

Chairman McGrath stated it is 7:30, we will call the March 15th meeting of the North Royalton Planning Commission to order.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, March 15, 2006** in regular session. The meeting was called to order by Chairman Edward McGrath at 7:30 P.M.

Chairman McGrath stated will the Secretary please call the roll.

Present: Don Willey, Council Representative, Tony Sandora, Vice Chairman, Victor Bull, Chairman Edward McGrath, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner and Brenda L. Fashempour, Secretary.

Absent : Mayor Cathy Luks. Chairman McGrath stated do we have a motion to excuse Mayor Luks please. Victor Bull stated so moved. Tony Sandora stated second. Chairman McGrath stated moved and seconded, Secretary please call the roll. Roll call: Yeas: Four - Willey, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried. Chairman McGrath stated she is excused.

Open Ceremony - Pledge of Allegiance. Chairman McGrath stated stand for the Opening Ceremony, pledge of Allegiance. Pledge of Allegiance recited.

Approval of minutes: March 1, 2006. Ms. Fashempour stated approval of minutes, March 1st, 2006 if you so choose. So moved Don Willey. Tony Sandora stated second. Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll. Roll call: Yeas: Four - Sandora, Bull, Willey, Chairman McGrath. Nays: None. Motion carried.

Old Business:

Speedway Super America, LLC, 9191 Royalton Road, Motorist Service Zoning. Cooler Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Ordinance No. 05-166 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning & Zoning Code, Chapter 1284 Signs, Section 1284.18 Banners/Pennants in Local and General Business Districts; Permit; Fee, Paragraph (a), and Declaring an Emergency. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Tartan Development Company, **Chesapeake Subdivision No. 5**, extension of Chesapeake Drive, Part PPN 482-08-003 and 002, R1-A Zoning. Sketch Plan Approval for 4 lots. Tabled.

Ms. Fashempour stated it is tabled, the Applicant is here this evening, she needs a motion to remove it from the table if you so choose.

So moved Tony Sandora.

Victor Bull stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

**Roll call: Yeas: Four - Bull, Willey, Sandora, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated the Applicant is here, would you step forward and share with us what you will please.

Thank You Mr. Chairman, Good Evening, his name is Michael Mackay, 7017 Pearl Road, Middleburg Heights, Ohio and he is here representing Tartan Development. Mr. Mackay stated we are asking for your approval to our sketch plan a, we have obviously been here before you, before a couple of times and since our last meeting with you, we have met with the Administration a couple of different times and to discuss a number of the issues with the, with the proposal and a major one being the location of a regional detention basin on the rear of subplot 1 and particularly located on additional adjoining lots. Mr. Mackay stated we have made some progress in discussing those issues and, and, and talking about some things, he thinks you have seen.

Chairman McGrath stated excuse me one minute please, Mr. Koch, would you find out what's going on down the hall please and and see if we can deal with it, Thank You.

Mr. Mackay stated sorry about that, do you want me to.

Chairman McGrath stated go ahead.

Mr. Mackay stated keep going.

Chairman McGrath stated keep going.

Mr. Mackay stated all right, well he thinks in your minutes at one point he saw the a Agenda to one of our meetings and so those are the issues we went over and talked about a again were, were, trying to cooperate with the City working with them, we think it's a mutually advantageous situation, the location of the regional retention basins, we are not that thrilled with it, but we are willing to work with the City it would involve the elimination of the basin on ours combined with the subplot 1 location, but, but to do that we we need to to keep going, go further, additional studies, additional information, we would like your approval at this point to, to go ahead with that additional work based on your approval of the concept plan, that's what we are here for.

Chairman McGrath stated okay, Thank You, to the Building Department, any comment please.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated to the Engineering Department any comment please.

Mr. Merdes stated Thank You, the Applicant stated that a or eluded to the, to move forward studies need to be done and one of those studies would be the wetlands investigation and he believes that the Administration and the Applicant are both at a point in, in our discussions and in our meetings where we, we also need to see what the wetlands report brings about, so he believes we had in anticipation before the last meeting, the last caucus he thought we had, had discussion about giving some form of approval and then asking the

Applicant to return to the Planning Commission as soon as the, he believes the wetlands investigation was performed with whatever it had, whatever was found.

Chairman McGrath stated he believes that was correct.

Mr. Merdes stated a, he believes that was where we were trying to get to, he guessed back to the Applicant, does, does that sound like something that a would be acceptable.

Mr. Mackay stated yeah, that's what we would want to do, we would want to get moving on some of these additional studies, you know, he, he thought that, that was, once the concept plan is approved then according to the Code that's the next step is to get a wetlands study, do additional work on detailing out the plans.

Mr. Merdes stated he thinks the Commission is, is wanting to give you a conditional approval, the condition being that you return as soon as the wetlands information is available, a, in the normal process you would not be, there would be no requirement for you to return until your next step which would be a preliminary plan which a, if you look at the Code it spells out what you need for all, for that, you are probably familiar with it.

Chairman McGrath stated if he, Mr. Merdes.

Mr. Merdes stated yeah.

Chairman McGrath stated he thinks, what, what we struggle with was rather than granting sketch plan approval per say, we would like to grant and there is no specific verbiage for what we want to do, preliminary sketch plan approval so you can begin what you need to begin wetlands wise and then as soon as you have that complete, come back to us so that we can grant formal sketch, or let's talk about informal sketch plan approval so you can begin, come back with your findings and then we can then grant formal sketch plan approval or modify it or take another look at it, we can find some way to move this off dead center so you can do what you need to do and we don't open the door totally and let the horse down the road.

Mr. Mackay stated he would say we are willing to go further obviously, as he said he thinks there is mutual benefits to, to, to us, to working with the City on this, we just want to know that there is some commitment on the City's part that once we go ahead and start incurring these additional expenses that based on nothing substantially different showing up in the wetlands that we wouldn't expect that you would then proceed to concept or sketch plan approval.

Chairman McGrath stated and.

Mr. Mackay stated we just need some commitment because we are going ahead and you know doing additional costly stuff.

Chairman McGrath stated we understand that and we are all saying the same thing in different ways and everyone's trying to be careful to not give more than they need or to get as much as, as necessary by the same token, we are here without a Representative from the Law Department this evening, we don't want to further delay your request and if we can have

for want of a better word a gentlemanly agreement that you have informal preliminary sketch plan approval for want of a better word so that you can commence your wetland investigation.

Mr. Mackay stated okay.

Chairman McGrath stated he thinks we are permitted, were, we are prepared to grant that tonight with obviously no guarantees or anything, we are not going to but, but he will tell you on the other hand, absent something horrific we are not going to pull the rug out from under you, so.

Mr. Mackay stated right, that's, because he could go do the studies without.

Chairman McGrath stated understood.

Mr. Mackay stated any commitment.

Chairman McGrath stated right.

Mr. Mackay stated what, he guessed he is asking is, the concept that.

Chairman McGrath stated that, speaking individually he has no problem with the concept.

Mr. Mackay stated of this regional location, eliminating the other one and.

Chairman McGrath stated yes, as speaking as an individual.

Mr. Mackay stated right.

Chairman McGrath stated and then we will see if anyone else on the Board has a particular point and then we will see if anyone in the audience has a point.

Mr. Mackay stated all right, that's, that's what he needs to, to hear.

Chairman McGrath stated but if we don't at least address the concept we will never have any answer to anything.

Mr. Mackay stated right.

Chairman McGrath stated so conceptually he thinks were of, were of accord that we need to at least look at it.

Mr. Mackay stated we are in the right track, okay.

Chairman McGrath stated anyone one else on the Commission.

Chairman McGrath stated anyone in the audience wishing to be heard, any motions.

Chairman McGrath stated he will move to grant preliminary informal sketch plan approval to Chesapeake Subdivision No. 5 for the purposes of commencing a wetlands investigation.

Tony Sandora stated second.

Don Willey stated second.

Chairman McGrath stated moved and seconded, any further discussion, will the Secretary please call the roll.

Roll call: Yeas: Four - Willey, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that has been granted, Good Luck to you.

Mr. Mackay stated Thank You Mr. Chairman, appreciate it.

Chairman McGrath stated please keep us posted.

Mr. Mackay stated yes, he will.

Chairman McGrath stated Thank You very much.

Mr. Mackay stated Thank You and Good Day, Thank You.

Recreation Allocation - **Abbeyville Townhouses**, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b) although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses - Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning. Preliminary Plan Approval for 38 Townhouses. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Fahim F. Gemayel, **Platinum Park Plaza**, Royalton Road, PPN 483-26-006, General Industrial Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated it is tabled, if you so choose, the Applicant is here, she needs a motion to remove it from the tabled.

Chairman McGrath stated please let the record show that Donna Vozar has joined us from the Law Department.

Tony Sandora stated so moved.

Don Willey stated motion to.

