

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **February 5, 2020 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Mayor Antoskiewicz and opened with the Pledge of Allegiance.

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

REGULAR MEETING:

APPROVAL OF MINUTES: December 4, 2019. Moved and seconded to excuse Holly Michalke and Paul Marnecheck from voting on the minutes. Motion carried. Motion and second to approve the minutes of **December 4, 2019**. Motion carried.

Organizational Meeting:

a) **Election of Chairperson:**

The acting Chair opened the floor for nominations for the election of Chairperson to the PC. Mayor Antoskiewicz nominated Frank Castrovillari. With no further nominations it was moved and seconded to close nominations. Motion carried. Motion and seconded to nominate Frank Castrovillari as PC Chair. Motion carried (5-0)

b) **Election of Vice Chairperson:**

The acting Chair opened the floor for nominations for the election of Vice Chairperson to the PC. Paul Marnecheck nominated Gene Baxendale. With no further nominations it was moved and seconded to close nominations. Motion carried. The Acting Chair asked for those in favor of Gene Baxendale for Vice Chairperson signify by saying Aye. The ayes have it. Motion carried (5-0).

The acting Chair handed the gavel to the newly elected Chair Frank Castrovillari.

ADJOURNMENT OF THE REGULAR MEETING

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck to **adjourn the Regular portion of the meeting at 7:03 p.m.** Roll call: Yeas: Five. Nays: None. **Motion carried.**

PUBLIC HEARING:

The Public Hearing portion of the meeting was called to order at 7:04. For the benefit of those in the audience the Law Director provided a brief overview of the PC meeting process.

- a) **PC20-01: Spruce Run Apartments** – Richard Porter on behalf of Spruce Lake, Ltd. and Spruce Run Apartments is seeking site plan approval for construction of a new masonry enclosure for trash compactor located at 13290 Spruce Run Drive, also known as PPN: 483-07-005 and 483-07-013 in Residential (RM-D) Multi-Family District zoning.

The Secretary stated the applicant has presented a letter stating he would not be able to attend today's meeting and asked that it be tabled until the March 4, 2020 PC meeting. No one in the audience requested to be heard.

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

- b) **PC20-02: Deer Creek Apartments** – Richard Porter on behalf of Deer Creek Apartments, Ltd. and Deer Creek Apartments is seeking site plan approval for new construction of an enclosure for a trash compactor at 12445 Deer Creek Drive, also known as PPN: 483-17-004 Residential (RM-D) Multi-Family District zoning.

The Secretary stated the applicant has presented a letter stating he would not be able to attend today's meeting and asked that it be tabled until the March 4, 2020 PC meeting. No one in the audience requested to be heard.

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

- c) **PC20-03: Viewpoint Subdivision** – Richard Beran of Builders & Developers Co., Inc. on behalf of Terrence Monnelly and Viewpoint Development LLC is seeking revised Sketch Plan approval for Viewpoint Subdivision. The subdivision will consist of 15 single family residential lots located on PPN: 482-28-037 R1-B District zoning and PPN: 482-28-001 RM-D District zoning. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Dan Barcikowski with MGCivil Design spoke on behalf of the applicant. He stated they are seeking sketch plan approval for a residential subdivision. The lots are located within the Harley Hills subdivision. He said the extension of Cartwright Parkway is basically the addition of a cul-de-sac turnaround with two sublots off of it. Margaret Drive extension will consist of 13 sublots. The roadways will be public roadways with curbs, sidewalks and include sanitary sewers and all utilities. He said the sanitary sewer upstream manhole will drain east to west. An easement will be included between cul-de-sacs and will discharge to an existing manhole located at the end of the existing Cartwright Parkway. The storm sewer in the subdivision will be strategically located to drain detention and water quality basins. He said the sketch plan shows four possible locations for the ponds. The pond will have an access driveway and easements for access. He said the environmental impacts were the reason they are not going with the original preliminary plan. In the revised plan Margaret drive is a little longer and Cartwright Parkway is shorter. They are disturbing an acre and one-half less, there is less street, less streams will be impacted, and two acres less of wetlands will be impacted. He said both of the streams impacted are less than a half square mile and therefore fall into 25 ft. minimum riparian setback. He added according to North Royalton code there could be additional riparian setbacks. The red line on the drawing shows where there is a 125 ft. setback. He said they are filling in only a portion of the wetland and applying a 75 ft. setback.

