

*Planning Commission Caucus - February 21, 2007 - 7:10 P.M.*

Present: Victor Bull, Don Willey, Council Representative Ward Three, Mayor Cathy Luks, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer, Lisa Uffman Kirsch, Council Ward Six, Larry Antoskiewicz, Council Ward Five, Rito Alvarez, Building Commissioner, Residents, Court Reporter for Dan Lindner, South Point Community Church, Applicants and Brenda L. Fashempour, Secretary.

Discussion held regarding Chairman Pro Tem, Victor Bull will open the Planning Commission Meeting for 2-21-07, take nominations, close nominations, elect, roll call.

Opening Ceremony - Pledge of Allegiance.

Planning Commission Public Hearing - Two Conditional Use Permits, Avis Rent A Car and South Point Community Church. Public Hearing Notice, Applicants and Residents to speak. Planning Commission Members and Representatives will speak during Regular Business on topics. Refer items to regular order of business, adjournment.

Regular Meeting

Call to order.

Roll call.

Approval of minutes - February 7, 2007.

Old Business

Abbeyville Townhouses - Recreation Allocation. Tabled. No Action.

Abbeyville Townhouses - Preliminary Plan Approval. Tabled. No Action.

Columbia Gas of Ohio - Bentley. Tabled. No Action.

Columbia Gas of Ohio - Glen Drive S. Tabled. No Action.

River's Edge Subdivision - Sketch Plan Approval. Tabled. No Action.

Ordinance No. 06-151 - Telecommunications. Tabled. No Action.

Elizabeth Orosz - Site Plan Approval. Tabled. No Action.

Joseph A. Golubic - Site Plan Approval. Tabled. No Action.

Colliers, Ostendorf-Morris - Temporary Real Estate Sign Approval Tabled. No Action.

C&C Management Group, LLC., Carlo Chiuchiarelli - Site Plan Approval. Tabled. No Action.

New Business

Conditional Use Permit

Avis Rent A Car System, Inc. - Applicant, Planning Commission Members, Representatives, Discussion. Motion.

South Point Community Church - Applicant, Planning Commission Members, Representatives, Discussion. Motion.

Sign Approval

Pita House & More - Sign Approval. Motion.

Mortgage NOW, Inc., - Sign Approval. Motion.

North Royalton Library Branch Cuyahoga County - Sign Approval. Motion.

Grubb & Ellis - Temporary Commercial Real Estate Sign Approval. Motion.

Flair Restaurant & Café - Sign Approval. Motion.

Site Plan Approval

Southwest Industrial Storage LLC., - Site Plan Approval. Motion.

Stevens Painton Corp., - Signs and Site Plan Approval. Motion.

Utility Plan Approval

at&t - Utility Plan Approval. Motion.

at&t - Utility Plan Approval. Motion.

Miscellaneous

Adjournment

*Planning Commission Caucus for February 21, 2007 ended at 7:20 P.M.*

*Victor Bull stated prior to calling the North Royalton Planning Commission Public Hearing to order, we have a few housekeeping matters to take care of, we have to elect a Chair for this evenings meeting. Victor Bull stated so he would ask to open nominations for Chairman Pro Tem for this evenings meeting.*

Don Willey stated he would like to nominate Victor Bull as the Chairman Pro Tem for this evenings meeting.

Mayor Luks stated second.

**Mayor Luks stated she moves that we close nominations.**

**Don Willey stated second.**

**Victor Bull stated it has been moved and seconded that we close nominations for Chairman Pro Tem, any discussion, please call for the vote.**

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

**Ms. Fashempour stated and can we have a vote on the election of Victor Bull as Chairman Pro Tem. Roll call: Yeas: Three - Mayor Luks, Willey, Bull. Nays: None. Motion carried.**

*Victor Bull stated it being about 7:30 on the 21<sup>st</sup> of February 2007, he now calls the meeting of the Planning Commission to order and the Public Hearing to order.*

**The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, February 21, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Pro Tem Victor Bull at 7:30 P.M.**

Victor Bull stated would you please call the roll.

