

Planning Commission Caucus - 7:15 P.M. to 7:28 P.M. Attendees: Chairman McGrath, Don Willey, Council Representative, Mayor Cathy Luks, Victor Bull, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer, Thomas P. O'Donnell, Law Director, Joseph Kapitan, Chairman Architectural Review Board, Edward Kundla, Member Architectural Review Board, Lisa Uffman Kirsch, Council Ward Six, Brenda L. Fashempour, Secretary, some Applicant and their Representatives. Planning Commission Agenda for 4-26-06 reviewed. Ordinance No. 05-166 would not be looked at this evening, Chairman McGrath stated that Mr. Sandora and he have questions, banners in windows and how that relates. Move Royalton Beverage New Business to Old Business under Conditional Use Permit for Royalton Beverage, Cyndi Cawthorne. Mr. Kapitan and Mr. Kundla were present to discuss Royalton Beverage façade improvements and Mr. Kundla will stay for the meeting.

Chairman McGrath stated it being 7:30 we will call the North Royalton Planning Commission Meeting of April 26th, to order.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, April 26, 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: Chairman Edward McGrath, Mayor Cathy J. Luks, Don Willey, Council Representative, Victor Bull, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary

Absent : **Tony Sandora.** Ms. Fashempour stated she needs a motion to excuse Tony Sandora for cause. So moved Victor Bull. Second Don Willey. Chairman McGrath stated moved and seconded, Secretary please call the roll. Roll call: Yeas: Four - Willey, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated we will take a moment at this time to extend our sympathy to Tony Sandora on the loss of his mother and our thoughts are with Tony and his family this evening.

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

Approval of minutes: April 5, 2006. Ms. Fashempour stated Approval of Minutes, April 5, 2006, she needs a motion to excuse Mayor Luks for cause. So moved Don Willey. Second Victor Bull. Chairman McGrath stated moved and seconded, discussion, will Brenda please call the roll. Roll call: Yeas: Three - Bull, Willey, Chairman McGrath. Nays: None. Motion carried. Ms. Fashempour stated and a motion to approve those if you so choose. So moved Victor Bull. Second Don Willey. Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll. Roll call: Yeas: Three - 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.

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, the Applicant's Representatives are here this evening, if you so choose she needs a motion to remove it from the table.

So moved Victor Bull.

Second Don Willey.

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

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

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

My name is Terry Gerson, he is with William Gray Associates, we are the Principal Design Engineers on the project. Mr. Gerson stated Mr. Gemayel has another appointment so he will be representing him this evening. Mr. Gerson stated it is his understanding that the matter was tabled because of a concern over a wetlands study that was submitted some time ago, it is also his understanding that, that has been reviewed and Mr. Merdes is accepting that at this point in time, is he correct Clark.

Mr. Merdes stated he reviewed the second revision to the wetland survey and the work that is included in the report and he finds that it now contains the work and the statements that are in an acceptable form and a long story short, the report now states that there are no wetlands on the, the property so that means that our Codes that deal with wetland setbacks will not apply and therefore all of his comments have been addressed at this time.

Chairman McGrath stated Thank You, so you would have no objection to our taking action on this tonight.

Mr. Merdes stated correct.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner any comments.

Mr. Alvarez stated no comments Mr. Chairman.

Chairman McGrath stated Thank You, Law Department any comments.

Mr. O'Donnell stated no comments.

Chairman McGrath stated anyone in the audience any comments, anyone on the Commission any comments.

Chairman McGrath stated is there a motion then to recommend Site Plan Approval.

Victor Bull stated move to approve.

Don Willey stated so, seconded.

Chairman McGrath stated moved and seconded, any further discussion, Secretary please call the roll. Roll call: Yeas: Four - Mayor Luks, Willey, Bull, Chairman McGrath. Nays: None. Motion carried.

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

Mr. Gerson stated Thank You very much.

Chairman McGrath stated Thank You.

Ms. Fashempour stated at this time the Conditional Use Permit for Cyndi Cawthorne it's tabled, we are going to be taking action on that and we are also going to move up from under New Business, Miscellaneous, Royalton Beverage, so if the Commission so chooses, can she have a motion to move Royalton Beverage up under Number 6, under Old Business and then she will read them both and we can remove the Conditional Use from the table.

So moved Chairman McGrath.

Second Don Willey.

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

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

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 proposes 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, if you so choose, she needs a motion to remove it from the table.

So moved Don Willey.

Second Victor Bull.

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

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

Royalton Beverage, Robert Notarianni, Robert and Sharon Popelmayer, Cyndi Cawthorne, 14232 Bennett Road, PPN 487-01-029, Town Center District - 1. Façade/Landscape Approval.

