

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **March 3, 2021 to conduct the Regular PC Meeting**. The meeting was called to order at 7:03 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 Kulchytsky, Community Development Director Thomas Jordan.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Moved and seconded to approve the minutes of **February 3, 2021. Motion carried.**

The Secretary provided an overview of the PC meeting process.

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

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) **PC21-04: The Norwood Group on behalf of Tri Norwood Holdings, LLC** is seeking approval for a lot split of PPN: 487-10-011 located at 5389 Royalton Road in Town Center (TCD) District zoning.
- b) **PC21-05: The Norwood Group on behalf of Tri Norwood Holdings, LLC** is seeking site plan approval for proposed office building with associated site development at 5389 Royalton Road also known as PPN: 487-10-011 in Town Center (TCD) District zoning.

Dean Asimes, principal owner of the Norwood Development Group, stated he is asking for approval for a lot split and for development of a medical office building and an out-parcel in the front that will be home to a national financial firm. Plans for the front building will be discussed at a later date. He said they shifted the building as far forward to Rt. 82 and as far west as possible to have more distance away from residential property which abuts Swan Lake subdivision. The site will be developed in accordance to code and the required storm water systems. Plans are for underground detention under the parking lots of both properties. Plans include an extensive landscaping buffer to create a screen along Swan Lake Subdivision. The office building will be a two-story structure with a covered canopy for patient drop-off and pick-up. He displayed elevation drawings of the building and materials to be used. He also provided a photometric layout of the site showing parking lot lighting.

He addressed the stormwater detention. Currently the site all sheds from the northwest to the southeast corner of the property. The water sheds to Swan Lake. In the planned stormwater detention system, a third of the site will be redirected northward towards Royalton Road and not into the Swan Lake detention basin system which is in place. The remaining parcel will have underground detention system to mitigate any stormwater concerns the residents may have. It is the most modern best-practiced way of retaining stormwater on site. The system has underground piping system that holds the water and allows it to feed off the site in a very

slow controlled fashion; it will meet and exceed the City requirements. Mr. Asimes said an easement was negotiated in the 90's between Chuck Osterland and Petros Homes, the developer of Swan Lake homes. The easement allows for tying into the Swan Lake stormwater system. When it was designed it incorporated the parcels that are currently being discussed. He said they are going to lessen the impact on the existing detention basin by redirecting part of that stormwater toward Royalton Road with the development up front.

The Chair asked for an explanation of how the underground retention system works.

John Urbanic Civil Engineer from Rockaway Civil responded. He said the development as proposed will generate more stormwater than what currently is there now. The City's code states they have to provide a storage that withholds the additional water and releases it at a rate that is equal to or lesser than the current runoff from the site. Instead of being a pond, all the drains in the parking lot and the drains from the buildings' runoff will be routed into a series of chambers underground. The water will be held within that system; there will be an outlet control devise that releases it at a slow rate to equate to the predevelopment conditions. The chambers will be the whole width of the lot with multiple rows of underground pipes or chambers running parallel to collect the water and hold it. It is essentially a pond underground.

In addition to the Engineering Department report, the City Engineer stated they are aware of the residents' stormwater concerns. He said they looked at the existing conditions. They looked at where the site is currently draining; it is sloped from north to south away from Rt. 82 towards the Swan Lake basin. That is where the water is currently going. The 1993 drainage area maps confirm the parcels were considered in the original design. This proposal is a benefit to the Swan Lake development. Ultimately less water will be going to the pond. The underground storage will release the water for more common smaller storms at a slower rate; the larger less frequent storms will release at a rate equal to it. In addition, with the northern parcel draining to Rt. 82 the water shedding will be less headed to the basin. The City will review the plans as well as the NEORSD and CSWCD to confirm that all issues will be met.

The City Engineer stated he visited the site with the Sewer District; they discussed issues that they are currently working on in the area: the pond where it outlets and the East Branch Rocky River stream located in the back of the area. The City's Sanitary Sewer Department is looking at areas to see where water is getting into the sanitary sewer causing flooding to some garages. The sanitary sewer manholes will need to be changed so they are watertight; therefore, not allowing stormwater to go into the manholes as it is leaving the pond and flowing toward the stream. The backyards of Black Swan Court are part of the East Branch Rocky River which is a 600-acre watershed that drains to that area. The City is committed to continue to look at and improve the high waters and specific areas from the Rocky River stream.

The Building Commissioner stated he reviewed various versions of the preliminary site plans provided by the applicant. The final proposed layout meets all of the zoning setback requirements. The office building and a financial institution is a permitted use in the TCD District. We have made request of the applicant for more screening and buffering to be added to the islands and along the perimeter of the site of which they have complied. Given the various types of uses that could have occurred at this location, this is the least impact in terms of the interface between commercial and residential because of its limited hours and limited occupancy. It is the best fit use for the site, as opposed to something more extreme like a restaurant or drive-thru.