**Present:** Mayor Luks, Victor Bull, Chairman Pro Tem, Don Willey, Council Representative Ward Three, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner and Brenda L. Fashempour, Secretary.

**Absent :** Tony Sandora. **Ms. Fashempour stated may she have a motion to excuse Tony Sandora for cause. So moved Mayor Luks. Second Don Willey. Victor Bull stated moved and seconded, any discussion, please call the roll. Roll call: Yeas: Three - Willey, Mayor Luks, Bull. Nays: None. Motion carried.**

**Opening Ceremony - Pledge of Allegiance. Victor Bull stated would you please join him in the Pledge of Allegiance to the Flag of our Country. Pledge of Allegiance recited.**

#### **Conditional Use Permit - Public Hearing**

Conditional Use Permit - **Avis Rent A Car Systems, Inc.**, Property Owner MSM Real Estates Management Co., 13517 West 130<sup>th</sup> Street, North Royalton, Ohio 44133 - Local Business Zoning. Avis Rent a Car Systems, Inc., has request to lease office space for the purpose of operating a car rental

office. Avis Rent A Car Systems, Inc., states that their office will not create objectionable noise, odors, fumes, smoke or issues with nearby neighbors. Avis Rent A Car Systems, Inc., normal business hours are Monday through Friday 8:00 A.M. to 6:00 P.M. Saturday and Sunday 9:00 A.M. to 1:00 P.M. Avis Rent A Car Systems, Inc., request a Conditional Use Permit because they feel that this type of business will enhance the quality of life for North Royalton residents since there is only one other car rental company in North Royalton, this would give residents and business owners the option to choose.

Ms. Fashempour stated that the Conditional Use Permit Public Hearing Notice was mailed to Property Owners within 500' and posted at the City's Public Posting Places on February 5, 2007.

Victor Bull stated is the Applicant here.

Victor Bull stated come to the microphone, state your name, tell us what you will, know that you are being recorded.

Okay, my name is Nicholas Vaccaro, he is with Avis Budget Group, Inc., representing Avis Rent A Car this evening, we are looking to operate a rental car operation on West 130<sup>th</sup> Street, we will be prepping cars next store in the car wash area, there is already a car wash there and we'll just strictly be doing our, our business, conducting business in the property here that's on the a, the Agenda.

Victor Bull stated Thank You.

Victor Bull stated this being a Public Hearing are there any residents that wish to be heard at this time on this matter.

Victor Bull stated for the Members of the Commission we are going to hold our comments until it has been referred to the Regular Order of Business.

**Mayor Luks stated Mr. Chairman, she moves that we refer this to the Regular Order of Business.**

**Don Willey stated second.**

**Victor Bull stated it has been moved and seconded that we move this to the Regular Order of Business, is there any discussion.**

**Victor Bull stated please call the roll.**

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

Victor Bull stated the next matter for the Public Hearing is a Conditional Use Permit for South Point Community Church.

Conditional Use Permit - **South Point Community Church**, Property Owner Alpha Properties, Ltd., PPN 483-14-004, 13390 York Road, General Industrial Zoning. South Point Community Church would like to relocate their administrative offices, classrooms and church auditorium. South Point Community Church states that very few people will occupy the building during regular business hours. The congregation meets for services on Sunday mornings. There is presently significant street and parking access for the parishioners and the street intersection abutting the property is controlled by a traffic signal.

Ms. Fashempour stated the Public Hearing Notice was mailed to Property Owners within 500' and posted at the City Public Posting Places on February 5, 2007.

Ms. Fashempour stated she also received a letter from their Attorney Dan Lindner which will be part of the record and she believes he is also here to speak.

Attorney Lindner's correspondence attached.

Victor Bull stated is the Applicant or their Representative here, if you would come forward, state your case, know that you are being recorded.

