The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, September 20, 2017 to conduct a Public Hearing. The hearing was called to order at 7:00 p.m. by Vice-Chair Larry Antoskiewicz and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Vice-Chair Larry Antoskiewicz, Frank Castrovillari, Mayor Stefanik, Jessica Fenos, Secretary Diane Veverka. Administration: Law Director Thomas Kelly, City Engineer Mark Schmitzer.

Motion and second to excuse Tim Miller for cause. Motion carried.

PUBLIC HEARING:

The acting Secretary to the PC stated Public Hearing notices were sent to property owners within 500 feet of the property in question and posted as required.

1. Jo Ann and Rino Costa. Jo Ann and Rino Costa are seeking approval of a lot split of PPN: 483-22-005, also known as 10701 Royalton Road, currently zoned as General Industrial District.

   Steve Costa, 4050 Wiltshire Rd, and George Hoffman Surveyor with Hoffman-Metzker spoke on behalf of the Applicant. Steve Costa stated they are being heard on a property split. He said they want to separate the businesses on the property that his parents run from his and his brother’s business. He said his parents are ready to retire and do not want any part of it. If this goes through they have a buyer for the front half. Steve Costa stated that he and his brother currently run the back half. It would be easier if they could sell their half off and he and his brother would keep the other portion.

   Moved by Ms. Fenos, seconded by Mr. Castrovillari to move this item to the Regular Order of Business. Roll call: Yeas: Four. Nays: None. Motion carried.

2. Huntington Park Subdivision HOA. Greg Zillich of Zillich Interiors is seeking site plan approval on behalf of the Huntington Park Subdivision HOA and the following property owners:

   - Timothy & Jaime Heisler PPN: 488-13-060 3873 Nicole Pl.
   - Ronald and Patricia Kachmarik PPN: 488-13-071 3878 Marcella Dr.
   - Kenneth & Rita Marie Roth PPN: 488-13-072 3875 Marcella Dr.
   - Zoran & Jennifer Ristic PPN: 488-13-082 3874 Bridget Dr.

   They are seeking approval to vacate the existing 20 ft. HOA storm drainage easement. The parcels are located in a R1-A District.

   Ron Kachmarik stated the first time he had heard of this was upon receipt of the letter. He questioned why is this topic of storm drainage easement coming now? Is this an issue that needs resolution? How will the outcome affect the storm drainage line and how will affect the parcels involved? Who or what entity stands to benefit from this storm drainage easement?

   The Law Director asked Mr. Kachmarik if he gave permission at any time to make this application on his behalf. Mr. Kachmarik responded, No he did not.
The Law Director asked Tim Heisler if he gave permission to Mr. Zillich to make this application on his behalf. Mr. Heisler responded, No Sir.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to move this item to the Regular Order of Business. Roll call: Yeas: Four. Nays: None. Motion carried.

3. **Costello Landscaping.** Kevin Vetrick of Costello Landscaping on behalf of the property owner, Edward and Karen Rocheck, is seeking approval of similar use to operate a landscape and hardscape business at 9980 Royalton Road also known as PPN: 483-15-015 currently zoned as General Industrial District.

Dario Prescenzie, owner of 9980 Royalton Road stated he has owned this property for 20 years. He said American Remodeling and Contracting has outgrown the space at 9980 Royalton Road and has decided to relocate his business in to a larger facility in North Royalton. He is therefore selling this property in a Reverse 1031 Exchange into the new property at 9900 York Theta Drive.

Kevin Vetrick is the proposed property owner of 9980 Royalton Road. They are looking to run a landscape and hardscape business out of it. No materials will be kept outside. This facility will be used as a start and stop shop. They have six employees; their vehicles will be outside in the parking lot during the day. He said he also has two dump trucks and one trailer that tows a track skid-steer. When not in use, the skid-steer will be parked inside. The property will be well kept and have curb appeal on Royalton Road.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to move this item to the Regular Order of Business. Roll call: Yeas: Four. Nays: None. Motion carried.