The Community Development Director for the City of North Royalton stated over the past years he has met with Mr. Asimes regarding proposed uses at the site. We requested and he

did include additional buffering to the Swan Lake Development. We also expressed our concern to him regarding stormwater issues. Mr. Asimes has addressed those issues as best he can. The Town Center District is primarily a retail-oriented development area which typically has a seven-day-a-week, sometimes a 16-hour day operation. The office use that is proposed is an allowed use in the Town Center District zoning. It has generally less impact relative to what a retail operation might have. The office building is an attractive building.

The Law Director asked if there is a unity of ownership when the parcels are split; meaning one company will own both parcels. Mr. Asimes said yes that is correct. Mr. Kelly said when the lot split is approved easements should be in place to allow for the ingress/egress on the front parcel. Mr. Asimes responded yes they intend to have an easement that will be mutually shared for both parcels for egress and a unified operating agreement between both parcels to manage the common driveway and other costs associated with both parcels.

The Law Director stated all the letters and photos submitted will be made part of the record.

The Secretary read into record the following summary of the residents' letters and their concerns. Many residents expressed concerns regarding additional water being channeled into the Swan Lake retention pond.

Joyce Wiley, 14147 Cygnet Court, stated the City of North Royalton has a long history of water mitigation concerns. The current Master Plan Community Survey asks residents "What type of community asset residents would most like to see improved" with flood mitigation infrastructure being one of the selections. Clearly flood mitigation is on the minds of our elected officials and city residents. The current retention basin was incepted and constructed to manage residential run off for the homes existing in our development. It was not intended to provide water mitigation for adjacent parking structures.

It was also said the retention basin services this 80-home development. We object to the proposed drainage easement that will permit stormwater to enter the Swan Lake HOA retention basin. We have concerns regarding utilizing the retention basin and water containment system to manage run off from the Royalton Road property.

John Bassett, 5294 Whooper Court, stated in the past, the Swan Lake HOA assessed each homeowner \$1,000 to rectify drainage issues related to our retention basin. It said none of us want to endure similar, costly assessment in the future due to additional man-made drainage issues emanating outside Swan Lake and entering our property and retention basin. Swan Lake does not have any storm sewers; only sanitary sewers. Natural run off is heavily relied on. The potential for silt and refuse to enter our retention basin would be greatly increased. That would open our association to the possibility of expensive maintenance of the basin. More water flow would also add to the erosion of the drain creek coming out of the lake and to the embankment stones and the grout mat along the side of the lake. The HOA pays for the maintenance of the retention basin including the chemicals used to prevent algae and other problems. The runoff would drain additional water into an already over-burdened stream and pollute a water source directly adjacent to homes and currently used by waterfowl and other animals. This waterway behind the homes on Black Swan Ct is with serious growing problems due to continued development in the general area. It only makes sense to address this waterway problem first before permitting additional development. I strongly urge City Council and the PC to step away from plans that encroach upon the water mitigation strategy of the Swan Lake Development. It has served our community well and should continue to be used exclusively for the purpose for which it was designed.

Daniel and Kevin Brahaney, 5354 Black Swan Ct., also submitted pictures of major stream flooding on Sept. 7, 2020 and then again in less than a year.

Al and Colleen Schabenfrom, 5323 White Swan Ct., expressed concerns regarding current issues of flooding including: water filling up perimeters of homes HVAC ducts, basement backups on units with basements and flooding of creek near the rear of the development which forces water back-ups into garages.

Other concerns included: during heavy rains the storm water overload the sanitary sewers causing back up into some homes and manhole covers being dislodged.

Joseph Baran, 5369 Trumpeter Blvd., stated they had a private contractor install underground drainage around their house because of the high-water levels throughout the neighborhood.

Resident were concerned with the use of the parcel. The rectangular lot should remain as one parcel of land. A single building will permit the proper landscaping with a natural barrier (trees) for the 8 neighboring homes. It was also asked that the 2-story building be put at the front of the lot, not at the rear, for the privacy of the residents on Trumpeter and Cygnet.

Thomas Simon of 14016 Swan Lake Blvd., expressed his concern regarding the car traffic for the proposed plan which goes directly behind the homes on Swan Lake. The office building's canopy drop-off and main door is directly behind their home. He requested the number of Green Giant Arborvitae down the east line of the new development be increased substantial to ensure privacy and noise reduction to the fullest extent possible.

Charles Ayers, 14010 Swan Lake Blvd., asked PC to require the applicant to extend the site and sound barrier to Royalton Road in order to alleviate much of the sound and lights from Rt. 82.

A resident also expressed their concern regarding light pollution.

Ward 6 Councilman Mike Wos stated the area has a long history with water issues. He said he sympathizes with the residents who have had flooding and issues with the creek backing up. He said he is not opposed to a medical facility and likes what he has heard about the underground detention basin, but the stream can be a problem. He said there is merit to their claims regarding existing water issues. It needs to be looked at.

Garrett Hunes, Law Firm of Kaman & Cusimano, represented the Swan Lake HOA. He reemphasized the three main concerns: storm water, light pollution and adequacy of the buffer zone placed along the south and eastern sides of the property. He said they don't object to further development but they have concerns regarding the stormwater. The Association is opposed to any lot split or further development of the property that would increase storm water flow onto the Association's property or the individual lot owners.