The Chair said he would like to hear from the City Engineer prior to opening it up to the general public for questions.

The City Engineer stated the Engineering Department has met with Cuyahoga Soil and Water, Mr. Barcikoski and the developer, Rich Beran. When looking at the plan, the area highlighted in green is the envelope that will be disturbed. Everything else will remain untouched, including the trees. Over 60 percent of the site will remain natural. He asked Mr. Barcikoski if the conservation easement will remain natural and untouched. He added this was key for moving forward because of the concerns of stormwater; keeping things natural but managing the developed area. He said the Engineering Department would have liked to have seen connectivity between streets creating a nice flow-through; however, because of the stream corridors on this site it would not work. We want to keep the streams protected; the less we do to impact those with manmade structures, culverts, etc. the better off that area will be. He said he applauds the developer and Engineer for coming up with this design with increased open space and large lot sizes.

The Chair opened the meeting up to the public. Thomas Kociuba, 7640 Hi-View Drive, spoke against the granting of the application and expressed his concerns of the environmental impact.

Kevin Kuntz, 7481 Hi-View Drive, also expressed his concern regarding environmental impact. He asked the developer to show not only the existing conditions but also how the planned development will impact the land beyond the footprint of the actual structures and roadways. He asked for clarification of stormwater management and Block A which was previously scheduled for conservation; will it now be on private property.

Jim Heidenreich, 8120 Hi-View Drive, expressed his concern regarding the location of the home on subplot 1 and asked if it could be moved up.

Steve Gmitro, 8861 Edgewood Drive, expressed his concern regarding the heavy equipment which will be brought through Harley Hills since there is only one access point.

Beth Kociuba, 7640 Hi-View Drive, spoke regarding noise pollution and the logistics of stormwater sewers in the area.

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

- d) **PC20-04:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan, is seeking approval for a lot consolidation of PPN: 488-03-053 and PPN: 481-03-054, also known as 8641 West 130th Street in Planned Unit Development (PUD) District zoning.

James Quinn spoke on behalf of Kathleen Timan and Tom Ligett with The Arcus Group Architects. He said the two parcels are just north of Doula Lane along West 130th. They were originally slated to be medical office buildings located next to the existing EMS building. They are looking to develop both properties. Therefore they are seeking approval on a lot consolidation.

The Engineering Department recommended approval of the lot consolidation. The Law Director stated these properties are part of a Planned Unit Development that was partially constructed in the 90's and subsequently abandoned or not fully realized. Subsequently City Council repealed the Planned Unit Development zoning category for North Royalton. Because this property is still technically zone PUD we are still following the old procedure that had been laid out in the past for the resolution of these remaining parcels. The Law

Department strongly recommends the approval of the lot consolidation which should have been done when the PUD was originally created.

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

- e) **PC20-05:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan is requesting amendment to current PUD which is zoned office use. Applicant is requesting to make use of PUD for residential townhomes at 8641 West 130th Street also known as PPN: 481-03-053 and PPN: 481-03-054 in Planned Unit Development (PUD) District zoning.

Tom Jordan, Director of Community Development, explained that the PUD commonly known as Athenian Village was developed approximately 20 years ago. PUD was done at the time to balance out the various interests of the community which included commercial, residential and all the different aspects of the needs of the community. The other components of the development included townhomes for sale, for rent homes and also a nursing care facility which was constructed. An ambulance service was also part of it. The self-contained PUD has been built out except for this particular aspect. After twenty years the market has told us there is no interest to develop the two medical buildings. As the Law Director stated the departments researched the history of the PUD; since that section of the code was repealed, no new PUDs can occur.

Mr. Jordan said in the past the PC approved an amendment to the PUD to allow a single family home to be built on the corner of the lot the applicant is proposing to consolidate. They felt the most appropriate way to handle this was to amend the PUD as it stands and utilize the formal process that was followed on the prior applications. The City asked the applicant to submit three separate applications. The applicant is applying to amend and allow for residential to go into the spaces that were slotted for commercial. The application for site plan approval will have a separate process. If PC is in support of the commercial aspect of the PUD to go residential it would be referred back to Council. If Council confirms the PC recommendation the applicant can then proceed with further development of their site plan.