Members of the Committee, I am Pastor Douglas Aey with South Point Community Church and it's our intent to have our Church Services held at 13390 York Road currently in the facility that's located there that has approximately 11,000 square feet and that's our intent to hold all of our Sunday Services and, and additional classes during that time.

Victor Bull stated Thank You, this being a Public Hearing, are there any residents that wish to be heard on this matter.

Victor Bull stated as with the first matter we will hold Commission comments till the Regular Order of Business. Victor Bull stated he would entertain a motion to refer to the Regular Order of Business.

**Don Willey stated motion to refer to Regular Order of Business.**

**Mayor Luks stated second.**

Victor Bull stated it's been moved and seconded, any discussion, please call the roll.

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

**Adjournment**

Victor Bull stated can he have a motion to adjourn the Public Hearing.

So moved Mayor Luks.

**Don Willey stated second.**

Victor Bull stated it's been moved and seconded, any discussion, please call the roll.

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

*Planning Commission Public Hearing adjourned at 7:39 P.M.*

*Victor Bull stated he now calls to order the Regular Meeting of the North Royalton Planning Commission.*

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, February 21, 2007 in regular session.** The meeting was called to order by **Chairman Pro Tem Victor Bull at 7:39 P.M.**

**Present:** Mayor Cathy Luks, Don Willey, Council Representative Ward Three, Victor Bull, Chairman Pro Tem, Thomas P. O'Donnell, Law Director, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

**Absent:** Tony Sandora. Ms. Fashempour stated can she have a motion to excuse Tony Sandora for cause. So moved Don Willey. Second Mayor Luks. Victor Bull stated it's been moved and seconded to excuse Tony Sandora for cause, any discussion, please call the roll. Roll call: Yeas: Three - Mayor Luks, Willey, Bull. Nays: None. Motion carried.

**Approval of minutes:** February 7, 2007 - Ms. Fashempour stated under Approval of minutes - February 7, 2007, if you so choose. So moved Don Willey. Second Victor Bull. Victor Bull stated it's been moved and seconded, any discussion on the approval of minutes for February 7<sup>th</sup>. Victor Bull stated please call the roll. Roll call: Yeas: Three - Mayor Luks, Willey, Bull. Nays: None. Motion carried.

**Old Business:**

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, 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, 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, no action.

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

Ms. Fashempour stated it is tabled, no action.

River's Edge Properties, LLC, **Rivers Edge Subdivision**, PPN 485-12-006 and PPN 485-11-001, Bennett Road, Rural Residential Zoning. Sketch Plan Approval. Tabled.

Ms. Fashempour stated it is tabled, no action.

**Ordinance No. 06-151** - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1290 Wireless Telecommunications Facilities, Section, 1290.03 and 1290.04, and Declaring an Emergency. Tabled.

Ms. Fashempour stated it is tabled, Council Representative Bobulsky, are you ready to go forward on that or should it remain table.

Mrs. Bobulsky stated it can remain tabled until the 2<sup>nd</sup> meeting in March, she will be ready by then.

Ms. Fashempour stated very good, tabled no action.

**Elizabeth Orosz**, 13846 Bennett Road, PPN 482-34-009, Town Center District - 1. Site Plan Approval. Tabled.

Ms. Fashempour stated tabled, no action.

**Joseph A. Golubic**, 11241 Royalton Road, PPN 483-20-007 & 008, General Industrial Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated tabled, no action.

**Colliers, Ostendorf-Morris**, 7171 Royalton Road, Town Center District - 1. Temporary Real Estate Sign Approval. Tabled.

Ms. Fashempour stated tabled, no action.

C & C Management Group, LLC., **Carlo Chiuchiarelli**, 8959 Ridge Road, PPN 489-04-004/005, Local Business Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated tabled, no action.