Paula Beranuk, V.P./Secretary of Swan Lake HOA read into record a letter from the Swan Lake Homeowners Association Board. (The full letter is on file for record purposes.) Ms. Beranuk stated the HOA had significant concerns regarding the lot split. The proposed plan to split this lot in order to build two new buildings on the existing parcel would have a significant impact on the property value of the Swan Lake neighborhood homes. This plan is a clear example of over-development of commercial property. There does not appear to be a

large enough buffer zone with cars parked ten feet from the rear property line nor any area to pile the plowed snow. Representing the best interests of the homeowners, they insist that any new project on the parcel abide by North Royalton Code of Ordinances Chapter 1288 Buffering 1288.01. Ms. Beranuk also expressed concerns regarding the following issues: proposed lighting, high water level in the Swan Lake retention pond, high water levels in the waterway behind Black Swan Court properties, the continued waterway issues from the development of adjacent properties and installation of a shallow swale with a 6-inch drainage pipe along the property line on the Eastern and Southern property lines of the parcel in question. She added the infrastructure needs to be addressed. She asked the City to have vision to keep the North Royalton small town country vibe by requesting they add additional green space on the parcel.

John Beran, 5296 White Swan Court, expressed his personal concerns regarding allowing any development prior to the waterway problems being addressed and fixed.

Steve Donovan, 5350 Blackswan Ct expressed concerns regarding frequent 100-year storms and damage created because of the Black Swan creek becoming blocked by tree limbs, debris as well as a shopping cart. Retaining walls have been eroded away along the creek collapsing their structure's foundations. He said they are looking for lasting solutions such as flood basins.

Diane and Loren Potts, 5352 Black Swan Ct. stated in 1994 they had a small babbling brook in their backyard. They were told back then that the creek would not be used for runoff. In 1998 the City Engineer advised Swan Lake to add concrete pillows along the creek bed on their side. That has helped but the erosion continues on the west side. Now 25+ years later we have a raging river when it rains. They now have major flooding in their garages. Due to construction at Rt. 82 and State which includes Giant Eagle parking lot, PNC Bank and other projects that have used the creek as a "run-off", we have serious flooding issues. Because of erosion, the depth and width of the creek has exploded and the creek bed has risen due to dirt and debris. She displayed pictures of the flooding in the backyards.

Joseph Beran, 5369 Trumpeter Blvd., submitted two photos taken in 2006 regarding the spillway overflowing the retention wall.

With no additional speakers, the Chair asked for a motion and second to adjourn the Public Hearing portion of the meeting. Motion carried.

- c) **PC21-06: What's the Scoop?** Doug Crandall owner of What's the Scoop? ice cream shop is seeking site plan approval on behalf of property owner Mary and David Tamburro for a proposed pick-up window at 5160 Wallings Road also known as PPN: 489-19-051 in Local Business (LB) District zoning.

Mr. Crandall, owner of What's the Scoop ice-cream shop spoke regarding his application. He stated they are looking for approval for a mobile order only pick-up window; it is not an order-to-go window where you pull-up, place your order from the menu and wait for it. They can only place an order by an app which has a What's the Scoop download. They can view the menu and pay directly on the app. They will pull up to the window; it is a pickup and go. In case there is an issue where there is more than one car, there will be two reserved spots in the very back with designated signs for overflow mobile parking which was approved by the Tamburro family. Mr. Crandall stated if this is approved, they have bought additional equipment so a refrigeration unit and freezer unit will be up close by the window to facilitate the speed of an order being picked up. He said the business is very seasonal; they open

around April 14th and close in September. They are open 5-days a week in April and May generally between 11:00 a.m. – 8:00 p.m. He said 70-80 percent of their business is done in the last three hours of the day. He said they have increased their payroll by one additional employee for non-peak hours to help facilitate if there are orders to the window. On the peak hours 7:00 p.m. to close they have increased from two employees to three. Pictures of the proposed site plan were submitted as part of the application.

The Building Commissioner stated the site is already arranged in such a fashion that it is one-way down that side drive and one-way up the other side. There is adequate parking in front and in back. The fact that it is not a drive-through window but a pickup window would help alleviate any kind of waiting or cars pausing. There is an existing legal non-conforming use next to the parcel which means the zoning of this parcel is Local Business; an existing residence is located next to it but it is also zoned Local Business. In the interest of creating some type of buffer he recommended the Board consider placement of some sort of high growing trees, shrubs or arborvitae in the area between their building and the adjacent building's window.

Discussion took place regarding hours of operation. Mr. Crandall stated the hours in April and May will be five-days-a-week from 11:00 a.m. to 8:00 p.m. In the summer time the closing hours will be 9:30 p.m. or 10:00 p.m. The Building Commissioner stated if there is any deviation from 10:00 p.m. closing time during the summer, the applicant would need to come back before the PC. That way we will not have a late-night operation next to an existing residence.