Ms. Fashempour stated remove.

Chairman McGrath stated motion to remove.

Don Willey stated motion, motion to remove.

Tony Sandora stated motion to remove from the table.

Don Willey stated second.

Ms. Fashempour stated okay.

Chairman McGrath stated okay the Applicant is here, share what, moved and seconded, Secretary please call the roll.

Roll call: Yeas: Four - Sandora, Bull, Willey, Chairman McGrath.
Nays: None. Motion carried.

Chairman McGrath stated the Applicant is here, please share with us what you will, remember to step forward, speak into the microphone, state your name and home address and remember you are being recorded.

I am Terry Gerson, he was here some time ago.

Chairman McGrath stated Terry your address is what please.

Mr. Gerson stated his business address is William Grey Associates, 9472 Hamilton Drive, Mentor, Ohio.

Chairman McGrath stated and you are here, and you are here on what capacity please.

Mr. Gerson stated he is acting as the Owner's Agent, the Owner is here, he will probably also answer any questions you have.

Chairman McGrath stated fine.

Mr. Gerson stated but he just wanted to introduce our Wetlands Consultant and a go over the fact that we had earlier met and were asked to submit a, a revised site plan which we did, Clark he thinks you have that, you made a comment that the you had received it based on this preparatory thing. Mr. Gerson stated you ask for clarification on the Wetlands Consultant that we used, Mr. George Aboumrad is with GEO-SCI, he is the Company that did the wetlands study and submitted them to the Board, he can answer questions.

Chairman McGrath stated Thank You.

Ladies and Gentleman, George Aboumrad, GEO-SCI, 792 West Bagley Road in Berea.

Chairman McGrath stated that is your business address.

Mr. Aboumrad stated yes that is.

Chairman McGrath stated he believe you also said you are a Royalton Resident, we talked.

Mr. Aboumrad stated resident at 12802 Kingston Way in the North Royalton,

Chairman McGrath stated Thank You, nice to meet you Sir.

Mr. Aboumrad stated nice to meet you.

Chairman McGrath stated talk to us, what is it you wish to share, tell us, in what, in what capacity you are here and what, what is it you wish to share with us today.

Mr. Aboumrad stated he has been, been involved with Mr. Gemayel and, and the wetland study and also we are doing the geo-technical investigation on the site on a, on 82 known as the Platinum Plaza.

Chairman McGrath stated and do you have any preliminary findings to share with us this evening.

Mr. Aboumrad stated he has got a report of, of the wetlands delineation he believes you have it, you have a copy of that.

Chairman McGrath stated yes, he believes, he believes we do.

Mr. Aboumrad stated the geo-technical investigation is underway and, and it will be done in about a week.

Chairman McGrath stated okay, Thank You.

Mr. Aboumrad stated Thank You.

Chairman McGrath stated excuse me Mr. Merdes anything.

Mr. Merdes stated Thank You. Mr. Merdes stated first as far as the site plan goes, his comments have been addressed, in his report he had asked for some qualification information of the Wetland Survey firm and of their geologist and the reason he did that is because in reading, in reading the report, first of all the, the City, the Planning Commission needs to know if there are wetlands at that site, your report has a statement that says this report makes no representations concerning conditions that were not discovered by methods used in this investigation described in this report and the previous statement to that is the, the evaluation should not be construed as meaning, as meeting the criteria of a full wetlands delineation.

Chairman McGrath stated it almost sounds like a disclaimer.

Mr. Merdes stated that's what he is afraid of.

Mr. Aboumrad stated Mr. Merdes there was no wetland discover on the site, so we can not delineate anything that was not discovered.

Mr. Merdes stated and you base that upon.

Mr. Aboumrad stated upon the methodologies used and he believes there is a ASTM reference in, in that, in that report.

Mr. Merdes stated okay, there are still a couple things that concern him.

Mr. Aboumrad stated okay.

Mr. Merdes stated one being the time of year this was done.

Mr. Aboumrad stated okay.

Mr. Merdes stated um, you know off hand, he thinks it was done in February.

Mr. Aboumrad stated yes.

Mr. Aboumrad stated there was no snow on the ground during the field investigation or the site visit, he remembers.

Mr. Merdes stated did you have any other concerns about the site.

Mr. Aboumrad stated aside from wetland.

Mr. Merdes stated no, on the day that you were doing the investigation.

Mr. Aboumrad stated okay.

Mr. Merdes stated you said there was no snow on the ground.

Mr. Aboumrad stated yes.

Mr. Merdes stated did you have any other concerns.

Mr. Aboumrad stated not that he recalls, concerns as what a.

Mr. Merdes stated a, well there is, there is, in doing this investigation and you made reference to the US Army Corps of Engineers and they actually have recommendations and, and some of that goes to perhaps not performing some of this work during, during certain periods of the year, a when they essentially are, are talking about non growing seasons and that field work for these investigations not be performed if any of the following conditions exist, one is frozen ground, another is more than 1" of snow, and another is an absent of micro topography.

Mr. Merdes stated those are concerns.

Mr. Aboumrad stated may he see a copy of this report, he doesn't have a copy and he would like to.

Mr. Merdes stated it's just recommendations.

Mr. Aboumrad stated okay.

Mr. Merdes stated did you bring any background, qualifications.

Mr. Aboumrad stated he didn't bring anything.

Mr. Merdes stated from the firm.

Mr. Aboumrad stated he will have it in your office or he will have it to, to this Council next time, he doesn't know how this works, if he can get it to your office or if he has to, we have to wait until next time around, he is the reviewer of the report, if that helps, not, not the actual writer.

Mr. Merdes stated how many report have you reviewed.

Mr. Aboumrad stated he reviews these on pretty much a daily basis, he reviews the reports on a daily basis, from geo-technical to environmental to wetland.

Mr. Merdes stated just wetlands, just wetlands.

Mr. Aboumrad stated he, he don't, he can't, he don't know, we do quite a few of those.

Chairman McGrath stated if he may, since he is sitting here and, and he is getting a little fuzzy with what's going on, and he deals in more simple concept, do, do you do, on average, one a week, one a day, one a month, one a year.

Mr. Aboumrad stated one a month.

Mr. Aboumrad stated a wetland, one a month.

Chairman McGrath stated one a month on wetlands.

Mr. Aboumrad stated yes.

Chairman McGrath stated okay.

Chairman McGrath stated in a specific geographic area or throughout northern Ohio, or in North Royalton or what's the diversification of, of your.

Mr. Aboumrad stated our business in pretty much in Cuyahoga County.

Chairman McGrath stated Cuyahoga County, Thank You.

Chairman McGrath stated and you have been doing that for approximately how long.

Mr. Aboumrad stated since 1996.

Chairman McGrath stated approximately 10 years.

Mr. Aboumrad stated approximately 10 years yes.

Chairman McGrath stated Thank You, okay.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated if he can ask the Applicant, and what is your qualifications for this, to do this.

Mr. Aboumrad stated he is a Professional Engineer, Civil Engineer, Professional Engineer and the person who worked on this is a, has a Master Degree in Geology with experience of a good 20 years, he has 25 years of experience as a Professional Engineer in wetland.

Tony Sandora stated so who worked on this particular report, you or the other person.

Mr. Aboumrad stated Marylynn Konowal, she is a Geologist with a 20 years experience and a girl named Valerie also helped her, she is, she also has a Master Degree in Geology with 22 years experience, he is the reviewer and he is the Professional Engineer, he owns the Corporation that's all.

Tony Sandora stated okay, but you are qualified also.

Mr. Aboumrad stated yes he is.

Tony Sandora stated okay, Thank You.

Mr. Aboumrad stated Thank You.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated please.

Mr. Merdes stated based on that, then he has one question, at this site, are there any wetlands?

Mr. Aboumrad stated we didn't find any wetlands.

Chairman McGrath stated a, Mr. Merdes' question requires a yes or no answer not, not something less specific than yes or no, someone is going to need to sign off on this and we didn't find, it doesn't cut it because, what if we went back under one of these periods of time when the Army said would be a more appropriate time and what if we find it then, um, we didn't find wetlands at the period that we did the test even though it was not during a recommended period or, or conversely it was during, it was a non recommended period doesn't mean that there are or are not wetlands, we are going to need you to be more definitive and more and more precise in your verbiage relative to are there or are there not wetlands, yes or no please.

Mr. Aboumrad stated okay, then let me let me just make a statement.

Chairman McGrath stated Thank You.

Mr. Abourmad stated during the visit, during the site visit, not during the writing of the report, but the visit was made in accordance with the Army, the Army Corps of of Engineers, so there was no snow and he believes there was no frozen ground or else we would never have touched, we would never have done that, and the findings are in the report.

Chairman McGrath stated he guesses we are splitting hairs in his opinion but we did not find wetlands is not the same as there are wetlands or there are not wetlands, your, your close but you are not where you need to be in his opinion.

