

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **May 5, 2021 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Gene Baxendale and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Holly Michalke, Marie DeCapite, PC Secretary Diane Veverka. Administration: Law Director Thomas Kelly, City Engineer Justin Haselton, Building Commissioner Dan Kulchysky.

REGULAR ORDER OF BUSINESS:

The Secretary provided an overview of the PC meeting process.

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

The Chair adjourned the Regular Meeting and called to order the Public Hearing portion of the meeting.

PUBLIC HEARING / OPEN MEETING

- a) **PC21-11: Viewpoint Subdivision** – Builders and Developers Co. Inc. and Viewpoint Development LLC are seeking Final Plan approval and Preliminary Plat approval for Viewpoint Subdivision. The proposed minor subdivision will consist of (15) fifteen single family lots on 39 acres of property located on PPN: 482-28-037 in Residential (R1-B) District zoning and PPN: 482-28-001 in Residential (RM-D) District zoning. The subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Rich Beran, Project Manager w/ Builders and Developers Co., Inc. and Dan Barcikowski with MG Engineering who represents the engineering for the site spoke regarding the application. The site plans were displayed showing the two street-extension. He said the area shown in green is the biggest area that would be disturbed during the construction. He said they followed all the correct riparian setbacks and there were no changes made to the actual layout of the plan from the preliminary plan that was approved last March. He spoke regarding the following issues:

Wetlands: He said the house on subplot 1 has been moved up to the right-a-way line. There is a small section of wetland there that will be filled and a wall will be constructed to allow them to move the house closer. There is also a large wetland in Block B. It shows a fill going over the 100 ft. setback. The BZA approved a variance to allow less than the 100 ft. requirement. Cuyahoga Soil and Water Conservation District (SWCD) wrote specifications that once that area is damaged, they will need to go back in and reforest the area. The actual amount of fill as far as wetlands on the site has been reduced to .158 acres. Riprap will be installed in certain areas to slow the drainage courses that go through there. He said they have the necessary permits from the EPA including a jurisdictional letter. They have secured the credits needed and have put down payments on those credits.

Stormwater: The stormwater from this site comes from the east; coming through the site from east to west. Anything current going through the site from the larger streams will be left alone. Anything that will be disturbed during home construction will be piped underground into two basins which are located side by side on the west property line. One drive will go back to the basins providing access for the HOA to maintain them or access to the City if needed.

Sanitary sewer: There are stubs at both streets but they will come in off of Cartwright and go into the cul-de-sac and through the area etched out on the drawing. It will go to the end of Margaret Drive and go all the way to subplot 1. It will not connect to the existing stub on Margaret Drive. It has the capacity but it is not deep enough to get sanitary sewers under the basement foundations.

Water line: Per Cleveland Water specifications, the water line which is currently stubbed to both ends of the roadway, then each one will continue around the cul-de-sac and connect back in.

HOA: The site will be governed by an HOA which will be set up for the 15 sublots. It will govern the types of homes but will also govern the maintenance of the two retention basins.

Conservation: Everything in Block A and Block B will be put in conservations. West Creek Conservancy has been engaged to do the maintenance of those sites. The conservation easement will be held by them. Their documents have been forwarded for review to both SWCD and the City's Law Director. Prior to the final plat those documents and any of the HOA documents will be sent to the City for approval. Originally this plan was offered to the City per Section 1246.08. The City did not want the land; therefore, it was put into a conservation easement.

Construction: Hoping to start late fall/ early winter and pave in the spring of next year.

Mr. Marnecheck asked for clarification of the .158 acre being filled. Mr. Beran responded the developer is permitted to fill up to a certain point of wetlands under one permit which is up to a half-acre. It can go up to three acres with a different permit. He said by moving some of the houses around and also moving both of the basins into the one location, they were able to use less fill. They are now down to .158 acres of total fill of the wetlands. They are now filling a lower-class wetland and therefore are able to move the fill line on the other wetlands in order to decrease that amount.