David Liddy, 9166 York Road, spoke on behalf Rand and Deborah Stender. He said they have several issues regarding increased noise from a pick-up window. They will hear this on the side of their house and while sitting in their backyard patio. He added the house does not have air-conditioning so their side windows will be open. He also spoke of loss of privacy on their front and back patio. They are concerned that no one will enforce it being only a pick-up window; once it is approved, it will be a drive-through window. He displayed pictures of their front patio, the side yard and rear property of the buildings. He questioned the ability for the applicant to plant arborvitae because of the hill and the blacktop which is 5 ft. from property line. He also questioned City Code regarding the location of their two dumpsters and lack of an enclosure around the dumpsters. He said they are located next to their patio. He spoke of other old issues in the rear property which have never been addressed such as redirecting of waterflow because of lack of maintenance and the presence of cattails damming it up and trash from rear neighboring property, Royal Victoria Gardens. Mr. Liddy said when the building was originally built so close to the property line it did not allow for any privacy. Tracy Liddy expressed concern with the lack of privacy due to the location of the parking area where cars would be waiting to pick up orders. They displayed numerous pictures. They requested all the existing issues be fixed in the rear property and a six-foot fence be added one-foot off the asphalt all the way to the back of the property and ten-foot in front of their patio.

The Chair stated a lot of what Mr. Liddy stated is valid; but a lot of it does not have to do with what the applicant is here for tonight. He suggested the Liddy's have follow-up conversation with their Ward 2 Councilperson Linda Barath who was present in the room.

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 8:34 p.m.

Old Business:

- a) **PC21-07: Morel Landscaping LLC** on behalf of property owner Beckwith Holding LLC / Woodland Mulch LLC is requesting a Similar Use Determination for proposed mulching operation (manufacture and sales) located at 12020 York Road also known as PPN: 483-06-003 in General Industrial (GI) District zoning.
- b) **PC21-08: Morel Landscaping LLC** on behalf of property owner Beckwith Holding LLC / Woodland Mulch LLC is seeking preliminary site plan approval for proposed mulching operation (manufacture and sales) located at 12020 York Road also known as PPN: 483-06-003 in General Industrial (GI) District zoning.

Luke McConville, Attorney with Nicola, Gudbranson & Cooper, LLC., represented Rob Morel. He started off with a procedural question. He said they have prepared a site plan that is intended to respond to the specific concerns that they heard from both the members of the PC and the residents in the community at their last appearance before the PC. He said what they would like to do is present an application based on a site plan that does not include a mulch grinding operation that is based off of this plan but really the eastern portion of this site and reserve the right at a later time to come back with a different plan for the mulch grinding operation based on due diligence that they may do. He said the genesis of this request is really a conversation he had with the Law Director about the idea of enclosing the grinding operation in a building. He said they do not know if they can do that at this point. He said he is now seeking site plan approval related to the front of the site closer to the road and move the mulch grinding consideration to a later meeting.

The Community Development Director stated the Building Division has not received or reviewed this application. He requested the application be tabled in order to review it. He said he did not know the parcel would be bifurcated; the prior page indicated that the mulching operation was still in existence on the property. This is the reason why we request an application be submitted well-beforehand so that we can vent them. He said he appreciates the applicant's effort to deal with some of the issues brought up at the previous meeting.

The Law Director asked for clarification. He said we have two matters on the agenda and in response to the concerns expressed by the PC and Building Commissioner you are now proposing to revise the site plan. He asked if that is correct. Mr. McConville responded it will be the same site plan but would not include the mulch-grinding operation. Mr. Morel stated they have drawn a blue box around the area that they would be focusing on today. Mr. McConville stated it would be the same site plan; it just would not include a grinding operation. The question is whether the Board would consider it with the idea being they would reserve the right to come back to it at a later time with respect to a mulch-grinding operation. Mr. Conville stated if the answer to that question is no, he said they are prepared to go ahead and just talk about this site plan and ask for an up or down vote on this plan. He said they will talk about all the modifications they have made since the prior appearance that relate to the mulch-grinding operation and then attempt to address the issues that were raised.

The Law Director stated the PC is never in a position to negotiate the site plan. The site plan is the site plan that was submitted; the site plan that was published to the public. We are held to vote on the question of the site plan before them. He said if the applicant is going to talk about removing the mulch-grinding in its entirety there may be something to discuss.

Mr. McConville responded that is exactly what they are suggesting. It is the exact same site plan that was submitted. The use they would be putting the property to is consistent with the application. Mr. Morel went into a lot of detail about his business; it would be only for the landscaping portion of his business on this site plan without the grinding operation. There will be no grinding on site. He said he is not sure if Mr. Morel knows if he will pursue grinding on this site, but if he were to, he would come back to the PC with another site plan to seek approval.

The Community Development Director stated the problem is that the slide before you show a grinding operation on it.

The Building Commissioner stated he has spoken with Mr. McConville and Mr. Morel about this matter and expressed to them that there is a lack of information. Whether it is discussed at this Board or as simply as a certificate of occupancy application, which they have done, we need additional information as to the scope of the operations. What we have before us is a drawing that is a mulching operation and what appears to be a landscape business with a building on it. He said he is unclear as to what extent they are trying to add or modify or adjust and therefore cannot make any valid comments as to the project. He recommended, if they wish, they can perhaps table the matter and revise their drawings and clearly state what they are doing so the PC could have an easier decision in deciphering what the project is about and providing us with the additional information which was requested of them a number of times.

