

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **July 7, 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, Marie DeCapite, Holly Michalke, PC Secretary Diane Veverka. Administration: Law Director Thomas Kelly, City Engineer Justin Haselton, Building Commissioner Dan Kulchytsky, Community Development Director Tom Jordan

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Paul Marnecheck and Holly Michalke will not be voting on the minutes.

Moved and seconded to approve the minutes of **June 2, 2021. Motion carried.**

The Chair and Law Director provided an overview of the PC meeting process which recently changed the order of business with regards to the meeting process. We feel it is a more efficient manner of handling the applications one at a time. In any matter where there is a public hearing to be had, it will be part of the same process that involves the applicants proceeding before the Commission itself.

The Secretary stated public hearing notices were sent to property owners within 500 feet of the property in question and posted as required. The PC meeting can be viewed live and is being recorded.

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

PUBLIC HEARING / OPEN MEETING

New Business

- a) **PC21-19: Huntington Park Ph. 4 Subdivision** – JMR Land Development, LLC is seeking preliminary plan approval for Huntington Park Subdivision Ph. 4. The subdivision will consist of seven (7) single family residential lots located on PPN: 488-12-033 and 488-12-035 in Residential (R1-A) District zoning. The proposed subdivision will be an extension of Angelina Drive to the north ending in a cul-de-sac.

Mr. Baxendale stated he will recuse himself to avoid a conflict of interest. The Vice-Chair, Mr. Marnecheck, will chair the first item on the agenda. The Law Director spoke to the issue of the number of voting members. In order to secure an approval for the application, the applicant will need to have three favorable votes out of four, instead of three out of five.

The Vice-Chair asked the applicant for PC21-19 to come forward. Travis Crane with the Davey Resource Group spoke on behalf of the applicant Jeff Rucinski, JMR Land Development LLC who was also present. Mr. Crane stated they are seeking preliminary plan approval for the fourth and final phase of Huntington Park subdivision which is an extension of an existing street. The previous plan was for 14 lots; Mr. Rucinski has reduced the plan to consist of 7 lots.

An Engineering Department report was submitted to the PC Board and the applicants. The City Engineer stated the City sees this as a positive outcome for the final phase of the subdivision. Stormwater will be handled by the existing stormwater management system which is properly sized for that. The adjacent property owners to the west side of the site, behind the first three homes, asked if the applicant could reduce the extent of grading and tree clearing to approximately 30 feet.

The applicant stated this is a preliminary grading plan and is subject to change depending on the final grades. They would consider the request regarding grading.

The Building Commissioner stated the application before us is a good method to close off the subdivision. He said it is an appropriate solution for the site.

The Law Director had no comments and no objections.

Ed Valentine, 11361 Villa Grande Drive, said his property abuts the subdivision. He asked that they keep a buffer between the west property line and the existing homes. He said it is a heavily wooded area. He expressed concern regarding the grading plan which shows grading to the property line. He also expressed concern regarding the water being shed towards the catch basin and not towards his property. He showed a sketch of the water flow in the area.

With no further public input, the public hearing portion of the meeting was closed. The Vice-Chair asked for a motion.

Motion made by Ms. DeCapite and seconded by Ms. Michalke to approve PC 21-19 and to open the meeting up for discussion.

Mr. Crane stated they are open to keeping as much buffer with trees as possible. He said they are aware of the balance between trees and stormwater management; they will work with the City Engineer to achieve that balance.

Ms. Michalke asked if the pied lot in the back of the cul-de-sac is over one acre. The applicant responded yes, it is approximately 205,000 sq. ft. She asked if the lots with gas lines will have easements. The applicant responded they believe there are existing easements with restrictions for the gas lines. Access would be through the easements. Ms. Michalke asked for an overview of the existing storm water management plan for the development vs. what is proposed and how they will tie together. The applicant responded by summarizing the majority of the subdivision including the last phase 4 was designed to go into that existing stormwater management basin. That pond is designed to handle what is there now plus the additional 14 sublots originally planned; which is now only 7 lots. Therefore, the burden on the storm water management basin is less than what it was designed for. She asked if stormwater would go to the basin versus going onto Mr. Valentine's property. Mr. Crane responded yes.