Mr. Aboumrad stated is that what the report says, if, if, if you read the report.

Chairman McGrath stated the comment just now that we did not find wetland, and that was your comment perhaps four or five minutes ago, that's what generated this conversation.

Mr. Aboumrad stated okay.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated he, he thinks the problem that our Engineer, and he is not speaking for the Engineer, but he thinks the problem that the Engineer and himself is finding is, you have two statements in there one contradicts each other he thinks that's where our, our problem is and that's what Clark is worried about.

Chairman McGrath stated can you expand on that please Clark.

Mr. Merdes stated a, it's, if you look at your report the, the last page.

Mr. Aboumrad stated do you have a copy of the report.

Mr. Merdes stated and it's only, it's a three page report, the third page is practically a disclaimer in his opinion of the, the work that, that preceded it and it's not what we asked for.

Mr. Gemayel stated Mr. Chairman, do you have a copy of that report.

Chairman McGrath stated of course we do.

Mr. Gemayel stated do you have an extra copy that we can.

Chairman McGrath stated we don't have an extra copy, but among you, among you, don't you gentleman have a copy.

Mr. Gemayel stated he left his in his car.

Mrs. Vozar stated Mr. Chairman if she may.

Chairman McGrath stated Mrs. Vozar please.

Mrs. Vozar stated interject at this point, she thinks that at this point the City Engineer is indicating that, she thinks that the problem that the, the City Engineer is having and, and she concurs as when we get a report from any expert, it's important that there isn't any protection that you are putting out to protect yourself, we need to know what your, your opinion is and as a Chairperson has said, it's a yes or a no answer and it's her opinion based on what our City Engineer is saying, the report doesn't do it, we need something more definitive from you and if in fact you need more time to do that and it sounds like you might you can work with the City Engineer but it sounds like your report actually wasn't definitive enough in what we are requesting.

Mr. Aboumrad stated oh okay.

Mrs. Vozar stated and she thinks that is what we need.

Mr. Aboumrad stated okay, and he doesn't know about the timing, may he have time to review the report, he is not talking about tonight.

Chairman McGrath stated certainly, sure.

Mr. Aboumrad stated he is talking about.

Chairman McGrath stated we would prefer that you did actually so that everyone has the same amount of information and you, you could address it in, in a manner that you wish to, would be very glad to table it to the next meeting if that gives you enough time.

Mr. Aboumrad stated okay.

Chairman McGrath stated or we will table it and you come back and tell us when you are ready to discuss it, in the meantime we will consider the matter table, if anyone else on the Commission has any questions, so that we can address them all at the same time, this would be the time to ask those questions.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willey stated he, he, he concurs with other Members of the Commission, the a, this sounds like a Price Waterhouse Audit Report and that's on a page 4 and there are disclaimers there now there could be a reason with your customer that you may you know disclaim certain, certain things but it doesn't, it doesn't include the absolute if, if you read the detail of the report it, it infers that there are no wetlands there based on soils that you did, absorption and so forth but it doesn't say you know specifically absolute that you know that is not not wetland and then of course in the conclusion of the report which you are submitting as official record of these, of these approvals there are disclaimers in there that says that maybe, you know in the future things could change, their evaluation can not be construed as meeting the criteria of wetlands standards and a, so that, that was, that was a concern he had also and he, he thinks that's what we are all kind of looking for more absolutes.

Mr. Aboumrad stated okay.

Don Willey stated Thank You.

Chairman McGrath stated okay, is there a motion to table.

Don Willey stated so.

Tony Sandora stated so moved.

Mr. Gemayel stated can he speak Mr. Chairman.

Chairman McGrath stated please identify yourself, speak into the microphone and remember you are being recorded and of course you can speak.

Mr. Gemayel stated Thank You.

Chairman McGrath stated you are welcome.

I am Fahim Gemayel, 915 Callandar Boulevard, Painesville, Ohio 44077.

Chairman McGrath stated Thank You.

Mr. Gemayel stated he means he just wants to make sure you know we are in the second review re-approval process of this project to say the least.

Chairman McGrath stated understood.

Mr. Gemayel stated and these questions were never addressed before and, and the site plan was approved and now we had approval for one year and we missed the deadline and we redo it all over again and we are happy to do, redo it all over again and it seems like and he has the owner here, how long did you own this land.

Mr. Maric stated 7 years.

Chairman McGrath stated excuse me, now you have to step up, tell us who you are and speak into the microphone, come on forward please.

Mr. Gemayel stated do you have anyone to speak, wait a minute, he wants to ask a question.

Mr. Maric stated yeah what was that question.

Mr. Gemayel stated yeah, how long did you.

Chairman McGrath stated your name, Sir, let me run the meeting please.

Mr. Maric stated no he doesn't have a wetland.

Chairman McGrath stated Sir, first your name please.

Mr. Maric stated Krsto Maric.

Chairman McGrath stated your home address please.

Mr. Maric stated 9950 Ridge Road.

Chairman McGrath stated and you are here in what capacity please.

Mr. Maric stated he is selling land.

Chairman McGrath stated all right fine.

Mr. Maric stated to them.

Chairman McGrath stated good, now, cross examine your witness if you will.

Mr. Gemayel stated no he is not.

Chairman McGrath stated well what are you doing, what are you doing, we had this, we had this pretty well orchestrated that your wetlands man knows what he needs to provide to the Engineer and we are not doing anything beyond that point tonight, where are you going with this.

Mr. Gemayel stated well he just, his understanding, he is not going no where.

Chairman McGrath stated well then what are we doing here.

Mr. Maric stated we are discussing the specification for the wetland.

Chairman McGrath stated Law Director please.

Mrs. Vozar stated it's important that this Board know what wetlands are there, they are required to do that, you are required to do that, this Board can not go forward until that information is provided, you are, the Applicant have an obligation to bring forth all the information that is requested when, of those criteria are wetland and it has been brought to this Board that the report that was given is insufficient, it does not give a definite answer and because it's insufficient this Board can't go forward until we get a definitive answer and that's, that's why it's going to be tabled tonight, does that explain it.

Mr. Maric stated question.

Mr. Meric stated what is considered a wetland.

Mrs. Vozar stated okay, she will be happy to meet with you afterwards, so will the City Engineer and since you have an expert there, she is sure that he can explain to you what wetlands are because that's what he needs to be able to tell us and if your expert doesn't know what a wetland is, then we are in big trouble because he needs to tell us if he found any or not.

Chairman McGrath stated in the meantime as the, as the Assistant Law Director pointed out to us, we can not grant any permission until the wetlands question has been definitely answered, we can not grant permission to build anything, so our hands are tied until we have a report that says from your consultant that's satisfactory to our Engineer, they understand it, they completely understand what they need to do, he knows what he is looking for, he knows what he is looking for, it's between them right now, so, if they are okay with it, that's where, that's where it sits.

Mr. Gemayel stated Mr. Chairman can we approve it, like.

Chairman McGrath stated no Sir, no Sir, not until there is a satisfactory wetlands report.

Mr. Gemayel stated pending on that.

Chairman McGrath stated not until, nothing pending, not until we are in possession of a satisfactory wetlands report.

Mr. Gemayel stated he understands that, what he is saying is pending, so that he can go forward with other stuff so they both can talk about the wetlands.

Chairman McGrath stated no, now you are, he is going to try this one more time, not until we are in receipt of a satisfactory wetlands report, satisfactory to the Engineer and the Law Department.

Mr. Gemayel stated he under, he understands that and he will let the expert talk to each other and solve this issue.

Chairman McGrath stated right.

Mr. Gemayel stated but in the meantime, he can get going on.

Chairman McGrath stated no, nothing in the meantime, no, nothing in the meantime that, that's, precedent has been set, we have been down that road before, there, there is nothing in the meantime.

Mrs. Vozar stated Mr. Chairman if she could add one more thing.

Chairman McGrath stated please.

Mrs. Vozar stated it's not merely a matter of, of the two experts meeting, it's a matter of the Applicant through it's experts supplying the necessary information to the Board and that hasn't been done and that's why we are saying we need that to be done in order for us, obviously if Mr. Merdes can be of any help or anyone can help, obviously the City is willing to do that but it is up to the expert to provide the necessary documentation in the form that does answer the question one way or the other.

Mr. Gemayel stated he understands and we are willing to do that and we are going to work every possible way to, to meet those criteria, he is not, you know.

Mrs. Vozar stated and as soon as that happens then the Board can go forward, until then, their hands are tied until the information is provided.

Chairman McGrath stated are there any further questions Gentleman.

Chairman McGrath stated we have a motion table, do we have a second.

Ms. Fashempour stated no second.

Chairman McGrath stated is there a second, he is second, it has been moved and seconded, Secretary please call the roll.

**Roll call: Yeas: Four - Sandora, Bull, Willey, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated it is tabled.

Chairman McGrath stated Thank You Gentleman.

