

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **January 5, 2022 to conduct the Regular PC Meeting**. The meeting was called to order at 7:05 p.m. by Chair Gene Baxendale and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Holly Michalke, Marie DeCapite, Secretary/City Planner Kyle Reisz. Administration: Law Director Thomas Kelly, City Engineer Justin Haselton, Community Development Director Thomas Jordan.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Moved and seconded to approve the minutes of **July 7, 2021. Motion carried.**

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

PUBLIC HEARING / OPEN MEETING

New Business

- a) **PC22-01: Jerry & Mary O’Flanagan** are seeking approval to amend the platted front yard setback which was approved with a lot split and consolidation by Planning Commission on 10-18-2017. The property is an un-addressed parcel on Edgerton Road, also known as PPN: 487-19-022 in the Rural Residential (RRZ) District zoning.

Jerry O’Flanagan stated the current front setback for the lot is 100 to 140 ft. There is a large natural swale running through the middle of the lot. If they come to the 140 ft. mark, the back of the house will be in a swale. The option is to move forward to the 100 ft. mark. If that doesn’t work, they have the 250 to 300 ft. mark to use as a back stop. They are requesting to have that as a secondary option.

City Engineer: If the setback is approved, the applicant will submit a final house lot plan to the Engineering Department for review, including any work related to the swale if it is affected.

City Planner: A lot split was approved in 2017 involving five lots which included a minimum front yard setback of 100 ft. and a maximum of 140 ft. This is the western most property in the subdivision. Two of the other purchasers of the five lots have also come before the Board to request modifications of the setbacks. 8000 Edgerton was approved for a 200 ft. setback and 8010 Edgerton was approved for a 375 to 425 ft. setback. We are aware of the issues in the 100 to 140 ft. range soil condition. Because of the applicant’s unknowns, the City Planner said his recommendation to the Board for this parcel is that the 100 ft. minimum setback remain and remove the 140 ft. maximum setback. Per our zoning code, the rear yard setback would still remain 50 ft. The depth of the lots is 700 ft. plus.

The Fire Department has standard recommendations for houses that are more than 300 ft. back. They are included with the packet to the Board. If the applicant goes back more than 300 ft., they will be provided the recommendations from the Fire Department.

With no further discussion or public input, the Public Hearing portion of the meeting was closed for this item. The Chair asked for a motion to be read into record.

Motion made by Mr. Marnecheck, seconded by Mayor Antoskiewicz to approve the amended platted front yard setback with the stipulation that the minimum front yard setback of 100 ft. remain and the 140 ft. maximum setback be removed. Roll call: Yeas: Five (Michalke, Marnecheck, Baxendale, Mayor Antoskiewicz, DeCapite). Nays: None. **Motion approved (5-0).**

- b) **PC22-02: Ryan Bohland** is seeking approval for a non-conforming lot split and the site plan approval for one (1) single family home on a 4.71-acre parcel of property located at 11349 Abbey Road also known as PPN: 481-27-021 in the Residential (RM-D) District zoning.
- a. The applicant is requesting for a 43 ft.+/- lot width along Abbey Road where 80 ft. is required.
 - c. Site plan approval would acknowledge and permit a 550 ft. setback from Abbey Road for the new single-family house

Ryan Bohland said he and his wife are seeking approval for a nonconforming lot split into two separate parcels. The existing house would remain. The proposed lot is 43 feet wide at the front and opens up towards the back. They are looking to build a single-family home in the rear portion of the property. He showed an illustration of the lot showing two wetlands. The yellow is the existing and the blue is the proposed. The white illustration behind the middle blue line would be the proposed location for the home which would be 550 ft. setback behind this (inaudible). He said the driveway currently has a partial turnaround; plans are to make it a full-turnaround for the existing driveway that would tie into the new driveway. The proposed house would face Abbey Road and have a side-loaded garage.

