

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **November 4, 2021 to conduct the Regular PC Meeting**. The meeting was called to order at 7:05 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, Secretary/City Planner Kyle Reisz. Administration: Law Director Thomas Kelly, City Engineer Justin Haselton.

Motion and second to excuse Marie DeCapite for cause. Motion passed.

## **REGULAR ORDER OF BUSINESS:**

The Chair and Law Director provided an overview of the PC meeting process and called to order the Public Hearing portion of meeting.

## **PUBLIC HEARING / OPEN MEETING**

### **Old Business**

- a) **PC21-35 Fire 45 on behalf of property owner **Patio 82, LLC** is seeking final approval for revisions from a previously approved application for a bar and grille along with associated site improvements at 6031 Royalton Road also known as PPN: 487-06-022 in Town Center (TCD-2) District zoning.**

Chad Trush stated they are looking for reapproval of their final approval received from June, 2021. Dave Ports of David Ports Architects said he has been working with Chad and they have revised the site plan by improving the design to be more of a destination-type restaurant. The handicapped parking at the entrance in the previous design didn't work and has been redesigned. A sidewalk around the outside of the curved wall has been added to allow customers to not walk through the parking lot and it also protects the wall from the traffic. The entrance was revised to address customer access including some visual items in terms of the elevation. The outdoor back patio has been enclosed to make a second dining room for events and parties. It ties to the existing patio that has its own bar so it can be opened up to have one large event area or two separate areas. Square footages are essentially the same in the basic footprint.

Mr. Ports said there are two significant changes to the front exterior. They are making the exterior entrance area something substantial. The gable on the front façade has been covered up to get the sign up high and lighted properly. There will still be a street sign. Changes were made to the patios. One of the big investments on the patio is HVAC and use of vinyl roll-up curtains for a three-season patio. Future plans would be to add windows into the patio. There are garage doors on the interior and some of the perimeter front corners. The outdoor patio area will have a 4 ft. high linear fire pit to sit at least 16 people. He spoke of the building elevation materials and plantings and hours of operation.

City Engineer: No comments since there were no substantial changes to the site plans.

City Planner: the changes will not affect the footprint and the occupancy will remain the same. The parking requirements remain unchanged.

**Moved by Mr. Marnecheck, seconded by Ms. Michalke to approve revisions to the previously approved site plan for Fire 45.** Roll call: Roll call: Baxendale, Mayor Antoskiewicz, Michalke, Marnecheck). Nays: None. **Motion approved (4-0).**

## New Business

- a) **PC21- 34: Online Liquidation Auction is seeking final site plan approval for a proposed new recessed loading dock on the west side of an existing building located on a parcel of land at 8888 Ridge Road also known as PPN 482-12-018 in the Local Business District zoning.**

Frank Castrovillari with FMC Architects spoke on behalf of the applicant. He said they are requesting final site plan approval. They are looking to add a recessed loading dock on the west side of the building which would allow the business a better opportunity to load and unload material. He presented site plans and explained the layout. They have two ways of ingress/egress around the building. Eventually it gets to one way down the side drive and out to the main street. There used to be poles in the rear area from the former AT&T training center and compact stone and gravel creating a hard surface as well as the road. It is still there. He said they will be taking a portion of that and turning it into asphalt. They would be going from hard surface to hard surface. Since they are both considered hard surfaces, it would not add additional water to the site. The recessed dock will have a natural drainage until it spills off into a pipe. He said plan B is a ditch on the side that may also be used. He said the Civil Engineer is doing final calculations. When they have those calculations, they will make a final decision at to area of new concrete pavement and drainage. The dock will go down 4 ft. and will flair both sides with concrete. The existing overhead drive-in door will be made smaller so it is a back door. They will match the brick as close as they can to the existing building.

City Engineer: He said it is accurate to say that compacted gravel does behave similar to new asphalt. There shouldn't be any additional stormwater created with this project. The new asphalt is less than one-tenth of an acre. The Engineering Department there are no issues from an Engineering perspective.