Doris Maknish, 8630 Alexandra Drive, stated she had no objection. The Secretary read into the record a letter from Regina Smith, 8270 Crystal Creek Drive, she expressed her concern regarding the construction causing additional traffic congestion and backup on West 130th Street, Sprague Road and Whitney Road. The West 130th /Gardenside Drive / Whitney Road intersections are very problematic.

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

- f) **PC20-06:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan is seeking Preliminary Plan approval for five two-family townhomes at 8641 West 130th Street also known as PPN: 481-03-053 and PPN: 481-03-054 in Planned Unit Development (PUD) District zoning.

Tom Liggett of The Arcus Group stated he has been working with James Quinn to develop this property. He gave a presentation of the concept of the development including the site

plan and elevation drawings. He said they used the original idea of Athenian Village. This plan includes five different buildings, each building has two-single family attached units for a total of ten units. The north side of the property will have four units and guest parking. The south side of the property off of Doula Lane will have a road that feeds six units and guest parking. He showed elevation drawings of two basic units which can be interchanged with either of two designs. One design has all the bedrooms on the second floor and a living area on the first floor. The second design has a master suite on the first floor. Each unit has an attached two-car garage plus guest parking. He said the total development will have 60 guest parking spaces. He spoke about the corner home and said they feel the placement is appropriate. He said having two separate egresses from these properties will ease the traffic and make it simple.

The City Engineer stated they have done research on stormwater management. The two parcels of land that are in question were accounted for in the existing stormwater management facility at Athenian Village. If this project moves forward we will watch to see if they are at or below so they do not need to add additional stormwater management. We have asked for best management practices on site. He spoke on the concern regarding traffic at Whitney and Gardenside and said the ten homes being added would not warrant any additional changes on the public roadway based on this development alone. He asked that there be an easement and rights for the two parcels to connect and drain their sewage through there since it is not a public sanitary sewer.

The Building Commissioner stated he recommends sketch plan approval.

The Law Director stated if the PC is inclined to move this to the regular order of business, they will be asked to request the PC to table the application PC20-06 because of the process we need to follow. This would include referring to Council; Council would need to approve PC20-05 which is the amendment to the PUD prior to moving forward with PC20-06.

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

- g) **PC20-07R: 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 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. Tabled on 12-4-19. *Applicant to present revised plan.*

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to **remove this item from the table**. Roll Call: Yeas: Five. Nays: None. Motion carried.

Jeff Witschey, Attorney, stated he is speaking on behalf of Bailey Development regarding Watercrest Development. He said he understands the concerns of the homeowners that are downstream in the Pinestream Development. He pointed out this is a preexisting problem; it is nothing Bailey Development caused. The homeowners have a right to expect that the new development would not exacerbate the problem. He said he has met with their Engineer who has revised the plan so they will not exacerbate the water problem downstream; they

believe they will be helping a little bit. He said they are adding a second detention basin to the plan. They have converted the original basin to the south of the property from a water quality basin to serve as both a detention basin and a water quality basin. He said they have also added a second basin that will be a detention basin which will help the flow of the water that sheets in from the roughly 60 acres of from the north and from the east.

Mr. Witschey presented a chart showing the Watercrest diversion outflow. He said on the left side it shows the pre-developed peak flow addressing an upstream area of approximately 61 acres. To the right is the post-development peak flow upstream area including about 55 acres. The more severe the storm is, the greater the percentage of reduction of that flow. The information was submitted to the City Engineer. The percentage of reduction post-development drops the amount of flow onto the Pinestream Development by 8.4 percent for a one-year storm and 10.6 percent for the 100-year storm.

The applicant will be putting together a declaration of restrictions and easements which will be operated by a HOA. The HOA will be for this development only; this development will not be merged with the other HOA. He said one of the main reasons is because they will have new water detention facilities; they do not believe the Pinestream HOA should have to pay for that. The facilities will be operated and maintained by the proposed HOA. Easements will be made for access to the facilities. If for some reason the HOA would abandon their responsibilities, the HOA documents will provide a provision for the City to step in and make necessary repairs and be reimbursed for the cost.