The Chair stated he tends to agree. He said there is not a firm cohesive plan for us to look at and consider. He said the applicant should consider taking the Building Commissioner's advice. He said, if not and they would like to put this to a vote tonight it would be on the revised plan showing the entire site. Mr. McConville stated they would like to move forward on a vote on the plan before them.

Mr. Morel stated he currently owns and operates a business in North Royalton on Progress Parkway. He spoke regarding his growing business and that they are running out of room in their current location. Expanding on this site would allow his business to grow. He spoke of the number of changes made to the plan which included a new 9,000 sq. ft. warehouse building to house equipment and a shop for the repair and maintenance of equipment and trucks. He explained why they chose the location of the business. He said it is possible they will lease a portion of the building. The lease space would be confined to inside the building; it should not affect the outdoor space at all. He said screening would be by use of the current arborvitaes. He spoke of the area for storage of the pallets and parking for the trucks and trailers. He said they would only need to keep four of the bins to hold the mulch.

Mr. Morel said in the rear he made a number of changes including removing the existing 7-8 ft. tall mound of dirt in a portion of the area. He also said they are looking at different options for what they would put on the 8 ft. mound such as a 6 ft. tall vinyl fence, 14 ft. tall total. He planned on putting 4 large bins on one side of the property line for staging the mulch. The mounds would be 12 to 14 ft. in height which would be an outstanding reducer of noise from

the grinding machine. He said they have changed the location of the grinding machine to the other side of the property away from the residents. He spoke of the open-grinding operation and the noise issues if it were housed in a metal structure. They are proposing a large canvas hoop-house for the grinding. The last change was using foam panels used on top of industrial buildings. He said the panels would be fitted on the side of the machine around the engine which is what creates the most noise. The machine would be located in the hoop-house to deaden the noise.

The Community Development Director stated he is unclear as to what Mr. Morel's intent is. Originally from the conversation with the attorney the applicant would be eliminating all of the outside manufacturing on the site as part of tonight's proposal. Mr. Morel's presentation included the mulch-grinding operation with the various barriers. None of the improvements are complicated and can be reviewed off-line prior to the meeting so the City can make a recommendation to the PC. We have not had that opportunity to do so.

The Chair stated he agrees with those comments. He said he would like an independent analysis of the effectiveness of the sound enclosure and what noise will leave that enclosure. Mr. Marnecheck stated he requested that information at the last meeting. He told the applicant he can bring this to a vote tonight but he would not be in favor of voting in the affirmative.

Mr. McConville stated the remarks that he had made prior to the meeting with Mr. Jordan were offered in a sense of the desire to have the front of the site plan reviewed tonight with the idea that they would come back at a later time with respect to a mulch-grinding proposal. He said there were very specific conversations as to what their use was and what the new site plan entails. He questioned why those concerns are being raised for the first time tonight when they have reached out on numerous occasions to members of the Administration.

Mr. McConville asked the Law Director to speak on the variety of legal arguments under the code. He asked if those legal arguments discussed at the last meeting need to be repeated tonight. The Law Director responded no he does not need to go through them again; they are part of the record and minutes of the last meeting. Mr. McConville stated they are here to answer any questions the PC members may have of their proposed operation. It is the same proposed operation discussed about at their last meeting: storage of materials, parking trailers, use of the existing building as office space along with a mulch grinding operation which is consistent with past use of the property.

The Building Commissioner stated during all of the conversations with Mr. McConville and Mr. Morel, they were told they had insufficient information. It was very clear. He said he is now confused by the lack of information. He said this morning he laid out the various items that are missing from the proposal. He said he would go over those items right now if it were to add to the clarity. The Building Commissioner continued; the PC reviews the application. It can be either granted a schematic, a preliminary or a final approval. They review the site plan as it is submitted. As shown by the applicant prior, Mr. Asimes, the detail that was placed into the project is what we anticipate from all projects. We also have had informal meetings with the applicant which involved our City Law Director where he tried to clarify the missing aspects. The use of the property is not the question here; it is the site plan that is being proposed. The site plan proposed does not have enough information. It is unclear as to whether they are planning to do retail. No information has been provided as to whether the detention basin is sufficiently sized for the increase of the site. The initial site that was approved was rather small; a small percentage of the site was utilized. Over time that crept

larger and now encompasses the whole site. That does not make it okay. He asked what are the materials stored, where they shall be stored and how they shall be stored. He asked Mr. Morel what are the days and hours of operation. There is no information as to the structure as well as the exterior appearance of the structure.

The Building Commissioner said the applicant spoke about the mulch operation. The hoop house fails to meet the intent of our code on a number of items. All manufacturing within the General Industrial District occurs within a structure. Furthermore, our code states the structure is masonry. If the mulching equipment were placed within a masonry structure as our code requires, then we would not be having as much of a problem with the mulch operation as we are now. A canvas covered hoop-house is not what the intent of the all-masonry General Industrial construction is. There is insufficient information as to the landscaping. He has spoken to Mr. Morel regarding areas of the site that have been encroached on and have to be remediated; there has been dumping and significant expansion of the site which has not been addressed. He asked the applicant if there is something unclear about his statement.