#### **New Business:**

#### **Conditional Use Permit**

Conditional Use Permit - **Avis Rent A car Systems, Inc.**, Property Owner MSM Real Estates Management Co., 13517 West 130<sup>th</sup> Street, North Royalton, Ohio 44133 - Local Business Zoning. Avis Rent A Car System, Inc., has requested to lease office space for the purpose of operating a car rental office. Avis Rent A Car Systems, Inc., states that their office will not create objectionable noise, odors, fumes, smoke or issues with nearby neighbors. Avis Rent A Car Systems, Inc., normal business hours are Monday through Friday 8:00 A.M. to 6:00 P.M. Saturday and Sunday 9:00 A.M. to 1:00 P.M. Avis Rent A Car Systems, Inc., request a Conditional Use Permit because they feel that this type of business will enhance the quality of life for North Royalton residents since there is only one other car rental company in North Royalton, this would give residents and business owners the option to choose. Approval.

Ms. Fashempour stated and they are looking for approval Mr. Chairman.

Victor Bull stated Thank You will the representative of Avis come forward again, state your name your home address, tell us what you will and know that you are being recorded.

My name, okay, my name is Nicholas Vaccaro, he is with Avis Budget Group Incorporated, here representing Avis Rent A Car Systems, Incorporated. Mr. Vaccaro stated he is currently living at 1440 Lupe Ave., in North Canton, Ohio.

Victor Bull stated Thank You, and again share with us what you will.

Mr. Vaccaro stated we are seeking approval to operate a standard rental car operation out of this office space on West 130<sup>th</sup> Street. Mr. Vaccaro stated we, we operate many suburban agencies locations throughout Northeastern Ohio and Central Ohio, they cater mainly to the local clientele, local businesses, local body shops, garages, car dealerships and they are open for reservations for a local you know renters who, who may reside in the area and don't want to travel either out of town to the Airport, Cleveland Hopkins or possibly Medina or Fairlawn which would be some of our closest offices to, to North Royalton here.

Victor Bull stated Thank You.

Mr. Vaccaro stated yeap, you are welcome.

Victor Bull stated stay up there in case anybody has any questions.

Don Willey stated Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated Thank You, Sir, he has a couple of questions, number one, how many units are you going to have available over there.

Mr. Vaccaro stated well, the office of this size normally would have approximately 10 to 15 rental cars available.

Don Willey stated okay, and so the a, based on the square footage that you have there, that is adequate and okay with the other businesses in that.

Mr. Vaccaro stated yes, we have twenty parking spaces on our lease there.

Don Willey stated okay, now you mentioned about going over to the car wash to service the vehicles.

Mr. Vaccaro stated yes.

Don Willey stated is that where you would wash them and clean the inside out of them and.

Mr. Vaccaro stated yes, there is a commercial car wash adjacent to the property and that's where the cars would be prepped.

Don Willey stated what do you, what's, what's the experience been as far as break ins and so forth, you know we have very little in North Royalton as far as breaking into cars but.

Mr. Vaccaro stated sure, sure, he, he, he manages an office in Fairlawn, Ohio which would reasonable comparison to this size office, he has had that store for about a year now and have had no problems with any vehicle vandalism, any break ins into the office, he also has a store in Medina on North Court Street, in the K-Mart Shopping Plaza which would also be comparable to this type of store and we have had no problems with, with storing our vehicles there overnight or having them parked outside during non business hours.

Don Willey stated so at the maximum you would have twenty two, you designated, your parking allocation.

Mr. Vaccaro stated twenty, twenty.

Don Willey stated twenty.

Mr. Vaccaro stated un um, twenty parking spaces allocated.

Don Willey stated that's all he has Mr. Chairman.

Victor Bull stated Thank You.

Mr. O'Donnell stated Mr. Chairman.

Victor Bull stated Mr. O'Donnell.

Mr. O'Donnell stated how, how many employees will you have at the office.

Mr. Vaccaro stated two, two employees.

Mr. O'Donnell stated so you need two parking places for your employees.

