

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **July 13, 2022 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, Paul Marnecheck, Mayor Antoskiewicz, Marie DeCapite, Secretary/City Planner Kyle Reisz. Administration: Law Director, Tom Kelly, City Engineer Justin Haselton.

Motion and second to excuse Holly Michalke with cause. Motion carried.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes: Moved and seconded to approve the minutes of **April 27, 2022. Motion carried.**

The Chair provided an overview of the PC meeting process. The Law Director spoke regarding the need for three affirmative votes by the Commission. The Public Hearing portion of meeting was called to order.

PUBLIC HEARING / OPEN MEETING

Old Business

1. Shawn Inks, is returning to PC for Final Site Plan approval for a minor subdivision located on PPN: 485-27-003 located in (RRZ) Rural Residential District zoning. The Minor Subdivision will encompass five parcels with a shared private driveway. Preliminary site plan approval received on 9.8.2021.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to remove the application from the table and to approve final site plan approval for a minor subdivision.

Shawn Inks was available to speak as well as Dave Engle his Engineer from Makeever & Associates. Mr. Engle spoke on the application. He said the revised site plan shows five modest-size homes and the driveway which will be staying away from the perimeter of the property. The five lots are each two acres. Mr. Inks lot is the larger lot on the end. He said they have worked with the Army Corps of Engineers regarding the wet land mitigation. A preliminary report was submitted to the City Planner. The wetlands are minor 1 and 2 wetlands; there is a process to go through to mitigate those wetlands. At this time they are keeping wetland #3 which is a type 1 wetland. It is located in the Southeast corner of the main part of the lot. It will include a culvert under the driveway so the water can continue its current drainage path.

The Chair asked the applicant to respond to some concerns brought up during the last meeting.

- A. Was a formal environmental impact study completed with the EPA to show how it will impact the neighboring tree farm. *The applicant responded an environmental impact study was not performed. There was a jurisdictional study performed by the Army Corps of Engineers for the wetlands. He added that the current water drainage path will be the same after it is built. He said the only change is due to the cul-de-sac and the large home on the west. A dry detention basin will meter the water out and will exit through the same path that it exits now.*
- B. How much impervious land will be added to the site. *The applicant responded the current plan is much more modest than the previously presented site plan. Homes will have a footprint of 3,000 - 4,000 sq. ft. including garage.*
- C. Driveway configuration. *The applicant stated this is a private driveway; they will have their own refuge pickup and snow removal service. It is designed to be suitable for fire access and their vehicles. The drive is a 12 ft.-paved lane with a 2 ft. berm on each side with required bump outs every 400 ft. The cul-de-sac is 98 ft. diameter which is suitable for a large ladder truck. The drive will widen out when it gets to Ridge Road.*

- D. Water line: 6-inch vs. 4-inch. *The applicant responded they are in a strange zone with a legal issue for connecting to water; they cannot hook up to the water they planned on hooking up to until the City puts in water. If they are unable to hook up to water, the lots will be well sites.*
- E. Tying into the Boston Road sewer district. *The applicant stated they ran into an issue. The District will allow them to tie in but they are unable to get to the connection; they are not allowed to run a low-pressure sewer in the public right-of-way to get to the manhole and they are unable to get another easement at this time. They will therefore need to have an onsite system, either a septic system with leach fields or a spray field.*

City Engineer: The revised plan is an improvement from an Engineering perspective: less invasive to the neighbors, driveway is in a better location, the stormwater shows the same drainage courses are in place. He said he spoke with the Cuyahoga Soil and Water Conservation District about the plan. They said it was inline with what they were looking for. Most of the wetlands will be mitigated. Final plans will need to be submitted for final approval by the City Engineering Department, Cuyahoga Soil and Water Conservation District and the Northeast Ohio Sewer District.

City Planner: The simplification of the driveway is an improvement. They are continuing to work on the waterline.