4. **Chateau on State.** Ann Shanley, CEO of KV2 Property Investments / Chateau on State is seeking site plan approval for a proposed addition to an existing facility as well as exterior and parking lot modifications at 12822 State Road, also known as PPN: 488-05-019, in the Town Center District (TCD-3).

Ann Shanley stated she would like to open a residential assisted living facility. It will be licensed up to 16 people. The proposed plans include an addition on the existing building.

Paul Marnecheck, Ward 4 Councilman, stated he has many concerns and urges the Board to not grant this application. From an esthetic stand point, this does not fit with the character of the neighborhood. It is poorly designed. A second design is needed.

Moved by Mr. Castrovillari, seconded by Ms. Fenos to move this item to the Regular Order of Business. Roll call: Yeas: Four. Nays: None. Motion carried.

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz to adjourn the Public Hearing. Roll call: Yeas: Four. Nays: None. Motion carried.

The Public Hearing adjourned at 7:19 p.m.
REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, September 20, 2017 in regular session. The meeting was called to order at 7:19 p.m. by Vice-Chair Larry Antoskiewicz.

PRESENT: Planning Commission: Vice-Chair Larry Antoskiewicz, Mayor Stefanik, Frank Castrovillari, Jessica Fenos, Secretary Diane Veverka. Administration: Law Director Thomas Kelly, City Engineer Mark Schmitzer.

OLD BUSINESS

1. Huntington Park Phase IV – The subdivision will consist of 14 single family residential lots on PPN: 488-12-030 in a R1-A zoning district. Phase 4 will be an extension of Angelina Drive. Final Plan approval was granted on 9-7-16. Tabled. 180 day extension expires on 3-5-18. No action.

2. Indian Trails Subdivision Phase II. Woodhill Properties, Inc. is seeking preliminary site plan approval for Indian Trails Subdivision Phase II. The subdivision will consist of 13 lots on PPN: 481-26-051, 481-26-050, 481-26-011 and 481-25-014 in a R1-A Zoning District. Tabled. 180 day extension expires on 12-4-17. No action.


4. St. Paul Greek Orthodox Church. Justin Haselton of R.E. Warner & Assoc. on behalf of Saint Paul Greek Orthodox Church is seeking site plan approval for proposed parking lot improvements located at 4548 Wallings Road, also known as PPN: 489-20-003, in a Public Facilities District. Tabled: 3-22-17. No action.

5. Michael Pizzuti. Michael Pizzuti of EMD, Inc. is seeking Sketch Plan Approval for a subdivision consisting of 10 single family residential lots on PPN: 486-23-003 on the east side of State Road between Cady Road and Wiltshire Road in a Rural Residential Zoning District. Tabled: 5-17-17. No Action.

NEW BUSINESS

1. Jo Ann and Rino Costa. Jo Ann and Rino Costa are seeking approval of a lot split of PPN: 483-22-005, also known as 10701 Royalton Road, currently zoned as General Industrial District.

The City Engineer stated the legal width of the lot is an issue. The creation of the split of the back part of the long parcel will not change the outside limits of the lot but it does not comply with the width. So it would have to go for a variance before the BZA.

The parcels will have different property owners, therefore ingress/egress, utilities and maintenance responsibilities of those items will be shared. Having two different owners coming in and out, when the driveways start cracking up for any reason, who will take care of it. It will need to be clearly defined. If the PC chooses to approve this application, those items will need
to be recorded. It would then go before the City Engineering Department. He stated the land lock piece is allowed to be recorded according to the County’s standards as long as there is an ingress/egress easement. Since the back parcel does not have frontage on a public right-of-way it would require a variance. The width of the front lot plus the land locked piece with an ingress/egress would require action by the BZA. There is no storm water management sharing between the parcels because the back parcel was developed with its own stand-alone storm water basin.

