

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **June 3, 2020 to conduct the Regular PC Meeting**. The meeting was called to order at 7:22 p.m. by Chair Frank Castrovillari and opened with the Pledge of Allegiance.

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

REGULAR MEETING:

APPROVAL OF MINUTES: Moved and seconded to approve the minutes of April 1, 2020. Motion carried.

The Law Director stated in order to appropriately social distance and still do the business of the PC, the suggestion was the PC have its public hearing with regard to the individual applications that are subject to public hearing and then go directly into the regular order of business for the handling of that particular application. Once that application is concluded, we will discuss the next item on the agenda until they are all done.

PUBLIC HEARING / OPEN MEETING

The Secretary stated public hearing notices were sent to property owners within 500 feet of the property in question and posted as required.

- a) **PC20-12: Bailey Custom Homes, LLC** – seeking Final Plan approval and Preliminary Plat approval for **Watercrest Subdivision**. The proposed subdivision will consist of 5 single family residential lots located on PPN: 486-17-013 and 486-17-012 in Residential (RRZ) District zoning. The proposed subdivision will be an extension of Watercrest Drive ending in a cul-de-sac. *The Applicant requested to table application to the June 3, 2020 PC meeting*

Moved and seconded to remove from table. Motion carried.

Chris Bailey stated some minor changes have been made to the original preliminary plan. They were predominantly for retention to the second retention basin and access to the detention basin.

The City Engineer stated as required the final plan has more details than what was on the preliminary plan back in February. We are still showing the stormwater management area adjacent to subplot 1 which is required for the actual developed area of the five lots. The secondary basin that was approved with better contouring showing the contours of the land with the access area adjacent to the stream corridor between sublots one and two. We have received the wetland delineation report as well as the Army Corps permit for filling a portion of wetland "A" which is the wetland between sublots two and three. Per our code, there is a 75 ft. setback around that wetland. Another wetland on the very north end of the site is not being impacted and is being left alone. He said that is the major items on the site plan itself.

The City Engineer said as far as the plat, everything needed for easements for sewers and drainage, as well as detention facilities is shown on the plat along with the required language provided meets our minimum standards for a preliminary plat.

Mr. Baxendale asked the City Engineer if one of the retention basins has been decreased in size. The City Engineer stated no. There was a discussion of a possibility of decreasing the size of the secondary basin but that basin has not been decreased in size from the preliminary plan. Mr. Baxendale asked if this proposed development will increase water problems in that neighborhood. The City Engineer stated the stormwater management facility adjacent to S/L 1 has been sized properly for the streets and the homes that are part of the development. The additional basin will be reducing drainage flows coming from upstream, an area that is approximately 60 acres, by as much as 15 percent at the lower frequency but higher rainfall intensity storm events. Ultimately without the basin it would be at a net zero, no change. To some degree there is a benefit being provided.

Ms. Michalke asked if the water quality basin on subplot 1 and the access to it is the homeowner's responsibility to maintain or will it be maintained by the HOA? Ms. Bailey responded the basin will be on an easement which is technically owned by that parcel; however, the HOA documents will show the basin will be owned and maintained by the HOA.

Mr. Marnecheck asked if the existing HOA is comfortable taking on this responsibility. Ms. Bailey responded Watercrest Subdivision, which consists of five lots will have its own HOA and will maintain its own infrastructure.

Ray Lehotsky, 5160 Waterbridge Drive, stated his house is five houses to the east of the subdivision. He spoke against the approval of the proposed development. He said the residents of this part of Pinestream have been experiencing water issues for more than twenty years. He said the City is well aware of the problems and has chosen to do nothing about them. He said the homes to the east of the proposed cul-de-sac have all had water in their basements because of the storm system that is maxed out. In hard rains he said there are ponds around the catch basins in both his and his neighbor's yard as the water tries to make it up the street. Water comes out of the storm sewers in the streets due to the pressure in the system. He said the situation worsened for the area when an additional house was allowed to be built behind the wet area. He questioned the engineering calculations. He also questioned who will police the wetlands to be sure they are not disturbed. He felt the proposed subdivision will cause additional problems for the 20 houses on the east side of that system. In the past he had asked if a study had been done calculating how much additional water will be entering the storm sewer. He said this is a valid question that should require an answer. He also spoke about the water which flows down the hill where the proposed cul-de-sac will be located. He said the water flows down that property into a three foot runout pipe which takes it under the street and into the wetland across the street. Mr. Lehotsky questioned the integrity of the developer and asked who is benefiting from this development.