City Planner: Stated it is a minor alteration to an existing building. It makes the building viable for a new tenant in the future. He said the Building Department has no objections to the requested changes.

Russ Donda of 7373 Tilby Road said prior to the 70's construction of what was originally an Ohio Bell facility they had no water or flooding issues. Since the construction of that facility, they have had water problems. The rain water comes off the pavement in torrents. Much of Tilby Road's water problems, if not all, stem from this one location which elevation is above all of Tilby Road. Allowing the Ohio Bell construction was a failure. The addition of more pavement at that location will be detrimental. He said they need less or no pavement. The existing compacted gravel is porous compared to asphalt. Allowing 40 ft. semi-trucks in residential back yards to drive and idle for hours. Semis don't belong in residential area. The semi traffic of a growing business will only increase. They expect downward pressure on their home values and diminished peace and quiet for the residents. He asked the Board to have the add-on and additional pavement, if needed, put on the east side of the building to keep the semi-traffic from going across the residential backyards.

Bill Todten, 7475 Tilby Road, said his back yard also butts up to this property. He said for 30 years he has been getting water in his basement and yard mostly from the overflow coming from this property. The flow is 1 to 1 ½ feet deep at times through his and his neighbor's property and ends up in his front ditch. He asked if the water can be diverted to a detention basin and have it drain into the woods where Carrie Cerinos' water flows. He showed pictures of the flooding in his yard and basement which has happened 5 to 6 times but not normally as

bad. He said they have had problems in the past with semis creating a rumbling in their houses. He asked that the trucks be on the opposite side of the building.

Tim Lent, 7443 Tilby Road, said even though he is at the top of the hill, the water comes from the side of the applicant property by the dumpster. You can see along the fence where the water has washed away the dirt and left a gaping hole. He showed pictures of flooding from this past fall; it is a regular thing in his backyard. It comes through the backyards, through his driveway and into his garage flooding it on a regular basis with three to six inches of rain. He also has flooding through the foundation and pours into his basement. This is unbearable and unacceptable to have to deal with it. The applicant needs to add some drainage system to retain the water flow and move it back further on the applicant's property.

Jessica Fenos, Ward 1 Councilperson, stated she has been out to Mr. Donda's property and the applicant's property. She asked for some consideration for the residents in that area and asked the Board to consider highly recommending the applicant upgrade the drainage or do something to help mitigate future flooding issues. She also asked the Board to consider the truck traffic. This is a residential area; the trucks are visible from the homeowners' properties. It should not be disruptive to the residential properties that are abutting it.

Beth and Tom Krul, 7905 Tilby Road, showed pictures of the flooding issues in her back and front yard and the neighbor's yard. She asked for them to find a place for the water to go. He said when Carrie Cerinos' properties were being rezoned, the Board assured the residents that any change in development would take into consideration water problems. They were told the County and the City were going to get together to do a study in the back; they signed waivers to allow the people to come onto their properties. He said they have not heard any follow-up on the study and asked that they look into it.

Amy Miller, 7917 Tilby Road, stated the flooding is a regular occurrence. She asked the City to address this ongoing problem.

Don Brinkman, 7403 Tilby Road, stated down Tilby Road there are six-foot ditches on the side of the road. For safety, there should be guard rails installed to prevent a vehicle from going into the ditch. He said the applicant's five-foot retaining wall has pipes coming out; the water coming out of there is like a fire hydrant coming out. If they want to make changes to this building, they need a retention basin.

Andrew Levindowski, partners with Online Liquidation Auction, said he will leave the water issue to the engineers and architects to figure. As far as the idling goes, he said they have had issues with trucks idling overnight. He said they have worked with multiple carriers that deliver the freight. With the new docks, it will allow them to move some of their traffic to that location which has a gate; it will be kept closed so trucks would not be allowed to park overnight. They would need to find another area to park through the night. It would solve a lot of the idling issues that they are seeing right now. Without the dock, they would not be able to use it. He responded to a question regarding their business. He said they buy truckloads of returns from Amazon, process inventory and auctions them off locally. People come and pick it up from their warehouses which are located in Stow, Brookpark and soon Independence. North Royalton also has a small store front and appliances for sale there as well. The purpose of the loading dock is to allow their trucks to unload product and load product into the building.