Ms. Fashempour stated and she believes that the Applicants are here this evening.

Chairman McGrath stated good Thank You very much if the Applicants and or their Representatives will step forward and share with us what you will please.

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

I am Robert Notarianni, 8429 West Pleasant Valley.

Chairman McGrath stated Parma, Seven Hills.

Mr. Notarianni stated no it's Parma.

Chairman McGrath stated Thank You.

Chairman McGrath stated and what would you like to share.

Mr. Notarianni stated well we submitted stuff that we are going to do for the building, we are going to paint the building and put awnings on it and shrubbery in the front.

Chairman McGrath stated you are painting how many sides of the building Sir.

Mr. Notarianni stated pardon me.

Chairman McGrath stated you are painting how many sides of the building.

Mr. Notarianni stated just the front, just the green part, the rest is all brick brown, it's beautiful brick, you just wanted the front painted anyway.

Chairman McGrath stated well, that might be your understanding that's not necessarily how it is but anything else you care to share with us.

Mr. Notarianni stated he can't hear you.

Chairman McGrath stated is there anything else you care to share with us before we ask anyone else if they have anything to share.

Mr. Notarianni stated well, what you said was, you didn't like the brick green.

Chairman McGrath stated that's one of the things we said yes Sir.

Mr. Notarianni stated okay, well we just, we submitted the stuff which we can afford to do.

Chairman McGrath stated okay, Thank You.

Chairman McGrath stated is there anyone else that wishes to add something and tell us who you are and where you live and please.

My name is Bob Popelmayer, he is one of the co-owners of the property.

Chairman McGrath stated yes Sir.

Mr. Popelmayer stated and he is at 7065 Even Tide Drive, Parma, Ohio.

Chairman McGrath stated Thank You.

Mr. Popelmayer stated basically we have submitted a recommendation, we have submitted a proposal as to what we would do to the building in order to make it a little bit more attractive and hopefully to fit in better with the TCD, TCD requirements and that type of thing and we also wanted, what we wanted to do is try to keep within a certain budget so that we can also keep the rent low enough that it makes it attractive to someone to bring in a business, like a drive thru beverage through there.

Chairman McGrath stated we understand.

Mr. Popelmayer stated and still be able to afford it, and that's, we try to do that combination as best we could.

Chairman McGrath stated okay fine, Thank You.

Chairman McGrath stated Ms. Cawthorne anything, okay, start with the Building Commissioner, anything you wish to share with us.

Mr. Alvarez stated no he has no comments Sir.

Chairman McGrath stated Thank You, to the Engineer any comments please.

Mr. Merdes stated no comments.

Chairman McGrath stated Thank You, is there anyone in the audience that wishes to share anything with us this evening and if there is and he sees that there is if you will step forward, state your name, your home address, tell us in what capacity you are with us this evening and then share with us what you will.

My name is Edward Kundla, he lives at 12674 Ponderosa Drive, here in North Royalton, he is also a member of the Architectural Review Board. Mr. Kundla stated he is here to a make public record, excuse me that the application that is before you at this time for that building that a, the ladies and gentlemen behind him have come before them on two occasions on a preliminary bases and we have put forth different discussion items to them as far as how they can improve the exterior structure of their building and they have been working with us up to this point in time, the latest and greatest information that they have given to us does show that they are looking to make improvements to the building, the painting of the building certainly would be an improvement if the Council here is concerned with the front of the building not being of a color that matches with the rest of the building, it would be an improvement also with some of the additional façade elements that they are going to add, i.e., awning, corner pilasters elements that would enhance the building, a re-do of the sign, sign band and especially the a, the painting on top of some additional landscaping with that being said, he will say that they are headed in the right direction and would certainly could use a little more improvement if he could being set forth to say.

Chairman McGrath stated please.

Mr. Kundla stated that, that would be the case and a want to just state that for the record.

Chairman McGrath stated and in, from what you understand they are painting the entire building or what portion of the building are they painting.

Mr. Kundla stated well he cannot, can not say that for sure because up to this point in time we have dealt primarily with the front, we have not heard any indication of what they may do to the other sides of the building, we really did concentrate on the front façade, believing that was the major concern of you ladies and gentlemen.

Chairman McGrath stated Thank You, appreciate that.

Mr. Kundla stated Thank You, yes.

Chairman McGrath stated and to the, to the Applicant, would you share, would you share with us please what part, any one of you, so don't get up unless you need to Sir, any of you can answer this, what part of the building are you planning on, part or parts of the building are you planning on painting.

Mr. Popelmayer stated we are planning on painting the front of the building.