The City Engineer said the proposal does appear to meet all lot requirements. He said even though not required, they asked if they could continue the sidewalk all the way around the two cul-de-sacs. The applicant has coordinated with the City, CSWD, West Creek Conservancy and the Army Corps of Engineers. West Creek will come out typically twice a year to check on making sure the wetland conservation area is not being disturbed. During early construction they may come out every quarter. They will provide markers in the areas so the contractor is aware of the areas that cannot be disturbed. As mentioned earlier, the wetland disturbances have decreased and a permit have been granted. To minimize disturbance, he said the plan is to only clear the trees necessary for the road and utilities. Moving forward, each lot will be approved by the Engineering Department and CSWD.

The City Engineer said stormwater is always our largest concern and they are doing a good job trying to control it by getting it to the stormwater basins on the west side of the site. A swale and the catch basins will be behind lots 10 through 13 to make sure water is not cascading over the edge into the existing creek. It will be collected and sent to the basins.

At a previous meeting, the issue regarding a dislodged manhole cover located at the end of Margaret Drive was discussed. Our Stormwater Department went out there and cleared a

blockage in the pipe which should help the problem. He said if the HOA gives approval, the applicant said their contractor could fix it.

CSWD will also be reviewing plans for stormwater concerns. Jakob Hamlescher, a representative from CSWD, is here today. He can speak to the project if the Board is interested.

Jakob Hamlescher said originally it sounded like it was a pretty severe grade. He said with the changes made, they have met the requirements so far. He said they are waiting for the final approval in order to get the NOI. He said from a stormwater point, with the swales and the stormwater basins, it all meets the requirements as permitted with the City Ordinances, the O8C5 and land and water development manual.

The Law Director stated he has worked with Mr. Beran's attorney Todd Schrader on a number of developments in the past and he said they have seen his good work. The HOA documents are appropriate and in order and provide the appropriate level of protection for the community and for the City to have involvement in the event that the HOA fails to do its job. The language is so good we have recommended it to other developers to be used in the future. He said they have also worked with West Creek Conservancy and have no doubt that the conservation easements will be as they have been in the past.

The Chair opened the floor to the audience.

Thomas Kuchiba, 7640 Hi-View Drive has spoken to the PC several times in the past regarding the Viewpoint Subdivision development plan. He has made it clear he is vehemently opposed to the plan. He spoke of why he feels it is ethically and environmentally wrong. He displayed several pictures of flooding from stormwater.

The Law Director stated he recognizes the young man's comments as being sincere and he obviously has done his homework. However, he has misapplied the Ordinance. Ordinance 21-43 which was recently passed and approved has no application whatsoever to this plan or to this project. It is prospective only. The property owners have vested rights in their plans and in their land in the development. Those plans are set in stone the minute they are filed with the Building Division's office in the sense the rights to develop the property remain their rights going forward. The interpretation of the Ordinance is simply inappropriate.

Terry Monnolly representing the Cartwright Family Trust stated he disagreed with Mr. Kuchiba. The constitution of the United States gives everyone the right to use their land to their fullest. You do not need to give your land away because someone wants a park. He said he is a Civil Engineer and has worked with the City on several projects relative to stormwater issues. He said the Trust property has been receiving the water from Hi-View and eroding the creeks. He said the Engineers have done their work and have provided information that the proposed stormwater plans will decrease the flooding. The retention basins will cut down the amount of water entering into the main streams.

Ellie Siligaam said she lives at the corner of Harley Hills and Gordon. She spoke against the approval of the application stating during excessive rain storms the water cascades down Harley Hills like it's a waterfall. Houses at the bottom of Harley Hills have been flooded multiple times. She spoke of the future ramifications the proposed development will have to the surrounding properties.

Kevin Kuentz, 7481 Hi-view Drive, stated the intent of the Ordinance was to change the definition of a stream to create more setbacks. The current laws governing the setbacks were not restrictive enough and our City had determined they needed to be increased because of past issues. He shared pictures and spoke of the 145 ft. elevation change, the stream and the conservation setbacks. NR has had meetings with the sewer district regarding curbing flooding by being proactive. He asked if this plan aligns with those intentions.