The Law Director asked Mr. Crane when they come back seeking final plan, can the Board be assured that whatever additional stormwater facilities they propose to place on the property will be subject to the maintenance of the HOA. Mr. Crane responded yes. Mr. Kelly as if they will be joining the existing HOA. He added that we want to be assured that the stormwater facilities are subject to the maintenance provisions of the documents and afford us the opportunity to be assured that they will be taken care of. Mr. Crane responded yes to both statements.

Mayor Antoskiewicz stated he would like to see catch basins at the corner of each of the three properties that abut Villa Grande Drive to minimize problems over time by catching the water on each of the individual's lots and not just end up at the last home. Mr. Crane responded being they are only at the preliminary plan stage; he would prefer not to commit to that. He said they will evaluate the suggestion. Mr. Marnecheck and Ms. DeCapite agreed with the Mayor's request.

Ms. Michalke asked for clarification of Exhibit A legal description and why the School District is mention in the description. The Law Director stated he believes it is simply to reference the prior instrument that encompassed the transfer of the property.

With no additional discussion, the secretary called for the roll on the motion to approve.

Moved by Ms. DeCapite, seconded by Ms. Michalke to approve preliminary site plan. Roll call: Yeas: Four (Marnecheck, Mayor Antoskiewicz, DeCapite, Michalke). Abstain: One. Baxendale. Nays: None. Motion approved (4-0).

The Chair, Gene Baxendale, called to have the next applicant come forward.

- b) **PC21-18: One Stop Sunoco** – One Stop Sunoco on behalf of property owner Kollab Properties LLC is seeking final site plan approval for proposed site work including demolition, replacement of existing building and site improvements at 11209 State Road also known as PPN: 488-08-007 in Local Business (LB) District zoning.

Frank Castrovillari spoke on behalf of the property owner of One Stop Sunoco who was unable to be present. He stated they are here to ask for final site approval for the Sunoco station that unfortunately burnt down. Mr. Castrovillari displayed a color rendering of the site which include elevation drawings and the floorplan. He said the building will be 10 ft. longer on the Wallings Road side. The plan shows two different roofs for approval; they are hoping to have an architectural metal roof, but they may have delays due to product availability. The backup plan would be for a shingled roof. The signs are only for placement; the signage company will have specific criteria and will submit a permit for signage. The site is being improved by adding greenspace up front; also, some of the existing parking will be converted to green space. The curbs will be shortened on the Wallings side. Because of the location of the propane tank and it's 6 ft. brick enclosure, the traffic flow will be changed slightly. The dumpster will be moved to a different location and have a brick enclosure. He showed pictures of the view from the neighboring businesses to show the natural screening of the roof top units. He said they are looking to push the units further into the building. He said he does not prefer to put screening up that will penetrate the roof.

The City Engineer stated they are disturbing less than one acre of land. They are increasing the quantity of pervious grass area. They have no stormwater runoff concerns.

The Building Commissioner stated this is a prominent corner within our City. He asked for an inclusion of a screen around the mechanical rooftop units at the back of the building. Something can possibly be attached to the sidewalls if he prefers not to penetrate the roof. He said Cleats does have some significant landscaping but the City's concern is also from cars approaching from each corner at this major intersection. He also said the metal roofing be included within the project; if there is a problem, they would be required to come back before PC to have the shingles be reconsidered. He asked Mr. Castrovillari will the blacktop areas be repaved since they are in significant disrepair. Mr. Castrovillari responded the site plan shows areas that will be resurfaced.

The Chair asked for clarification of the screening. The Building Commissioner responded he would like to see the screening on all three sides. It could be attached to the walls as a continuation of the blue band that is already in place underneath the roof line.