Chairman McGrath stated the front only.

Mr. Popelmayer stated that is correct.

Chairman McGrath stated and to the north, west and south sides you are doing what?

Mr. Popelmayer stated basically we are, on the south and the west side, it's, it's, it's a basically brick.

Chairman McGrath stated it is.

Mr. Popelmayer stated yes, it's, it's brick.

Chairman McGrath stated right.

Mr. Popelmayer stated and the north side is a block that is painted kind a light color right now.

Chairman McGrath stated what color is that Sir and he doesn't mean to be funny but.

Mr. Popelmayer stated it's, it's a, it's kind of like a he would say a real light tan okay.

Mr. Notarianni stated and it's in between two buildings Sir, there is another building butting up 3' against it, so you don't even see it.

Chairman McGrath stated he is not certain that it's three foot against, he has been down to the property, he is familiar with the property.

Mr. Notarianni stated he has got probably.

Mr. Popelmayer stated at, at, at this point in time we hadn't planned on painting that, but that is something we can take a look at he means inaudible.

Chairman McGrath stated yeah, that, that's something that quite frankly you need to take a look at because just as you said it's kind of between two colors, that, that was a very good description.

Mr. Popelmayer stated uh um.

Chairman McGrath stated it is kind of between two colors and quite frankly it's no color, it's kind of between.

Mr. Popelmayer stated uh um.

Chairman McGrath stated a, it's the intention of this Commission a, to do it right, secondly not to impose a financial hardship and three to make it an asset to the Community and somewhere if whatever you are doing can be compatible with an ongoing thought to our consistent maintenance and possible upgrades in the future as time and money is and of course and money being the major issue permit we would be please to, to hear that kind of, of commitment from you for want of a better word but, but that north side needs some attention and he knows the trees are close to the building.

Mr. Notarianni stated that side can be painted Bob.

Mr. Popelmayer stated yeah.

Mr. Notarianni stated we can paint the north side.

Mr. Popelmayer stated we, we painted it before so we can paint it again.

Chairman McGrath stated okay, so that's it's compatible, so that it is perhaps compatible with the west and the south side at least.

Mr. Popelmayer stated yeap.

Chairman McGrath stated and then we have got three of the sides compatible and the front in some, in some equally compatible new facing for want of a better word.

Mr. Notarianni was inaudible.

Chairman McGrath stated and now your out, you are quite honestly if you are in the paint chips you are out of his bailiwick and now you are more towards the ARB and they will be, they will be advising and guiding you on that.

Mr. Popelmayer stated sure.

Chairman McGrath stated is there anyone else on the Planning Commission that wishes to add anything or.

Don Willey stated um Mr. Chairman.

Chairman McGrath stated please Mr. Willey.

Don Willey stated yeah, he, he has looked at it and he thinks that the front as it is presented here is, is somewhat compatible with the west and the south side brick, it's a buff 207A buff and a, he would think that the north side would only enhance the, the building and it looks kind of ragged over there and, and that old building that's there, you know, a good, a good wind might a, might, might take it down Bennett Road you know.

Mr. Popelmayer stated we kind of like that yes.

Don Willey stated so a, yeah, laughs, so it would be his recommendation that a, maybe one of front colors that you just carry that, that on, on to the north side that.

Mr. Notarianni stated we can do that.

Don Willey stated yeah, and, and and he thinks it, it will enhance you know as people drive by and so forth, he thinks it will look nice and that's concrete block so that won't be to bad to do.

Mr. Popelmayer stated right uh um.

Don Willey stated but those are his comments Mr. Chairman.

Mr. Popelmayer stated Thank You, we appreciate your comments.

Don Willey stated yeah, sure.

Chairman McGrath stated if, if we can come to some agreement that all, that is what you are prepared to do, he personally would be prepared to send it back to ARB because he knows you would like to open timely and take advantage of the summer season he is sure.

Ms. Cawthorne stated uh um.

Chairman McGrath stated and depending on how you can work them back on to your Agenda, work out the minutia of what we have talked about tonight and he, he personally, he can't speak for the Commission he personally can see no problem next time the Applicant comes back as long all the i's are dotted and the t's are crossed, if there is anyone else that wishes to add anything this would be the appropriate time to do that.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey, please.

Don Willey stated are, are, are you recommending that we approve this tonight and have the, the aesthetics worked out by the ARB rather than the Applicant coming back.

Chairman McGrath stated he would be comfortable with that.

Don Willey stated he would too.

Chairman McGrath stated but that would require a motion.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated if she may please, Mr. Kundla can you tell her if your, the items that are left are, are in your opinion more minor in nature that would go back to ARB or did you feel strongly in terms of, of some of the materials that aren't being used and should be used here or she just wants to be sure that your are satisfied in terms of us granting this Conditional Use Permit.

