

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **August 5, 2020 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 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: Assistant Law Director Donna Vozar, City Engineer Mark Schmitzer, Building Commissioner Dan Kulchitsky, Director of Community Development Thomas Jordan.

REGULAR MEETING:

APPROVAL OF MINUTES: Moved and seconded to approve the minutes of June 3, 2020. Motion carried.

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) **PC20-20: 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. The application was heard and tabled on June 3, 2020. The applicant submitted a revision to the original request.

Moved and seconded to remove from table. Motion carried.

Visar, Justin and David Duane spoke on the application. Mr. Duane stated they are here to discuss the expansion of the conditional use permit for the sake of an event assembly being added. Prior to this the PC recommended they reformulate their proposal and talk to the Building Commissioner in order to get a better idea of what zoning codes and building codes allow for and also to take into consideration comments from the PC Board and the community.

The Building Commissioner stated the applicant was here on two items. One was a hoop house which was approved and has since been permitted. The second item was that Purple Skies was returning before the PC to expand their conditional use. Purple Skies Farm was before the PC in 2012 and secured a conditional use for having a Bed and Breakfast. The B&B outlined the amount of individuals permitted to stay at the B&B and the use of the grounds for the B&B and any of their guests. Since then Purple Skies has built their residential structure on their farm, an accessory structure and some hoop houses which are basically greenhouses for year-round use of the property.

The Building Commissioner said they have also begun to host events such as small wedding parties, christenings, family gatherings, etc. at their location. This is outside of the parameters set forth by the PC for their conditional use. They have also begun to have wellness classes such as meditation, yoga, nutritional wellness classes at their location which is also outside of the conditional use granted by the PC. They are here today to secure approval for these small events at their location. At the last meeting they did not have a clear direction as to what they wanted; some of it seemed in excess of what neighbors and the Board was willing to discuss. They have returned with revised numbers

as to the amount of people and the amount of times they would have events. They met with the Building Commissioner to find out what is permitted by the Ohio Building Code for their structure.

The current proposal is for a 20 person maximum capacity which would comply with the Ohio Building Code. They would have the event frequency as follows:

- Yoga: once a week
- Wellness workshops: twice a month
- Paid assembly events: 24 times a year (average of 2 times a month)

They are looking to add additional parking. They are looking for 10 total spots which is in compliance with our code. They said they are going to attempt to disperse the parking so it does not look like a large paved parking area should they have an event. The vehicle headlights either will face the side-yard tree line or the house itself so it will not bother neighbors or those residents across the street.

The Building Commissioner stated as the Law Director typically states, the PC has broad discretion as to what they choose to do with a particular application; conditional uses are at the discretion of the PC. Additional stipulations can be placed; numbers can be discussed and debated.

The Assistant Law Director stated while the conditional use permit is granted to this Board, under the City Code it lists what those conditional use permits are granted on under the Rural Residential section. In this case it was a B&B Inn. When they are requesting an extension of their conditional use, they are doing so in violation of our Code which further under residential use talks about accessory structures and use. What they are trying to do is get something through the conditional use that they couldn't get through applying on their own through our code. She stated several examples of what they would need to do to comply; for example a home occupation under the code. In doing so they would have to comply with our code under section 1273.03 section (c). In that case the code lists numerous factors that need to be followed. If the PC finds that this is part of a B&B enterprise, then the PC has the authority to do so. If they are seeking to have another business that is prohibited under the code, the PC needs to look at that code to make that determination.

Thomas Evans, 5100 Wiltshire Road, spoke against the approval of the application. He stated they bought their property in a residential neighborhood and as such they assumed they would have residences around them, not a business. He said the limit of occupants allowed by the Ohio Zoning Code cannot be applied to the application because the parcel is zoned residential, not business. The cars will not back out onto State Road so the headlights will still be visible. He spoke of the high-accident bend on the road.

Mike Wos, Ward 6 Councilman, stated he has heard from the residents in his ward. He said even though he is pro-business and for free enterprise, this is a Rural Residential area. An exception was granted to have a B&B. Other areas of the City would be more appropriate for this type of enterprise. He said this condition does not fit for this venture.

Doris Martin, 5095 Wiltshire Road, spoke against the approval of the application. She said this can be starting a precedence of potential businesses in the Rural Residential area. She

asked if there will be music, alcohol, will the events be moved outside and if passed what the hours will be.

Moved this item to the Regular Order of Business.

Adjournment of the Public Hearing.

REGULAR MEETING: Called to order by Chair Frank Castrovillari.