Mr. Vaccaro stated right.

Mr. O'Donnell stated so that leaves eighteen for your cars.

Mr. Vaccaro stated for a fleet right.

Mr. O'Donnell stated and he, so based on that his understanding is that you are not going to keep anymore than eighteen cars there.

Mr. Vaccaro stated yeah, probably, probably keep at the most ten to fifteen and leave some spaces open for customers.

Mr. O'Donnell stated are these parking spaces fronting on 130<sup>th</sup>.

Mr. Vaccaro stated according to the lease it just, it just has twenty spaces available, it, it doesn't say exactly where they are going to be and he doesn't know that they would even be designated parking spaces to be honest with you.

Mr. O'Donnell stated well you are going to try to keep your cars grouped together right.

Mr. Vaccaro stated right, right, as close to the store as possible.

Mr. O'Donnell stated yeah, he means, he thinks that there is, help me if he is wrong, isn't there parking on a row immediately adjacent to the building and then a double row in the center and then maybe parking along the, what would be close to the curb.

Don Willey stated there, there, Mr. Chairman, he thinks a, correct him if he is wrong there is three parking lanes, correct, you drive in, you drive in off of 82, the parking is on the left, there, there face to face parking and then further on the west end of the parking lot that there is a row of parking spots there facing West 130<sup>th</sup> street.

Mr. Vaccaro stated right exactly.

Victor Bull stated to the Building Commissioner.

Mr. Alvarez stated Thank You Mr. Chairman, to the Applicant, a if the City approves this project, the approval here, we would have to, you would have to, Avis would have to have plans submitted to the Building Department prepared by a Registered Design Professional.

Mr. Vaccaro stated okay.

Mr. Alvarez stated for the interior alteration of this particular space for compliance with the Ohio Building Codes.

Mr. Vaccaro stated sure.

Mr. Alvarez stated so again upon approval there.

Mr. Vaccaro stated he understands, Thank You.

Mr. Alvarez stated no further comments Mr. Chairman.

Victor Bull stated Thank You, City Engineer.

Mr. Merdes stated Thank You Mr. Chairman, to the Applicant, does your proposal include any changes to the site.

Mr. Vaccaro stated interior or exterior.

Mr. Merdes stated exterior.

Mr. Vaccaro stated exterior, no, just, just interior.

Mr. Merdes stated he has no further comments, Thank You.

Victor Bull stated Thank You and to the Law Director.

Mr. O'Donnell stated yes, a, he a Thank You, he has one other question, and Brenda can probably can, can help me answer this, was this particular applicant before this Board before on a Conditional Use Permit, this same Company.

Ms. Fashempour stated yes.

Mr. O'Donnell stated and, but they had a different location correct.

Ms. Fashempour stated correct.

Mr. O'Donnell stated but still within the same Industrial Zone.

Ms. Fashempour stated they were in an Industrial Zone, they are now in Local Business.

Mr. O'Donnell stated they are in Local Business.

Mr. O'Donnell stated all right.

Ms. Fashempour stated it was Royalton Automotive off of 82.

Don Willey stated Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated Mr. O'Donnell while you are researching that as he recalls from the meeting, Avis was going to take the spot that, who was it Budget was other at 130<sup>th</sup>, right across the street, that auto, autobody shop they had a little space in there.

Ms. Fashempour stated Enterprise.

Don Willey stated Enterprise, he is sorry.

Mr. O'Donnell stated Enterprise.

Don Willey stated and he understood that, that was going to be the same business use but just a different a, a, different business and he noticed in your application you did say that you would be the second so apparently Enterprise decided to stay.

Mr. Vaccaro stated right, right.

Don Willey stated Thanks.

Mr. Vaccaro stated this is our alternate choice.

Mr. O'Donnell stated okay, well just so we can, we cover this in the, in the, record, the requirement for a Conditional Use Permit is, there are several factors, one that this proposed use is necessary to serve community needs and that existing similar facilities located in a less restrictive or more remote districts are inadequate, did you guys search any other zoning district for space for your, locating your business.