The City Engineer stated the application submitted with the preliminary plan has similar calculations. A secondary basin was not shown on the previous plans. The residents were concerned with the flooding that went into a 36-inch storm sewer. They have now added a diversion basin. They will cut the embankment down on the existing stream channel that is flowing down to that 36-inch storm sewer. After a five-year storm event, the stream will be diverted and pour into this basin, store it and slowly release it. It will reduce the amount of water going in. They are required to have stormwater management as part of the five lot subdivision. They are looking at a 22 percent reduction in flow for a 100-year storm event. Mr. Sayler with Reitz Engineering has provided information that shows the 36-inch storm sewer peaks out when it hits 10-year flows and will start backing up. There is not much more that can be functionally done. He said it is not the perfect solution to resolve the issue with the homeowners; but it is a good starting point. The City Engineer stated he would like to see additional volume in there and some minor tweaking.

The City Engineer asked the applicant to indicate next to S/L 5 how the drainage was going to be handled and to keep water from flowing onto S/L 48. They do not want to cut off all that water and choke off the wetland and have it die. He said monies and escrow bonds are in place so once the subdivision is accepted there will be a two-year period making sure the basins are working properly.

The Building Commissioner stated the Building Department feels it is appropriate to bring Watercrest Drive to a cul-de-sac termination. The addition of the diversion basin at the top of the development is another positive. If this development didn't occur, the water problems would continue on Watercrest undiminished.

The City Law Director stated so long as the development meets the code, and it appears it does, the Law Department has no objection.

Ray Lehotsky, 5160 Waterbridge Drive, stated 10% or 22% of what went through there this past summer will be nothing; he added this is a band-aid. He asked what the calculations are for what will be going into the storm sewer. He repeated the storm sewer at the bottom cannot get the water out. He feels the retention basins will cause additional water problems. He said the City approved the building of homes in that area and it was a mistake. He asked the City to fix it the right way and do not add to the existing problem.

Norm Pawlowski, 16887 Watercrest Drive S/L48, asked what they are doing for the east side of the development where the water comes off the hill; the elevation goes from 1,170 to 1,138 which is down by his house. If they strip the land it will not retain the water. The last flood on his property was at a cost of more than \$10,000.

Brad Williams, 5220 Waterbridge Drive S/L77, said his home's elevation is 1,130 feet. The top of the headwall is at 1,132. The proposed retention basin has an emergency outflow at 1,146. He said if that is the case, his backyard will already be a detention pond prior to the emergency outflow. He displayed pictures of the large amount of flooding. He questioned would the basins be grabbing the water before going over the headwall. He said all the calculations seem to be above the headwall.

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

The Chair asked for a recess. Moved and seconded to recess for five minutes. Motion carried.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on **Wednesday, February 5, 2020 in regular session.** The meeting was called to order at 8:38 p.m. by Chair Frank Castrovillari.

PRESENT: Planning Commission: Chair Frank Castrovillari, Vice Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Holly Michalke, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, City Law Director Thomas Kelly, Director of Community Development Thomas Jordan.

OLD BUSINESS

The Law Director stated we have two new members on the PC, Mr. Marnecheck and Ms. Michalke who were not present previously for the applications and presentations. They are unable to vote on any old business items that are on the docket today.

- a) **PC19-06: Quarry Park Subdivision** – Greg Zillich on behalf of Zillich Interiors, Arthur Thompson, George and Pamela Glus, David and Patricia Hajnosz, Mark and Teri DeCress received Sketch Plan approval for Quarry Park Subdivision on 2-5-19. The sketch plan approval was for a planned subdivision located off State Road on PPN: 488-09-002, 488-09-003, 488-09-012 and 488-09-044 in R1-A Zoning district. Sketch plan approval expires 2-6-20.

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

The Chair asked the Law Director if the applicant is allowed to speak for this application.

The Law Director stated it is his recommendation that the PC allow Mr. Zillich to be heard since the application is in both names; in the name of Greg Zillich and in the name of the corporate entity Zillich Interiors Inc. He added the PC's approval expires tomorrow.

Greg Zillich stated he is looking to extend his previously approved sketch plan approval for Quarry Park. He stated he is ready to move forward on the project. He said wetlands surveys have been drawn (inaudible) now and is in the process of preliminary engineering designs. He added he would like to move forward but if he has to come back he understands. The Law Director stated it might be helpful if Mr. Zillich comes back with a new application that is under his name only. Then we would not have the question of whether or not the corporate entity has an interest that conflicts with Mr. Zillich. The Chair added he would like to see this cleaned up before moving forward.

Mr. Zillich stated he would like to withdraw his application. The Law Director stated the application has been withdrawn.