The Building Commissioner stated those are the items we need. The applicant should put this information together in a document to present to the PC.

Mr. McConville stated the conversations they have had this week were related to an occupancy permit not to this site plan. He said they are happy to answer all those questions tonight; many have already been answered.

The Chair stated the process is for the applicant to present the information prior to the meeting in which the Board and Administration would then have an opportunity to review the documents ahead of time. When the applicant comes before the PC, they make a presentation and then the Commission relies on the experts within the city to give feedback on what issues need to be considered. He said he does not feel we can move forward with what was presented so far. He said if the applicant wants the Commission to vote tonight, we can do so.

Mr. McConville stated based on the comments, they would like to request to table the application.

Based on the applicant's request the application will be a pass and will be continued to the next meeting. The item will remain on the table.

The Building Commissioner requested the applicant submit any revised drawings to the PC Secretary two weeks prior to the next meeting. The Law Director stated because we anticipate new drawing to be submitted, another public notice will be required.

- b. **PC21-09ext: Viewpoint Subdivision** – Builders & Developers Co. Inc. and Viewpoint Development LLC are seeking a 90-day extension of the Preliminary Plan approval received on 3-4-2020. The subdivision will consist of 15 single family residential lots located on PPN: 482-28-037 in Residential (R1-B) District zoning and PPN: 482-28-001 in Residential (RM-D) District zoning. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Moved by Mr. Marnecheck, seconded by Ms. Michalke to approve a 90-day extension for Viewpoint Subdivision. Roll call: Yeas: Five (DeCapite, Marnecheck, Michalke, Baxendale, Mayor Antoskiewicz). Nays: None. 90-day extension granted.

The Chair called a short recess.

Meeting resumed at 9:25 p.m.

New Business:

- a) **PC21-04: The Norwood Group on behalf of Tri Norwood Holdings, LLC** is seeking approval for a lot split of PPN: 487-10-011 located at 5389 Royalton Road in Town Center (TCD) District zoning.
- b) **PC21-05: The Norwood Group on behalf of Tri Norwood Holdings, LLC** is seeking site plan approval for proposed office building with associated site development at 5389 Royalton Road also known as PPN: 487-10-011 in Town Center (TCD) District zoning.

Dean Asimes, principal owner of the Norwood Development Group, gave a point of clarification regarding the use of the detention basin in Swan Lake. He said they are not utilizing the capacity of the pond as a detention system. He said they will detain all their water on site in the underground ADS piping system under the pavement. He said they will let their outflow into the pond as it has been naturally done for decades. The detention system is a better system than an above ground pond because it does not have the maintenance issues such as collecting debris and clogging.

The Mayor asked Mr. Asimes approximately how much water is detained underground in that system before it begins to release.

John Urbanic, Rockaway Civil, responded to the Mayor's question. The underground stormwater system will serve two purposes. There is a local flood control ordinance which the City of North Royalton has in its Codified Ordinance and also a state requirement for water quality. He said the water quality restriction for a facility like this is there for all the common storm events. The outlet in the bottom of the underground chamber system will more than likely be a one-inch diameter hole. There will be some type of a restrictor plate. All the water will be collected from the rooftop of the buildings and collected from the parking lot. It will be routed through storm piping and through conduits into this underground chamber system. It will fill up because a one-inch diameter hole for the majority of the regular storm events is what will be allowed out. It won't hold anything back until a certain point. Ten-units of water will come in right away and point-one-unit of water will go out. That small amount of water will end up leaving the site and tying into the existing storm sewer system at the north end of the Swan Lake Development. As the rain event goes on for an extensive period of time, the underground system fills up. As it fills up it gradually starts to let more and more water out; there may be a six-inch diameter hole or an eight-inch diameter hole.

The Law Director asked Mr. Urbanic if a large storm event takes place, what is the gallonage to be struck before the maximum capacity is reached. Mr. Urbanic responded a system on a one or two-acre lot like this will be 10,000 cubic feet of area under water. He said if you can, picture a room of this size by 30-inches high of underground storage of open conduit with gravel between the open conduit. That volume of water is hard to quantify. One of the systems will be in the back of the lot to utilize the office building and the parking for the office building. A second system, probably about three-quarters of the size will be in the front of the lot for

the financial institution and parking lot before its outlet out to Royalton Road. The bottom 25 percent of the system will be choked with the one-inch outlet. Most of the rain events will not see more than water coming out of the one-inch outlet. The highest rate of water leaving the site will not exceed any pre-development condition, the way it is now. The stormwater management system is designed for what is known as the critical storm. He said this may be designed for a 10–25-year critical storm.

Mr. Marnecheck asked the applicant to speak on the maintenance of the system. A manual is submitted to the City and also to Northeast Regional Sewer District or Cuyahoga Soil and Water. There is a maintenance schedule that needs to be followed including cleaning and inspection requirements. He said essentially what ends up going into these systems is debris, grit or anything transferred through the parking lot. All the grit and debris ends up in the upper end of the system which will need to be sucked out with a vacuum system. The debris will not exit through the small hole off site.