The Building Commissioner stated given the information provided, the Building Department would like to see a clearer layout of the lot split. Mr. Hoffman presented a copy of the lot split layout showing both parcels (part of explanation inaudible). Mr. Kulchytsky asked, will the location of the access easement be shown on the drawings? Mr. Hoffman replied their intent is to create an easement for ingress/egress and for utilities across the whole of parcel A to serve parcel B. Maintenance Agreements will be drawn up as to the responsibilities of both parties. It is hard to show all that on the diagram. It will be in text in the easement document. He said if needed, they could trace all the utilities that are there. However, if they have an easement that encumbers the whole area of Parcel A, that is an exercise that would not need to be done.

Mr. Castrovillari asked if they could put an easement over a building. The Law Director stated theoretically yes, particularly when you are talking underground utilities. The issue of access and maintenance down the road becomes a problem. The Law Director asked Mr. Hoffman if both the front and rear buildings are served by the same utility lines. Mr. Hoffman responded yes. Mr. Kelly asked if Parcel A owner down the road fails to maintain his building/property and it affects the ability of Parcel B to function due to the failure of the utilities, would Parcel B then have rights to presumably enter, fix and maintain. Mr. Hoffman responded in theory that is the way it should work. If the owner of Parcel A would not maintain his part of the agreement that he signs, it would become a civil matter between two parties. Mr. Costa stated the main common utilities lines are either run in front of the building or in back of the building and trunk off to feed the building; they do not run through or under a building.

Mr. Kelly stated the law does not favor this kind of a split enterprise. There are two main uses on the same piece of property and they are going to effectively divide the property in this manner where the back building has no frontage other than by way of the easement experience. He continued, it has been done. He said if the PC chooses to grant this request, it would have to be contingent on approval by the BZA and contingent on the satisfaction of the Engineering Department with regards to all the easements.

Mr. Antoskiewicz asked how many tenants are in the front building? Mr. Costa responded there are six tenants. Mr. Antoskiewicz expressed his concern regarding if the lot split is approved and the property is purchased, how would it change with the divided ownership. The Law Director stated there is a common ownership which they are looking to divide. Mr. Castrovillari stated he would like to have more information, such as where the proposed easements will be located and where the utilities are coming in and out. Years ago, the back building was permitted because this originally was a family piece of property. If this would have been done years ago it would not have been passed without all those easements in place.
Mr. Kelly stated the Applicant may wish to table the application, go to BZA for a variance and come back to PC with better documents to review. Mayor Stefanik suggested the Applicant meet with Mr. Schmitzer so you have a list of needed items for when you come back to PC.

Mr. Hoffman requested to Table this application. Motion and second to table the application. Motion to table carried.

Moved by Mr. Castrovillari, seconded by Ms. Fenos to Table this application. Roll call: Yeas: Four (Fenos, Castrovillari, Antoskiewicz, Mayor Stefanik). Nays: None. Motion Carried.

2. Huntington Park Subdivision HOA. Greg Zillich of Zillich Interiors is seeking site plan approval on behalf of the Huntington Park Subdivision HOA and the following property owners:

   • Timothy & Jaime Heisler PPN: 488-13-060 3873 Nicole Pl.
   • Ronald and Patricia Kachmarik PPN: 488-13-071 3878 Marcella Dr.
   • Kenneth & Rita Marie Roth PPN: 488-13-072 3875 Marcella Dr.
   • Zoran & Jennifer Ristic PPN: 488-13-082 3874 Bridget Dr.

They are seeking approval to vacate the existing 20 ft. HOA storm drainage easement. The parcels are located in a R1-A District.

Greg Zillich stated originally there was a 20 ft. storm sewer easement installed for these four parcels. He feels it is no longer necessary and is constrictive to the home owners. He said he would like to reduce the easement or remove it.