Conditional Use Permit for Cyndi Cawthorne for the purpose of operating a Drive Thru Beverage Store at 14232 Bennett Road, PPN 487-01-029, Town Center District - 1. Property Owner Robert Notarianni. Cyndi Cawthorne proposed that the Drive Thru Beverage Store will have an inventory of beer, wine, pop, soft beverages, snack foods, ice, tobacco products, lottery, bread, milk, packaged items (cheese, eggs, ice cream, cookies, crackers, dips) candy and a product mix of convenience store items such as: bakery, batteries, charcoal, paper products, and health aids. Proposed operating hours, seven days a week, 10 A.M. to Midnight. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Century Bank, 6160 Royalton Road, Town Center District - 2, Sign Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Signs & Signs, **William Schmidt, D.D.S.**, 7029 Royalton Road, Town Center District - 1. Sign Approval. Tabled.

Ms. Fashempour stated can she have a motion to remove it from the table.

So moved Tony Sandora.

Second Don Willey.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

**Roll call: Yeas: Four - Bull, Willey, Sandora, Chairman McGrath.
Nays: None. Motion carried.**

My name is William Schmidt.

Chairman McGrath stated go ahead please Doctor, okay, Thank You.

Doctor Schmidt stated okay, sorry, my name is William Schmidt, his business is 7029 Royalton Road and he lives at 5770 Goodman and a, he a hired a fellow by the name of, he is not going to Signs and Signs anymore, because he knows he is gone, but he hired Signs and More on West 130th, and he thought today, the sign would be down, would be lowered. Doctor Schmidt stated so that's why he is here, otherwise he probably wouldn't be here but he, he had two electricians come and they are checking and they are going to give him estimates on lighting the sign and they are going to get a permit so it will definitely be a you know taken care of and the City Inspector can inspect it and everything now, he just wanted to bring in this to show you, he doesn't expect any approval today he just wanted to bring in his plan for the landscaping, he did consult a nursery and he got shrubs that are you know willing to accept the salt.

Chairman McGrath stated good.

Doctor Schmidt stated so if you want he will give that to you today.

Chairman McGrath stated give that to Brenda please and she can attach it to the file.

Doctor Schmidt stated possibly he will get that done for him as soon as possible.

Chairman McGrath stated good.

Doctor Schmidt stated he will be back.

Chairman McGrath stated Thank You very much, that's, with your patience, with the process we appreciate that.

Doctor Schmidt stated no, Thank You.

Chairman McGrath stated Good Luck to you.

Doctor Schmidt stated Thank You.

Ms. Fashempour stated Mr. Chairman would you like to approve it, we don't want him to install the electrical and the shrubs.

Chairman McGrath stated if you hold on a, hold on a minute please Doctor we might be able to move this, if you can hold on one second please maybe we can expedite something here.

Doctor Schmidt stated all right, sure.

Tony Sandora stated all we wanted was the landscaping.

Ms. Fashempour stated we were looking for the landscaping plan and, and.

Doctor Schmidt stated it's a sketch that's all.

Chairman McGrath stated it's good enough to work with.

Ms. Fashempour stated she means he is going to hire a Electrical Contractor to come in and lower, put the electrical in, so we know it's going to be lit, he has to get a permit for that anyhow, we have to give him a permit to put the sign in, we do have a landscaping plan that was all that we actually asked for, she means we could go ahead if you so choose and attach the landscaping plan to the sign permit and send it on to Architectural Review Board, well no.

Tony Sandora stated no, no.

Chairman McGrath stated works for him.

Ms. Fashempour stated actually there are not going to Architectural Review Board because it was part of the widening of the intersection so if you so choose you can go ahead, if anybody wants to look at it, here is the landscaping plan.

Chairman McGrath stated right, works for him, he saw it.

Don Willey stated motion to approve.

Mr. Merdes stated wonderful.

Chairman McGrath stated he thought so.

Ms. Fashempour stated pass it down to Don, Rito and Victor.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated Mr. Alvarez.

Mr. Alvarez stated yes.

Tony Sandora stated he believes the only, the only issue that you had with the sign before was the height and lowering it and you wanted a sketch plan and we wanted a landscaping design, but everything else was.

Mr. Alvarez stated that's correct but in addition if he remembers correctly he asked for when Mr. Schmidt asked, said he was going to lit it up because we needed some a, some sort of sketch how.

Doctor Schmidt stated well they are going to apply for a permit.

Mr. Alvarez stated okay.

Tony Sandora stated he is going down for a permit.

Doctor Schmidt stated it is going to be underground it will have to be, he talked to him today.

Mr. Alvarez stated okay, he is not going to go into the details what needs to be on the plan but.

Doctor Schmidt stated no, it is just going to come underground from the sign under the sidewalk into the building right at that point.

Mr. Alvarez stated okay well, that was the only other question he had, we will deal with that when your person comes to the Office.

Doctor Schmidt stated sure, absolutely.

Tony Sandora stated okay Mr. Chairman he will make a motion.

Chairman McGrath stated to grant sign approval.

Tony Sandora stated he will make a motion to grant sign approval for Doctor Schmidt on the condition that he meets the Codes of the Building Department and the landscaping as provided.

Chairman McGrath stated and the new Sign Company is Signs and More.

Doctor Schmidt stated Signs and More.

Tony Sandora stated Signs and More.

Doctor Schmidt stated the fellow by the name of Jeff.

Chairman McGrath stated Thank You.

Doctor Schmidt stated and he talked to him the other day and he was sending the electrical today and he thought he was going to have it done in the last couple days but he guessed the weather has been against him.

Chairman McGrath stated Thank You, we appreciate that.

Doctor Schmidt stated no, Thank you.

Chairman McGrath stated we have a motion, do you have a second.

Victor Bull stated second.

Chairman McGrath stated he will second.

Chairman McGrath stated moved and seconded, further discussion, Secretary please call the roll.

**Roll call: Yeas: Four - Bull, Willey, Sandora, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated approval is granted, you don't need to come back.

Doctor Schmidt stated okay, Thanks very much.

Chairman McGrath stated Thank You, Good Luck to you.

Ms. Fashempour stated Doctor, Doctor Schmidt, Doctor Schmidt she is going to keep this, she will mail you a copy okay.

Doctor Schmidt stated that's okay.

Ms. Fashempour stated okay.

Chairman McGrath stated Good Luck to You.

Tony Sandora stated get your permit.

Columbia Gas of Ohio plans to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive South, Berkshire Way and Bentley Drive - Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Columbia Gas of Ohio plans to install 1080' of 3" and 1800' of 2" new plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way - Approval. Tabled.

Ms. Fashempour stated it is tabled there will be no action.

Columbia Gas of Ohio plans to install 1620' of 3" and 540' of 2" new plastic distribution main on Bentley Drive and Coventry Court - Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Ms. Fashempour stated she is going to request a ninety day time extension on number 8, Century Bank, number 10, Columbia Gas, number 11, Columbia Gas and number 12 Columbia Gas if you so choose.

Tony Sandora stated so moved for a ninety day extension.

Don Willey stated second.

Victor Bull stated second.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

**Roll call: Yeas: Four - Sandora, Bull, Willey, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated ninety day extension is granted.

New Business

Sign Approval

Hide Away Café, 5540 Wallings Road, Local Business Zoning. Signs Approval.

Ms. Fashempour stated she believes the Applicants are here.

Chairman McGrath stated like Monty Hall says, come on down.

Hi, I am Rick Myers Owner of, right now it's Octane Café, it's going to change to Hide Away and primarily just two of the signs are just take out the old ones, slip in the new.

Chairman McGrath stated refresh his memory Rick, you are owner of, you are not the owner of the old Octane, you are the new owner, you are the sign man, your the sign man, or you are the owner.

Mr. Myers stated no, no, no, he, his wife and he we are the owner.

Chairman McGrath stated of the, of the business.

Mr. Myers stated yes.

Chairman McGrath stated and you also, did you own it when it was Octane Café.

Mr. Myers stated a yes, we, we bought it just before Christmas.

Chairman McGrath stated all right but you are not the original applicant that came before us a year or so ago.

Mr. Myers stated not the original no, no that's was Macko

Chairman McGrath stated okay, that's what he thought, he just wanted to make sure he was on the right page.

Mr. Myers stated right, okay.

Mr. Myers stated so he thinks we have pictures there.

Chairman McGrath stated yes.

Mr. Myers stated he took picture of, he doesn't know if you are familiar with that area.

Chairman McGrath stated yes.

Mr. Myers stated okay, pictures presented, he believes it is the last page, we are adding one sign that can be seen from the Drug Mart Customers as they come out the doors and it's just on the west end of the building where we are attached to, it's a 10" by 4' long sign, it's going to be attached underneath the awning eave yes.