Law Director: He would like to see an easement for the common driveway for both maintenance and use. At some future date when one of the sublots is no longer owned by a member of the Ink's family, we do not want arguments over who owes what, for when and for how (snow removal, fixing pavement, etc.). He added he needs to see a written legal document that speak to the issue of whose responsibility is what. It is like a mini-HOA where the common ground is the driveway which will incur costs over the years. He would like to see it and give some level of approval to it before the permits are issued.

Mr. Inks responded they do not have an agreement drawn up yet but will do so and submit it to the Law Department. A plat was submitted with the access and maintenance easement for the driveway. It will connect the detention basin easement to the drive.

Mayor: We had hoped to get City water into these lots; it is taking longer than anticipated to do so.

With no further discussion or input from Administration, the Chair asked for a roll call on the motion as read for **final site plan approval for a minor subdivision**. Roll call: Yeas: Four (Baxendale, Marnecheck, Mayor Antoskiewicz, DeCapite). Nays: None. **Motion approved (4-0)**.

New Business

1. Volodymyr Pendzey of **Velocity Trucking LLC**, 13001 Abbey Road is seeking Conditional Use Permit for a trucking terminal in the General Industrial Zoning District.
2. Volodymyr Pendzey of **Velocity Trucking LLC**, 13001 Abbey Road is seeking Final Site Plan approval for a trucking terminal in the General Industrial Zoning District.

Volodymyr Pendzey stated David Yevtushenko, Operations Manager at Velocity Trucking, will be speaking on his application. Mr. Pendzey said the applicant is seeking a conditional use permit to operate a trucking business at 13001 Abbey Road. Mr. Yevtushenko got into the trucking business in 2005; starting his own company Velocity Trucking in 2018. He said it is a small family-owned trucking company which delivers goods across and within state lines. He said his operation consists of moving loads for brokers. He said they do not have third-party trucks entering their facility. This is only to park the trucks over the weekend; they leave in the beginning of the week and return at the end of the week. There will be no loading dock. The property will be used as a terminal and an office for operations of the company. He said they currently have ten trucks operating under their authority. They are all the same size; the cab and dry van tractor trailer is 65 ft. total length. The proposed plan is for a gravel lot

to park the trucks. Plans are to expand the concrete driveway entrance to make wider and to add fencing along the front half of the property to ensure safety and security for the drivers and the company equipment. Landscaping will be added along Abbey Road to block the view of the trucks and the shop that is in the back. The existing house at the front of the property will be used as an office. Eventually they would like to build a proper office building and build a bigger warehouse on the back of the property because the doors aren't tall enough for a semi-truck to enter. The current shop is used for storage of equipment but a larger shop would be used for maintenance on their vehicles.

City Planner: This conditional use requires PC approval. Since this is a conditional use request, the applicant will have to meet six conditions that fall within the Industrial District Zoning that applies specifically to this use as a trucking terminal. The conditions are as follows:

- A. The use shall have access only from an arterial road, as shown on the most current roadway Functional Classification Map prepared by the Northeast Ohio Areawide Coordinating Agency (NOACA). *Staff note: Abbey is classified by NOACA as a local street, not an arterial road.*
- B. The site shall be a minimum of two acres in size. *Staff note: Meets requirement.*
- C. The site shall not be located within 200 feet of a residential zoning district. *Staff note: Meets requirement but is located across from Residential uses on Abbey Road.*
- D. The use shall be effectively screened from view from all public streets by a fence and densely planted evergreen trees and shrubbery, as approved by the PC. *Staff note: Landscape screening and fencing proposed on plan.*
- E. All repair and washing of vehicles shall occur within a space that is completely enclosed within a building. *Staff note: Not addressed in application; will be occurring offsite.*
- F. The City may require a traffic study that demonstrates that any adverse traffic impacts would be mitigated.

Law Director: The use is not a defined and permitted use under the General Industrial District except for upon the grant of a conditional use permit. That is wholly within the discretion of the commission. They must meet the requirements in code section 1278.04(d)(5). They failed to meet the first requirement by way of the definition of what Abbey Road is. The code would not generally find this to be an acceptable use at that location.

City Engineer: If this were to go forward, we would require some form of stormwater management. Abbey is classified as a local road.

