

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **September 8, 2021 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Gene Baxendale and opened with the Pledge of Allegiance.

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

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

## **REGULAR ORDER OF BUSINESS:**

The Secretary and Law Director provided an overview of the PC meeting process. The Secretary stated public hearing notices were sent to property owners within 500 feet of the property in question and posted as required. The 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 meeting.

## **PUBLIC HEARING / OPEN MEETING**

### **Old Business**

- a) **PC21-24: OMNI Senior Living on behalf of Vitalia Senior Living** is seeking approval of site changes related exclusively to the villas and alterations to their design. This project is located on PPN: 482-01-086 York Road in General Business (GB) District zoning.  
Motion and second to remove from the table. Motion passed.

Gary Biales of OMNI Senior Living presented a revision to the exterior of the villas which were presented at an earlier meeting. The individual villas are connected; the number of multiple connected units vary. When they first presented the designed elements, they had not built any in other communities. They found some of the design aspects of the driveways which were next to each other were not favorable, so they redesigned them to be separated. In the rear of the property, the back porches were next to each other. They have redesigned them so they are flipped and are now separated which offers more privacy. Each villa will have their own driveway and patio. The elevations have been changed so they don't look the same. Some of the materials have changed; they got rid of eifs stucco material and in most cases replaced it with vinyl siding shake material. The pillars are of Azak PVC material. The materials on the villas vary in color but match the material of the main building.

He showed the original plan with 22 villas and the private drive that goes around the property. The location of the villas remains the same but the number of villas has been reduced to 16 because of grade elevation changes. There is now more distance between the units. Some of the villas back up to the wet lands or to heavy wooded areas. The units are stepped because of the elevation change. The units have either single garages or doubles. The material package presented shows the stone and materials. He showed a landscape plan which included pine trees on top of the bank. Vinyl fencing will be added on the OMNI property toward the back lots by the subdivision in areas where there is none. A sidewalk will be continued to Tilby. The ponds were supposed to be wet ponds. The idea was to put a fountain in it but won't be done till they are done with the project. Four feet of water is needed for the fountain to work.

City Engineer: Because of the reduction in number of villas, there will be a reduced amount of impervious area and will therefore reduce the amount of stormwater. He said according to the traffic report from a few years ago, the proposed site would not have an impact of the surrounding street network. It did not recommend any traffic changes.

Building Commissioner: The removal of the units to the east is a positive to the neighboring subdivision to the east of them. The changes they are making regarding the materials being used and the revised site plan are an acceptable design for the Building Department. The Chair asked if the revised elevation plans will have a cohesive appearance of design and is that occurring. The Building Commissioner responded it is cohesive and is in character with the overall site layout. The villas are all ranch level. The landscaping site plan is acceptable.

Law: Do we have an agreement with the developer for all the fees to be charged for the villas and has the developer signed off on it. The Building Commissioner responded no payment is required yet because building permits have not yet been issued. The Builder responded they are aware of the fees and have no argument to what they are.

Liz Klimczuk of 9570 Tilby Road asked will there be a fence along Tilby and will the trees be taken down behind her property. She is the last property before Timber Ridge Drive which is at the end of the retention pond.

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

**Motion to approve PC21-24 OMNI Senior Living / Vitalia Senior Living as read into record and moved to the Regular Order of Business for discussion.**

Mr. Biales responded to the question from the resident; he said they are not removing any additional trees. The Chair asked Mr. Biales to reach out and work with the resident regarding their choice of either additional trees or board-on-board fencing. He added what is there now is certainly inadequate and looks trashy. Mr. Biales agreed to do so; the fence would go to the end of his property which is to the end of the detention basin. Further discussion took place regarding fencing and trees. A fence will be located all the way across the back property line with some trees inside the property line. The Mayor said he would like to see the fence line continued for security reasons all the way along Tilby property. The Chair stated he would like to have the fence be a requirement of approval. Ms. Michalke stated the site plan does show a 6 ft. high vinyl board-on-board fence in that area (sublot 6 through sublot 3). The City Engineer agreed. **The Building Commissioner conferred with the City Engineer and they agree the previously approved site plan shows a vinyl fence in that area. It will need to be put in per the original approved plans, pretty much the entire length. Mr. Biales agreed to putting the additional fencing in that area.**

Mr. Marnecheck said the redesign of the villas makes them look more like houses. The Chair agreed that the revised design makes total sense.