Old Business:

- a) **PC20-20: 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. The application was heard and tabled on June 3, 2020. The applicant has submitted a revision to the original request.

Mr. Marnecheck stated it looks like they will be hosting 100 events annually. He asked how many individuals attend each type of event. The applicant responded Yoga has less than 10, Wellness has less than 15 and Assembly would be 20 attendees or less. He spoke regarding the parking and headlights of the car. Justin showed a diagram of the orientation of the parking. He stated where the ten spaces would be located: 4 spaces in one area, 3 spaces outside the garage on the pavement, and the other three spots are inside the 3-car garage which is designated as owner spots. Based on Zoning Codes it actually equates to only 5 required spots. We added additional spots for a total of 10 spots; more than what is required by code.

The Assistant Law Director addressed the President of Council's question. She said generally in residential there is not a code stating how cars are to be parked so they don't shine in their neighbors' yards. In commercial parking we do; fencing or a barrier may also be required. For the record this is a conditional use expansion. People in residential and in rural residential are permitted to do home occupation and to do home offices. That is not what this application is for; it is asking to be permitted under the conditional use. In that case they have gone beyond what the conditional use is. In order for it to be a home occupation or home office, they would need to go through the criteria of the code. She said they may find that a health and wellness is something a B&B does for their people visiting but are they also doing it for people outside the B&B.

Mr. Marnecheck asked how many of the attendees of the events are individuals who are already their guests who are staying overnight versus attending the class and leaving. Justin responded a large majority would not be B&B guests. They would be only coming for the events.

The Building Commissioner asked how long they have been doing yoga, wellness classes, etc. at their location. Ms. Duane responded approximately five months; she said they stopped recently during the Covid crisis. The Building Commissioner stated the Building Department has not received any complaints regarding their home occupations. He said if what they do complies with home occupations the PC Board should not be hearing it; nor is it that something that should be considered as a conditional use upon this property. The Assistant Law Director responded only if the Board determines that those items, what they are doing, are part of the B&B industry that they are running. For example as part of the

B&B they are offering yoga, etc., rather than as a separate business where they are running a party center. This Board does not make that decision as to whether or not to permit a home occupation. That is not before the Board. What is before the Board is should they expand a conditional use that was granted for a B&B to include a party center, wellness classes, etc. She added they are requesting to amend their conditional use to add those things as permitted as part of the conditional use. Ms. Duane stated they also want to have it available for their B&B guests as part of amenity services.

Ms. Michalke stated what they are offering is very common in the B&B industry. She said being in a rural area, you have to have reasons to draw guests to the B&B. Justin said these services are definitely offered to B&B guests but they expect more participants from outside the B&B population.

Mr. Marnecheck discussed parking for the B&B guests. Justin responded the two guest room occupants would use the two incidental spaces. Five would be for the non-guest event attendees.

The Building Commissioner stated should this be approved, 20 is the maximum number for their construction type. If the number is exceeded they would lose their occupancy granted by the state of Ohio. The Assistant Law Director stated there is a difference between having a yoga class versus a bridal shower. Ms. Duane stated that some of the guests from the shower may stay at the B&B.

Mayor Antoskiewicz expressed concerns for the number of parking spaces versus the number of guests; five parking spaces are not enough for 20 guests. He addressed the issue as what time the events would take place. If they are daytime events headlights from cars would not be an issue. He feels anything beyond 10 attendees for an event in the house is too many. He also addressed the dangerous section of the road for traffic.

The Chair stated he has a lot of issues with the way it stands. He said he is struggling with what days the events are offered and if they would actually be happening on the weekend when the B&B guests would be there, same with the workshops. The events would probably all occur during the summer when it is nice outside. He also expressed his concern regarding the applicant allowing additional vehicles beyond the number of vehicles permitted just because they have the space available for more.

Justin stated that events normally do not go beyond 6 p.m. The headlight comment is basically for winter months when the sun sets at 5 p.m. There is space available where cars can safely park if additional parking is needed.

Moved by Mr. Baxendale, seconded by Mr. Marnecheck **to approve expansion of the conditional use permit for Purple Skies Farm.** Roll call: Yeas: None. Nays: Five (Michalke, Marnecheck, Mayor Antoskiewicz, Baxendale, Castrovillari). **Motion denied.**

- b) **PC20-17: Woodhill Properties, Inc.** is seeking Final Plat approval for **Indian Trails Ph. 2** Subdivision located on PPN: 481-26-011, 4861-26-050, 481-26-051 and 481-25-014 off Abbey Road in Residential (R1-A) District zoning. *Tabled on 6-3-20.* Motion and seconded to remove from the table.