Shan Cooper, 9935 Independence Drive, mentioned the torrents of water with logs and trees flowing down York Road and through the yards and onto Independence Drive. During one of the heavy rains there was 10-12 feet of water flowing through the yards; the gravel left on their street was so bad they could not exit the drive onto York Road. He also stated that something needs to be done with traffic control. It is very difficult to exit Independence Drive onto York Road because the speed limit is not observed. A traffic light needs to be installed somewhere in between the area of the Industrial Park and Albion Road. His comments have been forwarded to the NRPD Traffic Department.

Maria and Brian Gerace, 7545 Harley Hills Drive, said she agrees with the statements regarding water, increased traffic and expressed concerns regarding if trees will be removed from the extended drive on Margaret and Block A.

The Secretary read into record affidavits from: Grant Krueger, 7475 Julia Drive. He asked that consideration be given to the homeowners located at and near the corner of Harley Hills Drive and Julia Drive. He stated Julia Drive is used for a bypass route of Rt. 82 traffic. He spoke of several other issues including the need for more policing of these two streets because of drivers not stopping at the corner and for excess speeding. A copy of the letter will be forwarded to the NRPD Traffic Department.

The Chair asked for a motion and second to move this item to the Regular Order of Business. Motion carried.

- b) **PC21-12: Parkway Plumbing, Inc. on behalf of EGZ Properties LLC** is seeking final site plan approval for proposed metal storage garage at 9925 Royalton Road also known as PPN: 483-26-002 located in General Industrial (GI) District zoning.

Dan Egizii stated once he gets his new building up front leased, his intentions are to build another building in the back which would be phase 3 for his plumbing business. He wants to clean up everything laying around out back (pipe, trailers, etc.). He would like to consolidate everything in one spot to clean the site up.

The City Engineer wanted to ensure the stormwater being directed to the basin in the back is not blocked by providing grading from west to east to allow for a path for the water to get to the basin. Mr. Egizii said he can do that.

The Building Commissioner stated Mr. Egizii has some outstanding notices for trailers and cleaning up of the site. He appreciates him planning to put up a permanent structure to store his materials; not in a cargo container which is unpermitted. He said either a variance will need to be secured or the proposed structure will have to be moved 10 feet off the property line. Mr. Egizii responded no problem. The downspouts and gutters will need to connect into the existing

stormwater system and detention basin. As previously mentioned by the City Engineer, the ten ft. space will allow for better management of the stormwater.

The Building Commissioner asked Mr. Egizii when he anticipates removing any trailers or cargo containers. Mr. Egizii responded he inherited one untitled cargo container; he is in the process of getting it out of there. Because it is untitled, it is difficult to remove but it will be removed upon completion of the accessory structure. He said his intention is to put up a shop in the back for his plumbing business. At which point in time he can have everything put under roof. The Building Commissioner asked if his intentions with putting up the metal barn/shed accessory structure is to store plumbing equipment. Mr. Egizii responded the cargo containers are full of tools and the tools will need to be under roof. The Building Commissioner said he does not think that the proposed project complies with the initial intent of what we thought it was there for. Mr. Egizii has cargo containers on his site that we cited him on before; it is not an appropriate method of storage. Mr. Egizii told him this was to store his materials and get them off his site. He asked Mr. Egizii is that not the intention of it; is this just more storage. Mr. Egizii responded he wants to get all of his loose pipe, drag-behind compressor, etc. inside of this container but he said he still has power tools, pumps that cannot be stored outside in this thing. It is stuff that needs to be stored inside a heated building; right now they are inside the Conex boxes. He does not plan on getting rid of all the Conex boxes right now. He said he plans to get rid of the trailer and possibly one of the Conex boxes. He said one or two of the Conex boxes are equipped to go out to job sites. He plans to not get rid of at least one of them ever.

The Building Commissioner said if the applicant does not intend to remove the illegal temporary storage materials, he would not be able to recommend another storage building that wouldn't alleviate the existing problem; we are just adding another storage structure. We have expressed this to him before and notices were sent to the applicant.

Mr. Egizii responded Conex boxes are a lot cheaper so he would just keep his stuff in them. The Building Commissioner said there are still outstanding notices on those that those are to be removed.

The Chair asked for a motion and second to move this item to the Regular Order of Business. Motion carried.

The Chair asked for a motion and second to adjourn the Public Hearing portion of the meeting. Motion carried.