The Law Director asked Mr. Zillich when he filed his application, did he indicate that he was doing so on behalf of the homeowners which are listed. The presumption is that he was doing it with their knowledge and consent. He went on to say, Mr. Kachmarik spoke during the Public Hearing and indicated that he was unaware that you were doing this and did not give you permission to act on his behalf.

Mr. Zillich stated he would like to withdraw Mr. Kachmarik’s parcel from the application. The Law Director responded, the PC needs to look at this application in its entirety; it can’t be segmented. Speaking to the Applicant, he stated you have come here tonight, as you have previously on other similar storm water easements with the best of intentions. He said the PC cannot go forward on this application. He recommended the Applicant withdraw his application in its entirety or the PC will vote it down because we cannot concede without having the actual knowledge and consent of the property owners.

Mr. Zillich asked to withdraw his application. He said it is of no value to him at all and he is doing this on behalf of the residents. He stated Mr. Heisler has had conversation with the Building Department several times. Mayor Stefanik stated he would not vote for the vacation of the easements on these parcels. He added the easements are there for a reason. Mayor Stefanik stated the City would refund his application fee.

Moved by Mr. Castrovillari, seconded by Ms. Fenos to accept the Applicant’s withdrawal of his application and to vote to refund his PC application fee. Roll call: Yeas: Four (Fenos, Castrovillari, Antoskiewicz, Mayor Stefanik). Nays: None. Motion Carried.

3. Costello Landscaping. Kevin Vetrick of Costello Landscaping on behalf of the property owner, Edward and Karen Rocheck, is seeking approval of similar use to operate a landscape
and hardscape business at 9980 Royalton Road also known as PPN: 483-15-015 currently zoned as General Industrial District.

Mr. Vetrick stated this facility will be used as a start and stop shop where he can operate out of his office, and a secure location to keep his two dump trucks and trailer to haul a track skid-steer bobcat. He stated his six employees will arrive in the morning at 7:30 a.m. They will collect their tools, put them on their truck and leave for the job. They will arrive back at the facility at the end of the day, de-tool and leave in their own vehicles. He said they plan to do renovations to the property, such as landscaping to improve curb appeal.

The Building Commissioner stated the Applicant is requesting a Similar Use Determination. He reminded the PC of the standards for similar use determination code as set forth in C.O. 1262.08 and the criteria that should be taken into account when reviewing such application. He added the PC has the right to add stipulations to the approval. He asked the Applicant if he will be moving his actual business to the City of North Royalton. The Applicant stated that is correct; he will be running his business out of the establishment on Royalton Road. He said no bulk material will be stored at this location; all of the materials used are delivered to the job site or picked up by our trucks on that day for the use of that day’s projects. He also said he will not be selling retail materials out of this location. Regarding snow removal, he stated salt will not be stored on site.

The Law Director stated that as long as the stipulations that Mr. Vetrick has made into the record are retained, the Law Department has no objections.

**Moved** by Mayor Stefanik, seconded by Ms. Fenos to approve similar use to operate a landscape and hardscape business. Roll call: Yeas: Four (Fenos, Castrovillari, Antoskiewicz, Mayor Stefanik). Nays: None. **Motion Carried.**

4. **Chateau on State.**  Ann Shanley, CEO of KV2 Property Investments/Chateau on State is seeking site plan approval for a proposed addition to an existing facility as well as exterior and parking lot modifications at 12822 State Road, also known as PPN:488-05-019, in the Town Center District (TCD-3).