City Engineer: If this request is approved, the Engineering Department will review the proposed lot plan when it is complete. If standard utility clearances can be achieved, all utilities for the proposed residence should be constructed only on the proposed parcel.

City Planner: On Abbey Road, there are existing flag lots north and south of the proposed parcel. The parcel itself as it exists today is already a flag lot. The applicant has done their best to create a conforming lot. The street frontage in multi-family district zoning is 80 ft.; therefore, it will be a non-conforming lot. The existing house will be on a conforming lot. This is a multi-family zoning district. If the applicant chose to, the applicant could take down the existing structures and put-up apartments. This is a much less dense use of the land. It makes good sense to develop the land as proposed. The driveway can be placed directly on the property line.

Law Director: As a general principal of law, the law does not favor creating a nonconforming lot. We have many throughout the City but the objective is to bring nonconforming lots back into compliance with the code; not to create more of them. In this instance, you may wish to make an exception. The Board has the authority and is in their discretion to do so. The point of having a code is to have minimum standards that require people to meet those standards.

Ron Barski, 11462 Abbey Road, said he objected to the 43 ft. frontage. He asked if this would set a precedence for bowling alley lots in the city.

Kevin Koprowski, 11676 Club House Drive, said they are directly east of the property. Most of the trees have been cut down in the back of the lot causing flooding into the condominium complex. He asked how close will he be to Club House Drive. They need to fix the flooding coming down to Harbour Light.

Joe Faenza, 11690 Club House Drive, spoke regarding his concerns of the rivers of water now flowing down the back property. He asked what is the plan for the water to be collected and moved off the property. They do not want additional flooding.

Cynthia Rogers, 11792 Harbour Light Drive, asked if the property is along Club House Drive or Harbor Light Drive.

Sue Dimassa and Mike Todia, 11293 Abbey Road, expressed their concerns regarding the configuration of the lot split. There will be four driveways on top of each other. They asked if the house could come off Club House Drive instead of off Abbey. They can then fix the flooding.

Cathy Weinberg, 11387 Worthington Way, expressed concerns regarding the location of the side-garage being close to their property and how it will affect the water flow.

With no further discussion or public input, the Public Hearing portion of the meeting was closed for this item.

Mr. Bohland said they would be willing to work out some of the pre-existing conditions. The 12 ft. drive would go in the middle of the 43 ft. frontage area. He would incorporate into the plans any suggestions or direction from the Engineering Department. He spoke to a couple of the HOA presidents; they deferred him to their management company. Their concern was the neighboring condos and if they would allow a second access onto Clubhouse Drive. That is an option but we wanted to see if the proposed option was feasible.

Discussion continued regarding the utilities, impervious developable land and other options related to access onto Clubhouse Drive.

Kevin Koprowski, 11676 Club House Drive, said they are a private separate entity; the condo management takes care of everything and is paid for by its residents. There are two separate management companies. The option of them having an easement coming off of the condo's road would have to go before the 300 residents who live in that complex.

The City Planner stated that is an option to pursue if the Board is not interested in approving the applicants request today. He would still need to come back before the Board for a nonconforming lot.

The Mayor said he would like to see the plans address the water control and how it will affect the neighboring properties.

Mr. Jordan asked the City Planner would it conform any closer under a R1-A zoning. The City Planner responded it would be less conforming under R1-A because it would need 100 ft. of frontage.

The Law Director stated if they are looking to table the matter, the timeframe that Mr. Bowland is facing in terms of trying to resolve his issues by way of an easement agreement with the Condominium Association, will take a long time. It would involve a radically different application than what we have before us. There are too many obstacles on the current application. Rather than amending the application, he suggested it be withdrawn or take a vote.

Mr. Bowland asked to move forward with a vote.