With no further input from the public, the public portion of the meeting was closed.

Motion made by Mr. Marnecheck and seconded by Ms. Michalke to approve PC21-18 for final site plan and open the meeting up for discussion.

Mr. Marnecheck agree that this is a very nice improvement to the corner. He questioned if lengthening the building will impact the number of cars using the refueling pumps and also asked about a timetable for completion of the project. The applicant responded lengthening the building will not impact the number of cars using the refueling pumps. He said they are hoping to be done in four months but it depends on material availability.

The Mayor questioned if the existing pumps will be kept in place or will they be upgraded to coincide with the new building. Mr. Castrovillari responded Sunoco will make that call.

Ms. Michalke asked if changing the drives will help eliminate the issues of vehicles cutting the light. The applicant stated that this will help that problem. Ms. DeCapite asked about the signage and if the City can restrict what type of advertisement is permanently displayed. The Building Commissioner and the Law Department will coordinate internally and review the signage within the ordinances and laws of the City of North Royalton and the jurisdictional rights over the content.

Ms. DeCapite questioned screening attached to the rooftop units. Mr. Castrovillari responded they try not to use that type of screening. The Board stated they would like the canopy upgraded if possible. Ms. Michalke asked if a "Welcome to North Royalton" sign can be incorporated into the landscaping. The Chair asked if the landscaping can be more extensive and vibrant to enhance the corner. The applicant stated they are proposing some larger trees and grass area; it was previously asphalt. The Building Commissioner stated they are adding a lot of positives; additional landscaping is limited because of intersection road salt.

The Chair stated approval of the motion will be contingent on screening being added, an upgrade on the canopy by resurfacing it, and an architectural metal roof be used unless sufficient documentation is provided to the Building Commissioner showing that the metal roof is unavailable and choice of an alternate material to be used. He added we would hate to see the project delayed. Mr. Castrovillari stated Sunoco has three different types of coverings for the canopy; if it is okay with the Board, he can submit it to the Building Department to approve the most appropriate for the site.

Moved by Mr. Marnecheck, seconded by Ms. Michalke to approve final site plan with the contingencies stated in the record. Roll call: Yeas: Five (Baxendale, Marnecheck, Mayor Antoskiewicz, DeCapite, Michalke). Nays: None. Motion approved (5-0).

The Chair called to have the next applicant come forward.

- c) **PC21-21: Sanitary Sewer Dedication** – Accepting for Public Dedication approximately 2,447 linear feet of sanitary sewer line along State Road and Edgerton Road serving the newly constructed North Royalton Elementary school and adjacent properties from the North Royalton Board of Education.

Jim Presot, Assistant Superintendent of the North Royalton City Schools, Jeff Adams from Hammond Construction and Claire Bank from Thendesign Architecture were present to speak on the application. Mr. Presot stated they are here to seek approval for the sanitary sewer line dedication from the newly constructed elementary school to State Road and the Parkway. The sanitary line is being tied into the City's sanitary line. He said the line has been installed and inspected and tested.

The City Engineer stated the city's Wastewater Department has been working closely on this project. He was told by them that it has passed all required test. He has no concerns.

The Law Director stated the legislation has been referred to the PC for their consideration. In preparation for the legislation, Mr. Kelly said he spoke to Mr. Smith, Wastewater Superintendent, who bears the primary responsibility for the operation of the sanitary sewer system and he advised him that the system had passed all of the tests and inspections. The city's administration recommends approval of the legislation.

Moved by Mr. Marnecheck, seconded by Ms. DeCapite to recommend approval of the public dedication of the sanitary sewer line. Roll call: Yeas: Five (Baxendale, Mayor Antoskiewicz, Marnecheck, DeCapite, Michalke). Nays: None. Motion approved (5-0).

The Chair called to have the next applicant come forward.

