he and his neighbor's property. He said the water is not directed via a swale to flow into the new catch basin; he felt there is not enough storm water control. He said the new project should not be approved until the past work, especially the storm water issue, is brought up to standards. The City needs to follow-up to make sure work is done to code.

**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.**

4. **PC19-27:** Drees Homes on behalf of **Russel Sposit** is seeking approval to amend the platted front yard setback which was approved with a lot split and consolidation by Planning Commission on 10-18-17. The property is located at 8010 Edgerton Road, also known as PPN: 487-19-028 in Residential (RRZ) District zoning.

Chris Bunge of Drees Homes spoke on behalf of Russel Sposit. He said they are looking to increase the front yard setback from 140 ft. to 200 ft. The parcel is a large 5 acre parcel. He said their customer is looking to gain more seclusion off Edgerton Road. At the time of the lot split Mr. Sposit put in place a setback minimum of 100 ft. and maximum of 140 ft. He said there are four or five two-acre parcels to the left of this property. He has since submitted a letter to the City of North Royalton retracting the 140 ft. maximum setback. He added the 200 ft. setback would also shorten the homeowner's run to their septic system.

**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.**

### **ADJOURNMENT OF THE PUBLIC HEARING**

**Moved** by Mr. Castrovillari, seconded by Mr. Baxendale to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 7:42 p.m.

### **REGULAR MEETING**

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **July 10, 2019 in regular session**. The meeting was called to order at 7:42 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, City Law Director Thomas Kelly.

### **APPROVAL OF MINUTES:**

Moved and seconded to approve the minutes of **May 8, 2019**. Motion carried.

Moved and seconded to approve the minutes of **June 5, 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.

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

Albert Paliwoda stated they have hired a surveyor and a Civil Engineer; they are reviewing the plans. After plan review by the Building Commissioner, they hope to be able to present updated plans to the PC in August. He said they expect to be done within the next couple of weeks and requested an extension.

The Building Commissioner stated they have been working with the applicant and recommend the Board consider granting a 90 day extension so they can work with the Civil Engineer and proceed with the project.

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

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

2. **Huntington Park Subdivision Phase 4.** Final site plan approval. The subdivision will consist of 14 single family residential lots on PPN: 488-12-030 in Residential (R1-A) District zoning. Phase 4 will be an extension of Angelina Drive. Final Plan approval was granted on 9-7-16. 180 day extension expires 12-2-19. Tabled.
3. **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. Went before BZA on 6-20-19 where they received approval for variance. Applicant states they will be back to PC on 8-7-19. Tabled.
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. 90 day extension expires 9-3-19. Tabled.

## **NEW BUSINESS**

1. **PC19-24: Bailey Development** – Chris Bailey of Bailey Development is seeking Preliminary Plan approval for a minor subdivision consisting of (5) five single family lots on 8.25 acre parcels of property. The proposed minor subdivision will be located on PPN: 486-17-013 and PPN: 486-17-012 in Residential (RRZ) District zoning. The proposed minor subdivision will be an extension of Watercrest Drive ending in a cul-de-sac.

Chris Bailey asked if the City has a plan in place to rectify any of the issues for the homeowners. She said there are two separate issues. The first is the stream which is natural water that runs in an open basin that is not controlled. The second issue is storm water running off the roofs, into storm tiles which runs into the sewer and then through an outlet across the street. She said the water coming from the homes will be caught into a storm sewer and moved into a different direction. She said she will research with an engineer how much water is coming through there. She referenced a pond on the property which is one that does not control the water flow and how it could be a solution to some of the water problems by stopping the water upstream and slowing the water flow down.

Ms. Bailey said at this point she is not comfortable building a house at that location without controlling the water. The storm water will be controlled for all of the houses being built with an underground storm sewer system. The water flow will be diverted away from the property, flowing across the street into an outlet approximately 5 houses down. The calculations have not been done yet.

Ms. Bailey responded to comments regarding joining the HOA. She said she doesn't mind doing that but there are a few items she does not agree with. She said she does not want another developer in control of the architectural review for her proposed houses. She said they would agree to be an adjunct member; paying all the dues, agree to be a part of the association but still maintain her own architectural review such as a front entry garage. She displayed several of her subdivisions including one in Brecksville similar to what is being proposed for North Royalton.