REGULAR ORDER OF BUSINESS

The Regular Order of Business portion of the meeting called to order at 7:55 p.m. The Chair said we will be hearing PC21-12 Parkway Plumbing, Inc. prior to moving into old business.

New Business:

- a) **PC21-12: Parkway Plumbing, Inc. on behalf of EGZ Properties LLC** is seeking final site plan approval for proposed metal storage garage at 9925 Royalton Road also known as PPN: 483-26-002 located in General Industrial (GI) District zoning.

The Chair called for the applicant.

The applicant said he is just trying to clean up the property to make room for his building. The Mayor asked if there is any possibility the new accessory structure can be made larger to have everything stored in it such as power tools, etc. Mr. Egizi responded he has cut pieces of duct pipe that is expensive and laying all over the back; he wants a place to put that and does not want to throw it out. The Mayor stated the applicant is cleaning up only a portion of his property; the remaining areas to be cleaned up is still an issue with our Building Division. Mr. Egizzi responded he is a commercial plumbing contractor. One of the Conex boxes has pipe racks and shelving in it which has gone out on jobs and stayed on jobs for an extended period of time. He said he has no intention of giving that away. He said he has other ones that he will get rid of when he gets his building built. The Mayor asked again is there anyway of expanding the building and putting it inside. He said when he gets the building out front leased, his intentions are to put a building in the back for his plumbing business at which point in time he could consolidate a lot of stuff inside the heated building. He said he will not put scrap pieces of pipe and plastic fittings inside that heated building. He said he was looking to put up something not heated; something to keep it out of the snow and weather; was the whole purpose for this.

Ms. Michalke asked can you expand the building or maybe even an unheated garage type building that could encompass the trailer you will be using and don't want to get rid of. It gives you the ability to have it under cover, not heated, but still protected from the weather and to code.

Mr. Egizzi said one of the Conex boxes is full of the dig material such as exterior pumps; he doesn't want them inside his shop because they are covered with mud. He said he could move those in there and get rid of that one Conex box. He said he only has two Conex boxes; the other one belongs to a tenant. He can get rid of two of them. The Building Commissioner asked if Mr. Egizzi can limit it down to one Conex box and no semi-trailer. Mr. Egizzi said the trailer is empty; he thinks he found a guy to cut it up and scrap it.

The Building Commissioner stated if the applicant can narrow his site down to one Conex box, which would be a reasonable amount because we don't know when Phase 3 is to occur, he would accept it as a very clean site compared to where it was. He has come a long way in terms of cleaning up his site; in an effort to meet him part of the way if he says he will go down to one Conex box, he has no objection. He asked Mr. Egizzi if that seem like a reasonable compromise. Mr. Egizzi responded after he gets the proposed building up he can do it; that will work.

The Building Commissioner stated given that information he considers it reasonable. He asked that it be stored in a location perhaps behind the garage or located in such a way that it is not in sight lines from the street. Mr. Egizzi said he agrees to the conditions.

The Chair asked about previous restrictions when the building up front as approved, such as driveways and parking in better condition. The Building Commissioner stated it is an ongoing effort to clean up the yard. He said he is making progress. He will have to find a method to remove any abandoned trailers or vehicles or materials off the site. The Chair asked if a time limit should be placed on the removal of those items as part of the approval of his building.

The Building Commissioner asked Mr. Egizzi if upon completion of the accessory structure does he feel he can have that removed within 45 days. Mr. Egizzi responded yes. A stipulation to approval of the building is: 45 days after his last inspection on the building, he will have his

material stored in the building, Conex box located appropriately and no miscellaneous cargo containers or semis on the site for storage. Mr. Egizzi responded okay.

The Mayor said he can live with what has been agreed upon today.

Holly Michalke asked if the building location needs to be pulled back from where it is shown on the plan. The Building Commissioner stated either he has to secure a variance or be 10 ft. off the property line. He has agreed to the 10 feet requirement.

Mr. Egizi reviewed the site plan and said he will stay 10 feet away from the property line as required.

