

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

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

Moved and seconded to excuse Chairman Castrovillari for cause. Roll call. 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) **PC20-31: Gerard Lozinak Enterprises, LLC on behalf of Lozinak & Sons, Inc.** is seeking site plan approval for proposed office/warehouse facility located at 10769 Royalton Road also known as PPN: 483-22-003 in General Industrial (GI) District zoning. The building will house construction vehicles and equipment.

Gerard Lozinak stated he has owned the property for approximately 10 years. He said their business is expanding and are looking to have a storage area for their vehicles and equipment. The building is approximately 5,500 square feet.

The Building Commissioner stated he has had conversation with Mr. Lozinak regarding the proposed facility. He is aware that an office needs to be located for his business on site. He said Mr. Lozinak told him that would occur in the existing two-story building up front. The proposed storage garage will be an accessory use to his business. The exterior appearance of the building has metal sides to the building with a masonry base. He said he has no concerns about the structure.

The City Engineer stated the site plans and detailed calculation for stormwater management are far along. The site plans applies to the zoning code for Industrial District. He said when viewing the aerial view it appears to show some encroachment which has occurred over the years on the south side of their property on the adjacent parcel owned by the North Royalton School District. As a condition of approval, the encroachment will be remedied and restored to a more natural condition. If and when PC approves the project, the Applicant's Engineer will need to submit the Storm Water Pollution Plan (SWP3) and SWP3 Details to the Cuyahoga Soil and Water Conservation District (CSWCD) for their review and recommendation for approval.

Mr. Lozinak stated he has one old truck, a trailer, a skidsteer and some scaffold outside his property line. He asked the PC to allow him ten days to have that removed. The City Engineer stated that ten days would be good.

With no one in the audience requesting to speak, the Acting Chair asked for a motion and second to move this item to the Regular Order of Business and 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 7:11 p.m.

Old Business:

- a) **PC20-24: Pierre Zanin** is seeking final site plan approval for proposed warehouse facility located at 13688 York Road also known as PPN: 483-15-024 in General Industrial (GI) District zoning. The building will be the final installment of York Road Commercial Park. Preliminary site plan approval was received 9-2-20.

Claudio Zanin stated they are here to seek final site plan approval. Scott Bickley was also present to speak. Mr. Zanin stated they are here to address some outstanding issues from previous approval. He spoke on the previous request for a canopy to be added to the front of the building. He said it is difficult to see on the plans but they have a canopy built into the design of the building. He showed a picture of the elevation of other buildings which are designed the same way.

The City Engineer stated it appears that the applicant has addressed the concerns regarding stormwater management. The site has been designed for the fourth and final building. Without full detailed reviews it appears the basin will not need to be modified. They are trying to finalize the CEI easement. The applicant has not proposed to put anything in the CEI easement. A setback distance is required for any structures close to the high towers. The proposed improvements do not show anything of significance being built; just typical grading on site. He anticipates CEI will be of the same opinion. He said all other concerns have been addressed.

The Building Commissioner spoke to the comment regarding the request for a canopy which was made during the last meeting. He stated this building is the farthest of the buildings from York Road. All the buildings are designed the same; it would be odd for the last building to have a different architectural feature such as a canopy. He recommended the PC omit that stipulation since it is not a necessary feature and the buildings already are designed to have a built in entryway.

The Chair opened the floor for comments or discussion from the Board members. Mayor Antoskiewicz asked the Applicant if they have heard anything back from CEI regarding the easement. The Applicant stated he spoke to multiple people at CEI and they did not seem to have a problem with it; it is in Real Estate now for confirmation. He said it appears they are well outside the easement from what CEI's field workers see. CEI wants any structures to be 50 feet away from the base of pole and they are 62 plus feet away.