Mr. Levindowski clarified that the trucks would be coming to the front building, which you can see from the road, the building with the logo which is behind the gates.

With no additional public input, the public hearing portion of meeting on this item was closed.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to open the discussion** for approval of Final Site Plan for Online Liquefaction Auction.

The Chair asked if there is anything in progress from the City regarding the ongoing flooding in this area. Mayor Antoskiewicz responded this area definitely has had an issue with flooding not only at the top of Tilby but also all the way down Tilby. He said if the Board denies the request based on the residents' concerns regarding flooding, the residents will still have the ongoing problem. He added we would like the applicant to continue to run his business but help the situation which is what we have done in other areas. He said we should consider what we can do to hopefully help both entities. He added that the Carrie Cerino's property also has a big play in the flooding issues.

The Board and Administration discussed possible solutions.

Mr. Castrovillari stated the Civil Engineer has not yet done the calculations. With the proposed dock they would be capturing some of the water and collected it at the bottom of the dock. It would be piped to the other area and would alleviate a small amount of the water going to the problem area. There are plans for future improvements. He spoke about the natural wetland area causing some of the problem because the water flowing into that area cannot drain as well as it is supposed to.

The Mayor asked what type of buffering exists now between the building and the houses. Mr. Castrovillari responded there is a small number of trees; most were cut down when AT&T was doing training. The Mayor stated he would like to see more buffering there which would help with the truck noise. He asked the applicant how many trucks do they get a day. The applicant responded the truck count should not change; they have about three a day. A majority of the time they come during business hours. It should not be an issue because when the business's fence is closed, they would be forced to turn around and park someplace else overnight. The Chair asked if the fence could be moved up closer to the front. The applicant responded there is another gate further up that can be closed preventing them from entering the long drive.

Ms. Michalke asked if they are both the owner and the new tenant. The applicant responded yes. She asked are there plans for the back parcel. The applicant responded they have no plans to expand the back portion of the parcel. She asked if a detention basin would help capture the storm water and allow it to slowly go into the land instead of the residents' back yard. The Mayor responded it is an option to help with the water flow coming down that way. If it redirects the water into the wetlands, it will hurt the residents farther down Tilby Road. The applicant stated it would be up to the Engineers and Architects to see what they would suggest. The Mayor stated it is a problem the applicant has inherited; not one they created. In the past and moving forward, the PC has addressed concerns when we see them.

Mr. Castrovillari stated his client is willing as part of this project to clean out the existing ditch, which is approximately 100 ft., two or three feet down and two feet wider. It will hold a lot more water which may trickle down to the back wetlands at a slower pace.

Mr. Marnecheck asked what is their timetable on this project. The applicant responded they would like to submit for permitting within the next week or two. When received, they would start work; it would only take one month to build the dock. Mr. Marnecheck asked if they will be adding any jobs. The applicant responded the new warehouse will bring in about five more full-time and four part-time employees to that location. It is not the main pickup location so traffic may only increase slightly from what it is now. He said they will be upgrading the lights,

painting the building, repaving the driveway, update the fencing along the side of the road and possibly the gate up front.

The Law Director asked the City Engineer if this application implicates the use of our stormwater calculations. The City Engineer stated on existing project such as what they are proposing here, it does not require stormwater calculations. We weren't given stormwater calculations, because they were not required. The Law Director stated we have residents who have suffered mightily from stormwater. The applicant has property that might serve to assist them. We are asking, on bended knee, if the applicant would be willing to assist the residents in the creation of some form of basin in the back of the property which currently is not being used for any other purpose in order to alleviate some of the existing stormwater issues; if in fact that would work. The City Engineer added he expects that would definitely help.