- b) **PC18-25: Hugh and Margaret Kerr** – Tabled; no action. Seeking approval to install an 8" diameter sanitary sewer extension to connect to the public sanitary sewer along Akins Road for a length of 229.5 ft. within the public right-of-way to service PPN: 483-19-002 located in a Residential (R1-A) District zoning. PC approved on November 8, 2018. 180 day extension granted 11-7-19; expires 5-5-20.
- c) **PC19-41: PBM Wireless Services LLC on behalf of Verizon Wireless** is seeking conditional use approval for a new wireless telecommunications facility located at the North Royalton Sewage Plant (B) located at 11355 Sprague Road, also known as PPN: 481-07-026 in Public Facility (PF) District zoning. Tabled 12-4-19.

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

PC19-41 and PC19-42 discussed together but voted on individually.

- d) **PC19-42: PBM Wireless Services LLC on behalf of Verizon Wireless** is seeking preliminary site plan approval for a wireless telecommunications facility located at the North Royalton Sewage Plant (B) located at 11355 Sprague Road, also known as PPN: 481-07-026 in Public Facility (PF) District zoning. Tabled 12-4-19.

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

Nate Meyer, of PBM Wireless Services LLC spoke on behalf of Verizon Wireless. He stated the proposed location of the 100 ft. tower is on the property owned by the City of North Royalton which is the location of the NR sewage plant. It is zoned Public Facilities District. The City would be the landlord. He said Verizon would like to construct a wireless communications facility which would have a fenced in area of 40 ft. x 40 ft. with an 8 ft. tall fence. It will use the existing access drive for the sewage plant but add a stub access drive and a new gate for the Verizon area. Within that area a 9 ft. x 7 ft. concrete pad will be put in for the ground base equipment. That will be the only permeable surface. The location of the tower on the property was based on the existence of the sewage plant facilities and sanitary lines.

He presented information regarding the location and radius of the site. He stated the City Ordinance requires a 350 ft. setback; that setback is impossible to meet on this parcel or any other parcel in this area of the city. He stated there are no residential structures within that 350 ft. area. He stated the natural mature tree growth from every direction of the site will hide the view of the cell tower. It would be about 95 ft. to the top of steel from grade; the 105 ft. accounts for a 10 ft. lightning rod on the top. Verizon would be fine having this height of a tower and not have it extended. He reiterated the city code states it has to be extendable. The base tower structure must be able to hold and be buildable and able to be extended up to 200 ft. tall for colocation.

Mr. Meyer explained why they picked the proposed site and where they need to be for cell coverage. He stated per the requirements of the FCC, the structure does not require registration with the FAA; a light on the tower is not required. He spoke to the concern regarding property value and increased demand for cell reception. He said Verizon has no current plans for any small cells (5g) in North Royalton.

He spoke of the Verizon text campaign to the North Royalton zip code and results of the campaign which he said overwhelmingly showed support of a new wireless facility tower in North Royalton.

The Building, Engineering and Law Departments had nothing new to share that wasn't addressed at the previous meeting. The PC basically wanted to hear from the applicant in response to the questions that were raised at the December 5th meeting.

The Secretary read into record a letter from Dan Langshaw, Ward 3 Councilman, stated he is in opposition to the application and asks the PC to reject the application.

Laura Gmitro, 8861 Edgewood Drive, read the text message that was sent out to Verizon. "Free Verizon message. Reply YES to this text to show your support for the improved wireless Verizon service in the northwest area of North Royalton. Add a message to tell the City you support a new wireless facility at the North Royalton water treatment center." There is no mention of an option of saying NO. She also stated the photos presented were not accurate.

Jerome and Betty Salko, 8940 Edgewood Drive, spoke against the application. He stated they have a petition signed by 125 people who said they do not want this tower. He spoke regarding e911 service which now grabs the closest signal and uses GPS, not triangular service as Mr. Meyer stated in his presentation. The surrounding cities, such as Parma, Strongsville and Broadview Hts., all require much greater minimum yard requirements.

Ms. Salko said the cell tower will affect their property value. She said reports show homebuyers surveyed say they are less interested and would pay less for a property located near a cell tower.

Paul Petzka, 8921 Edgewood Dr., spoke about where the data came from, which is CITA. That is their own industry newsletter which is self-serving.