The City Engineer stated he will not issue permits for site development until we receive the official word from CEI. Mr. Zanin asked if they can at least put the footers in this fall before it snows and take the full risk if they do not receive approval. The Building Commissioner stated it is not appropriate for us to give that approval when there are outstanding requirements set by CEI. The Law Director agreed it is a bad practice to allow a project to move forward and then risk the investment on some outside contingency that may or may not occur. He said he cannot endorse that. Mr. Zanin asked if the City can assist with contacting someone at First Energy; getting the official word is a bureaucratic mess. The Mayor stated he will speak to our regional CEI contact to possibly speed up the process.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to approve the final site plan for an office/warehouse facility with contingency they receive the official authorization from CEI regarding the easement.** Roll call: Yeas: Four (Marnecheck, Baxendale, Michalke, Mayor Antoskiewicz). Nays: None. **Motion carried.**

- b) **PC20-25: Medlock Recovery Services LLC** on behalf of property owner Giuseppe DiLiberto is seeking similar use determination in order to operate an automobile repossession company at 9552 York Alpha Drive also known as PPN: 483-14-016 in General Industrial (GI) District zoning. This item was heard and tabled on 10-7-2020.

Tony Medlock stated he has been addressing concerns expressed at the last meeting such as cleaning up the property, the number of vehicles, the transportation and trucks being located in the rear lot and not on the main street.

The Building Commissioner stated he has gone to the site and it appears the site is well organized and cleaned up. He said as far as similar use determinations the PC has the authority to grant the approval with stipulations. These are similar contingencies that the PC has applied to the other recovery service in our City. He said the numbers on the contingencies are based on the narrative the applicant gave during his last appearance. Should the PC wish to grant the similar use determination, the Building Commissioner requested the following stipulations be added:

1. Vehicles shall be limited to 12 employee / visitor spaces and 38 spaces for recovery totaling 50 parking spaces for the entire site.
2. No loading or unloading of recovered vehicles shall occur in front of the building, in the right-of-way or on the street. All loading and unloading will be in the back.
3. A 6 ft. high chain link fence shall be installed along the west property line in a northerly direction from the building and then east from the northernmost point of the fence for an additional 40 20 ft. The purpose of the fence is to prevent encroachment and delineate the extent of the use.
4. No junked vehicles, car parts or related debris shall be located on site.

The Building Commissioner said if the applicant is willing to agree to the stipulations, the Building Department has no issue.

The applicant stated 40 ft. coming out would interfere with what his landlord does in the rear building. The Building Commissioner stated we can reduce the fence requirement to 20 ft.

The applicant said he agrees to the stipulations.

The Law Director spoke to the applicant and stated if the PC grants this similar use permit under these conditions they have to be maintained. The applicant can't vary from the terms in the months and years to come. If it is not maintained, the similar use permit may be revoked.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to approve a similar use determination with contingencies in order to operate an automobile repossession company at 9552 York Alpha Drive also known as PPN: 483-14-016 in General Industrial (GI) District zoning.** Roll call: Yeas: Four (Marnecheck, Baxendale, Michalke, Mayor Antoskiewicz). Nays: None. **Motion carried.**

New Business:

- a) **PC20-31: Gerard Lozinak Enterprises, LLC on behalf of Lozinak & Sons, Inc.** is seeking site plan approval for proposed office/warehouse facility located at 10769 Royalton Road also known as PPN: 483-22-003 in General Industrial (GI) District zoning. The building will house construction vehicles and equipment.

The City Engineer stated the information submitted to the Engineering Department is satisfactory and meets the requirements necessary for final site plan. The Building Commissioner stated the Building Department has sufficient information to proceed with a final site plan submission.

Gerard Lozinak stated they will side the front and the roof of the existing storage building to match the new building. He said they will be either going in the beige or grey colors for both the existing structure and the new building. He said it will make the site more cohesive.

The Acting-Chair asked the Building Commissioner if there are any concerns regarding the architectural elevation drawings and the view from Royalton Road. The Building Commissioner stated he thinks the building will be barely visible from Royalton Road due to the elevation change. You basically see the residential style house in the front; the applicant has agreed to side and reroof it to improve the appearance. The back building which is an industrial building will not be seen from the road.

Ms. Michalke asked if the proposed structure can be seen off of Abbey Road and if there are any issues regarding a sprinkler system. The Building Commissioner stated until you go onto their lot the building would not be visible from anywhere. He spoke to the Fire Department's comment regarding a sprinkler system and said it is a Building issue that will be reviewed once they apply for building permits.