**Motion seconded to approve site changes related exclusively to the villas and alterations to their design.** Roll call: Baxendale, Mayor Antoskiewicz, Michalke, Marnecheck). Nays: None. **Motion approved (4-0).**

- b) **PC21-23: Royalton Supply Landscape Center** on behalf of property owner Abraxus Salt, LLC is seeking final site plan approval for proposed multi-use building including site improvements at 11528 Royalton Road also known as PPN: 483-11-007 in General Industrial (GI) District zoning.

Frank Castrovillari with FMC Architects spoke on behalf of the applicant Royalton Supply Landscape Center. He said last month they presenting civil drawings, a site plan and building elevations for a new facility for Royalton Supply. They are proposing to build a new store/office/supply building and remove the old building once the new building is completed and operational. He said the building received preliminary approval. The PC Board wanted some civil items added to the drawings. The updated drawings were submitted and the comments were addressed.

The Law Director questioned the way it was on the agenda and asked if that was a scrivener's error. The Secretary stated yes that is an error and should read final site plan approval.

City Engineer: Commented on the civil drawings: 1) the applicant's drawings show the sanitary sewer from the new building to the sanitary sewer that had just been built with the expansion of Royalton Road. 2) The applicant was to modify the existing detention basin in some way to reduce the stormwater flow. Currently water is flowing through to the City system. They are now proposing a restrictor plate on the pipe which has an 8 in. opening. Per their calculations this greatly reduces the amount of peak flow that our system will be getting. It is a big benefit for the city. The Engineering Department is happy with the changes.

**Motion to call the question for final site plan for proposed multi-use building including site improvements. Motion made by Mayor Antoskiewicz, seconded by Mr. Marnecheck.** Roll call: Yeas: Four (Marnecheck, Baxendale, Mayor Antoskiewicz, Michalke). Nays: None. **Motion approved (4-0).**

## **New Business**

- a) **PC21-25: Cuyahoga Landmark on behalf of property owner Transport Services** is seeking final site plan approval in order to install two new fuel tanks: one 1,000-gallon double wall on-road diesel fuel tank and one 300-gallon gas tank at 10499 Royalton Road also known as PPN: 483-24-008 in General Industrial (GI) District zoning.

Matt Smith with Cuyahoga Landmark stated they pulled a state of Ohio permit from the fire inspector which is pending. It will also be inspected by them. He said they originally had a 500-gallon tank. They are upgrading the tanks. Plans are for a 300-gallon above-ground gas tank and a 1,000-gallon double-wall for on-road diesel. They will be on a six-inch-deep concrete pad and bollards per State of Ohio code. They outsource the electrical through MJK electrical. An emergency stop button will also be on a post and there will be a number of fire extinguishers. The current trailers will be removed in an area by the building for the tank location. The tanks have wireless monitors.

With no public input, the public hearing portion ended. The Chair opened the meeting for discussion by Administration and the Commission.

**Motion made by Mr. Marnecheck to approve PC21-25 as read. Moved and seconded.**

City Engineer: The fuel tanks are over 1,000 feet from their rear property line.

Building Commissioner: Transport Services is a large company within our city. They have a fleet of vehicles that maintain trucks on the road. They also produce and deliver trailers. They

need to have the fuel available to them. Our zoning code was recently changed that allowed for larger tanks to be installed but it needs to have the oversight of the PC. The reason is to have the location verified by the PC as acceptable to the community. Given the location of the tanks as proposed, we feel they are in the correct location; as far as possible from any residences or properties. We are in favor of a positive motion on this application with no concerns.

**Motion to call the question for final site plan approval.** Roll call: Yeas: Four (Marnecheck, Baxendale, Mayor Antoskiewicz, Michalke). Nays: None. **Motion approved (4-0).**

- b) **PC21-29: Shawn Inks** is seeking preliminary site plan approval of a lot split for four (4) single family lots on a 14.62-acre parcel of property located at PPN: 485-27-003 on Ridge Road in the Rural Residential (RRZ) District zoning.
- c) **PC21-30: Shawn Inks** is seeking preliminary sketch plan approval for a minor subdivision consisting of (4) four single family lots with a private drive on a 14.62-acre parcel of property. The proposed minor subdivision will be located at PPN: 485-27-003 on Ridge Road in the Rural Residential (RRZ) District zoning.

Shawn Inks and his Engineer Dave Ingle spoke on the application. Mr. Inks stated this is a family lot which is being split for himself and his brothers; it is not for development purposes.

Lot split: Mr. Ingle said the 16.26-acre lot will be divided into four single family lots approximately two acres or more. There will be a shared private access drive. Easements have been indicated on the site plan. Utilities will connect to Medina County system on Boston Road.