- d) **PC21-22: Watercrest Subdivision** – Chris Bailey on behalf of Watercrest Development LLC is seeking final plat approval for Watercrest Subdivision and dedication of the extension of Watercrest Drive. The subdivision is an extension of Watercrest Drive, consisting of 5 single family residential lots located on PPN: 486-17-022 in residential (RRZ) District zoning.

Chris Bailey stated they are seeking final plat approval for Watercrest Subdivision and dedication of the extension of Watercrest Drive.

The City Engineer stated he has been working with the applicant and was out at the site last week for a site walk-through and to check on the status of the outstanding punch list items. Most have been completed. The storm sewer was built correctly and the as-built document was corrected and resubmitted. Regarding grading, the swale on S/L 3 needs to be better defined to provide positive drainage from the east side of swale (start) to catch basin; it is still holding water. A dedication checklist was submitted by the Engineering Department including financial monies to be given to the City as required.

The Law Director stated the HOA documents that were filed for the creation of Watercrest Subdivision in 2019 were brought to the Law Department for their review as part of the process. He said he finds fault with them. We require language in those documents that specify that the HOA has the primary responsibility and sole responsibility for the maintenance of their stormwater facilities. Beyond that is also must have in their language that specifies the HOA will do the proper maintenance of both of those basins or in the alternative, the City will be able to come in and do the maintenance and then lean all the property owners for the cost of doing that maintenance. Mr. Kelly said that language is not in the documents; not in the declaration or in the bi-laws. The document language was sent to Ms. Bailey that was included in the Meadowview development which the Law Director worked with Todd Shrader for a long time and created language that the City can rely upon to require that the maintenance be done and be done faithfully. It provides the City with the opportunity but not the duty to do the maintenance if it is necessary to be done and to be able to recoup the costs of that experience.

He said he was hoping Ms. Bailey would have submitted a revision to those documents containing that language, of which he did not receive.

Ms. Bailey responded that she had thought those documents were forwarded to the Law Department. She said she had a document which states the City has the right to compel the Association to complete within 30 days of written notice. The Law Director stated if she submitted an amendment to these documents, he has not seen them. He asked Ms. Bailey to have her attorney submit them directly to him.

The Law Director stated that not having these documents should not be fatal to the application, but he cannot recommend to the Board approval of this application unless he is satisfied that the City has the protection that we are entitled to.

The Chair asked can we put a stipulation on the approval. The Mayor stated if possible we would like Council to address this on July 20, 2021; Council recesses in August. He said if it goes to Council and that document was not to the satisfaction of the Law Director, Council would not approve it.

Mr. Marnecheck said he has dealt with defunct HOAs and it is like a dead ship in the water; nobody knows how to take care of this thing. Ms. Bailey explained the HOA language is different with this 5-lot subdivision because these particular lots have no common ownership in the subdivision. The retention basins are located on privately owned parcels. What is common is the maintenance of the structures and the stormwater facility. She said she will have it written so it is up to the City's standards. Mr. Kelly stated this is unusual; typically, the land upon which the basins are situated is made common property and is a separate lot; that has not been done in this 5-lot subdivision.

Ms. Michalke stated she has personally experienced problems because of basins being located on private property.

The Law Director addressed the Chair and said it is appropriate to pursue the matter as he had described; approve it as is. He said he will recommend to Council that there be no approval by the City Council of this proposed subdivision until we are satisfied that the documents are in order. He said we should be able to do that within the next week.

Some discussion was had regarding the document brought in by Ms. Bailey regarding duty to maintain common properties and responsibility of the maintenance.

Councilman Mike Wos said he has already heard concerns regarding vegetation and overgrowth and insects because it is a wet basin without aeration. Aeration would be a favorable feature to have for the home owners. As Mr. Kelly stated, this language needs to be in place before Council considers the legislation.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to recommend approval of the final plat for Watercrest Subdivision and dedication of the extension of Watercrest Drive. Roll call: Yeas: Five (Baxendale, Mayor Antoskiewicz, Marnecheck, DeCapite, Michalke). Nays: None. Motion approved (5-0).