Motion made by Mr. Marnecheck, seconded by Mayor Antoskiewicz to approve the lot split/consolidation. Roll call: Yeas: None. Nays: Five: (DeCapite, Michalke, Marnecheck, Baxendale, Mayor Antoskiewicz). **Motion denied (0-5).**

- c) **PC22-03 ORDINANCE NO. 21-213** – An ordinance amending the official zoning map by changing the zoning classification of permanent parcel nos. 482-27-001 and 482-27-008 currently zoned Research Office (RO) zoning classification to Residential (R1-B) zoning classification as requested by applicant Russell Sposit (CWP Enterprises, LLC) and declaring an emergency.

Curtis LaBarbera with Aztech Engineering, stated the owner of the two properties on the north and south side of Harley Hills Drive would like to rezone those parcels to Residential R1-B instead of the Research Office zoning. The parcels are located in the area where it comes off of York Road and enters into Harley Hills Estates. It would have more esthetics as the homeowners enter into Harley Hills and instead of driving through two possible office buildings, he'd rather switch it to residential. He plans to build the same size houses that are already existing on Harley Hills so it all conforms together. He displayed preliminary illustrations of the 50 ft. lots to match what Harley Hills has now. The new lots will be deeper lots so there will not be a HOA. Just to clarify it is R1-B, not R1-A.

The Law Director explained what is before the Board is not this development at all; it is the question of your recommendation to City Council on the approval or disapproval of the ordinance for rezoning from Research Office to single family R1-B. If the property is rezoned, the owner may come back with this proposed development. The illustration being shown this evening is an idea of what he is thinking. He added, R1-B does not allow for 50 ft. frontages; the minimum frontage is 80 ft.

Mr. Jordan clarified in the rezoning application it asks for an exhibit showing what the plans are. That is why the particular exhibit is being presented.

Law Director: The Law Department does not have any objection of the rezoning from Research Office to Residential. It does not offend the Charter; it doesn't require a vote of the people and it doesn't increase the density.

City Planner: It makes good sense to reconsider the rezoning. The dimensions of the parcels do not lend themselves to research office due to the size of the building and associated parking and possible docking space for trucks. Finishing out the Harley Hills Development with residential seems to make more sense.

Larry Messich, 7753 Harley Hills, questioned the responsibility for the retention pond and will they be responsible now and in the future? Will they be part of the HOA?

The Chair stated those issues will come up at a later date when it is in the planning stages.

The applicant stated these lots will have their own stormwater management to handle the houses and drainage will go down to York Road. Currently the pond does have a storm pipe that exists the pond and comes to the south side of these properties.

With no further discussion or public input, the Public Hearing portion of the meeting was closed for this item.

ORDINANCE NO. 21-213: Motion made by Mr. Marnecheck, seconded by Ms. DeCapite to approve the submittal and open up for discussion.

Mr. Marnecheck stated the best usage of these two parcels is residential. This would clean the parcels up and make it a more desirable space. We want to be sure it is a positive usage of the land.

Mayor Antoskiewicz stated in this particular case, Research Office does not make any sense on these parcels. The neighboring residents also would not be appreciative of an office building with a possible dock, parking, etc. The rezoning to Residential makes sense. When they come to us with a plan, we will make sure the storm drainage issues are addressed to control the water especially concerning the businesses across York Road.

Mr. Jordan said the parcel may have originally been a PUD (Planned Unit Development); involving townhouses, single family and commercial. The PUD zoning was repealed many years ago. He added this is an entry way parcels and their configuration lend themself to this use. We are very aware of the current water issues and under the current standards to date, any development will have to abide by the applicable stormwater management practices.

The Chair asked for a roll call. Roll call: Yeas: Five: (Michalke, DeCapite, Mayor Antoskiewicz, Baxendale, Marnecheck). Nays: None. **Motion to recommend to Council approved (5-0).**

The next scheduled PC meeting is February 2, 2022.

ADJOURNMENT

Moved and seconded to adjourn the January 5, 2022 PC meeting. Motion carried. Meeting adjourned.

Minutes Transcribed by Diane Veverka

APPROVED: _____
Chair

DATE APPROVED: _____

ATTEST: _____
Planning Commission Secretary