Mayor Stefanik stated our ordinances were a lot different when the original subdivision was put in place; we are now dealing with the ordinances today. He said he would like to hear what her plan is regarding the stormwater issues. Ms. Bailey responded this is the first time she has heard from the homeowners in regards to this huge flood. She asked if her application can be tabled so she can meet with the engineers regarding the storm sewer issue. The Chair stated notices will be sent out prior to the applicant returning with an updated plan.

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

2. **PC19-25: Ventura, Katy and Bob** are 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 Residential (RRZ) District zoning.

Robert Ventura questioned the Engineering Department's comment regarding the need for a variance for a riparian setback. The City Engineer stated that comment should have been removed upon receipt of the revised plan.

The Building Commissioner stated Mr. Ventura received a violation notice from the City and since then has evicted and removed the commercial business from his property. He added the site has been restored other than an existing accessory structure. He asked the applicant what his intentions are for that building. Mr. Ventura responded his intentions are to build his house in the area where that structure is located. He will demolish the barn should he receive approval from the PC. The Building Commissioner asked to have that as a stipulation; that if any subdivision occur the barn would need to come down.

The City Engineer stated they checked the referenced drainage way on the property; it is not a stream by definition of our code. It is simply a natural creek that carries drainage and requires no setback. The issue of riparian setback is not relative or needed. He requested the proposed driveway connecting all three houses up to the garage door be a hard surface such as asphalt, concrete, brick paver or something of that nature. He explained that even the smallest amount of stormwater carries gravel away. Based on the narrow width of the lot going to Edgerton Road a variance would still be required from the BZA because it does not meet the lot width at the front.

The Law Director asked what the timing of the lot split is. The City Engineer responded the lot split is something that can be handled in the City's Engineering Department.

The Mayor thanked Mr. Ventura for cleaning up the property.

**Moved** by Ms. Fenos, seconded by Mayor Stefanik to **approve the sketch plan for the minor subdivision with the following contingencies:**

- **BZA Variance received for front width of the lot**
- **removal of the building to take place when subdivision occur**
- **a hard surface be used to connect all three houses up to the garage door**

Roll call: Yeas: Five (Fenos, Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari). Nays: None. **Motion carried.**

3. **PC19-26: The Inn Between Bar & Grill** -- Greg Bieniecki owner of The Inn Between Bar & Grill on behalf of property owner Manojle Bjelicic, is seeking site plan approval for proposed patio enlargement at 8684 Ridge Road, also known as PPN: 482-12-034 in Local Business (LB) District zoning.

Greg Bieniecki addressed the resident's concerns. He said there will be no unreasonable lighting installed. He said the property owner owns the neighboring property; the fence permit may have been installed on that property vs. the bar property. He said he has owned the business for one year and he is not aware of the garbage in the corner of the property. Regarding drainage he said the parking lot is complete. He said before it was complete the water would pond at the northeast corner of the parking lot. He said the water no longer accumulates in that area; it goes to the catch basin. He said there is a mound in the wooded area which would block the water flow from going to Tilby. He said the topo shows the property slopes to Ridge Road. He felt the water from his parking lot does not contribute to the flooding on Tilby.

The Building Commissioner stated Mr. Bjelicic originally came to PC at the end of 2014. Several stipulations were placed on his proposed expansion of the parking lot. Storm water management was required. They secured permits through our Engineering Department; they put in a catch basin and connected through the tree lawn into Ridge Road. The site was appropriately sloped even when it was gravel. The newly paved area does maintain a shed of water flow towards Ridge Road. The fence was approved as part of the paving expansion. Being that both parcels are owned by Mr. Bjelicic and both are zoned local business not residential, the requirement for the particular side of the fence to be one way or another did not apply in this particular instance. The proposal to have a fenced-in area in the front is slightly larger than Mr. Bjelicic's original proposal.

The Building Commissioner requested the stipulation be placed on the approval as it was with Mr. Bjelicic that the tree lawn be restored to natural grass and landscaping in front of the paved patio area. Mr. Bieniecki stated the land owner is aware of that and will do that once he knows the size of the patio, if approved.