Steve Ott, the Attorney representing Pinestream, said he had served 16 years on PC and is aware of the problems faced and the responsibilities they have to not only the current residents of the City but also to the future owners; the ones who are going to be buying those units. They will be buying into an existing water problem. The developer will be long gone and the five new homeowners and the HOA will have to deal with it. He said the storm sewer system that exists is not adequate. Every community has problems, but the City needs to make sure the new development does not create new problems.

Norm Pawlowski, 16887 Watercrest Drive, expressed his concern regarding the east side of the development because of the elevation which drops from 1170 ft. to 1138 ft. in his yard. The stormwater flows down the hill and into the back of his property which is wetlands. He said when the land is stripped and replaced with concrete and homes it will be adding drainage onto his property. He said he has had flooding with major damage. He said it leaves him having to take care of the problem because the city and the builder won't.

Mayor Antoskiewicz asked the City Law Director to elaborate on some of the parameters surrounding this application.

The City Law Director stated the PC has a balancing act. One of the things they are charged with is to see to it the applications at the very least meet the code. If they meet the code, the PC is hard pressed to vote against it. If it fails to meet the code, the PC can easily justify a no vote. The Supreme Court of Ohio has already slapped more than one municipality for refusing to recognize the rights of the developers and the people who own the property. The bottom line here is if the Building Commissioner and the City Engineer is satisfied, and in her case she has in some measure over engineered her basins in order to be of assistance at the request of the municipality, the administration and hopefully to the benefit of the HOA. If her application meets the code, the people who own the real estate have a right to develop that real estate. We as a city and the PC are hard pressed not to approve it. He said he cannot tell the PC how to vote.

Mr. Lehotsky got up and left the meeting. Mr. Kelly said Mr. Lehotsky has been at every meeting and has made his feelings known. Contrary to his view, the Administration including the City Engineer has been out to the area and saw the problems first hand. He continued speaking to the PC Board. This application has seen a number of iterations and despite the legitimate concerns regarding flooding, the question comes down to whether these flooding problems are the result of the failure of the system to be properly sized or whether it is because we are all getting way too much rain. In either case, flooding is the end product. At the same time the PC needs to understand the property owners have a right to develop the property. It is up to the PC to apply their knowledge, experience and good consciences; to the extent you do so, no one is in the position to question whether or not you have done the right thing.

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.

Moved and seconded to move this item to the regular order of business.

Regular Order of Business:

Mr. Castrovillari clarified the whole property is not going to be stripped; many of the trees will remain. They are disturbing as little as possible in order to put up the homes. With the new development the concept is to detain the water and deflect it into the pond to slow it down. He explained what water will be caught in each of the basins. Mr. Marnecheck asked for further clarification. Mr. Castrovillari explained how the reduction in water would occur. He said in this case the development of these two basins will be very helpful in decreasing the water flow that may be going into the area.

Mr. Marnecheck asked if Ms. Bailey has had previous experience managing a HOA. She responded yes, they have been developers for thirty years. She said she has managed

several HOA's in Broadview Heights and Brecksville. The HOA will at some point hire a management company that will maintain it.

Mr. Baxendale asked the City Law Director about creating an HOA. Mr. Kelly responded the procedure we have followed for many years is that the planning permits are issued, the declaration and bi-laws have to be approved by the City which contains a language the Engineering Department and Law Department review to make sure the maintenance of the basin responsibility falls to the HOA and that everyone is aware of that. The homeowners would receive a copy of the document at the time they are purchasing the houses.

Mr. Baxendale is personally aware of the flooding issues in North Royalton because of the location of his home and the work he has had to do to alleviate his flooding problems. He said he has a high level of confidence with the City Engineer and the Building Department and asked that if this is approved we make sure we are very strict at holding the developer accountable and to make sure what they say is going to be done will be done.

Mayor Antoskiewicz stated as they get started with construction we want to make sure the water is contained during construction. We'd like the developer to look at a different method of covering catch basins so they don't block water which creates more issues for the neighboring properties. Ms. Bailey responded the large detention area will be taking in water from the creek; it will be built to take in overflow almost immediately.

Ms. Michalke stated she has a home similar to subplot 1 which also has a basin on the parcel. She said she has lived there seven years and it has failed twice where the actual wall has eroded away and needed to be redone. She reiterated with how important the design of the basin is.

Ms. Bailey stated she is not selling a problem to people. She said in addition to her living there the project is engineered properly.

Moved by Mayor Antoskiewicz, seconded by Ms. Michalke **to approve the final site plan and preliminary plat for Watercrest Subdivision.** Roll call: Yeas: Four (Marnecheck, Michalke, Castrovillari, Mayor Antoskiewicz). Nays: One (Baxendale). **Motion carried.**

Public Hearing:

PC20-15: RJV Properties, Inc. is seeking site plan approval for proposed parking lot expansion at the east end of parking lot located at 12754 – 12798 Royalton Road, also known as PPN: 483-07-003, in Local Business (LB) District zoning.