Mr. Kundla stated some of, some of, the a part of the discussion that we have had in the two meetings that we have had with the Applicant's here, we have discussed things like a thin brick, a Nova Brik.

Mayor Luks stated uh um.

Mr. Kundla stated which is a similar product, we have discussed the EFIS which is an exterior insulation finish system a fake kind of stucco looking system, these systems are inexpensive to do but again he can not speak for the applicant's budget but we made such suggestions they are, the corner of the building adding some kind of system be they trim boards, be they some other sort of relief to give dimension to the corners of the building so that it is not a flat front looking building a, with that being said, the awnings follow that same rule by giving a bit more dimension to the building itself beyond that if, it would

certainly be the position of ARB that we would love to see more than what is currently being presented to the Commission here.

Mayor Luks stated okay.

Mr. Kundla stated but with that being said if we need to go with just colors we will be more than happy to work out with them to make it a more cohesive from a color standpoint.

Mayor Luks stated okay Thank You and Mr. Chairman.

Mr. Kundla stated okay.

Mayor Luks stated to the, one of the Applicants, whomever wants to answer a, it is her understanding that you have had these conversations at the ARB about the use of, of other materials for the facing and you seem to have rejected those suggestions or certainly haven't brought them forward in your proposal and she was wondering if you could explain your thinking on that.

Mr. Popelmayer stated basically what we wanted to do is enhance the front of the building, make it a little bit more aesthetically pleasing and we felt that, that was the most cost effective way for us and to keep, you know keep the rent down to where you know we can get somebody in there and start running the business.

Mayor Luks stated she understands that, that might be the most inexpensive way to, to you know to spruce up the building but, is it truly cost prohibitive to do some of these other suggestion she means, it is her understanding that some of these materials are, are relatively inexpensive and it might make a major difference in the overall appearance of that building without necessarily having to drive up you're your rent.

Mr. Popelmayer stated we have talked to a couple of people about doing things like that and where the, you know there is a cost with the material itself and there is also a cost as far as installing material, that type of thing.

Mayor Luks stated uh um.

Mr. Popelmayer stated in fact a, and, and one of the people, one of the people mentioned that a one of the types of surface sometimes you know, he has seen problems with it when it's been applied so you know we just wanted to kind of stay away from that.

Mayor Luks stated well, there is a, years, in, in a recent years we have had the County come out and look at some of the areas in the City to determine qualification for a store front loan program and some of the properties in the City have been designated as target improvement areas she is not certain whether your property is or is not, it may be eligible for loan interest loans that, that can be used for this type of improvement, is that something that would be of interest to you.

Mr. Popelmayer stated it is something that we might look at uh, unfortunately the timing as it continue to go on may make our Applicant possibly less anxious to do, to move in because you know she quite honestly has to make decision to get on with her you know activities as

well and he is not sure how, how long the process is to get the loan approved or, or to get, to go through that process, he just doesn't know at this time.

Mr. Kundla stated if he could add to that, it's possible that they could do the changes right now and if they were eligible for that loan, the additional, of any kind of face thin brick or any kind of EFIS system which we have suggested in the past could easily be applied to the building on top of the painted structure at a later date and, and again enhance the building at a future date.

Mayor Luks stated okay.

Mr. Kundla stated and would allow them to still continue with their original plans.

Mayor Luks stated Thank You.

Chairman McGrath stated as he is listen.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated as he listening to this conversation it's becoming apparent to him that whatever tenant you bring forward whether it's Ms. Cawthorne and he hopes that ultimately she is your tenant but whatever tenant you bring forward you are going to need to do some significant upgrades to this building, you have had what appears to be the benefit of many years of non-upgrading so you have got some financial cushion if you will and that's your business not ours any tenant that you bring forward is going to necessitate on your behalf some upgrading so it may be time to step up to the plate and do it because this conversation is not going to go away whether it's with this tenant or the next tenant, or the tenant after that, perspective tenant, you are going to need to do some things with that building and if you would view it perhaps in that context it might be beneficial to you and your perspective tenant in the long run just, just an opinion that he shares with you.

Chairman McGrath stated anyone else.

Chairman McGrath stated absent any motion, he will suggest we table it till the next meeting.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated a, she is sorry, did she miss something she thought we were going to send them on to ARB.

Chairman McGrath stated he thought we were but there was no motion and he wasn't prepared to make one quite honestly.

Mayor Luks stated all right.