The Chair asked the applicant if he agrees to move the building so it is 10 feet off property line per code, have one Conex box, have the yard cleaned up and trailer gone within 45 days in completion of the building. The Mayor asked what is his timeframe for completion of the building. Mr. Egizi was unsure of when he can get a metal building because of the delay with steel manufacturing suppliers. His intent is ASAP.

Moved by Mr. Marnecheck, seconded by Ms. Michalke to approve site plan with stipulations previously discussed by the Building Commissioner and Commission. Roll call: Yeas: Five (DeCapite, Marnecheck, Michalke, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved.

Old Business:

- a) **PC21-10: Morel Landscaping LLC** on behalf of property owner Beckwith Holding LLC / Woodland Mulch LLC is seeking final site plan approval for proposed landscaping operation located at 12020 York Road also known as PPN: 483-06-003 in General Industrial (GI) District zoning. *This application was Tabled March 3rd.*

Luke McConville stated they are presenting a revised site plan that depicts a permitted use. The site is a general industrial zoned site under 1278.04 and 1262.08 they have a use that is an expansion of Mr. Morel's existing business at Progress Parkway and is a business nearly identical to the current owner's business being conducted on the site.

The Building Commissioner recommended that it be clarified for the Board that there is no similar use that they are approaching. They are looking for a site plan approval as was presented to us and is being presented before the PC. Mr. McConville responded that is correct.

The Law Director asked for clarification if they are dealing with a revised plan based upon the prior application or whether this represents a new plan and a new application. If the question of similar use has already been determined by the Building Commissioner than the only thing, we are talking about is the site plan. And if all we are talking about is the site plan than the portion of the prior application that relates to the similar use application needs to be addressed. He recommended the applicant simply withdrawing that.

Mr. McConville responded their intent is to withdraw the prior request for similar use.

Rob Morel went over the details of the revised site plan. He said he currently operates his landscape business out of Progress Parkway; he has been there since 2017.

Rob Morel stated the revisions are to allow this property to be used as an expansion of the current business. There is no change to the site as it exists now. He said they intend to use the small office for operations of the landscaping company. The parking lot in the front will be continued to be used for employee parking. They will have it marked as required. He displayed the site drawing. He said they are only discussing the area outlined in the red. Nothing is planned for the rear property area. He said they plan to continue use of the existing mulch bins on a concrete slab for their landscaping company's internal use; not necessarily for wholesale or retail. The existing screening of trees on a mound on the north side will remain. A large area will be used for parking with a maximum of ten trucks or trailers; they are F150 trucks with enclosed landscape trailers between 18 to 24 ft. Additional spots have been marked for employee parking and a flatbed truck for equipment. He said they anticipate 10 or less employees working out of this site. Additional asphalt grindings may need to be added or 57 stone improvement dressing. Screening from the road will be provided by an existing row of arborvitae; if needed a second row of arborvitae can be added.

Hours of operation: They will be the same as they are on Progress Parkway 8-6 Monday-Friday. If needed in the spring time and early summer, they will be open 8:00 – 3:00. Not a lot of activity is on site during the day. Employees gather in the morning, leave for the day and then return in the evening. The operations on site may include loading and unloading of truck materials, morning and evening gathering place for some employees, cleaning, organizing and storage of trucks and trailers, and completion of general office tasks.

The Building Commissioner clarified this plan shows no new proposed building nor is this plan for any form of mulch manufacture. Mr. Morel said that is correct. The area within the red line on the plan is what we are discussing. It is what was similar to the previous applicants use of the site. It is in compliance. We discussed an additional row of arborvitae along the York Road side shall be required. The applicant will be inheriting the violation notice regarding a log stock pile in the back; it shall need to be removed from the site. Mr. Morel said he agrees to those stipulations.

The City Engineer stated as there are no changes to the site proposed at this time, they will not need to see a final site plan for their approval. According to the most recent CSWD report, it has been taken care and is complete. Therefore, he has no further comments.

The Chair opened the floor for discussion from the Commission members.