Chairman McGrath stated as long as you have the requirement, the square foot requirements, he doesn't have a problem with it.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated to the Applicant now the sign that you are going to add is where now, say that again please.

Mr. Myers stated it, it's, it's going underneath the awning eave there, at the west end of the building, yes, there is a wooden structure underneath that, that yeah.

Tony Sandora stated so that's when you are walking down the sidewalk you will be able to see it from that.

Mr. Myers stated ex, exactly yeah.

Tony Sandora stated okay.

Mr. Myers stated yeah.

Tony Sandora stated so it's right next to this one on the side here.

Mr. Myers stated just about where that, that brick pillar is there at the end.

Tony Sandora stated yeah, this is facing Wallings and this is would be the west side of the building.

Mr. Myers stated yes, correct.

Tony Sandora stated okay.

Chairman McGrath stated the Building Commissioner has requested a site plan to show where the signs are located, have you complied with that.

Mr. Myers stated no he hasn't Sir, a the, that paperwork, that envelope just came in the mail Saturday.

Chairman McGrath stated okay and Mr. Alvarez the, the location of this sign that will go under the eave, that he is referencing are you comfortable with that, are you okay with that.

Mr. Alvarez stated a instead of 10" by.

Mr. Myers stated 10" by 4' long.

Chairman McGrath stated how are we on the square footage and stuff like that.

Mr. Alvarez stated off the top of his head okay, he didn't do any calcs, but it, it should probably work if we use a formula, 20% on the side, with what's on the front, what you consider the front.

Mr. Myers stated okay.

Chairman McGrath stated we could probably grant approval contingent on you working within the dimensions that he tells you have available to you on the side, on the side.

Mr. Myers stated sure.

Mr. Alvarez stated because a, he means we could have did that for you ahead of time if we knew but that's okay, we will, we take of care it that way.

Mr. Myers stated okay.

Chairman McGrath stated by the same token it as a business owner in the Community, we know signage is important.

Mr. Myers stated right.

Chairman McGrath stated we want, we don't want, we want you up and running as quick as possible obviously so we, to facilitate that happening and not bring you back at another meeting a, as long as you are willing to work within the parameters that.

Mr. Myers stated oh sure.

Chairman McGrath stated the Building Department lays out, we can probably go ahead with that.

Mr. Myers stated okay.

Mr. Alvarez stated the only other comment he has, he knows you scriptively put in the application that you are going to use lag bolts and so forth, a, where he asks for, sometimes for little site plan showing the location of the signs, typically it will show a little detail, a construction detail.

Mr. Myers stated okay.

Mr. Alvarez stated how this is actually mounted on the surface of the wall.

Mr. Myers stated okay sure.

Mr. Alvarez stated so a that being said, he doesn't have any other comments Mr. Chairman.

Chairman McGrath stated Thank You.

Mr. Myers stated okay.

Chairman McGrath stated anyone else, Engineering anything.

Mr. Merdes stated nothing Mr. Chairman.

Chairman McGrath stated anyone else on the Commission, questions, comments, thoughts, quires, posers.

Chairman McGrath stated anyone in the audience have comments, thoughts, questions, motions.

Don Willey stated motion to approve.

Chairman McGrath stated with the understanding that the sign.

Don Willey stated with the understanding that it conforms with the a allowable square footage as provided through our a direct, Building Commissioner and Building Department.

Tony Sandora stated second.

Chairman McGrath stated moved and seconded, any further discussion, Secretary please call the roll.

Roll call: Yeas: Four - Sandora, Bull, Willey, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated approvals granted, it goes understanding, much Good Luck to you.

Mr. Myers stated Thank You.

Chairman McGrath stated Thank You.

Royalton Carpet Outlet, 12126 York Road, General Industrial Zoning. Awning-Sign Approval.

Hello my name is Joseph Kaylor, he is the Owner of Royalton Carpet Outlet, 12126 York Road, North Royalton, home address 821 Laurel Glen, Medina.

Chairman McGrath stated Thank You.

Chairman McGrath stated share with us what you will.

Mr. Kaylor stated he would like to get sign approval, he has right here, he is not sure if the Building Department received this yet but, did you receive this from his Sign Company.

Mr. Alvarez stated yes.

Mr. Kaylor stated exactly, we are seeking approval to put the sign up.

Chairman McGrath stated to the Building Commissioner anything.

Mr. Alvarez stated yeah, he checked the code and the lettering is within the allowable square footage for a sign, he recommends approval by the Commission.

Chairman McGrath stated Thank You.

Mr. Alvarez stated sure.

Chairman McGrath stated Engineering anything.

Mr. Merdes stated nothing Mr. Chairman.

Chairman McGrath stated anyone on the Commission anything.

Chairman McGrath stated anyone in the audience anything.

Tony Sandora stated motion to approve.

Don Willey stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

**Roll call: Yeas: Four - Bull, Sandora, Willey, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated approval is granted, much Good Luck to you.

Mr. Kaylor stated that's it.

Ms. Fashempour stated you will have to get a permit, ARB, Building Department.

Mr. Kaylor stated the sign guys can do that right.

Ms. Fashempour stated oh yeah.

Mr. Kaylor stated they would be here tonight but inaudible an hour is a inaudible.

Ms. Fashempour stated okay, Thank You.

Mr. Kaylor stated Thank You.

Gross Builders, Real Estate Alliance/Broker, York Road and Route 82, General Business Zoning. Temporary Real Estate Sign Approval.

Applicant stated Good Evening.

Chairman McGrath stated Good Evening.

My name is David Hills, he is a Consultant with Gross Builders and we are here about a sign permit.

Chairman McGrath stated Thank You, address please.

Mr. Hills stated 13191 Hampton Club Drive, North Royalton.

Chairman McGrath stated Thank You.

Mr. Hills stated he is new here so, he hasn't quite got the address down.

Chairman McGrath stated that's fine, we are all new at one point, you are doing fine.

Chairman McGrath stated to the Building Department comments.

Mr. Alvarez stated Thank You Mr. Chairman, probably as most of us already know the sign is already up there and it does meet all the size requirements for a temporary sign and he recommends approval.

Chairman McGrath stated good Thank You, Engineering anything.

Mr. Merdes stated the expiration for any temporary sign is approved by Planning Commission needs to appear on the sign.

Chairman McGrath stated and generally we grant approval for a period up to one year so we would be looking at March 15th of 07 needs to appear on the sign, the back of the sign.

Mr. Hills stated can it just be written on the back with like indelible ink.

Chairman McGrath stated as long as it's indelibly written yeah.

Mr. Hills stated okay.

Chairman McGrath stated yeah.

Chairman McGrath stated correct, okay.

Tony Sandora stated uh um.

Chairman McGrath stated anything else, anyone else.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willey stated he had a question earlier at the Caucus, the, the, the property, who owns the property, Gross Builders made the application.

Mr. Hills stated Gross Builders.

Don Willey stated the, the title to the property he believes is Royal, Royalhaven.

Ms. Fashempour stated Royalton.

Don Willey stated Royal Place, Royalton Place.

Mr. Hills stated well Gross Builders owns, has a lot of different Companies.

Don Willey stated so Royalton Place is a different Corporation then Gross Builders.

Mr. Hills stated yeah.

Don Willey stated then Gross Builders owns Royalton Place.

Mr. Hills stated yes.

Don Willey stated yeah okay, the reason a, to the Law Director he brought this up just as a little bit of a technicality since a the property isn't in, directly in the name of Gross Builders, it's a different corporation based on what the Applicant said he, he wondered if there is any legality, technicality and so forth.

Mrs. Vozar stated well she, she thinks before, our past practice has been allowed, we've allowed Sign Companies to take out applications haven't we Brenda.

Ms. Fashempour stated uh um.

Don Willey stated yes.

Mrs. Vozar stated so it, it's really not that different, obviously if it was Board of Zoning Appeals it's something we require actually the property owner to do that and to sign off on that, it might be a good practice for us to ensure that the property owner somehow signs off on the, on the permit rather than just being a sign company but we have allowed that it in the past.

Don Willey stated Thank You, fine.

Chairman McGrath stated anyone else, anything else.

Tony Sandora stated motion to approve a temporary sign for Gross Builders with an expiration date of one year, March 15th, 07 written on the back.

Don Willey stated second.

Chairman McGrath stated moved and seconded, further discussion, Secretary please call the roll.

**Roll call: Yeas: Four - Sandora, Bull, Willey, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated approval is granted.

Mr. Hills stated Thank You very much.

Chairman McGrath stated Thank You and Good Luck.

Milenkovich, **R & R Plaza**, Ridge Road and Route 82, Town Center District - 1. Sign Approval.

Ms. Fashempour stated the Applicant is here this evening.

Mike Milenkovich, 7986 Wright Road, Broadview Heights. Mr. Milenkovich stated this is Dean he is from Dynamic Signs and we are here for the sign approval, he believes you have the prints for the sign.