Mr. Marnecheck asked the Secretary if any concerns were received by properties in the area. Ms. Veverka responded no affidavits were received regarding this application.

The applicant stated their business is basically residential which includes concrete, masonry, waterproofing and sewer work. He said he would have gone bigger but he doesn't have any more room. The location of the building is because the tandem trucks with trailers (60-70 ft.) need to have room to swing in and make a circle around the radius and pull in from the rear of the building. The trucks would then back out and circle back over when they leave in the morning. He said he had originally hoped on purchasing 50-100 ft. of the property behind him which was once owned by the City; the property is land locked and has 100 ft. of woods and a pile of dirt 75 ft. tall. He said he may follow-up with the current land owners.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz **to approve final site plan of the office/warehouse facility.** Roll call: Yeas: Four (Marnecheck, Baxendale, Michalke, Mayor Antoskiewicz). Nays: None. **Motion carried.**

- b) **PC20-30: Pine Hill Development Company is seeking final plat approval for Pine Hill Subdivision Ph. 2 and dedication of the extension of Brookhaven Drive and all of Glenbrook Circle located on PPN: 486-25-022 in Residential (R1-A) District zoning.**

Scott Goldberg on behalf of Pine Hill Development Company stated they are seeking the dedication of Phase 2 of Pine Hill Subdivision and the final plat approval.

The City Engineer stated he has been working with Mr. Goldberg, the contractors and their Engineers. He said all items required for dedication have been reviewed and/or are in review. The site is constructed. They have done the final walkthrough on the site and had no issues to report. All franchise utilities have been installed and as-built calculations have been submitted and reviewed. All areas that have been disturbed, dirt wise, have 3-4 inches of grass growing. The area is clean and beautiful. The drawings submitted are sufficient. All monies due for bonds, etc. will be given upon favorable approval from City Council later this month. He said the Engineering Department highly recommends PC's approval.

Holly Michalke asked the City Engineer if he had any concerns regarding construction debris encroaching into the sewer system related to the backup on Labor Day weekend at 4660 Brookhaven Drive. She asked if that had been addressed. She said it is one house away from the pump house on the North side of the road. She said she has had extensive discussions with the home owner. Mike Wos, Ward Councilman, is also aware of the situation.

The City Engineer said he was unaware of any backup that occurred at that location. He said Labor Day had a very intense rainfall. He is not sure what caused the backup at that house. Possibly it may have been from the installed filter protection put in the sewers until all the grass is established. He said during the walkthrough the filter protection was being removed because they are no longer necessary since the grass is in place. He said the site is clean; there was no construction debris whatsoever.

Mr. Baxendale asked what is the process if a complaint was made regarding flooding. The City Engineer said the Wastewater/Stormwater Department most likely would have been informed. At that time they would have investigated our public system to make sure there were no blockages. He said the City requires a video tape inspection of all the new subdivision. He said the video inspections showed that everything is free and clear and flowing; no obstructions, no debris. At this point if there is a problem it would be followed up by the Sewer Department; they would report anything found. He said this is not a matter the PC should consider; it is a matter for the City to consider. If there is any damage caused by the developer, the City will go back to the developer for any damage caused.

Mayor Antoskiewicz stated he will reach out to the homeowner and follow-up with the departments to take care of.

The Law Director stated if the sewers have already been dedicated, they are our sewers and is the City's problem. He said he is surprised this is the first time he, the Mayor, or the City Engineer are hearing about it. We should not attempt to hold up or delay the approval of this application.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz **to approve the final plat for Pine Hill Subdivision Ph. 2.** Roll call: Yeas: Three (Marnecheck, Michalke, Mayor Antoskiewicz). Abstain: One (Baxendale). Nays: None. **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is December 2, 2020.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to adjourn the November 5, 2020 PC meeting. Yeas: Four. Nays: None. Motion carried. Meeting adjourned at 7:55 p.m.

APPROVED: /s/ Gene Baxendale
Chair

DATE APPROVED: February 3, 2021

ATTEST: /s/ Diane Veverka
Planning Commission Secretary