Chairman McGrath stated he is not sensing a great sense of commitment here from, from the Applicant, from the tenant, perspective tenant yes, he is getting no feedback from the owner of the building and he is not prepared to make a motion.

Mayor Luks stated Mr. Chairman, you are asking for a commitment from the property owner.

Chairman McGrath stated he is asking for the property owner to do, what, to acknowledge the fact that this is, this is, the issue with the building is not going to go away whether it be with this tenant or a future tenant and they have heard suggestions from the ARB on at least two occasions which they have not found, found agreeable to them to his knowledge at this point he is hearing no commitment from the Applicant other than painting, painting the front of the building which in his opinion and putting pilasters, pilasters on the corner which is not enough in his opinion a.

Mr. Notarianni stated inaudible.

Chairman McGrath stated well then they probably need to go back to the ARB and talk about because what else we want you to do has been delineated, been delineated for you pretty clearly Sir.

Mr. Popelmayer stated we, we talked to them and one of the options that they did put forward.

Chairman McGrath stated he is sorry.

Mr. Popelmayer stated we did talk with them and one of the options that they did put forward was we did talk with them and one of the options that they did put forward was painting the front of the building is that, you know the, the best option that everybody in the world would want, no, but it was one of the options and that's you know basically the one we looked at, and there are other costs that we are putting in, you know he have had to re-do the, you know things like the roof and the inside because of some leaking from the previous tenant, we have to redo the asphalt drives so there are other costs involved that we also have that we have to do before she moves in.

Chairman McGrath stated and some could argue that those are normal maintenance Sir some could.

Mr. Popelmayer stated you could, you could but the bottom line is those are costs that we have to incur.

Chairman McGrath stated understood.

Mr. Popelmayer stated so you know there are other, other money that we are putting into this as well.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated and, and you are also agreeing that you will paint the north side of the building as well correct.

Mr. Popelmayer stated that is correct Mayor.

Mayor Luks stated as part of this a okay.

Mr. Popelmayer stated yes.

Mayor Luks stated and she thinks what what the Chairman is trying to extract from you is just some sort of a agreement from you, some verbal commitment from you that on, an ongoing basis you are going to continue to look for ways to maintain and improve the appearance of the property, she thinks that is what he is looking for here.

Mr. Notarianni stated correct.

Mr. Popelmayer stated we agree.

Mayor Luks stated you agree, okay Thank You.

Chairman McGrath stated good, Thank You, Thank You Mayor.

Mayor Luks stated Mr. Chairman she moves that we approve this after we hear from the Law Director.

Mr. O'Donnell stated Thank You, he just wanted to point out that the, certain conditions this is currently now located in TCD - 1 and it's a condition, it's a basically permitted as a conditional use and the Code requires that you follow 1262.07 on Conditional Uses and everything that he has heard hear tonight he would just suggest as part of the motion his understanding is that conditions would include painting the front facing Bennett obviously and painting the north side and that the Board would have to find that this is a necessary use not there is an odd requirement but it says that, the requirement is that it is not located, it's not closer than applicable with regard to schools, churches and other places of assembly and this isn't, the location extending intensively shall be such that it's operation would not be more objectionable to nearby buildings and this building and use had been there for a, long periods of time, he doesn't think it would be objectionable and he is sure that the Board here would find that, that a it would be harmonious in the area again, it's been there for years, this same particular use it wouldn't be disruptive. Mr. O'Donnell stated and the use will be, the proposed use is permitted in a district that's more restrictive, he doesn't think that applies here anymore because it's listed as a conditional use and that the hours of operation won't make the use more hazardous and it's been used as this before and he doesn't think there has ever been any issue with that so.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated she is sorry were you finished.

Mr. O'Donnell stated yes he was.

Mayor Luks stated okay, um, just for the record there were issues surrounding this property in the past and the use by the resident that lives to the south who had fears of cars basically going off that embankment and coming onto her property, car lights shining on her property, debris and that sort of thing ending up on her property and she believes that there was fencing required correct.

Mr. Popelmayer stated that, that is correct.

Mr. Notarianni stated yes.

Mayor Luks stated and, and to her knowledge that has solved the problem so although yeah there were some problems in the past, those have been solved, Thank You.

Chairman McGrath stated Thank You, so we have a motion.

Ms. Fashempour stated can, can she just state, in the motion for the Conditional Use Permit Mr. O'Donnell, she believes that the Planning Commission needs to state the items for the Conditional Use Permit and then a time frame, didn't the Board want to put a time frame, that they would be completed by such a date so that if those items weren't completed by the date that Conditional Approval it then, the use would be null and void but somewhere in the Conditional Use that they state so when it goes to Council there is a list of items that that fall in there.