Robert Nottrodt stated he is seeking final plat approval for Indian Trails Ph. 2.

The City Engineer stated the last time Mr. Nottrodt was here before the PC there were some outstanding items. One of the larger items was the storm sewer easement running through private property on Abbey Road that outletted the stormwater basin for the development. It was approved as part of the Engineering plan and overall development and was built. The owner of the property was legally challenging the validity of the easement. Since then a settlement has been reached between the parties. The documents have been signed and submitted to the City's Law Department. Upon review, everything seems to be in compliance based on the resolution. It is not fully done yet because of the permitted days after signing of the document. For all intents and purposes the easement is a valid easement of which the owner has signed off on it. All the rights are given to Woodhill Properties for that easement. The plat will reflect the easement rights to the HOA and the City which is the third party for access and maintenance in the easement.

The City Engineer continued, he said there were a couple of items that the developer had not completed but was working on. The 4-page punch list was narrowed down to four small items. The drainage swale restoration and grass paver installation could not happen until his easement was settled because that is where they will be going. The developer is committed to doing that work; he will be planting grass when the weather improves. Bond money will be held in escrow to ensure that item is completed. As part of our approval we granted a variance for the setback of the wetland. That setback area was distributed further among other lots. Because of the hot weather they are not doing the plantings yet. Again bond money will be in place to ensure it will happen in the fall. They have been in contact with Cuyahoga Soil and Water who has been on site to discuss the type of plantings and location of the plantings.

The City Engineer discussed inlet controls, catch basins and the prevention of flooding during heavy rain events. The old rabbit cage style protection with the black silt fence built up on sticks and fabric inside has been removed from the site. Instead they are required to use Dandy Bags. A couple of the remaining bags which are on backorder because of manufacturing issues caused by Covid will be installed soon. This inlet protection will help prevent flooding issues.

The berm was built along the southern property line with a wide well-defined swale. Three street signs have been installed: the temporary t-turn-around, no parking anytime sign on each end and a no parking sign to be placed in the cul-de-sac. The developer inadvertently used the incorrect font on the signs, which was not our standard font used on City signs. The replacement signs have been ordered and will be in place shortly. The utilities are in place and everything is graded and seeded. Reports from Cuyahoga Soil and Water have reported on the condition of the basin; all the areas that were graded have been hydro-seeded and grass is starting to grow. Streets have been swept and any cracked concrete panels have been removed and replaced with new concrete.

The City Engineer stated he is very pleased with the work and would recommend approval from the PC for dedication of the final plat for Indian Trails Ph. 2. He said City Council will not be meeting for another month; in that time he hopes the outstanding minor items will be either started or completed.

The Assistant Law Director spoke on the litigation. She said the parties had settled on July 16th. A copy of the settlement was provided to the City for their review. The City Engineer

reviewed the easement to confer that it is in compliance with what was previously recorded. He indicated it is. Mr. Nottrodt said the title company has been given the easement document for recording. The Assistant Law Director stated we want to make sure the easement documents are recorded so there are no more delays.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to approve Indian Trails Ph. 2 final plat and recommendation to City Council for its final determination.** Roll call: Yeas: Five (Marnecheck, Baxendale, Mayor Antoskiewicz, Castrovillari, Michalke). Nays: None. **Motion carried.**

New Business:

- a) **PC20-21: The City of North Royalton** is seeking approval for a lot consolidation of PPN: 483-28-003 and PPN: 483-28-006 also known as 14875 York Road in Public Facilities (PF) District zoning.

Mr. Jordan, Director of Community Development, stated the City of North Royalton is proposing to consolidate two parcels that it now owns. Approximately ten years ago the City leased the rear five acres of what was the former County garage. The City developed a baseball field on it. The parcel also had on it a stream which limited access to the new ballfield so they acquired a property on Akins Road for an access drive to the ball field. Last year we finally acquired all ten acres of the County garage site. We therefore are now consolidating the two parcels which have improvements that stretch over both parcels.

The City Engineer stated everything for the consolidation is in order.

Moved by Mr. Baxendale, seconded by Mr. Marnecheck **to approve lot consolidation of PPN: 483-28-003 and PPN: 483-28-006.** Roll call: Yeas: Five (Mayor Antoskiewicz, Castrovillari, Michalke, Marnecheck, Baxendale). Nays: None. **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, September 2, 2020.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Baxendale to adjourn the August 5, 2020 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 8:00 p.m.

APPROVED: /s/ Frank Castrovillari
Chair

DATE APPROVED: October 7, 2020

ATTEST: /s/ Diane Veverka
Planning Commission Secretary