Josephine Calabro stated based on the current tenants that are occupying the property it has become necessary to expand the parking lot. At times it has become so congested that it is a safety issue because vehicles are parking in all areas. They are proposing to add 17 parking spaces to the east end of the parking lot which is adjacent to the apartments. She said that is the only option for where the additional parking can be.

The Building Commissioner stated they have reviewed the property and the proposal. Parking is in desperate need at this location. We feel it is an appropriate addition to the site however a variance does need to be secured. The applicant has been made aware of that and they have already made an application to the BZA. He recommended if the PC approves the request, it be contingent on BZA approval for a variance of 15 feet from the

required setback from residential multi-family requirement. They have received a letter from Gross Residential who is the owner of the apartment complex stating they would request that a six foot board-on-board fence be installed along the entire eastern property line to prevent light trespass from angled head-in parking. He asked the PC Board to take that into consideration and make that a requirement of this application.

The City Engineer stated the size of the increase in area will not be a significant increase that the code would kick in for any detention requirements. He said positive drainage will need to be followed. An existing return on the fence is started on the back and he agrees with the Building Commissioners request to extend that along the property line. He said the fence should be kept at a minimum of three feet from the improvements because with the angled parking cars are going to pull over and we do not want the corner of their car to hit the fence. The best location for the fence would be right on the property line.

Mayor Antoskiewicz agreed with the requirement for a fence. Ms. Calabro responded the fence will not be a problem.

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

Moved and seconded to move this item to the regular order of business.

Regular Order of Business:

Mr. Baxendale said he frequents many of the businesses in that center and he agrees that additional parking for the center is needed. Mr. Marnecheck asked if they have communicated with all the tenants and are they comfortable with the proposed site plan. Ms. Calabro responded some are excited with the option.

Ms. Michalke expressed concern with the angle of the drive and with the parking being located close to the entrance drive. She asked if it would increase the instances of fender benders either in the parking lot or on Royalton Road as cars are waiting to turn in. Mr. Castrovillari responded there is approximately 20 feet plus the drive itself. Ms. Calabro stated they have limited the amount of parking spaces to 17 so it would not be an issue. The City Engineer said once they have received detailed construction plans they will look at it to see if the spaces need to be shifted and if there is a safe condition. The City Engineer said it meets the current width that is required for drive isles.

Moved by Mr. Baxendale, seconded by Mr. Marnecheck to **approve the final site plan with the additional fence requirement to be extended on the east property line, to receive BZA approval for a setback and to work with the City Engineer to make any adjustments if needed**. Roll call: Yeas: Five (Marnecheck, Michalke, Castrovillari, Mayor Antoskiewicz, Baxendale). Nays: None. **Motion carried**.

Public Hearing:

PC20-16: Sand Trap Bar and Grill is seeking site plan approval for a patio addition at 6824 Bunker Road also known as PPN: 489-01-015 in Local Business (LB) district zoning.

Bill Balazs, property owner stated that Terry Carlson will be speaking on his behalf. Mr. Carlson said they are seeking approval for an addition off the front of the building. The addition which would be located next to the existing entrance way; it will be 20 feet wide and

would extend 10 feet out into the parking lot beyond the existing gable. The existing gable will be removed and widened out.

The Building Commissioner stated he has been to the site professionally on a number of occasions for the addition and for the total site which includes the rear portion of the property. The applicant had started a project and some work had already been executed. They have spoken regarding the matter at length.

The Building Commissioner said any parking that is lost should be accommodated with accessible parking spaces elsewhere on the site which would include placing new ones by the door and additional parking spaces around the back. He said as part of the approval the applicant needs to clean up the back of the property; removing the piles of what appears to be asphalt, stone and gravel from the site. He also recommended with all the upgrades going on to the exterior of the building that a dumpster enclosure around the existing dumpster be installed. He added this is in keeping with what the City requires of any other PC application being heard by the Board.

The City Engineer recommended the removal of the pavement area that is now used for two or three parking spaces in the public right-of-way located in the front by the monument sign and fire hydrant. He feels that area is a hazard. He said he would like to see a landscaping curb to better delineate the drive isles. He said landscape rock can be used in that area. The pavement in the back area of the property is pretty much obliterated, pavement is gone. If not fixed, the asphalt grinding will continue to be washed away and onto adjacent properties. He recommended as part of the approval to pave the entire property.

Mr. Marnecheck asked the applicant what is the reason for the patio, are they just outgrowing the interior space. Mr. Carlson responded it is actually based on the Covid and trying to accommodate more people because of the restrictions placed on the inside. Mr. Marnecheck asked if what they plan on doing on the patio. Mr. Carlson responded they are planning to have ten tables with four chairs each. He said inside normally they can fit a little under 100.