Chairman McGrath stated nice looking sign.

Chairman McGrath stated to the Engineer please.

Mr. Merdes stated Thank You, a, this is a sign, a replacement, it is the cause of our Royalton Road Intersection Improvements and with all the other signs in a that situation we look at a what they have proposed he believes what the Applicant has proposed is acceptable, and that a there, there essentially a, it just lead him down to the last comment with all these signs we still held the landscaping requirement.

Chairman McGrath stated a landscaping plan.

Mr. Milenkovich stated you know this is going to be right, right in the grass area and a he was thinking of perhaps even having some real low shrubs around or maybe just a design concrete around it because the sign is going to be pretty much low down to the ground but we are, were.

Ms. Fashempour stated he does have on the sign application, low lying junipers shrubs around the entire base.

Ms. Fashempour stated and she thinks she made the comment that you would have to go ARB did she not.

Mr. Guernsey stated yes you did.

Ms. Fashempour stated but she believes that this is one of those signs that was a replacement sign for the intersection.

Chairman McGrath stated yes.

Ms. Fashempour stated so actually we have waived the ARB requirement.

Tony Sandora stated right.

Ms. Fashempour stated so you would just have to come here, he does have that she means, on his plan unless you were looking for something a little bit more detailed, it's up to the Commission.

Chairman McGrath stated he is okay with it as long as it's identified on this, on the, on the drawing as it is, yes.

Tony Sandora stated yeah he doesn't have a problem with it.

Don Willey stated he has no problem with it.

Mr. Alvarez stated no problem.

Chairman McGrath stated Victor, okay with it.

Victor Bull stated he is fine.

Chairman McGrath stated yeah good.

Mr. Alvarez stated if he may make a comment Mr. Chairman.

Chairman McGrath stated please.

Mr. Alvarez stated given that a because this is a pylon sign, it sticks out there like that, typically there is a little bit more information that the Building Department would request in terms of design loads and so forth and the details of how you are constructing this sign.

Mr. Milenkovich stated okay.

Mr. Guernsey stated okay sure.

Mr. Alvarez stated he means more than just simply this one sheet.

Mr. Guernsey stated okay, what kind of details would you like to.

Mr. Alvarez stated well, okay, without going into specifics, if you can just call his office tomorrow.

Mr. Guernsey stated sure.

Mr. Alvarez stated and he will be more than glad to fill you in on that.

Mr. Milenkovich stated sure.

Mr. Guernsey stated okay.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated Mr., Mr. Merdes please.

Mr. Merdes stated to the Applicant, as you have this shown it a, it is very close to the right of way, you actually have to locate the sign on your own property, he put in his report just to bring that to your attention but he checked to see that the dimension that you proposed would, would work and he, he believes they do so he just wanted to mention that.

Chairman McGrath stated just to reiterate that in the Engineer's Report, it says Royalton Road Intersection Improvement, Sign Replacement sign may not be placed within right of way, owner and applicant responsible to locate correctly so please be sure when you locate it that it's in the correct location so that you don't, so you don't wind up in a situation where it, it is in the right of way and might, would necessarily need to be moved later, Thank You.

Chairman McGrath stated and the Engineering Department and the Building Department will help you coordinate those locations.

Mr. Guernsey stated that will be fine.

Chairman McGrath stated okay, Thank You, anything else.

Mr. Merdes stated nothing.

Chairman McGrath stated motions.

Don Willey stated motion to approve.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated Mr. Chairman, he will make a motion to approve the sign on the condition that the sign is not in, in the right of way, you make sure of that and that the specifications are given to the Building Department as they are okayed.

Chairman McGrath stated Thank You.

Chairman McGrath stated it's moved is there a second.

Don Willey stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Four - Bull, Willey, Sandora, Chairman McGrath.
Nays: None. Motion carried.

Chairman McGrath stated approval is granted with those stipulations.

Mr. Guernsey stated Thank You.

Mr. Milenkovich stated Thank You very much.

Chairman McGrath stated Thank You very much.

Zillich Interiors, Inc., - **Huntington Park Subdivision**, Royalwood Road, R1-A Zoning. Temporary Construction Sign Approval.

Ms. Fashempour stated Mr. Zillich is here this evening.

Chairman McGrath stated Good Evening Sir.

My name is John Zillich, 2078 Ridge Road, Hinckley. Mr. Zillich stated Mr. Chairman after reading the report from the Building Commissioner, he realizes that, that lot is not suitable for a temporary sign for the Huntington Park Subdivision therefore he would like to withdraw their application and come back later on with a permanent sign for a, for Huntington Park and we would have a professional surveyor measure all the measurements and landscaping.

Chairman McGrath stated that's fine, we appreciate it.

Mr. Zillich stated Thank You.

Chairman McGrath stated and we will waive the re-application fee or is that a different matter.

Mr. Zillich stated no, that's okay.

Ms. Fashempour stated a, she will just refund both of them.

Chairman McGrath stated okay.

Mr. Zillich stated he didn't realize that it was that inaudible.

Chairman McGrath stated we find, and we appreciate your consideration, Thank You very much for courtesy.

Mr. Zillich stated so, Thank You.

Ms. Fashempour stated is that all she needs Donna, since he withdrew, she doesn't need to make, we don't need to make any motions.

Mrs. Vozar stated correct.

Sunoco, 13946 State Road, Town Center District - 2. Sign Approval.

Chairman McGrath stated Good Evening, state your name, your home address, speak into the microphone, remember you are being recorded please.

My name is Bill Kelleher, he is with Century Sign Company, home address is 4947 Pebblehurst Drive, Stow, Ohio 44224.

Chairman McGrath stated Thank You, share with us what you will please.

Mr. Kelleher stated a new sign for Sunoco was first originally proposed and approved in 1998 and that was similar to the sign that is there now, except that it was 10' up in the air and a we actually a received a letter from the City asking us not to put that sign up in 1998 because they realized they would need to appropriate more of the corner property there and some things might change, again in 2001 we were asked to come up with a plan to change that sign and a we came up the same plan, came to a variance meeting and a it changed a little bit in that, that sign was lowered to 7', overall height from 10' overall height and was moved considerably closer to the corner because of the amount of property that they were taking from, from that corner and we in fact received a variance to put that sign within 5' of the sidewalk. Mr. Kelleher stated we, again we were asked by the City not to put, not to do anything with the sign until such time as the construction widening project went forward, we received a call sometime last summer that, that was in fact underway and we needed to start making plans to put the new sign up.

Chairman McGrath stated received a call from who please.

Mr. Kelleher stated the, we received a call from Sunoco who had gotten it from a City Representative that we needed to take the old sign down to enable them to start the construction and then come up with some kind of temporary sign so at that time we contacted the City with our old plans that were approved in 2002 and asked if they, if the old variance still held, if the old plans were still good and we were told yes so a we secured the sign, got ready for to install the sign prior to us installing the sign we were again called out to the site because of some concerns that the owner of the station had and that concern was simply as that island was being constructed out there and as the curbing was being planned he realized that, that sign would be, at, at the variance that we were granted that sign would be outside his island and into an area where it would be susceptible to both cars and the Sunoco fuel

trucks that come in there to in the side driveway to, to fill up his tanks so at that time we meet with Representatives of the City out there and the Contractors and the sign was moved forward to get into.

Chairman McGrath stated who did you meet with from the City.

Mr. Kelleher stated a, he met with the City, Representative from the Engineer Department and a Representative from the Law Department and the Contractor, it was determined where we could safely move the sign to, a Representative from Sunoco was there also, Sunoco Corporate and everybody agreed that, that would work for the sign at that point in time the Contractor took some marking paint, marked where the curbing would go and put a line on there and told us that's where the sign needed to go and so we proceeded to have the brick mason come out put the brick pillars in, we, we put the sign up. Mr. Kelleher stated that sign as it is right now 18" off the sidewalk the curb, the brick itself, the front brick pillar is a 7" inside the of the curbing that the a Gentleman has on the inside of the sidewalk. Mr. Kelleher stated at the time this was approved in 2002, we were required to do a landscape plan and we weren't planning on doing any landscaping there because the sign was on the ground.

Chairman McGrath stated wait, let's, let's just hold on for a minute.

Mr. Kelleher stated yes.

Chairman McGrath stated in 2002, excuse me, Carol Thaler from Cuyahoga County Planning or Regional Planning was a Representative here and required a landscape plan on all sign.

Mr. Kelleher stated he understands that.

Chairman McGrath stated okay.

Mr. Kelleher stated and there was discussion made that since that sign was going to be on the ground and a which we don't normally do, is set a sign on the ground that there were going to hold the landscaping down to just around the perimeter of the island instead of putting any landscaping on the interior of the island that's really a moot point, we will put up, were, were plan, whatever landscaping you want, if you want junipers, creeping junipers, he means will.