Jessica Fenos, Ward 1 Councilperson, spoke against the approval of the application. She submitted to the Board the petition signed by 125 residents who were against the application. She stated the variances required for the setbacks are enough to vote this application down. The people that will be serviced by this new tower do not want it. She was offended by the Verizon text message and felt the results are skewed because of the way it was worded.

Nathan Hill, 8901 Edgewood Drive, spoke against the approval of the application. He asked if this is a directional or non-directional tower. He questioned the quality of information provided.

Tim Nowak, 10100 Applewood, the trees in the area are dying back because of the solid clay ground. Regarding future coverage, those trees will be gone and the tower will be exposed.

Stefani Drodzowski, 9720 Applewood Drive, spoke against the application because of health effects. The Law Director reminded the members of the PC the Federal Government has already preempted that subject matter. The information Ms. Drodzowki provided may not be taken into consideration when voting this evening. He added the City of North Royalton did not put the cell phone towers up by Albion School; that was done by the North Royalton School System.

Mr. Antoskiewicz explained the PC tabled the application in order to give Verizon a viable opportunity to go to a different location or find a collation spot because they claimed they didn't know about the other towers or alternative locations. He said he was not comfortable with the way Verizon conducted the survey or with the survey results.

The Chair asked Nate Myers to respond to some of the comments.

Mr. Myers responded the Telecommunications Act warns zoning boards from basically being seen as prohibiting the service in the area of need. He said he has been to court cases; if zoning is seen as prohibitive it can be an issue for a zoning jurisdiction. We have shown this is the only site to be able to improve the coverage in this area. He added it cannot also be seen as one carrier being looked at more favorable over another. He stated his photos are accurate. He hopes that the City will remain partners with them throughout this process; because if not here, then where?

The Chair stated he also received the text message and was upset with the lack of numbers of how many didn't respond; those responses probably would have been No's. He agreed with the Mayor as far as their lack of information pertaining to their researching of the other places suggested to them at the prior meeting.

Mr. Baxendale asked the Law Director if he is off base in detecting a veiled threat in Mr. Meyer's final presentation. The Law Director stated he believes Mr. Meyer was simply trying to point out in his opinion they have no other alternative, arguably if they are turned down. He added the fact is our ordinance and regulations including the distances and setbacks are not prohibited. By comparison to other communities around us, ours are at least reasonable. Mr. Baxendale responded he sees no compelling reason to overcome the objections that have been stated. Ms. Michalke challenged the utility companies to think outside the box and come up with a new way instead of trying to acquire more land for the competition between cell services.

PC19-41: PBM Wireless Services LLC on behalf of Verizon Wireless: Moved by Mayor Antoskiewicz, seconded by Gene Baxendale to **recommend conditional use approval for a wireless telecommunications facility**. Roll call: Yeas: None. Nays: Three (Mayor Antoskiewicz, Gene Baxendale, Frank Castrovillari). **Motion denied.**

PC19-42: PBM Wireless Services LLC on behalf of Verizon Wireless: Moved by Gene Baxendale, seconded by Mayor Antoskiewicz to **approve the preliminary site plan for a wireless telecommunications facility**. Roll call: Yeas: None. Nays: Three (Mayor Antoskiewicz, Gene Baxendale, Frank Castrovillari). **Motion denied.**

NEW BUSINESS:

- a) **PC20-01: Spruce Run Apartments** – Richard Porter on behalf of Spruce Lake, Ltd. and Spruce Run Apartments is seeking site plan approval for construction of a new masonry enclosure for trash compactor located at 13290 Spruce Run Drive, also known as PPN: 483-07-005 and 483-07-013 in Residential (RM-D) Multi-Family District zoning.

Moved by Mr. Marnecheck, seconded by Mr. Baxendale to **table this item**. Roll call: Yeas: Five. Nays: None. **Motion carried to table application.**

- b) **PC20-02: Deer Creek Apartments** – Richard Porter on behalf of Deer Creek Apartments, Ltd. and Deer Creek Apartments is seeking site plan approval for new construction of an enclosure for a trash compactor at 12445 Deer Creek Drive, also known as PPN: 483-17-004 Residential (RM-D) Multi-Family District zoning.