The Mayor stated the applicant has heard other recommendations by both the Building Commissioner and the City Engineer and asked if they agree to the other improvements discussed. Bill Balazs said they had plans to clean it up any how and responded yes they agree to the requests. The Building Commissioner recapped what was discussed:

1. Repaving, restriping, pick up any parking lost in the front parking because of the addition.
2. Restoration of the tree lawn. We have asked that of other owners when they have appeared before the PC to restore areas which were originally grass tree lawns and since have been accidentally paved over to be restored back to the original condition which is shown on the site plan before us. The area in the front around the hydrant needs to be restored back to what it was originally.
3. Installation of a dumpster enclosure in the back.
4. The property cleaned up in total.

The applicant asked if all that has to be done before they can finish the patio. The Building Commissioner stated no, he does not anticipate use of the patio would require all this completed. He asked if they have an agreement with someone else for overflow parking. Mr. Balazs responded they had an agreement with people across the street in the daycare; if they plow their snow they can use the parking after 6:00 p.m. He said he was unable to contact the owners of that property because they have been closed and just reopened; he

does not yet have anything in writing but will work on getting it. The Building Commissioner stated our new parking ordinance does allow for shortfall of parking to be handled at an off-site location. If the PC Board is okay with it, we will accept a copy of an agreement of overflow parking.

The Mayor stated he wants a timeframe of when the improvements will be done. The applicant responded they have a concrete truck coming; they will pour the curbs out front at the same time. The applicant stated he should have the improvements done by the end of August.

Mr. Baxendale asked about the process of approval and wanted clarification if the project is already under construction. The Building Commissioner stated construction has gone on without a permit and the Building Department issued a stop-work order on it. He said we are aware that he has done something that is not correct; we have methods to administratively act on that. He said PC needs to separate the permitting process from the PC approval. Mr. Carlson stated the owner's son took care of the application for the permits and was admitted to the hospital; they were unable to communicate with him. They assumed they had everything they needed.

Mr. Baxendale asked if they are going to place limits such as hours for this facility now that they have an outdoor patio. Ms. Michalke asked if they were going to have speakers. Mr. Carlson responded they would like to put a couple TVs on the patio. He said if it hinders the project he would be willing not to have music. The Building Commissioner reminded the Board that we do have a noise ordinance in place and one that can be implemented. If there is a complaint, the police would show up and ticket the offending individuals.

The Chair asked if the Building Department has accepted a site plan showing the tree lawn and dumpster, etc. or should he touch it up. The Building Commissioner stated we will be following-up with them on their drawings. He said there are issues with the plans; the approval will not be on the as-submitted drawing. We are willing to work with them and will do inspections if needed.

Mr. Castrovillari spoke regarding the front elevation. He stated he would like to see some type of base at the columns of stone or brick and also decorative trim work needs to be added to the bottom of the gables to make it more presentable. He said a fence is shown but does not indicate what it is made of. He added he would like to see a nice decorative fence. Ms. Michalke agreed that the drawings should identify what materials will be used such as type of wood and make it more aesthetically pleasing as Mr. Castrovillari had stated. Mr. Carlson responded they are going to stone the entire front of the building with false stone. He asked if that would be acceptable around the columns.

The PC Secretary read into record two affidavits:

- R. Jacob, 6610 Bunker Road, spoke in favor of the application.
- Leonard Reinhard, 8467 Parkdale Drive, provided pictures for the PC Board. He asked that the rear parking area and curbing be repaired. Water floods the back of two adjacent residential properties making them a swamp area. He asked for privacy fencing to be installed similar to that on the east side of the property. He added both his property and the apartment properties have been a cut through for bar hoppers for the three bars.

The Building Commissioner stated the adjacent properties are asking for a board-on-board privacy fence on the western property line in the rear parking lot area for privacy and to prevent pedestrian cut-through.

Norb Friedrich, North Olmsted, stated they are part owners of the apartment building. He expressed concern of the noise coming from the parking lot. He said he likes the idea of the fence which would cut down on the cut-through traffic from bar hopping. The residents of the apartments are nervous about people passing by their windows. He asked that the parking lot curb be in place to block the water from running over into their grass making it a swampy area.

Regular Order of Business:

The Chair stated the applicant is doing a lot of improvements. The apartments can choose to put up a fence if this is an ongoing issue.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to **approve the site plan contingent on all the comments made by the Building Commissioner, City Engineer and the PC Board.** Roll call: Yeas: Four (Michalke, Marnecheck, Castrovillari, Mayor Antoskiewicz). Nays: One (Baxendale). **Motion carried.**

Public Hearing:

PC20-18: Purple Skies Farm is seeking expansion of a conditional use permit for 18802 State Road, also known as PPN: 486-14-007, in Residential (RRZ) District zoning.