Site plan: The site plan has received comments from the Fire Chief, the City Planner and City Engineer. Mr. Ingle said he received feedback that there is a scale issue with the footprints of the homes that are shown; they are a little large. With the size of homes and the drives they are going from a zero percent impervious to about ten percent impervious; it is not a giant change. The storm water is required to leave the property at more or less at the same rate as it is leaving now, or better. He said they will comply with the 50 ft. front and rear setbacks per code. The proposed shared private access concrete drive is 22 feet wide with a cul-de-sac with bump outs in the drive at the corners to allow for emergency vehicles and a large moving van. The cul-de-sac is also sized large enough for a 55 ft. van trailer. He spoke with Chief Chegan at the Fire Department, he said he is okay with the 22 ft. wide private drive with the bump outs.

The site plan shows a 4" water line which will change to a 6" and the flushing hydrants will be the standard fire hydrants. For sewers, the homes are served by a 2" low pressure force main which was the recommendation from Medina County. Each home will have its own pump which will pump out to Boston Road. Medina's responsibility will end at Boston Road. The utilities will be private and the Inks family will take care of the water and sewer on the property. They have not yet done a full stormwater design; they are waiting for a wetland's delineation report. Culvert areas are shown on the plans which indicates where existing flows flow on the property. There are existing easements for utilities; they are wide enough for proper separation of water and sewer. Current plan is to connect the water at Boston Road with a T and a master meter. The sanitary sewer will come across the easement and across the right-of-way about 50 ft. to a drop connection to the manhole. They are unsure if it will be a dry

detention basin or a retention basin. That wetlands report will let us know if we need to do any mitigation on site. The hatched areas on the plans are recommendations from their wetland's consultant as to possible wetlands. They are small; total acreage is less than one-half acre. They are trying to avoid the pond which shows up in the wetlands data base. The private access drive is located on the north side of the pond.

City Engineer: The Law Department and Engineering Department will need to review the ingress and egress language for the lot split. An Engineering report was submitted providing comments to the applicant and Board for the proposed plans. The plans are showing an existing easement heading south to Boston Road; that will need to be confirmed. He said he has spoken to Medina County with information regarding tying into their utilities.

Law Director: There are concerns with the ingress and egress issues. Even though planned as a family project; eventually the day will come when the four properties are no longer in the family. The City needs to be assured that there is language in place in the easement agreements that shares the burden of maintenance and provides for appropriate ingress and egress. We would like to see the easement agreements or the easement language and the terms and conditions.

Fire Department: The secretary read into record comments from the Fire Department.

The secretary received an affidavit form that was read into the record.

John Weaver, Treasurer of South Cuyahoga Sportsman Association, 19300 Ridge Road. It states on behalf of the membership, they object to the proposed subdivision of the parcel and listed the reasons for their objection. A copy of the letter is included in the applicant's file.

Elaine Kopniski, 19624 Ridge Road, questioned if the addition of this subdivision will wipe out the RRZ zoning in the area. She said everyone in that zoning had to get a new septic system at great cost. Will the rest of the resident be forced to tie into the water and sewer systems? She expressed her concern that stakes have been put in place which are 5 ½ feet away from her house. She questioned if more houses will be built and create a major subdivision.

Barbara Zindroski, 9512 Vista Drive, member and representative for South Cuyahoga Sportsman Association. The property which encompasses 54 acres was purchased in 1949. She said they are a registered state of Ohio tree farm. It is dependent upon surface water runoff from the proposed site. The tree farm is overseen by the Ohio Department of Natural Resources and Department of Forestry. She expressed her concerns regarding the splitting of the parcel including: interference of the grade level of the terrain, excess runoff onto property increasing creek flooding, erosion and damage to property, field drainage, riparian water rights, preservation of the property to not diminish the use of their property, tree forest and the lake. She asked that an environmental impact study be performed and a wetland study for the vegetation and creek preservation. She asked the study to show how this will affect their property.

Harry Arnold, 6005 Twin Lakes Drive, Parma, former president of the association, stated he opposes the application. He showed the area of property on a topographical map and a plot map of the proposed area of construction. A plot map shows multiple wetland areas. He would like an environmental impact statement provided. A large number of trees have been eliminated. He asked if the applicant obtain a permit to cut trees.

Mayor Antoskiewicz reiterated they were told the EPA has been out to the parcel and that information is forthcoming; therefore, we do not have a good understanding yet of the wetlands.

John Raiter, 18497 Bennett Road, asked what the process is for the approval of the proposed plans. He said there is an easement on the south side of the property with springs that feed the pond on South Cuyahoga Sportsman Association property. A cement drive will affect the flow of the spring.