Mayor questioned the time of operation and what do they do during the winter months. Mr. Morel responded they run a plowing operation in the winter time. The trucks are fairly quiet. They are gas powered trucks; they don't run like semis. He said they could be plowing in the night. He said noise won't be an issue but light from the vehicles could be. He said they will park in a specific direction so lights are not shining into the residence area. The Mayor asked if the drivers will be idling the trucks which can be a noise nuisance. Mr. Morel said they have to warm the vehicles up but there is a significant difference between idling a semi vs. an F150. The Mayor agreed to his suggestion of having the headlights turned away and not facing the residential homes. Mr. Morel said the skid-steer loader which is needed to move the mulch has reverse beeping.

DeCapite asked for explanation of the parking area shown on the plan for trucks. Mr. Morel said the drawing on the plan is just an image to represent landscape trucks. They are standard

F150 trucks and trailers. They do not own semi-trucks and it is not for storing or renting any semi-trucks.

The Chair asked about the back portion of the property and its intended use. Mr. Morel responded it will not be used for anything. The Chair asked about the screening on the north side of the property consistent from what we talked about at an earlier meeting. The Building Commissioner stated the screening on the north side is in good condition. Mr. Morel will be required to switch out any trees that may die. Previous approvals stated if the arborvitaes are not filled in an additional row of arborvitaes will be needed or slats need to be put in.

Mr. Marnecheck asked about the manufacture of mulch. The Building Commissioner stated if Mr. Morel chose to expand his use beyond what we are discussing today, he will need to return to PC; a notice and public hearing notice would be sent out at that time.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to approve site plan with the added stipulations made by the Building Commissioner and the PC. Roll call: Yeas: Five (DeCapite, Marnecheck, Michalke, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved.

New Business:

- a) **PC21-11: Viewpoint Subdivision** – Builders and Developers Co. Inc. and Viewpoint Development LLC are seeking Final Plan approval and Preliminary Plat approval for Viewpoint Subdivision. The proposed minor subdivision will consist of (15) fifteen single family lots on 39 acres of property located on PPN: 482-28-037 in Residential (R1-B) District zoning and PPN: 482-28-001 in Residential (RM-D) District zoning. The subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Richard Beran stated Department of the Army Corps of Engineers stated there are four areas which we call streams coming into the site; 45 feet of stream. All of which are going through the site; they will not be filling any of them. One starts offsite coming through the homes on Harley Hills. The other one comes off the end of Hi-view. This shoots into our area for all the stormwater on Hi-View undetained. We are allowing that to flow through the site. One of the streams is the responsibility of the school board and one is the responsibility of Chaunticclair condominiums. Those streams are not being manipulated or filled. The only crossing they are doing which is a box culvert to be built and spanned over that. It is going to be larger than the opening so no water will be held back. It will slow down the water from the west.

He responded to the residents' questions. Regarding the proximity to the back of the one resident's house, he said the area of easement is 125 ft. plus another 125 ft. so the area of easement is a 200 to 250 ft. distance from the back of the house. If the road is damaged during construction, the work they do is bonded as well as the improvements for the city. If anything is damaged offsite by them accessing in and out of the site, it is their responsibility. A film will be taken prior to construction and will be kept on file.

Mr. Haselton the issue regarding traffic is a larger problem than what is before us today. He said the City can possibly do a traffic analysis in that area. Regarding the streams and the basins, they are doing everything we would want.

The Chair asked if it is safe to say it's not improving the water situation at all but it certainly is not degrading the current water situation. The City Engineer stated it is not affecting the water

going through their property; that will be about the same. It will possibly help a little for the area they are disturbing because of the critical storm percentage that will need to be detained.

Mayor Antoskiewicz commented about the new Ordinance. He said whatever Ordinance was in place during the time they submitted an application is the Ordinance which is applied to the application. For future developments, they would adhere to the new set of requirements. The Mayor added CSWD will monitor the construction as they go.

Mr. Beran responded to a question regarding sanitary connection. Mr. Beran responded they are not doing Margaret; they are going from Cartwright all the way through. The sanitary is connected to Cartwright which connects to Harley Hills at the end of Cartwright.