The Building Commissioner reviewed some of his concerns and the Fire Department’s concerns. He stated the site plan and layout appears to be counter intuitive to the rectangular configuration of the site. It appears the raised 1950 ranch building is in the front and a building at a 45 degree angle has been added to the back. This results in several problems with the site layout. There is no access to the rear of the property for First Responders, and no access for flood plain maintenance for the area towards the back of the property. The proposed building site shows it is five feet from one property line and 13-15 feet from the other property line creating a land lock portion of the back. The desire to save the raised ranch also creates the requirements for variances for the parking setback at the front of the property. There is limited amount of paved access on the front of the property for First Responders. He added, as to the design, he said it does not meet the spirit and intent of the TCD District design standards which is covered in C.O. Chapter 1281. We have seen a number of business come to North Royalton and we have reviewed the aesthetics at a higher standard than expected of the TCD District. He displayed examples of some businesses in the TCD which included Breen Total Benefits Advisors, PNC Bank, Consiglio Accounting Building, State Farm building, and the medical office building to the north of this property which reflects closer to what the TCD District design standard intention is. This design plan is basically a ranch building with a ramp tacked onto the front in order to save the ranch building and doing an addition on the back. He said the Fire Department expressed grave concerns over the reuse and repurposing of the existing front building due to the fire hazard and the challenges it imposes. Additional they discussed fire
suppression of the building which will be a requirement of the code. They also discussed the lack of access for Fire Department equipment around the building to the back and in the front parking area. The Building Commissioner said he has concerns with this project and would not recommend it being approved in the proposed configuration as is.

The City Engineer stated he agrees with the Building Commissioner’s planning concerns with the site. There is not enough information shown on the plans to show how much storm water management is proposed on the site. There is a mapped FEMA flood plain and we want to be sure that is undisturbed. The parking lot in the front will be a sea of asphalt in the front of the building. The other businesses in the area have a residential town center feel nature that has landscaping in the front. He said he does not feel there is enough information on the plan to recommend approval.

Mr. Castrovillari expressed his concerns regarding the design of the front of building having a handicapped ramp which is adding more concrete to the large concrete parking lot. He said he agrees with the concerns brought up by both the City Engineer and the Building Commissioner.

Ms. Shanley asked what she needs to work around to make it fit into the neighborhood. The Building Commissioner stated we had discussed the need to implement the use of an architect; that will be your primary source to rely on in terms of interpreting the code. We can’t design it for you. The code guidelines are stated under Chapter 1281 which discusses design standards. He added there is a line in the code that states you need to treat this building with greater care of design for any type of nursing or skilled nursing facility or a senior living arrangement. He said it is not just aesthetics; the site planning is inappropriate. He said you may Table this application to work with your architect for other option for this site. Ms. Shanley said she can make it work aesthetically. She added we have an option of putting a small lift in the front and take out the ramp. It doesn’t need a lot of parking because the residents don’t drive.

The Law Director conveyed what he is hearing is there is a round peg in a square hole. The ranch simply doesn’t work there. The Board is suggesting clearly and gently that this project does not work for them within the TCD standards. He added if there is a major redesign of the plans, it will need to go out with another Public Hearing notice. Lee Turner, architect for the Applicant, asked for clarification regarding the house and if it meets the City standards. The Building Commissioner stated it does not, it is essentially a residential house and in order to redevelop it, they will be coming across the same questions. He added it is not the number of parking spaces. It is the issue that a Fire Department vehicle would not be able to utilize the parking lot to assist individuals needing such assistance. The Applicant requested the application be Tabled.

Moved by Mr. Castrovillari, seconded by Ms. Fenos to Table at the Applicants request. Roll call: Yeas: Four (Fenos, Castrovillari, Antoskiewicz, Mayor Stefanik). Nays: None. Motion Carried to Table.

MISCELLANEOUS

The next scheduled PC meeting on October 4, 2017 will be canceled; therefore, the next meeting will be October 18, 2017.
ADJOURNMENT

Moved by Ms. Fenos, seconded by Mr. Castrovillari to adjourn the September 20, 2017 Planning Commission meeting. Yeas: Four. Nays: None. Motion carried. Meeting adjourned at 8:05 p.m.

APPROVED: /s/ Timothy Miller

DATE APPROVED: November 9, 2017

Chair

ATTEST: /s/ Diane Veverka
Planners Commission Secretary