David and Visar Duane and their son Justin Duane were present to speak. Ms. Duane stated they operate a farm. She said they have a gathering section in part of their home.

The Building Commissioner stated the applicant owns Purple Skies Farm which is located on State Road in a residential district of our city. He said they have appeared before PC many years ago and presented a project which consisted of a Bed and Breakfast, an accessory structure of a barn, their farm lands, agricultural walking trails as well as an additional accessory structure for holding meetings, small gatherings, across the table type events for cooking presentations for sales of produce, but not necessary full retail. They came before the PC to secure approval for what we call a conditional use permit because our zoning ordinance wasn't written in such a way that clearly states having a Bed & Breakfast is permitted in certain districts. At that time there was a series of limitations such as hours, how many people, operation, etc. They are here today for two parts: 1). To discuss their agricultural portion which was not covered at the previous PC, 2). Seeking modification to previous approvals that were granted to them by PC and Council by asking to expand the conditional use permit.

The Building Commissioner asked the applicant if they have submitted an application with the state for agricultural designation. Ms. Duane responded yes. The Building Commissioner asked if they have secured the designation as agricultural. Ms. Duane responded yes. The Building Commissioner then asked if the designation is for only a portion of the parcel; obviously the B&B were not part of the agricultural designation. Ms. Duane stated on the application it just asked how many acres would be used for agriculture. The Building Commissioner stated since the applicant has secured an agricultural designation this simplifies the PC review of the agricultural portion and the desire to put up a hoop house. They are permitted by the state of Ohio and County regulations to do agricultural functions which are basically farming. We have limited control over the farming practices once they are designated as agricultural designation. That is for a portion of their site exclusive of the B&B. The Law Director affirmed that is correct.

The Building Commissioner spoke regarding the conditional use modification; the additional uses they want to add to their B&B. He asked the applicant to briefly describe to the PC the various features they are adding to their B&B.

Justin Duane stated the B&B is also their home. The first floor of the B&B is a spacious place where they would like to host events such as bridal showers and small events. He said the Fire Inspector did a square footage to do an allotment of a certain X number of people.

The Building Commissioner read from the applicant's application. He said it also included: gatherings of up to 40 people, seating for wedding showers and workshops. They currently offer wellness classes on yoga, meditation practitioners and once per month health and wellness workshops on mindfulness, food as medicine, healthy eating etc. That is something we need to take into consideration of impact on the site.

Mr. Baxendale asked if they are adding a physical addition or just including other activities within the classification. Justin responded they are not requesting additional structures for these activities; the activities will be held within their current B&B structure.

The Law Director stated a conditional use permit is the lowest least potent level of permission that the law recognizes in the field of zoning. When they came before the PC several years ago for the B&B, recognizing they needed to make something useful of that property and to make good use of that property, both the PC and City Council approved it for a B&B. Now the question before the PC and then City Council is how wide and how far and how deep you want this conditional use permit to go. They have an agricultural operation on their land and they sell their product. They have a beautiful building and they are already making some use of it for groups and gatherings. The Law Director stated he is not familiar with what the limitation is on the number of people permitted to be in the building at one time. The theory was the B&B was going to be just that, a B&B. It is customary for the B&B owners to live on the same property. The question before the PC is for a conditional use expansion how far do we want it to go. They have intentions to make good use of it for many other additional purposes. But then there are questions of traffic and parking and how much of a commercial operation is the PC willing to approve in essentially a Rural Residential District which already has an X number of acres dedicated to agricultural use. There are communities where they are popular and welcomed.

Ms. Michalke asked since the location is where it is, going to a B&B would have to have alternate draws. She said she could see why the applicant wants to make it self-creative as a destination. She asked is there any other level to consider that would appease both?

The Chair asked the applicant how many people can stay there now. The applicant responded there are two rooms, each room can have two guests; four guests total for the B&B operation. The intent for the event space is not to have events that have overnight guests. He said the original intent was for some cross-over between the overnight guests and the other guests. He said the purpose of the event space is to be flexible to other options that do not include them crossing over with the B&B; a more flexible avenue for accommodating the current guests. He said they have a lot of parking available.

Mr. Marnecheck stated in addition to the parking for events, they also need parking for the operation of their produce stand. Ms. Duane responded possibly two or three cars at a time may stop for the produce stand. Mr. Duane stated designated areas are necessary to show people where to park; we have found we need to be mindful to make sure it is done correctly in order to accommodate that group.