Ms. DeCapite asked for clarification on the boundaries of Block A and Block B and asked for clarification regarding the West Creek Conservatory and what is their responsibility. Mr. Beran said he was trying to get to a one-acre lot with the least amount of fill. He then explained that the West Creek Conservatory is a third party paid to maintain the site. Every time a home is transferred, a percentage of the transfer price is paid to the conservation group. Their job is to monitor the site both during construction, after construction and forever. They are to inspect the site two or three times a year after the construction is done. They also monitor and report on erosion and issues that can come into the areas that no one else may not be able to get into. The HOAs do not have the property funds and manpower to do the work. It is not cheap but it is forever. The Mayor added they also monitor to make sure the homeowner is not putting structures, bridges, etc. on those conservation easements.

Ms. DeCapite asked if the Block A and Block B are protected and will not be touched and what plans are for clearing areas for construction of dwellings. Mr. Beran responded Block A and Block B will not be touched. He said they are only going to clear enough to do the roadway and the improvements and what is needed for drainage. Each individual subplot will have to make an application to the developer, the city and SWCD. Once the house is designed, some of the trees can stay. These lots will be sold to an individual who will buy a lot based on the grade and where the trees are at and work their house in and amongst those trees. Each one will be unique. There is a little bit of fill on sublots 8 and 9 that will have to make to get the houses to the grades that have been established to be for sanitary but beyond that it will be left natural for them to decide. The Civil Engineer said they are limited by the riparian setback which will be checked by the City.

Mr. Beran stated they are limited by the riparian setback to what area they can clear or build such as decks. They cannot enter into the conservation area. Buyers want this area because of nature and privacy.

Mr. Marnecheck asked is there a common area that the HOA is responsible for. Mr. Beran stated possibly and area for signage and possibly the sidewalks which may require a retaining wall. There are not any landscape features and he said he is unsure if signage will be needed.

Mr. Marnecheck asked if Harley Hills ever form an HOA, how will this HOA be affected. The Law Director responded Harley Hills HOA legally exists but is defunct. We have tried to get it restarted on two or three occasions without success. We saw no benefit to burden this developer with that headache.

The Building Commissioner stated there are sidewalks on both sides of this extension. There is one area in question that had grading issues that may have prevented them from having a sidewalk that looped around. He said he does not see anything to prevent them from completing it by either doing a retaining wall or the Engineering Department can entertain that there be no tree lawn on that portion. He asked the applicant if they are willing to do that. Mr. Beran said they have more studies to do and they will provide the Engineer with a plan showing a side elevation of what that will look like as part of the final submittal. If the wall is too tall it may create problems. Mr. Marnecheck asked that they extend the sidewalk all the way around. One house on each side of Margaret do not have sidewalks; they would have to get permission to extend that walk through there because they do not own that right-of-way. The Building Commissioner stated if there is no continuity between the sidewalks that would be important for us to have that done so it can be a continuous walk throughout the street. He asked if everyone is in agreement on that; we can work with the City of what needs to happen in the right-of-way. Mr. Beran said they will have to look at the grade and how it changes in the area for each of those houses. He said he will get documentation to the Engineer.

Ms. Michalke said she is torn. Once it is developed the lots are sold off; the property then becomes the new owner's responsibility in pieces and parts. The Developer no longer has a hand in the fall-out of that. She said her history of her experience in North Royalton has made her skeptical.

The Law Director stated he can advise the Commission to what the law is but he cannot tell the Commission what to do as far as their votes. He added the applicant should not be deprived of his right to develop his property nor does he wish to violate the Constitution of the United States nor does he wish to invite litigation to the City. When an applicant presents a plan that fully complies with the code, we are hard pressed to do anything but give it our approval.

The Chair asked the Administration and PC members if they have any other comment. With nothing he asked for a motion.

Moved by Mayor Antoskiewicz, seconded by Ms. DeCapite to approve the final site plan and preliminary plat for Viewpoint Subdivision. Roll call: Yeas: Four (DeCapite, Marnecheck, Baxendale, Mayor Antoskiewicz). Abstain: One (Michalke). Nays: None. Motion to approve granted.

MISCELLANEOUS

The next scheduled meeting is June 2, 2021.

ADJOURNMENT

Moved and seconded the May 5, 2021 PC meeting. Motion carried. Meeting adjourned at 9:00 p.m.

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: May 2, 2021

ATTEST: /s/ Diane Veverka
Planning Commission Secretary