Ms. Michalke asked if there are any other systems like this near by that have been put in place. Mr. Asimes responded they installed a similar system in the Sherwin-Williams Freedom Design building on Royalton Road. He said they utilized that same type of system for underground system for the water detention.

Ms. Michalke asked if the excess flooding from Swan Lake will encroach upon the new property. Mr. Urbanic responded the topography of the proposed site compared to the topography of both Swan Lake and the open channel at the southwest corner of the Swan Lake Development are at elevations that are so much lower than the proposed development. There does not appear to be any concerns for the proposed development.

Ms. Michalke asked about the water shedding off of the proposed site. Mr. Urbanic stated that one-third of the site, the financial institution site, will be redirected to go towards Royalton Road. It will not go through the Swan Lake detention system. It will be detained on site and entered into the City's stormwater system on Royalton Road which goes back into the east branch of the Rocky River.

The Law Director asked the Building Commissioner if the applicant is seeking preliminary or final site plan approval. The Building Commissioner responded the applicant is here before us seeking final approval. Some of the calculations are preliminary for the detention basin but that is not uncommon; they will be flushed out prior to permitting. Mr. Asimes stated the calculations are complicated. He said both his Engineer and the City Engineer will work together on this. He said they will meet and exceed all of the City's requirements.

The Community Development Director mentioned residents expressed a concern regarding lighting; he asked the Building Commissioner to speak about the photometric plan submitted by the developer. The Building Commissioner responded a photometric was done essentially an analysis of how much light will fall on the ground as the light goes further out. He added it meets or exceeds any of the City standards for light trespass. The Chair asked what does the lighting study mean in everyday terms. Jeff Certo of Certo Architects stated the figures are .1 to .4 which is a foot candle reference. Zero means no light at all is hitting the surface. It will change throughout the site. Some areas will be .4 in the middle of the parking lot for safety. The poles are 14 ft. high and on a two-foot concrete pedestal. The lower the fixture the less you will see of the light source. The actual light is stopping at the property line. During the evening the light will be dropped down so there will only be enough light for security purposes. The light filtering can be controlled by the actual fixture. There will be some accent lighting on

the entrances and on the landscape around the perimeter of the building. Only what is needed for security will be on at night. There is no proposed lighted signage on the building.

The Building Commissioner spoke on the issue of the lot split. He said there is nothing in our code which prevents Mr. Asimes from building multiple buildings. As long as he complies with the setbacks, height requirements and buffering requirements. The lot split in question is more of an issue with the tenants.

The Building Commissioner spoke regarding the issue of buffering. He said there is already an existing fence on the HOA property. Per our request, Mr. Asimes has upgraded plantings on the site to cover the entire backside of the property and run along the side property all the way up to where the residential properties end across from the financial building. He stated it would not be appropriate to rotate the buildings because of the low point of the detention basin at the southeast corner which would make it physically impossible to retain the water correctly. Moving the building which is two-stories further away from the residents is the appropriate solution for an architectural viewpoint. It will not be as visible.

Mr. Asimes said they will be using an arborvitae called Green Giant in the buffer zones. It grows anywhere from two to three feet a year; it will grow up to 30-35 feet and is deer resistant. He said they will probably start out with 8 to 10 ft. trees to begin with. The arborvitae line will go as far north as that last house. There is a common area green belt mounding at the entrance of Swan Lake off Royalton Road. He said a common green belt area surrounds the Swan Lake property. It is approximately 40 to 50 ft. wide, maybe less, from the proposed site to the rear of the adjoining property.

Jeff Certo stated Mr. Asimes requested a building design and materials, trim and color that is more neighborhood friendly. The Building Commissioner and Holly Michalke stated they have done a good job with the choosing of the materials for an office building next to a residential area.

Mr. Marnecheck asked the applicant if they are doing anything on an energy efficiency certification. Mr. Certo responded the lighting will be LED and comply with the energy code compliance.

The City Engineer stated the applicant is willing to exceed the stormwater requirements. He asked if the applicant would be willing to design to the next storm level up which would increase the storage required. Mr. Asimes responded they would be willing to do that.

The Mayor said he has been personally involved in a lot of the stormwater activity for the Black Swan issues. He said the Sewer District has been out there; the Wastewater Department has also been out there checking for cross connections and many other obvious issues which all turned out to be good. He said that does not mean they are going to give up. They will keep trying to figure out what the City can do to make it better.

The Mayor said he spoke to the City Engineer regarding his research on the design of the basin. The City Engineer stated he went back to see what the original design of the drainage maps were when the basin was designed. This proposed site was included. When the development was designed, they needed to take into account any offside stormwater that is coming to the pond. This parcel was included in the original calculations.

The Chair stated this proposed project will not make their drainage worse; it may have a positive impact.

The Law Director stated the law protects the rights of property owners to develop their property. Even though the neighbors have their concerns, the owners and developers of real-estate have their rights to develop under the law. As long as they meet the code it would be difficult to defend a rejection of this plan. It would furthermore place the City in an awkward position of what the City requires.