The Chair asked Mr. Jordan or the representative to come forward and speak on the Master Plan.

- e) **PC21-20: 2021 Master Plan** – Approval of the 2021 Master Plan including a “Zoning map revision” recommended by the 2021 Master Plan Committee for submission to the electors of the City of North Royalton.

The Project Manager Ryan Smalley, of Envision Group LLC gave a presentation overviewing the process and address any questions that were brought up prior to the meeting. He explained that the Master Plan is a guide document for City to be used over the next multiple years; to help with physical infrastructure improvements and help guide land use decisions. He said these are recommendations. It is not a legal document; there are no zoning changes that by approving this plan will happen. Additional approvals will need to be received through Council. Steering Committee meetings were held; they were open to the public both in person and online. Surveys were also sent out to the residents; it was available online and in print.

Discussion took place regarding reasons for zoning changes.

Fred Ramos, Attorney at Law, was present to represent Dean Casapis. He spoke regarding the zoning of the properties known as 11810-11812 Abbey Road PPN: 481-26-005 and PPN: 481-26-049 which are currently zoned Research Office District except for 100 feet of the most northerly portion of 11810 Abbey Road that is zoned residential. He felt this was in error and needs to be corrected so that there is a consistency in the zoning. He said the land owner has tried to market his properties in accordance with the current zoning without success. He asked that the City consider either reverting back the entire property back to a single-family use or expand the “Main Uses” of the Research-Office Districts to include Apartments and/or Senior Living Units. A copy of Mr. Ramos’s letter is included with the application. Mike Casapis also was present and spoke regarding the zoning of the two parcels.

Mayor Antoskiewicz asked Mr. Ramos if he is asking if only his parcel is upgraded in zoning or the entire area of Abbey Road. Mr. Ramos responded that the entire area that is zoned Office Research District contain additional uses in the code that are compatible with what is there now.

The Law Director stated he thought Mr. Ramos and his client were here for the limited purpose of seeking the recommendation of the PC to modify the zoning map for their parcels to be rezoned. If they are asking for the code to be modified to provide for additional uses under this Research-Office heading, we are not in the right forum to do so. Mr. Ramos said, ideally, they would like the parcels to be rezoned with something compatible with what is there now. In order for the property to have more substantial value and be more attractive it would be better if we widened the uses. The Law Director stated their request would need to be made with an application to Ms. Schroeder, the Director of Legislative Services, the Mayor and City Council. There are many recommendations in the Master Plan report which are to be the subject of further consideration and potentially further legislation a year from now or after.

The Law Director added, what is before the PC tonight is essentially one piece of legislation that calls for the recommendation of the Master Plan with regard to the adoption of a zoning map revision. It does not have anything to do directly with the question of expanding uses in a specific zoning category.

With no further input from the public, the public portion of the meeting was closed.

The Law Director stated the question before the PC is whether the Board is satisfied and wish to recommend to Council the adoption of the legislation that is pending before Council on the question of submitting to the electors a new zoning map as revised.

Mr. Marnecheck stated he felt the process to revise the Master Plan was a very thorough process.

Motion made by Mr. Marnecheck and seconded by Ms. DeCapite to approve PC21-20 to recommend to Council the adoption of the legislation that is pending before Council on the question of submitting to the electors of the City of North Royalton the 2021 Master Plan including a “Zoning map revision” recommended by the 2021 Master Plan Committee. Roll call: Yeas: Five (Michalke, Baxendale, Marnecheck, DeCapite, Mayor Antoskiewicz). Nays: None. Motion approved (5-0).

MISCELLANEOUS

The next scheduled meeting is August 4, 2021.

ADJOURNMENT

Moved and seconded to adjourn the July 7, 2021 PC meeting. Motion carried. Meeting adjourned at 9:30 p.m.

Respectfully submitted by Diane Veverka

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: January 5, 2022

ATTEST: /s/ Kyle Reisz
Planning Commission Secretary