Moved by Mr. Marnecheck, seconded by Mr. Baxendale to **table this item**. Roll call: Yeas: Five. Nays: None. **Motion carried to table application.**

- c) **PC20-03: Viewpoint Subdivision** – Richard Beran of Builders & Developers Co., Inc. on behalf of Terrence Monnelly and Viewpoint Development LLC is seeking revised Sketch Plan approval for Viewpoint Subdivision. The subdivision will consist of 15 single family residential lots located on PPN: 482-28-037 R1-B District zoning and PPN: 482-28-001 RM-D District zoning. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Dan Barcikoski with MGCivil Design spoke on behalf of the applicant. He responded to some of the earlier concerns. He spoke to the home owner on S/L 1; he said the reason it is back so far is because the road is at such a low elevation and would have an extremely steep driveway; so a longer driveway was designed. He said they also have environmental concerns; to the north is wetland and to the south is the stream corridor. He said he will work with the City Engineer to see if they can push the house up a little more.

Mr. Barcikoski said a grading plan was not required for the sketch plan. This is the first step in the process. They will provide a grading plan and stormwater management report for approval of the preliminary plan at the March meeting. He stated this sketch plan has 170 ft. less stream impacts, 150 lineal feet of less street, 1½ acres of less disturbance and .2 acres less of wetland impact.

Mr. Barcikoski responded to a question regarding Block A by the Cartwright turnaround and Block C (about 5 acres total). The conservation is a grey area with the Army Corps; sometimes they require it but sometimes they don't. He said he sees no reason to put a deed restriction on the land, but if the city were to require a deed restriction on those two parcels, that would not be a problem. He said he would prefer to put it in the hands of the landowners who buy it because it is so restricted because of the streams and setbacks.

Mr. Marnecheck questioned how the proposed pond would be maintained. Mr. Barcikoski responded they will be located in an easement and have an access driveway extending back to the pond.

Mr. Marnecheck asked about if they will have their own HOA. The applicant responded yes. The Law Director stated they have already had discussion with their attorney. It will be a self-contained HOA. The HOA will be responsible for maintenance of the ponds.

Mr. Baxendale asked will the water flow be negatively impacted by this development. The City Engineer stated the water will still flow through any area that is not being disturbed. They only have to detain water on the developed area is what the code states. He said the flow of water should not be impeded. Previously there was discussion about further erosion of the steep ravines. Mr. Barcikoski stated those were preliminary discussions based on a meeting that Rich had with the Army Corps. The Army Corps will request them to submit a plan if any work is planned in the stream corridor; they may put a condition on the permit issued. The City Engineer asked that the information provided by the Army Corps be provided to the City.

The Chair stated this is a sketch plan which is a new concept. If they receive sketch plan approval tonight, when they return for preliminary plan approval, most of the concerns expressed should be met. Mr. Barcikoski stated the detention calculations and drainage calculations are reviewed by the City Engineer, Cuyahoga County Soil and Water and Northeast Ohio Regional Sewer District.

The secretary confirmed more than 180 notices were mailed for tonight's public hearing. Notices will also be mailed when the applicant returns for Preliminary Plan review.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to approve Sketch plan.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion carried.**

- d) **PC20-04:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan, is seeking approval for a lot consolidation of PPN: 488-03-053 and PPN: 481-03-054, also known as 8641 West 130th Street in a Planned Unit Development (PUD) District zoning.

Moved by Mr. Baxendale, seconded by Mr. Marnecheck **to approve the lot consolidation.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion carried.**

- e) **PC20-05:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan is requesting amendment to current PUD which is zoned office use. Applicant is requesting to make use of PUD for residential townhomes at 8641 West 130th Street also known as PPN: 481-03-053 and PPN: 481-03-054 in a Planned Unit Development (PUD) District zoning.

Ms. Michalke asked if this will be a part of Athenian Village. Mr. Quinn responded no; this is a stand-alone, it will be separate from their development. Mr. Baxendale asked if the amendment is only for this particular purpose. The Law Director stated it is for this specific purpose.

Moved by Mr. Baxendale, seconded by Mayor Antoskiewicz **to approve the amendment of the current PUD and recommend to Council for their final determination.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion carried.**

- f) **PC20-06:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan is seeking Preliminary Plan approval for five two-family townhomes at 8641 West 130th Street also known as PPN: 481-03-053 and PPN: 481-03-054 in a Planned Unit Development (PUD) District zoning.

Mayor Antoskiewicz asked if any fencing or buffering will be added to separate the development from Athenian Village. He said one of the residents questioned this because of the amenities offered to only Athenian Village residents. It may come up during next month's meeting when discussing the preliminary plan. The applicant stated they are working with the Association. They are keeping it as green as possible.