The Mayor asked if we were to approve this would require some type of accountable parking spaces be required since they are now looking at planned events. The Building Commissioner responded as to parking they should have some sort of designated area parking; it may not need to be paved. Modifications may also need to be made on the interior of the structure because of state law. That is not up to the PC.

Thomas Evans, 5100 Wiltshire Road, spoke against the approval of expanding the conditional use. He said they started out as a B&B in a rural residential area. They already have a doctor coming in once a month to hold classes, yoga structure once a week, etc. Now they want to have a party center in a Rural Residential District. He said when there is an event there, he will hear it. He said on their website it says check out this month's public event schedule and rent our small event space for your own personal event. He said this is a party center and does not fit in our residential neighborhood. He said the curved area of State Road is a very high accident area; it will only be worse as more vehicles are looking for the location unless there is a big sign added.

Doris Martin, 5095 Wiltshire Road, said they bought the house for residential to be secluded. She spoke against the approval. The B&B is fine but not anything more.

Cathy Piazza, 5083 Wiltshire Road, stated at some point they will want to expand it further so it will then become a business area.

The Chair asked the Law Director what are the ramifications of the meetings taking place now; are they allowed with what was agreed upon by PC. The Law Director stated his suspicion is they are not. On the other hand we have seen an expansion on the part of the Supreme Court in terms of the ability of people to make use of their residential properties for things that would never have otherwise been permitted in years past such as yoga classes or small cooking experiences. The City is a complaint based operation; until we know there is an offense occurring and until someone complains about it, it does not rise to the radar. The fact they are apparently engaged in these experiences now is something that Mr. Kulchytsky will very likely have to make inquiry of and make a determination if they are appropriate and in keeping with the conditional use permit and the zoning classification or not. If not they will need to cease and desist. That is not a question before the PC Board today; the question today is simply the application.

Mr. Baxendale made a small comparison to Maple Side Farms in Brunswick. He does not believe the City is interested in having the same issues they have such as the traffic and everything going on there. He added there should be some type of designated parking. He said he would like to see some type of street presence including the addition of landscaping such as trees and bushes.

Ms. Michalke said she has been aware of many accidents which occurred along that curve on State Road. She said vehicles slowing down to pull into the drive are a tremendous concern for her. She added that she loves the idea.

The Mayor agrees with the traffic concerns. He said the conditional use should be limited; it should not include the party aspects and wedding showers, etc. The wellness classes are not a big deal because they are handled inside but he said 40 occupants is too many for that facility. The applicants are before the PC because the conditions put on them when first passed didn't allow for what they are proposing now. He asked the Law Director if the traffic is part of the criteria for making a decision. The Law Director responded it is a legitimate concern and can be recognized by the PC; traffic is always an issue and in this case maybe more so.

The Law Director stated the Supreme Court is kicking open the door for that kind of experience all over the country. If the PC is interested in expanding the conditional use to be made of their property for small classes not to exceed X number of people with defined parking, no events or large gatherings, it would be at least possible to draw a conditional use expansion permit to describe that. We would have to have a commitment on the part of the applicants that they would adhere to that. The conditional use permit that was granted them did not describe meditation classes, yoga classes, wellness classes; those things are happening now. That lends a question whether or not we can rely upon them to hold to their promise and their commitment that the applicant will abide by the conditions. That would be a concern on the part of the Law Department. Limitations to events involving many people as opposed to small group gatherings for meditation and yoga; those go on in all neighborhoods all over the city right now. They are not prohibited nor are they able to be prosecuted or limited. In this instance, because it is a property in a Rural Residential District that is already the subject of a conditional use permit, the question is the expansion of that permit and whether PC will approve of some expansion, what the nature of that expansion should be and whether City Council is going to approve of it.

The Law Director stated it might be appropriate with the applicant's permission and consent to pass this at their request until the next meeting and to allow them to meet with the Building Commissioner and actually describe the conditions they hope to have expanded. The clarity is currently lacking; it is not appropriate for the PC to describe to the applicant what they can have. It is more appropriate for the applicant to propose what it is they are asking for and to narrow those issues on paper to describe what the limitations of the conditional use are supposed to be.

The Chair asked if we can split off the agricultural request for a hoop tunnel. The Building Commissioner responded the city does not have authority to approve or deny an agricultural use. The portion of application regarding the agricultural use was prior to our being aware of their agricultural status being approved. The Law Director stated the Building Commissioner will make sure the building or structure is appropriately constructed.

The Chair spoke to the applicant. He stated the recommendation would be for application to be tabled for one month. During that time the owner should meet with the Building Commissioner, describe exactly what they want to do, number of people, the parking issues, everything we have brought up tonight. He would also like to see included what the square footage of the first floor is and how many people would be allowed by code to be on that first floor. He said with all those details the PC would have a better way of evaluating the request.