The Law Director responded this is a multi-meeting process; this is only the early meeting to discuss whether the PC is interested in approving this type of development. The applicant only wants to put in so much effort in order to discover whether or not the City will find this an acceptable proposal. If PC gives them this preliminary level of approval, they would not come back until they have additional information and reports from the EPA. It is a complex process. He added that the Sportsman Association may want to contact the Army Corps and the EPA regarding their concerns. The main lot is being divided into four lots; they are permitted to only have one house on a lot. He said that should not be a serious concern.

Melvin Neubenger, 8666 Boston Road. lives close to Healy Creek. He said he believes he has an oil line which goes to the land north of the Sportsman Club. He asked what is the City of North Royalton responsible for: maintenance of the long drive, garbage pickup, water runoff, etc.

The Chair opened the meeting for discussion by the Administration and the Commission.

The Planning Commissioner stated if we apply the standard subdivision process of approval to this minor subdivision experience, it would mean this approval if granted would be for a sketch plan. They would need to come back for preliminary approval. The Building Commissioner stated the application before the PC appears to comply with our code in terms of setbacks, arrangements, drives, etc., however it lacks the detail that the Board would like to see.

The applicant asked what is the difference between sketch plan and preliminary plan approval. He said the plan meets all the criteria for preliminary for a minor subdivision. He asked if following a different code for approval will hinder any code or restrictions on the property itself. The Law Director stated it will not place any greater restriction on the applicant than are on them today. He added a sketch plan is the lowest form of approval with the idea that the proposal would be flushed out further at the next meeting. The PC would like the applicant to see these plans developed and the concerns of the homeowners addressed at a future meeting. The applicant can meet with City Administration to flush out some of the questions that have come up tonight.

The Chair called for a short break.

Mr. Ingle stated on the plan it shows orientation for the shared private access drive. He asked if the orientation where the 22 ft. wide drive is located is okay with the PC. The Building Commissioner responded the placement and width of the drive and the arrangements of the parcels that are proposed would appear to comply with the City of North Royalton ordinances.

Mr. Ingle stated they would like to go forward with the recommendation of a sketch plan tonight and the preliminary approval of the lot split. They are looking to do the right thing by providing the correct documents and doing the necessary studies to make sure the impact is not impactful.

**Motion made by Mr. Marnecheck to approve PC21-29 for preliminary site plan approval of a lot split for four single family lots. Moved and seconded.**

**Motion made by Mr. Marnecheck to approve PC21-30 for a sketch plan for a minor subdivision application. Moved and seconded.**

The Law Director addressed the question from Ms. Kopniski stating it does not change the zoning. There is a provision in RRZ code that allows for a minor subdivision of five sublots or fewer and it still stays Rural Residential. He said the sewer system being proposed is a limited system and designed and intended to only serve these proposed lots. He does not think other properties would be able to tap into it. The City Engineer agreed. The adjacent properties would not be forced to connect. They would continue to have their septic systems.

Mr. Marnecheck and Ms. Michalke stated they would like more information from the EPA and Army Corp of Engineers and whether the individual lots can be split later down the road.

**Motion to call the question for preliminary site plan approval of a lot split for four single family lots.** Roll call: Yeas: Four (Marnecheck, Baxendale, Mayor Antoskiewicz, Michalke). Nays: None. **Motion approved (4-0).**

**Motion to call the question for sketch plan approval for a minor subdivision application.** Roll call: Yeas: Four (Marnecheck, Baxendale, Mayor Antoskiewicz, Michalke). Nays: None. **Motion approved (4-0).**

The Law Director stated it is not provided for by ordinance to send out another public legal notice. The agendas are posted and available for viewing.

- d) **PC21-26: Larsen Architects on behalf of property owner McDonald's Corp. LLC** is seeking building and site plan approval for renovation of a McDonalds Restaurant franchise food establishment. They are seeking site plan approval for proposed interior and exterior modifications to the current structure located at 5304 Royalton Road also known as PPN: 488-19-011, in a TCD District.

Bob Bumbarger with Larsen Architects, stated they are working on the renovation of the existing McDonalds on Royalton Road. They received approval for the renovations a couple years ago but were unable to move forward with the changes. The elevations have not been changed other than the removal of one sign from the face. He said they are reworking the curbs, the ADA handicapped stalls and the striping and replacing the signage in the rear. He displayed the site plan and explained the changes being made on the building's interior and exterior.

Engineering Department: In 2019 this project was fully approved. They had to resubmit because they were past their one-year approval period. He sees no changes that would affect stormwater.