The Secretary asked the Law Director to speak briefly regarding Buffering 1288.01. He responded they are aspirational goals. Throughout the code we aspire to do these things. The specifics of the code are what govern. So long as they meet the code, they have the right to do what they want to do.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck to approve the lot split of PPN: 487-10-011. Roll call: Yeas: Four (DeCapite, Marnecheck, Baxendale, Mayor Antoskiewicz). Abstain: One (Michalke). Nays: None. Motion carried.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck to approve the final site plan with the condition the applicant increase the capacity to the next higher storm level per the City Engineer's comments and agreed to by Mr. Asimes. Roll call: Yeas: Five (Michalke, DeCapite, Marnecheck, Baxendale, Mayor Antoskiewicz). Nays: None. Motion carried.

- c) **PC21-06: What's the Scoop?** Doug Crandall owner of What's the Scoop? ice cream shop is seeking site plan approval on behalf of property owner Mary and David Tamburro for a proposed pick-up window at 5160 Wallings Road also known as PPN: 489-19-051 in Local Business (LB) District zoning.

Doug Crandall said the property owner David Tamburro has been watching the meeting on Zoom and communicated to him that they have owned that parcel for 30-years and have never heard complaints from the neighboring property. Mr. Tamburro also communicated the location next to them is zoned Commercial. Mr. Crandall stated he is not trying to increase any traffic flow. The hours of their business have not been extended because of the pick-up window; the hours remain the same. If there is a back-up of more than one car they will not circle around. They will have two designated and marked parking spaces in the back corner for over-flow parking. He spoke about additional employees being hired and additional equipment.

Tom Jordan stated he had a brief conversation with (inaudible). He said their parents live next door and have owned the house a number of years. He said commercial has encroached on them over the years. They consider this the last (inaudible). He said they are asking for buffering that will mitigate the issues to allow them to have a pick-up window. Mr. Jordan added the driveway was designed for traffic to go from the front to the back; not to stop or idle or have a conversation with anybody in the pick-up window area. Mr. Jordan suggested they have a fence that will run along the border and mitigate some of the issues. He asked the applicant if he would be open to that.

Mr. Crandall responded he would be open to anything but he does not own the property. Mr. Jordan reminded the applicant that they are here tonight on behalf of the owner. The Law Director stated Mr. Crandall cannot commit for the Tamburro family that they will put up a fence. He asked if Mr. Crandall would be willing to inquire of them whether or not that would

be something they would permit or they would jointing engage in with the applicant to raise up so the neighboring property would have some privacy in their home. Mr. Crandall stated he would reach out to them to get their OK. The Law Director asked Mr. Crandall if he would be willing to table his application and make all of the arrangements between now and the next PC meeting and return at that time. The next meeting is April 7th. Mr. Crandall expressed that he did not want to wait until the April 7th meeting because of the time issue. He asked if the approval can be done with a contingency of the fence being erected. The Law Director stated the Board can move forward with it being a contingency.

The Building Commissioner stated he will act on behalf in part that it will be to the satisfaction of the Building Department. We want screening the amount of fencing be adequate to screen it; the running length should cover enough of their property; the windows to their bedrooms and towards the back where the two idling vehicles may be or may not be. They would need to screen the front portion. Per code the dumpsters in the back are required to be adequately screened; the Building Department will handle that individually off-line. Mr. Crandall stated a cement area in the back left-hand corner is for dumpsters; Rumpke has been called to have the dumpsters moved back to that location. The Building Commissioner said he spoke with the applicant when submitting the application; they were told screening would be an issue and to come prepared for screening discussions.

Mr. Crandall asked for clarification regarding how far forward it would need to be.

Tracy Liddy, 9166 York Road, spoke regarding Mr. and Mrs. Stender's disapproval for the facts that David Liddy brought up. She said the Stenders do not make waves but the pick-up window creates more noise and a lack of privacy. If all the above concerns mentioned before are addressed and fixed, she said they would like to see a 6-ft solid privacy fence one-foot off the blacktop from the property and 10 ft. south from the corner of the end of the applicant's patio in front of the store. Issues are when sports teams are there and occasionally kids come over and play in the Stender's front yard. The original area where the dumpsters were kept was screened in with matching brick to the building. They asked that the hours of operation be not past 9:00 p.m.

The Law Director responded that Mrs. Liddy cannot decide the stipulations. He added her parents have a right to certain accommodation. The Commission is trying with difficulty to do that but they reside on a piece of property that is zoned Commercial. Discussion continued regarding the limitations of an existing legal non-conforming use which cannot be expanded. Ms. Liddy responded she is not making demands, only recommendations for something that would work for the Stenders as well as the business owner.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to approve the site plan with the contingency the business install fencing and work with the Building Commissioner regarding the details of what the extent of the fencing would be towards the front and towards the back. Roll call: Yeas: Five (DeCapite, Marnecheck, Michalke, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved with contingency.

MISCELLANEOUS

The next scheduled meeting is April 7, 2021.

ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to adjourn the March 3, 2021 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 10:25 p.m.

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: June 2, 2021

ATTEST: /s/ Diane Veverka
Planning Commission Secretary