Mayor Luks stated uh um.

Chairman McGrath stated off hand his thought is 90 days.

Mr. O'Donnell stated well the effective period in the Code is one year, the, the Use becomes null and void if substantial construction is not started within one year from the date of approval so that's already in the Code.

Chairman McGrath stated okay Thank You.

Chairman McGrath stated so occupancy can take place.

Mr. O'Donnell stated after approval up to one year.

Chairman McGrath stated okay Thank You.

Chairman McGrath stated Ms. Cawthorne.

My name is Cyndi Cawthorne, she lives 7699 Montello Road, Independence, Ohio, just so she understands, if you approve this permit this evening then we can move in after occupancy is issued or does it have to go to Council here.

Ms. Fashempour stated it has to go before Council.

Ms. Cawthorne stated and when is that, the next approval.

Ms. Fashempour stated it would probably be in a couple weeks depending on what her Agenda is.

Ms. Cawthorne stated okay, and she can try to get it in and then what happen after that point.

Ms. Fashempour stated once it's approved by Council then you can apply for your occupancy.

Ms. Cawthorne stated okay.

Chairman McGrath stated if, if for example it were approved this evening you would want to talk to the Council Office as soon as tomorrow morning so that you fall whenever her agenda cut off is, whatever the deadlines are so that you could be at the first possible Council meeting, would that be correct.

Ms. Fashempour stated yes.

Ms. Cawthorne stated all right.

Chairman McGrath stated Thank You.

Ms. Fashempour stated we will need two motions, one to approve the façade and send it on to ARB and then the second one to come back and tie that into the Conditional Use Permit.

Mayor Luks stated okay, Mr. Chairman.

Chairman McGrath stated please.

Mayor Luks stated it is her understanding that they are going back to ARB for their approval and so she guessed she questions whether we need to list the colors of paint and all of that at this point she thinks we can probably leave that to ARB as long as we list the fact that we are expecting the Applicant to go forward with the façade improvements as it will meet, as it meets the approval of the ARB and, and that is tied to our approval of the Conditional Use, so she moves that we grant Conditional Use Permit on that condition that the Applicant satisfactorily meets all of the requests and issues of the ARB on this store front and that the north side of the building be addressed as well.

Chairman McGrath stated and with the understanding that there will be continuing.

Mayor Luks stated ongoing maintenance.

Chairman McGrath stated ongoing maintenance and upgrading as.

Mayor Luks stated as needed.

Chairman McGrath stated as needed, as, as, dictated.

Ms. Fashempour stated you want ARB's approval before they go to Council for the Conditional Use because you are doing, well, the ARB.

Mayor Luks stated as far as she is concerned Council can do the same thing, Council can approve the Conditional Use Permit with the same condition.

Chairman McGrath stated we can move it out of here and then it's before them.

Ms. Fashempour stated okay.

Don Willey stated inaudible.

Mr. O'Donnell stated so it's a recommendation from Planning really.

Chairman McGrath stated we have a motion, do we have a 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 - Mayor Luks, Willey, Bull, Chairman McGrath.
Nays: None. Motion carried.**

Chairman McGrath stated it is approved, Good Luck to all of you.

Ms. Fashempour stated and then she also needs a motion for the approval of the façade and the landscape for them because it was a separate submittal.

Mayor Luks stated um.

Don Willey stated is this a.

Mr. O'Donnell stated same motion.

Mayor Luks stated uh um, Mr. Chairman she moves to approve the façade and landscape with the condition that the Applicant works out the fine details with the ARB to to the ARB's satisfaction.

Don Willey stated he seconds it.

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

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

Chairman McGrath stated approved, again Good Luck.

Mr. Popelmayer stated Thank You very much.

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.

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

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

So moved Don Willey.

Second Victor Bull.

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

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

Thank You, my name is Bill Kelleher, Century Sign Company, 7401 Exchange Street, Cleveland. Mr. Kelleher stated we are here seeking approval for the Sunoco monument sign, at the last meeting there was a question of whether or not the sign was in the right of way, we have since had that property surveyed, the right of way line marked and a the sign is not in the right of way and we have a statement to that affect, from Dalia Consultants who did the work, we also had submitted a landscape plan to fill the island with some low plantings and we have also submitted a little bit better a blow up of that corner with some measurements on it to show you exactly how big the island is where the sign is located within the island and how far back from the street that the sign is.

Chairman McGrath stated to the Building department any comment please.

Mr. Alvarez stated he has no comment Mr. Chairman.

Chairman McGrath stated Thank You, Engineering any comment.