Building Commissioner: Agrees with the additional proposed changes.

Shawn Payne, owner of the property, stated there was a change in ownership, work fell off and we are now going for a resubmittal.

With no public input, the public hearing portion ended. The Chair opened the meeting to discussion for Administration and the Commission.

**Motion made by Mr. Marnecheck to approve PC 21-26 as read. Moved and seconded.**

**Motion to call the question for final site plan approval.** Roll Call: Yeas: Four (Marnecheck, Baxendale, Mayor Antoskiewicz, Michalke). Nays: None. **Motion approved (4-0).**

- e) **PC21-27: Jones Lang LaSalle (JLL) on behalf of Bank of America** and property owner Tri Norwood Holdings LLC is seeking conditional use approval in order to install a drive-up ATM service for Traditional Banking and Financial Services at 5389 Royalton Road also known as PPN: 487-10-011 in Town Center (TCD-5) District zoning.
- f) **PC21-28: Jones Lang LaSalle (JLL) on behalf of Bank of America** and property owner Tri Norwood Holdings LLC is seeking final 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-5) District zoning.

Civil Engineer David Myers with Thornson Baker Engineers and Andrew Weiler with Nelson Architecture spoke on behalf of the application. Dean Asimes, property owner, was also present and spoke regarding the property.

Dean Asimes of Tri Norwood Holdings LLC, property owner for both the front and rear parcel, stated the Bank of America will be a tenant. His company is still coordinating the development aspect of it.

Mr. Myers stated there was a residential home on the property which was demolished. The Bank of America parcel is the front parcel which is approximately one-half acre. The proposed site plan showed the building and parking area. They will share an access drive on the east side. Utilities for the site will be extended from Royalton Road: sanitary sewer, water and gas for this building. For storm water there is a drainage divide on the site. Three-quarters of the rear parcel will discharge to the south and one-fourth of it will discharge to the north on Royalton Road. He said for the one-half acre parcel they are taking all the stormwater and discharging it north to the storm system on Royalton Road.

City Engineer: This parcel will reduce the amount of stormwater headed toward the Swan Lake basin/pond. During the previous meeting the applicant was asked to design to the next highest level critical storm and they agreed to do. Residents asked if the same requirement can be applied to this site. They have agreed to do the next critical storm level as they are doing for the rear parcel.

The applicant stated they are bumping it up from a 25-year storm level to a 50-year storm level to accommodate that.

Building Commissioner: The design is very similar to the modern style of the medical office. The site plan has not changed from the earlier PC meeting for the medical office. Harmonize with the adjacent building. Comply with landscaping lighting and landscaping requirements.

Paula Baranuk, 14173 Swan Lake Blvd., expressed concerns for the section of Swan Lake Blvd. that are abutting the parcel. What considerations did both the owner and the architectural



firms take into consideration as far as creating a noise barrier and sight lighting for the neighbors on Swan Lake off Royalton Road and its impact. She also expressed concern for increase traffic for two buildings.

**Motion made by Mr. Marnecheck to approve PC21-27 for conditional use as read. Moved and seconded.**

**Motion made by Mr. Marnecheck to approve PC21-28 for final site plan. Moved and seconded.**

Mr. Asimes said the latest plan approved at the March PC meeting showed arborvitaes planted all the way down that line shielding off the residents to the east. When fully grown it will create a noise barrier. It is difficult to ascertain how much traffic that will be. The bulk of traffic will be contained primarily during normal business hours. The medical building for the most part will not have 24-hour activity and there is no drive-through window for the bank.

The applicant stated the lighting is designed in such a way to provide the maximum security however it is designed in accordance with the proper code requirement; as it approaches the property line it tapers to almost nothing. It will not cast any additional light off of their property.

The Chair asked about the building elevation. The Building Commissioner stated it has similar characteristics as the office building to the back.

**Motion to call the question for conditional use approval.** Roll Call: Yeas: Four (Michalke, Marnecheck, Baxendale, Mayor Antoskiewicz). Nays: **None. Motion approved (4-0).**

**Motion to call the question for final site plan approval.** Roll Call: Yeas: Four (Marnecheck, Baxendale, Mayor Antoskiewicz, Michalke). Nays: **None. Motion approved (4-0).**

The next scheduled PC meeting is October 6, 2021.

**ADJOURNMENT**

Moved and seconded to adjourn the September 8, 2021 PC meeting. Motion carried. Meeting adjourned at 10:20 p.m.

Minutes Transcribed by Diane Veverka

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

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

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