Chairman McGrath stated and just to refresh his memory and were you the Representative of the Sign Company in the 2002 conversation.

Mr. Kelleher stated yes, he was.

Chairman McGrath stated and in the 1999 conversation.

Mr. Kelleher stated 98 yes.

Chairman McGrath stated 98 conversation, okay.

Mr. Kelleher stated uh um.

Chairman McGrath stated go ahead continue please.

Mr. Kelleher stated oh, he was, he has read the a, the comments from the City Representatives and if landscaping is an issue we can make it go away, he means we are willing to put whatever landscaping that you want there, if it's creeping juniper, if it's sod, if it's, bushes around the outside of it, that, that's not a problem, that's not an obstacle for Sunoco.

Chairman McGrath stated landscaping is one issue as you know.

Ms. Fashempour stated no, there is a landscaping plan that's attached.

Chairman McGrath stated yeah, but the landscaping is one issue, one question.

Chairman McGrath stated and you kind of glossed over rather easily how some of the signs came to be there and we are not going to re-fight that battle today how signs were put up perhaps without original permissions and changed, how the original arrow on the Sunoco sign was put up without a permit and the sign that eventually came down that had to be replaced with the temporary sign when the street widen and the conversation that Mr. Hartman may have had with a Representative from the Sign Company while that sign was being installed and things that may or may not have happen so.

Mr. Kelleher stated if he could address that.

Chairman McGrath stated yes please.

Mr. Kelleher stated that had nothing to do with our Company.

Chairman McGrath stated my goodness, inaudible.

Mr. Kelleher stated okay, that was, that was when Sunoco was changing their logo and they hired a National Company that a, that sent somebody in here, in the Cleveland area without permits and they just changed signs and gave us all a problem.

Chairman McGrath stated his point is, his point is, that it didn't quite go as smoothly as you outlined that it perhaps may have and yes, and as you just acknowledged perhaps someone did come in and just randomly, helter/skelter a, did some stuff.

Mr. Kelleher stated uh um.

Chairman McGrath stated which we all need not to deal with, that having been said, to the Engineer please any comments.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated a the sign is located in the right of way and it needs to be located on the Sunoco property.

Mr. Kelleher stated may he ask how far in the right of way it is.

Mr. Merdes stated a.

Chairman McGrath stated ballpark.

Mr. Merdes stated he doesn't know and he doesn't know that it matters, it doesn't matter to him, it's not located correctly.

Mr. Kelleher stated so how far does it need to be moved back.

Mr. Merdes stated so that it is no longer in the right of way.

Mrs. Vozar stated Mr. Chairman.

Chairman McGrath stated Mrs. Vozar please.

Mrs. Vozar stated at one point she was lead to believe it was 6", she doesn't know if that is correct or not but that's a number that at one point she believes was given to her by a the Attorney for Sunoco but again she is not sure of that number she thinks we would need to look at the plan and actually look where it is and measure it off. Mrs. Vozar stated it was her understanding that it was a 6" deviation.

Chairman McGrath stated anything else Mr. Merdes.

Mr. Merdes stated yes, when the landscaping is placed around the sign how will it not obstruct the sign.

Mr. Kelleher stated well he guessed we would have to put the landscaping a, a where the pricing portions of the sign are, he guessed it would have to be some kind of creeping landscaping and no mater what we put there it is going to obstruct the bottom price ont hat sign, there is no way around it, that's why we don't like to put signs on the ground but a he would, he would expect that we will put something low to the ground there and shrubs and bushes around the perimeter that a will not obstruct it visually from form traffic.

Mr. Merdes stated well again he guessed he doesn't understand how even that aspect came to be, the sign, the sign and landscaping were, were meant to be there and now he doesn't see how placing them both there that they, they conflict instead of the, the, the goal, the intent is that the landscaping enhances the sign not that the landscaping obstructs the view of the sign or that the two conflict with each other.

Mr. Kelleher stated well he is quite confident that we could get a professional landscaper in there to come up with a a decent plan, he doesn't see that as a major obstacle, he, he thinks maybe the, the placement of it might be a bigger obstacle and a the, the Attorney for Sunoco got his 6" dimension from him who he got it from the City. Mr. Kelleher stated he has been unavailable to confirm that, not, can he get a definitive measurement from anyone.

Chairman McGrath stated well he imagines within the next, within the next, by the next meeting we will have a definitive measurement for you.

Mrs. Vozar stated if she could add something Mr. Chairman.

Chairman McGrath stated please.

Mrs. Vozar stated the Property Owner in this case has been very reasonable at all times with us in all of our dealings during the eminent domain, she don't, she would have to assume that it was a mistake, she certainly don't think that they intentionally did it, her conversation with them was that it was a 6" error and she is not exactly

sure how, how it happen but it did happen she doesn't know how difficult it would be for them to move it she is told extremely difficult and at a huge cost, that being what it is until we actually know what that number is her recommendation is that we do table it so that we do have some opportunity to figure out if in fact you are going to grant a variance what that variance is because we need to know what that number is.

Chairman McGrath stated and again we need to search on that we can not grant a variance here that would have to go BZA as he understands.

Mrs. Vozar stated it is her understanding that this Board is granting variances on these eminent domain, it was her understanding that you were doing that on other properties also.

Chairman McGrath stated okay, he will need, he will need to, to research that as well, Thank You.

Mrs. Vozar stated uh um.

Chairman McGrath stated Mr. Alvarez anything you want to shirrtail before we table this tonight.

Mr. Alvarez stated a, Thank You Mr. Chairman a, Joe Hartman went out there an actually measured this thing from the curb and he measured 12' to, to the sign.

Mr. Kelleher stated okay, okay and then to we have a definitive a measurement of what the right of way then is from.

Mr. Alvarez stated well that's, no, what we want, what the Board is asking and he made a recommendation that do we actually get a a plan that actually shows these dimensions that we are referring to.

Mr. Kelleher stated well we submitted a plan it didn't have that 12' on there but that's easily.

Mr. Alvarez stated no we measured it, that's what he is saying.

Mr. Kelleher stated we can easily add 12' to the plan that you are looking at.

Mr. Alvarez stated what he is saying is, you have to hire somebody or get a better plan then what's been submitted here, that's all we get, that's why we went out there and actually did a field measurement in terms of making site, in terms of making site plan we are not going to do that.

Mr. Kelleher stated well he is sorry, that site plan right there came from the City.

Mr. Alvarez stated well he understanding that but.

Mr. Kelleher stated so you are just saying that we need to fill the dimensions in.

Mr. Alvarez stated you have to develop something a little bit better than that for us to look at, you know, there was no dimensions he actually had to put in his own dimensions here because there were no measurement but.

Mr. Kelleher stated well, there were, the, the 12' dimension, you are right wasn't on it but there were other dimensions of how far it was back from the sidewalk and the curb and etc.

Mr. Alvarez stated he would like to see a better plan Mr. Chairman.

Chairman McGrath stated Thank You Mr. Alvarez, perhaps and again as the Law Director indicated were, were obviously need to table this if, if you Sir, can meet with the Engineering Department and the Building Department and somehow come to all be on the same page in terms of where it is and where it needs to be we could probably look at in a more intelligent manner next time we take a look at it.

Mr. Kelleher stated certainly.

Chairman McGrath stated Thank You very much, appreciate that.

Mr. Kelleher stated Thank You, can he ask that you table this.

Chairman McGrath stated yes please, we will at your request.

Mr. Kelleher stated Thank You.

Chairman McGrath stated on behalf of the Applicant please table.

So moved Tony Sandora.

Victor Bull second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Four - Bull, Sandora, Willey, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated Thank You very much.

Mr. Kelleher stated Thank You.

Ms. Fashempour stated can she get a ninety day time extension please.

So moved Tony Sandora.

Chairman McGrath stated moved and seconded.

Don Willey stated second.

Chairman McGrath stated Secretary please call the roll.

Roll call: Yeas: Four - Willey, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Site Plan Approval

Vito Ragone, **V. Ragone Builders, Inc.**, 12424 York Road, PPN 483-06-014, General Industrial Zoning. Site Plan Approval for an addition to an existing building.

Good Evening, I am Vito Ragone, 7596 West 130th, Middleburg Heights, he owns V. Ragone Builders and the property at 12424 York Road, which he runs his business out of, he is here tonight to answer any questions that the Commission might have on an add on to a building that he wants to put on his property.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner anything.

Mr. Alvarez stated the only comment that he really had was upon approval of this, the Planning Commission approves this that a, at least three sets of construction documents of your building and site plan be submitted to our office for reviews.

Mr. Ragone stated absolutely.

Mr. Alvarez stated no further comment.

Chairman McGrath stated Thank You.

Chairman McGrath stated Engineering.

Mr. Ragone stated that's a standard, those are American Metal Buildings, he doesn't know if you are familiar.