Mr. Merdes stated a, he believes that the, the Applicant is, is correct that a survey was performed and that the sign is in fact not located within the right of way but is located on their property.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone on the Commission any questions.

Chairman McGrath stated anyone in the audience any questions.

Chairman McGrath stated any motions.

Don Willey stated motion to approve as submitted Mr. Chairman.

Victor Bull stated second.

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

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

Mr. Kelleher stated Thank You.

Chairman McGrath stated that approval is granted, your welcome.

North Coast Drilling Service, Inc., Realty One - Sprague Road and York Road. Approval for installation of a 1" pre pack well, the finish cap on the well will be 6" flush mount followed by a 2 x 2 concrete pad. Tabled.

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

So moved Don Willey.

Second Victor Bull.

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

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

Chairman McGrath stated and share with us, your name, your home address, speak into the microphone and share with us what you will.

Yes, my name is Paul Zahrte actually with Parsons, North Coast Drilling is one of our Contractors and he lives at 4054 Sarasota Drive in Parma.

Chairman McGrath stated and share with us what you will please.

Mr. Zahrte stated were here tonight, we had proposed putting a monitoring well within the tree lawn at the southeast corner of York and Sprague Road which is west of the Realty One Building to investigate a release of petroleum hydrocarbons, there used to be a gas station at that corner and Bureau of Underground Storage Tanks a State Regulatory Agency has required us to install an additional monitoring well to the west of the site and that's basically, we have to move a little further out and that's why we are putting it in the tree lawn which is within the City's jurisdiction, last time this was here he understands there were some questions he thinks about a how the well would be abandoned when it was done and he is not sure what other questions there may have been.

Chairman McGrath stated to the Engineer, any comment please.

Mr. Merdes stated Thank You Mr. Chairman, yeah the most of the questions were his questions and they related to the situation with the current wells, these new wells how, if there was a time frame on them and how they would be abandoned and we received which he thinks you all have answers to, to three questions, are there presently monitoring wells at the location, how long will the wells be in place at the proposed location and what will happen when the project is done, how will the wells be removed, he reviewed the information and he is satisfied with the, the answers to those questions, the other issue he had was previously there was an agreement signed and he just had a suggestion that again the we enter into an agreement similar to the one before.

Chairman McGrath stated Thank You very much.

Chairman McGrath stated to the Building Department anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated anyone on the Commission anything.

Chairman McGrath stated anyone in the audience anything.

Chairman McGrath stated any motions with the understanding that an agreement should be required to be signed as, as has been done in the past.

Don Willey stated motion, motion to approve predicated on the signing of a agreement with the City of North Royalton and the Applicant.

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

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

Chairman McGrath stated approval is granted with the understanding as stated.

Mr. Zahrte stated okay, so we will need to sign an.

Chairman McGrath stated an agreement as specified by the Engineer.

Mr. Zahrte stated okay.

Chairman McGrath stated if you check with the Engineer's Office in the morning, he will fill you in.

Mr. Zahrte stated okay.

Chairman McGrath stated Thank You very much.

Mr. Zahrte stated okay, all right, Thank You.

New Business

Sign Approval

Frank Romano, **Romano's Farmers Market and Deli**, 8875 Ridge Road, Local Business Zoning. Signs Approval.

Ms. Fashempour stated and the Applicant is here this evening.

Ms. Fashempour stated you can move that microphone back so you have it by the table.

My name is Sara Johansen, 2822 Tuxedo Avenue, Parma, Ohio. Ms. Johansen stated she is representing Frank Romano this evening and we have submitted sign drawings for one ground sign with the sign cabinet of 4' x 8' and some 2' piers on each side that will actually be concrete

block, split face concrete block to match the façade of the building and she believes the proportions of the sign and the location of it is all Code compliant. Ms. Johansen stated and the building sign on the front gable of the building that is 6' by 9' with the logo as shown that will be above the porch on the gable of the building and the location is shown in this schematic.

Ms. Johansen stated the one issue that was addressed in the comments was the a request for additional landscaping and the owner has had a revised landscape plan done that a to our acknowledge we will be submitting to the Architectural Review Board then because that was their comment, okay but for the record the sign will have some flocks and some evergreens around it now.

Chairman McGrath stated good, Thank You.

Ms. Fashempour stated do you have that revised plan or are they going to get it her.

Ms. Johansen stated she doesn't have copies of it, the Owner will be submitting it tomorrow.

Ms Fashempour stated okay, that's fine.

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

Mr. Alvarez stated Mr. Chairman, again, reviewing the Zoning Ordinances, the wall sign is in compliance with our Codes as well as the ground sign as far as setbacks and heights and areas.

Chairman McGrath stated Thank You, Engineering anything.