Regular Order of Business:

Justin Duane requested to table the application on the basis of meeting with the Building Commissioner before the next meeting in order to specify exactly what they are asking for under the conditional provision expansion.

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

The Mayor said we will reissue a notice to the properties surrounding the parcel in question so they will be aware of what is going on.

REGULAR MEETING - NEW BUSINESS:

PC20-19: Quinn Management is seeking final plan approval for three double townhomes and two single townhomes including green spaces and walking areas at the corner of W.130th Street and Doula Lane also known as PPN: 481-03-053 and PPN: 481-03-054 in Planned Unit Development (PUD) District zoning.

Tom Liggett with the Arcus Group Architects represented Quinn Management said they are seeking approval for the proposed development to be located at the northeast corner of W. 130th and Doula Lane. He recapped discussion from the previous meeting. It is the last parcel of the Athenian Village complex which includes a nursing home, duplexes, community center and apartments. He said they are proposing to finish off the last two parcels which have already been consolidated into one parcel. The plan is for eight units: three duplexes and two single-family homes. He said the parcel has easements on the property of which cannot be developed. They have revised the plan but are seeking flexibility on the placement of the units on the property. Both of the single-family units are "B" units; one is on Doula Lane and the other unit is by the EMS center up against the two easement locations. He said two duplexes are "A-B" units and the center duplex is an "A" unit. He said they are asking for flexibility of the units to see what the market is going for regarding the master bedroom being down or all bedrooms up.

He said they are trying to create a casual residential neighborhood, similar to Athenian Village. It will have guest parking, one space for each of the units being developed. Each unit will have an attached two-car garage and a long driveway which provides additional parking. They are looking to create a park-like atmosphere with trees and a walking path. The walkway will loop around and tie into a continuation of the emergency drive; they are looking into having it all tied together. A sidewalk will also be installed along W.130th.

Mr. Liggett said they are trying to get an overall look of arts and craft type of unit. It will be in the warm greys and darker greys of slate with a grey and white finish. He provided elevation details for each unit. Sample of the materials were shown.

The City Engineer stated they have been working with the applicant; they have shown a sidewalk along W.130th is shown on the plan as requested. He said in order for the sidewalk to be built properly the applicant is going to dedicate more right-of-way to the city so the sidewalk will be contained within the public right-of-way. That can be done administratively through the Engineering Department's office. He said they have worked with the HOA regarding stormwater concerns on Alexandra Dr. and the need for an additional catch basin. He also has heard concerns regarding possible flooding of the pond. The City Engineer stated in regards to the catch basins, three basins are proposed. A mound will be built in between the catch basins and the property to the east. The water will be self-contained on the site. The problem they have had in the past will not happen again because of the new storm system which will be in place. In regards to the pond, the applicant's professional engineer will address any clean water quality and/or quantity through the final development plans. The pond was originally sized to include the parcels that Mr. Quinn is looking to develop. We will review the calculations to be sure everything is being handled. Bio swales may be an option to handle storm water. With the additional right-of-way dedication there is an existing utility easement that will be encroached upon. Mr. Quinn will need to work with the utility companies to relocate them or work out those matters. He said the development will fit in nicely.

The Law Director stated the declaration of bi-laws will need to be submitted when they are ready. Mayor Antoskiewicz commended Mr. Quinn for the thorough job they have done on

the site plan. Ms. Michalke stated they are very much up to the standards that North Royalton deserves and we appreciate that. Mr. Marnecheck thanked Mr. Quinn for his willingness to add sidewalks.

Regular Order of Business

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

PC20-17: Woodhill Properties, Inc. is seeking Final Plat approval for Indian Trails Ph. 2 Subdivision located on PPN: 481-26-011, 481-26-050, 481-26-051 and 481-25-014 located off Abbey Road in Residential (R1-A) District zoning.

Robert Nottrodt of Woodhill Properties stated he is seeking final plat approval for 13 lots at Indian Trails Ph. 2.

The Building Commissioner stated this was thoroughly vetted by the previous PC and taken through all the phases. He is here for some of the final steps for Indian Trails Ph. 2 subdivision.