Mr. Castrovillari stated they are willing to do work to the ditch. Once new improvements go on, they can then see if there is another layer of help they can do.

The Law Director clarified to the extent that the ordinances do not implicate the creation of more stormwater measures, the applicant is within his rights to stand his ground in terms of pursuing his application for his project. On the other hand, it would be something the City and Administration would appreciate on their part to cooperate with us in assisting the remediation of all of this stormwater in a very methodical way. The ditch may serve the purpose but maybe the ditch isn't the only answer, possibly not even the right answer. The City does not have the authority to force you to spend this money. On the other hand, they do have the ability to deny your permit. We are hopeful the applicant recognizes the need for them to help rectify the problem. The applicant responded, they would be interested in helping including cleaning the ditch out and see how much that might help. If it does nothing, then they can discuss the idea to help out more by creating a basin. He does not want to make a promise that they will create a basin.

Mayor Antoskiewicz said the water going into the ditch which flows down to the wetlands will work. He said he would like to see a little bit more buffering along the property lines and possibly mound the property line so the water flows where we want it to go but not shift the problem to the residents downstream. Mr. Castrovillari stated they do not have the completed survey yet and are unsure if the ditch is completely on their property. Their Engineer is mainly for the survey to make sure the grading and the slope of the dock keeps water away from the building. That was the only calculations they were doing. He said they are not looking to have the application tabled. If they are not permitted to move forward with a dock, the entire building is not usable. Trying to get an Engineer available to get stormwater calculations in one or two months would be impossible. That is why they were hoping that they can do the ditch and see what happens.

Ms. Michalke asked if City stormwater money could be available in some compacity; possibly the residents can work together to achieve something in the program. Possibly if the applicant were getting money for a store front renovation; they could use the savings and shift the money to helping to correct the water issue. Mr. Castrovillari responded he understands however that is part of phase two or three down the road.

The Chair asked if we were to table this for one month could trucks still unload in the existing garage door. Mr. Levindowski responded, they have had an occupancy permit for two months and haven't been using the building because it is too much of a hassle not to be able to get a forklift in there; it would make more sense to redirect the truck to another facility. Without the loading dock the building is not being used.

The Chair recapped: the approval of the dock will not contribute to the problem. What is there now that is going to get paved over is already an impervious surface. The drainage in the ramp may help a little bit. They have offered to make improvements on the ditch and perhaps put the mounding on the one side with some landscaping. It is at least a start to working on that problem. Regarding the dock redirecting water, the City Engineer said since he has not seen the plan, he cannot say if that is accurate.

Contingency based on:

1. Our Engineer approving the site plan in regards to the proposed designed plan to redirect the storm water away from the northerly property as Mr. Castrovillari indicated.
2. Increasing the ditch to three or four feet in depth and two feet wider.
3. Mounding added along the northern property line to be above the applicant's elevation.
4. Buffering with landscaping along the northern property line, or on the adjoining residents' properties with their approval.
5. If future improvements are planned, further discussion take place for any improvement in the situation.

Mr. Levindowski stated they are definitely open to fixing up the ditch, cleaning it out and mounding it along the edge to prevent flow from going into the neighbors and possibly flow further into the center of the property. They would fix up the area which has eroded away and has rebar sticking out. They will plant some trees and shrubs but it would be on the residents' side because the drive is close to the property line.

**The motion is to approve which has been received and seconded and accepting an amendment by virtue of the stated contingencies which are part of the record.** Roll call: Roll call: Baxendale, Mayor Antoskiewicz, Michalke, Marnecheck). Nays: None. **Motion approved (4-0).**

The next scheduled PC meeting is December 8, 2021.

**ADJOURNMENT**

Moved and seconded to adjourn the November 4, 2021 PC meeting. Motion carried. Meeting adjourned.

*Minutes Transcribed by Diane Veverka*

APPROVED: \_\_\_\_\_  
 Chair

DATE APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
 Planning Commission Secretary