Mr. Alvarez stated yes he is very familiar with them.

Mr. Ragone stated it's standard, standard practice when you purchase the building they supply you with the actual structural drawings, stamped legally.

Mr. Alvarez stated yes, just have your design professional submit them.

Mr. Ragone stated yes, you want the sign, the signed drawing.

Mr. Alvarez stated whatever you, is your drawing signed right there, your, you're a, there was one set that was signed by him with a pen.

Mr. Alvarez stated well this wasn't but that's fine.

Mr. Ragone stated okay, all right.

Mr. Merdes stated a, he has a couple comments, they are really in general one comment, first that in industrial districts we need a 5' parking setback from any building and in regards to the parking areas and access driveways they need to be graded and drained so that the surface waters shall not be allowed to flow onto adjacent properties, the parking areas and driveways shall be approved with asphaltic concrete or Portland cement pavement in accordance with the standards established in the City. Mr. Merdes stated to the Applicant you show drainage leaving your property going onto a ditch and he assumes it is on someone else' property is that, do you have permission to do that.

Mr. Ragone stated a that's the way it is, just always been from when he purchased it so it is just, he is the low guy there between the two properties, not only does his property drain to the rear of his property line but once it gets there, there is just a massive creek right there that catches everyone's water and a he also catch the adjacent property's waters that drain onto his property to cut across to get to that back line that's all stoned, graveled area back there for a steel track machinery and you know industrial machinery that's why it is not paved that far back but a the concern of the pavement and he doesn't believe it's drawn on his site plan but from where the existing asphalt stops to the existing parking lot that's there which would be adjacent to the rear wall, rear wall of the existing building, in-between the building and the new building that would be going up, just past the side overhead door on the south wall will be all concrete and a all draining to a catch basin which is shown on, on the drawing on the actual site plan drawing which he doesn't believe it shows pavement, it just shows stone in that area, beyond that area would be where we would unload and load you know steel track machinery that has to be on, on gravel surface in order to do that.

Mr. Merdes stated he guessed, it is difficult to see on your site plan what's proposed and what's not a getting back to the drainage, like when he sees that arrows and it says install swale and they run down the, the sides of the property.

Mr. Ragone stated uh um.

Mr. Merdes stated that seems fine but then they also, the arrows also on both sidelines of the property continue onto someone else's property.

Mr. Ragone stated towards the back.

Mr. Merdes stated yeah.

Mr. Ragone stated is that what you are saying.

Mr. Merdes stated yeah.

Mr. Ragone stated well, there's, there's really him being the low guy there and everyone's water goes that way into that creek there, there is really no, no way for him to, to control, control that on his property, it is just the natural flow of everyone's property goes, goes that way and you, you.

Mr. Merdes stated well he guessed, he guessed the difficulty is, is, are you asking for approval of, of locating the swales and continuing them or are you just going to take the swales on your property and then match existing grades as they leave your property.

Mr. Ragone stated what, what is drawn on that site plan is, is existing as far as drainage and swales are concerned.

Mr. Merdes stated okay.

Mr. Ragone stated not where he will be putting up the new add on to the building, that's the area that he, he was, trying to explain about the concrete around that new area.

Mr. Merdes stated okay.

Mr. Ragone stated that's, that water will be controlled but even that water being controlled by catch basins and piped out there is a 12" storm main that pipes out into that creek on the back line of his property, everyone's water drains into that creek, from downspouts to catch basins, everything it is just, everything run there.

Mr. Merdes stated so all the drainage shown is existing.

Mr. Ragone stated is existing correct, correct.

Mr. Merdes stated okay, okay.

Mr. Merdes stated now to the pavement, since he doesn't, he doesn't know, what's, what's going to be required is you are going to have to have some type of hard surface pavement that, that goes to that proposed addition.

Mr. Ragone stated correct, may he step forward.

Mr. Merdes stated or get a variance.

Mr. Ragone stated can he step forward Mr. Chairman.

Mr. Merdes stated sure.

Chairman McGrath stated sure.

Mr. Ragone stated it is hard to understand him, it's hard to explain, from this point there is an overhead man door right here excuse me an overhead door which is about 20' into the existing building from this side of the building all this will be paved, there is an existing catch basin here that they didn't draw in and one that we are going to install in here with the downspouts, storm sewers that all goes out to this creek out there.

Mr. Merdes stated okay, so can you then draw where it would be.

Mr. Ragone stated right, this, from this point, he would say 20' from this point which is about right here, this all will be concrete.

Mr. Merdes stated okay.

Mr. Ragone stated and this of course is asphalt to the, that's what we utilize for our, our offices and then here, from this point back would be all construction.

Mr. Merdes stated all right, um uh, all right, Thank You.

Mr. Merdes stated a, for the rest of the people on the Commission, the Applicant has shown him and drawn on his site plan an amount of paving that would be compliant with our Code requirements.

Mr. Ragone stated we will make that change Clark when he hands in the construction drawings for the building he will also hand in new copies of that site plan that way it will show the pavement with the catch basin located on there.

Mr. Merdes stated okay.

Mr. Merdes stated one last comment, we need to see a designated loading facility, he believes the designation in this case is what's lacking, a, perhaps it could also be shown on the drawing it appears as though.

Mr. Ragone stated can that.

Mr. Merdes stated the room is, is adequate and a lot of loading and unloading is what's going to be done outside of the building.

Mr. Ragone stated a beyond the buildings in the area there, that's where all of our loading and unloading is done there's, the room between the building and say the fence line there south there is just not adequate room to be unloading anything there, yeah, we, we are only talking, he believes maybe 28 to 30' is the buffer between the building and the and the fence line.

Mr. Merdes stated so again, he is going to restate this for the rest of the Board, a, the Applicant has indicated that as you look at the site plan the area to the rear of the existing garage a, all the way back is is all suitable for loading, if he roughly measures it, it would be a approximately 200' in length and 80' in width.

Mr. Ragone stated that's real close, it's, actually it's a little over 200 but that's, that's very, very close and it's a 100' lot so it's more a 100' wide a property line to property line but he can note that on the, when he make the changes all that big area there as a loading and unloading area it will be noted in that in that stone area there.

Chairman McGrath stated that would be helpful if you would.

Mr. Merdes stated yes that would be fine, Thank You, that's all his comments.

Chairman McGrath stated and, and your bottom line recommendation is.

Mr. Merdes stated with those a, with this discussion he would recommend approval.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner please.

Mr. Alvarez stated again he, upon approval by the Commission submit the necessary three sets of plans to the Office for plan review according to the Ohio Building Code.

Mr. Ragone stated absolutely.

Chairman McGrath stated Thank You anyone on the Commission anything.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willey stated just wants to, just for a point of clarification, so behind the existing building there's a, there is a large area that's where you are going to put the a, the a proposed addition and, and right now that's gravel so you are going to, once you get the building up then you are going to pave that to the end of the current existing garage building correct.

Mr. Ragone stated can he show you.

Don Willey stated yeah right, just so that he.

Mr. Ragone stated these are two existing.

Don Willey stated right, right.

Mr. Ragone stated proposed, this is going to be all concrete approximately 20' into the existing building because he has an overhead door here.

Don Willey stated great.

Mr. Ragone stated that we want to keep on pavement.

Don Willey stated great, great.

Mr. Ragone stated so it will be from here forward.

Don Willey stated there is no.

Mr. Ragone stated this is all asphalt already.

Don Willey stated yeah right, right, yeah, got it.

Mr. Ragone stated so that will be, when he hands in his new plans with the other three sets of plans, changes will be made.

Don Willey stated Thank You Mr. Ragone.

Tony Sandora stated Thank You.

Chairman McGrath stated anything else.

Victor Bull stated Mr. Chairman move to approve.

Chairman McGrath stated Thank You.

Tony Sandora stated second.

Chairman McGrath stated it is moved and seconded, any further discussion, Secretary please call the roll.

Roll call: Yeas: Four - Bull, Willey, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated approval is granted, Good Luck to you with those changes as was noted.

Mr. Ragone stated Thank You for you time, Thank You for your time.

Chairman McGrath stated Thank You, Good Luck.

Miscellaneous

Ms. Fashempour stated Mr. Chairman, she has nothing under Miscellaneous.

Chairman McGrath stated Thank You.

Adjournment

Chairman McGrath stated that being the case, he moves to adjourn.

Victor Bull stated second.

Chairman McGrath stated moved and seconded Secretary please call the roll.

Roll call: Yeas: Four - Sandora, Willey, Bull, Chairman McGrath.
Nays: None. Motion carried,

Chairman McGrath stated we are adjourned, Thank You all.

Planning Commission Meeting for Wednesday, March 15, 2006 adjourned at 8:55 P.M.

Approved: Edward McGrath
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour
Secretary - Planning Commission

Date : April 5, 2006