The City Engineer stated in regards to the actual plat itself, it is perfectly fine. Indian Trails Ph. 1 has already been approved and dedicated. He said the declaration and covenants will need to be submitted to the city before we can sign off on the plat. Mr. Nottrodt responded he brought those tonight. The City Engineer said in regards to actual approval for final plat, this is our chance to see if everything is done and to create a punch list of items that need to be addressed. Mr. Nottrodt and his contractor have been given that punch list. The roads, phone, electric, cable and gas are all installed. Unfortunately with the weather we have been having, he has been unable to address some of the bigger concerns which are: the mound on the south end of the development is not yet completely installed. After the April 29th rain, flooding water bridged over that area onto the Wood Oval cul-de-sac. To prevent that from happening again, they have switched out the inlet protection around the basins. That will be changing as a city for any new subdivisions coming in. Both the City Engineer and Cuyahoga Soil and water has been on them for the past five months to install temporary grass seed. He said it is difficult to do over the winter months and we have been so wet. He received a commitment letter from the developer that they plan on getting everything done in the next 30 days except one item.

The City Engineer stated they have one item that may not be able to get done. A property off Abbey Road which leads to the detention basin on the property is our storm sewer outlet to the basin as well as the access to the basin. Grass pavers have to be installed in that area for access. He may not be able to get that completed due to current litigation between the property owner and Mr. Nottrodt.

Mr. Nottrodt stated a contract was signed back in 2007 when he sold the property to Mr. Clark and his wife at that time. The Clarks were informed by Mr. Nottrodt that he would need a sewer easement going through (inaudible). The buyer stated no problem. Now that we have been doing the work on the easement, he has had cops there every morning and City Administration has also been involved unnecessarily. Mr. Nottrodt said he has the sewer in there and now Mr. Clark is suing him. Mr. Clark's ex-wife said she remembers every word that was said and has no problem testifying. The City Engineer stated Mr. Nottrodt's surveyor provided the city with a recorded stamped plat from Cuyahoga County showing the easement on it. He added we have not seen the actual language for the

easement but it showed an easement for storm sewer on it. Mr. Nottrodt stated the courts have pushed the date of the trial back three or four months because of Covid.

The City Engineer asked Mr. Nottrodt if he is committing to within the next 30 days finishing the checklist which includes some superficial items as well as replacing a couple cracked street concrete panels on the temporary turnarounds on the westernmost street. Fabrizi, the contractor, will cut them out and replace them. He said storm sewer as-built, and the sanitary sewer as-built are fine. They have been tested and are perfect and are working; calculations for the actual basin exceed the design providing more capacity. Mr. Nottrodt said they have been working on site for the last several days; unless we get hit with a lot of rain in the next day or two, they should be putting seed down.

The City Law Director stated the Law Department has concerns because this is now in litigation. He asked Mr. Nottrodt if he has other options he would like to propose.

Mr. Nottrodt stated he would like to talk to a couple Engineers before he says yes or no. The City Law Director stated Mr. Nottrodt needs to come up with an alternative. The City Engineer stated there is an alternative for physical access which is between two sublots that go directly to the basin. Some re-work would need to be done on the basin and the basin area. The problem still exists with the outlet for the basin which is a physical storm sewer which goes through Mr. Clark's property. If Mr. Clark wins and the pipe needs to be removed, the question is where it all will drain; it wants to go to Abbey Road. He would have to look at another way to route it through an easement through properties on Wood Oval.

Mr. Kelly said he does not feel the PC should be granting any approval until the litigation is settled. He said he knows Mr. Nottrodt has been very patient and he knows he has done everything he could possibly do to make this work out but we can't move forward on the hope that this will all work out.

The Chair asked the City Law Director if we do or do not grant this final, will it stop him from continuing doing a punch list or whatever is outstanding. He responded he can move forward on the punch list. The City Engineer asked Mr. Nottrodt to have his Engineer call him to discuss alternate plans.

The Mayor asked about the timeframe for turning the Indian Trails Ph. 1 over to the HOA. Do we need to make accommodations to allow Mr. Nottrodt and the HOA to have their meeting in order to turn over the development. The Law Director stated it is the developer's responsibility under state statute to make arrangements for a meeting to organize the homeowners into their own HOA Board of Directors within he believes its either 90 days or 180 days after he sells the last lot in Phase 1. The Mayor stated because it is difficult to hold a large meeting due to the social distancing requirement how this affects the timing. The Law Director stated the Supreme Court has essentially polled all the time limits on many statutes and rules because the fact that people aren't able to get together because of the State of Ohio's Executive orders and Department of Health orders. He said it is between him and the homeowners. The City serves as an accommodation, but it's his responsibility. Mr. Nottrodt stated there are 32 lots involved.

Mr. Nottrodt stated he would like to table his application until July 8th or the next PC meeting and he agrees to a waiver of time.

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

MISCELLANEOUS

The next scheduled meeting is Wednesday, July 8, 2020.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Baxendale to adjourn the June 3, 2020 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 10:32 p.m.

APPROVED: /s/ Frank Castrovillari
Chair

DATE APPROVED: August 5, 2020

ATTEST: /s/ Diane Veverka
Planning Commission Secretary