City Planner: From a planning perspective, the zoning here and further down Abbey is Industrial. He asked the PC to keep in mind there is some expectation that there may be heavier industrial traffic on that road. There may or may not be places where this may be appropriate in the City, but the expectation may be there in the future for another trucking facility in another portion of the Industrial District where it may not be appropriate.

With no further comments the Chair closed the public portion of the meeting and opened the Regular order of business.

Ms. DeCapite asked if there are other businesses on Abbey Road that utilize semis. Are there any restrictions on Abbey Road such as weight limits, etc.

City Engineer: Within the last year, this came up with the Sprague Road widening project. A contractor purchased property near Abbey Road and Royalton Road. We would not allow them to use Abbey Road up and down to get to their Sprague Road site. They are required to go down W.130th to Royalton Road and back up because there are bridges and portions of the road on Abbey Road that police did not feel would stand up well to the amount of traffic. The trucks were of similar weights to what is being proposed.

The Chair asked what is an arterial road versus Abbey Road. What would it take to upgrade the road to be considered an arterial road? The City Engineer stated there are many factors that go into it.

Arterial roads typically have a thicker stronger built-up to them. Abbey Road is not up to the standard of an arterial road.

The Chair asked if the drivers are owner-operators. The Applicant responded half of the trucks are owner-operators and the other half are company-drivers that drive our company's trucks. He said they see the same type of traffic on Abbey Road already; businesses who have semi-trucks making deliveries to the businesses as well as trucks being used for Sprague Road construction.

The Mayor spoke regarding current concerns for the residential end of the neighborhood on Abbey Road. He has received complaints regarding hours of operation or the type of operation.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to approved Conditional Use for a trucking terminal. Roll call: Yeas: None. Nays: Four (DeCapite, Mayor Antoskiewicz, Baxendale, Marnecheck). Motion denied (0-4).

Moved by Mr. Marnecheck, seconded by Mr. Baxendale to approved Final Site Plan for a trucking terminal. Roll call: Yeas: None. Nays: Four (DeCapite, Mayor Antoskiewicz, Baxendale, Marnecheck). Motion denied (0-4).

3. Jerry Salupo on behalf of **Ramesh Rouniyar**, owner, is requesting a lot split that will create two non-conforming lots in the R1-A Residential Zoning District. Lot A-1 (PPN: 481-12-008) will be 15,555 sq. ft. and lot A-2 (PPN: 481-12-039) will be 19,192 sq. ft. The R1-A District requires lots to be a minimum of 20,000 sq. ft.

Jerry Salupo was present to speak. The Chair stated the two lots in question are currently non-conforming lots. He went on to say, the PC does not have the ability to approve changes to a non-conforming lot. He said the two lots would need to be brought into conformance regarding the 20,000 square foot requirement. If that were done, the City Planner and then the City Engineer would be able to administratively approve a lot split that would recognize that the two nonconforming parcels could be expanded to the extent that they would each have the minimum square footage for that district, which is 20,000 sq. ft. We do not want to create any difficulty for the applicant; he added, we apologize if there was any confusion on the application for a lot split. The PC Board does not have the authority to grant the application as it stands now.

The applicant requested to withdraw the lot split application.

The Chair proceeded to allow the public to be heard on the subject. Residents expressed concern regarding the lot consolidation, and the proposed usage for both lots including parcel B. Many of the homeowners on Cedarwood Drive have issues with standing water in their back yards and large amounts of waterflow through individual properties; the retention basin doesn't work well. The City Planner responded the applicant has not submitted a proposal to the City. The parcels are zoned (R1-A) residential use. Mayor Antoskiewicz said we cannot speculate on what it may or may not be. He asked the public to be patient. Once a plan has been submitted, we can address any concerns.

MISCELLANEOUS: The next PC meetings is scheduled for September 17, 2022.

ADJOURNMENT: Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned.

Minutes Transcribed by Diane Veverka

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: October 5, 2022

ATTEST: /s/ Diane Veverka
Acting Planning Commission Secretary