Mr. Merdes stated he concurs with the Building Department.

Chairman McGrath stated Thank You, anyone on the Commission, anyone in the audience, any motions.

Mayor Luks stated Mr. Chairman she moves to approve.

Chairman McGrath stated Mayor.

Don Willey stated second.

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

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

Chairman McGrath stated approval is granted, Thank You very much.

Ms. Johansen stated Thank You very much.

Chairman McGrath stated Good Luck to you.

Custom Color & Collision Center, 13390 York Road, General Industrial Zoning. Sign Approval.

Ms. Fashempour stated and she believes that the Applicant is here this evening.

Chairman McGrath stated and please step forward, state your name, your address, speak into the microphone and remember you are being recorded.

Chuck Zingale with Brilliant Electric Sign Company, here tonight speaking on behalf of Custom Color and he is at 4811 Van Epps Road in Cleveland, phone number is 216 741 3800.

Chairman McGrath stated Thank You.

Mr. Zingale stated this is.

Andrea Florjancic, 5040 Corkwood Drive, North Royalton, she is Custom Color and Collision.

Chairman McGrath stated Thanks.

Mike Florjancic from 5040 Corkwood Drive in North Royalton also.

Chairman McGrath stated Thank You.

Mr. Zingale stated he believes that the Members of the Board has received this a color rendering, okay, what we are here tonight seeking is approval on a set of individual internally illuminated letters reading Custom Color & Collision Center the maximum height is 2'4" and then the secondary height is 1'9" with an overall length of 48', the signage is well under Code and it will have red Plexiglas faces and silver trim and returns, it will be lighted with clear red neon and these will be mounted to a fabricated aluminum raceway that will be painted to match the color of the block wall which is a beige tone.

Chairman McGrath stated Thank You, Building Department anything.

Mr. Alvarez stated Mr. Chairman again, the wall sign is in compliance with the Zoning Code and if Planning Commission does approve it tonight then a we would like to see some construction plans in our office for review.

Mr. Zingale stated okay fine.

Mr. Alvarez stated following approval.

Chairman McGrath stated Thank You.

Chairman McGrath stated Engineering anything.

Mr. Merdes stated no comments on the Building sign.

Chairman McGrath stated Thank You, anyone on the Commission, anyone in the audience, motions, and thoughts.

Don Willey stated motion to approve Mr. Chairman.

Victor Bull stated second.

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

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

Chairman McGrath stated approval granted with the understanding that you will give the Building Commissioner what he requests.

Ms. Fashempour stated and you will need to go to Architectural Review Board too.

Mr. Zingale stated okay, Thank You.

Chairman McGrath stated Thank You very much.

Miscellaneous

Ms. Fashempour stated considering we took care of Royalton Beverage, she has nothing else under Miscellaneous Mr. Chairman.

Chairman McGrath stated under Miscellaneous he would be remiss if he didn't point out that today is Administrative Professional Day and he will just take a moment and hope not to embarrass our Secretary and say that since his first involvement with the City and ultimately his involvement with the Administration since 1987 he has come to know and appreciate what our Secretary brings to the table, we are fortunate within our City to have dedicated employees who have achieved either on their own or through outside courses or a combination thereof a high level of professionalism and Brenda typifies that professionalism and he on behalf of the Planning Commission would like to acknowledge and Thank her for her consistent commitment, her hard work, her attention to detail and just for being there for us, Thanks.

Ms. Fashempour stated Thank You.

Chairman McGrath stated Thank You very much.

Ms. Fashempour stated Thank You.

Don Willey stated he, he replicates that statement.

Victor Bull stated he highly concurs.

Mayor Luks stated seconded by her also.

Ms. Fashempour stated Thanks to all of you, she appreciates working with all of you.

Don Willey stated he hasn't known her since 1987 but.

Chairman McGrath stated that's right you were in kindergarten.

Don Willey stated he was just finishing first grade.

Chairman McGrath stated inaudible.

Don Willey stated took a long time folks.

Laughs.

Chairman McGrath stated there you go, well we won't go there.

Adjournment

Chairman McGrath stated on that note, is there a motion.

Don Willy stated motion to adjourn.

Victor Bull stated second.

Chairman McGrath stated moved and seconded.

Mayor Luks stated is that it.

Chairman McGrath stated that's it, Secretary please call the roll.

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

Chairman McGrath stated we are adjourned.

Planning Commission Meeting for Wednesday, April 26, 12006 adjourned at 8:20 P.M.

**Approved: Edward McGrath
Chairman - Planning Commission**

**Attest : Brenda Lynn Fashempour
Secretary - Planning Commission**

Date : May 10, 2006