Mr. Castrovillari asked the applicant to look at the unit which is kinked on a 45 degree angle; he asked that they look at it prior to next month's meeting.

The resident requested tabling of the application

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

- g) **PC20-07R: Bailey Development** – Christine 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. Request to table on 7-10-19. Tabled. Applicant to present revised plan.

Jeff Witschey asked Stuart Saylor with Reitz Engineering to address some of the concerns heard earlier. Mr. Saylor displayed a map showing the drainage area, marked in green, which drains into the 36 inch pipe; this includes the area all the way up past Edgerton Road, and all the way to Valley Parkway. He showed the area that drains into the wetlands behind the houses on Watercrest. He explained the areas where both the diversion basin and the second basin will remove approximately half of the water flowing through the some of the backyards He said part of the area will add to the flow going into the 36" sewer but the amount of flow will be reduced. They will divert the water out of the creek once it reaches a certain level and into a water basin releasing it slowly. They chose for their calculations to

start diverting the water when it reaches the five-year storm level; smaller storms will continue to flow through there. He said the 36" pipe was originally designed to carry a five-year storm.

Mayor Antoskiewicz asked for clarification of the water quality basin which is now going to serve a dual purpose as a water quality basin and a detention basin. If that is the intent now, does that mean it will be upsized. Mr. Witschey responded they can do both while keeping it at the same size. If it is bigger it may limit putting a house on that parcel. The plan shows a certain size basin. He said they might be able to make it bigger but there are restrictions as to setbacks from the road and the stream and have room for a house to be built on the lot. Ms. Michalke stated that perhaps that whole lot should become a much larger detention basin to further reduce the flooding potential. Mr. Witschey stated the developer may not find that option financially feasible. Ms. Michalke stated at the cost of the other residents it may be a wise choice.

The Law Director stated he understands Ms. Michalke's concerns but this developer didn't create the problem for these people and is doing what appears to be a solid job of trying to be of assistance in taking more water out of the stream. He stated if it were possible to enlarge the basin a little bit more, the PC has the authority to give the developer variances in order to do so. Mr. Witschey responded his limitations are the code maybe but also because there is a right-of-way and a 12 ft. easement next to that for the utilities. He said they have gotten it as big as they can get it but there might be room to squeeze (inaudible). He said he understands and they will do as much as they can.

The Law Director stated we appreciate the effort that Ms. Bailey is making in order to try to alleviate a problem she did not create; it is technically not her problem.

Mr. Witschey spoke to the concern regarding the 36" sewer on Watercrest Drive being overloaded. He said they do not tie to that sewer; none of the water from the proposed site will go into there. They will not be adding water to the 12" pipe.

The Chair reminded the audience this is a preliminary site plan. If approved they will come back with more drawings and calculations, etc. The Mayor stated he is happy to see they have addressed the upper basin on this plan. He added it is not perfect, but they have done a lot of what was discussed at previous PC meetings. The Chair agreed.

Mr. Baxendale asked for clarification of the water flow. Mr. Witschey responded the water which normally would be flowing in the ditch, shown in green on the plan, will start diverting at the elevation of a five year storm. Mr. Castrovillari clarified they will be taking the yellow area and blue area out of the green; it will be held and released slowly and therefore it may alleviate the amount of water. The City Engineer stated the area east of Watercrest backs up is because when that 36" sewer becomes surcharged, everything east along the road cannot drain so it backs up into the streets. Mr. Witschey stated the water flows into the wetland and flows through a small swale in the backyards. Part of the water then goes underneath the road and into wetlands on the other side of the street and then flows out.

Ms. Michalke said she heard many residents saying they are already flooding. She asked if Pinestream has an HOA. If they do, perhaps sub Lot 1 can be purchased with HOA funds from the developer in order to place the largest size basin allowable to further assist in water retention during heavy periods of rain.

Mr. Witschey responded he cannot speak to that.

Moved by Mr. Marnecheck, seconded by Mr. Baxendale **to approve the Preliminary Plan.**

Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke).

Nays: None. **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, March 4, 2020.

ADJOURNMENT

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck to adjourn the February 5, 2020 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 11:00 p.m.

APPROVED: /s/ Frank Castrovillari
Chair

DATE APPROVED: March 4, 2020

ATTEST: /s/ Diane Veverka
Planning Commission Secretary