The Building Commissioner stated he will send the landlord a violation notice to clean up any remaining debris by the fence and to install the fence panel so he doesn't accidentally put stuff back there.

The City Engineer stated engineering plans were submitted for permit which included the asphalt parking area as indicated on the current drawing. We had requested some sort of storm water management system and a swale to carry the water to Ridge Road. He said the biggest concern was not letting it shed toward the house north or northwest toward Tilby. The catch basin was installed and tied into the catch basin at the corner of Ridge and Tilby. He said it was approved per the original plan.

The City Engineer asked the applicant to clearly define the drive isle with a clear edge. Possibly a curb up along the edge and tie it back into the existing walk at the corner of the building. Any other area should be grass. This would clearly define that it is not a parking spot and be a nice edge for the grass. Mr. Bieniecki stated he agrees with the stipulations.

Mr. Baxendale questioned the fall for the back of the property. He said the drawings show the back of the property is a foot higher than the front of the property. He asked if the slope can be verified by a surveyor. The Engineer asked the applicant when the pavement was done. The applicant responded it was done within the past month. He said if you come down on a rainy day, you will see that the pavement is pitched that way. The main part of the parking lot was not changed; just that one area was. The Law Director stated we cannot require the applicant to hire a surveyor. The Engineer stated he would be willing to go to the site and run a hose full blast on the pavement to see if it pitches down to Ridge Road. Mr. Bieniecki stated he has security video from the 7/5/19 storm showing the water flow. He said he believes there is a curb along the fence line where the new pavement is to keep the water flowing to the east. The applicant stated if after the City Engineer comes out and sees the water not flowing to the east and needs corrective work, he is willing to do the corrective work to get the water to flow towards the catch basin. The City Engineer stated that would need to happen before any permit is issued.

**Moved** by Mayor Stefanik, seconded by Mr. Castrovillari **to approve the site plan with the following stipulations: the water flow is verified showing the water is flowing to the east, curbing be added and the tree lawn and landscaping be restored.** Roll call: Yeas: Five (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**

4. **PC19-27:** Drees Homes on behalf of **Russel Sposit** is seeking approval to amend the platted front yard setback which was approved with a lot split and consolidation by Planning Commission on 10-18-17. The property is located at 8010 Edgerton Road, also known as PPN: 487-19-028 in Residential (RRZ) District zoning.

Chris Bunge of Drees Homes spoke on behalf of current property owner Russel Sposit. He said Mr. Sposit put the stipulations in place prior to the lot split in 2017. After the lot was PERT tested, the only area on the lot that was feasible for a septic system was the back right corner. Additional explanation of how the septic system will be designed was discussed. Mr. Bunge said after working with the Engineering Department, they have agreed to do a concrete drive all the way back.

The City Engineer stated originally the City had placed a stipulation varying the front set back 100 ft. to 140 ft. based on the setbacks across the street and the neighboring area. From an Engineering perspective he said he has no issue with the request to go back 200 ft. The lot adjacent to the east is open land; it would eventually be someone's back yard. It will not affect the character of the area. He asked that the homeowner minimize disturbance to the wooded area of the lot. He would like to see minimal footprint which would help with stormwater management. Mr. Bunge responded the homeowner is looking for seclusion; they are looking to clear approximately 30 ft. around the perimeter of the house envelope. They would be removing trees for the driveway, the house, the footprint and the trenching back to the septic area. The City Engineer stated he would agree to that.

The City Engineer stated a letter was submitted by the Cleveland Metroparks stating even though they do not have deed restrictions, they urge the minimization of the disturbance to reduce negative impacts to the Metroparks.

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

### MISCELLANEOUS

The next scheduled meeting is Wednesday, August 7, 2019.

### ADJOURNMENT

Moved by Mayor Stefanik, seconded by Ms. Fenos to adjourn the July 10, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 8:32 p.m.

APPROVED: /s/ Larry Antoskiewicz  
Chair

DATE APPROVED: August 7, 2019

ATTEST: /s/ Diane Veverka  
Planning Commission Secretary