Mr. Vaccaro stated to be honest with you, he is not aware of what is there was.

Mr. O'Donnell stated you know that.

Mr. Vaccaro stated he knows this is, we, we did look at another piece of property as Mr. Willey mentioned, but this is our alternate choice.

Mr. O'Donnell stated all right and.

Mr. O'Donnell stated the next item is the proposed use is not closer than applicable regulations indicated in the particular situation to schools, churches or other places of assembly, where there is no schools in the, in the immediate vicinity, he doesn't know if there is a church, is there, like a storefront church there.

Ms. Fashempour stated she believes so.

Don Willey stated yes.

Mr. O'Donnell stated okay. Mr. O'Donnell stated it's in the same plaza, the storefront church, does anybody know how they operate.

Don Willey stated very close to the budget.

Laughs.

Don Willey stated they, they have Sunday Services and he thinks they may meet on Wednesday nights and they have ministering one, one other night he thinks from what he understands Mr. Law Director.

Mr. O'Donnell stated your business going to be open on Sundays.

Mr. Vaccaro stated limited from between 9 A.M. and 1 P.M. yes.

Mr. O'Donnell stated okay have you considered, he doesn't know what the parking is like on Sundays when the Church in, that same plaza has services, do, have you checked that out.

Mr. Vaccaro stated no, we haven't,

Mr. O'Donnell stated okay the third criteria is that the location, extent, and intensity of the proposed use shall be such that it's operation will not be more objectionable to nearby dwellings by reason of noise, smoke, dust, odors, you are not a noisy operation.

Mr. Vaccaro stated no, no, not at all.

Mr. O'Donnell stated just like a basic office, you people come in, rent cars, they take the car and leave, right.

Mr. Vaccaro stated exactly.

Mr. O'Donnell stated right. Mr. O'Donnell stated the fourth proposed use will form a harmonious part of the research service and industrial district taking into account among other things convenience of access and the relationship of one use to another.

Mr. O'Donnell stated you have said before your office in Fairlawn, is that in like a business plaza.

Mr. Vaccaro stated yes, that's in Montrose Center Plaza.

Mr. O'Donnell stated okay, so it's common to have a car rental offices in a business plaza.

Mr. Vaccaro stated yes Sir.

Mr. O'Donnell stated the proposed, proposed use will be permitted in a district more restrictive than one which is permitted by right only because of it's limited extent, modern equipment and processes, he is not quite sure what that means.

Mr. O'Donnell stated hours of operation, concentration of vehicles, we sort of touched on that, maybe you need to just.

Mr. Vaccaro stated sure.

Mr. O'Donnell stated get some ideas to how your operation is going to affect or be affected by the Church that's in the same plaza.

Mr. Vaccaro stated well we are, like, as you mentioned earlier, we are open Monday through Friday from 8 A.M. to 6 P.M. and then a limited hours, 9 to 1 on the weekends, these, these agencies tend to have a heavy use for what we consider leisure renters on the weekends, a lot of, most of the fleet, if not all of it is out Thursday, Friday, goes out the door and then they start returning a Monday morning, all through Monday, what we consider weekend renters, we like to have most of the fleet out of these locations for the weekends so if we plan on keeping maybe ten cars there at the most, we hope that and, and his past experience has been that there cars go on rent Thursday, Friday when we lower our rate which make them attractive to a, to local renters and the leisure market in this part of, of the community and they are returned back either late Sunday evening or early Monday Morning prior to you know the renters returning back to work, they stay, they have a very slow, they are going out Thursday, Friday and coming back a late Sunday evening and early Monday morning and a.

Victor Bull stated is there a provision if all the cars are out on a weekend to bring additional cars in to rent.

Mr. Vaccaro stated only if needed, only if reservations dictate that, we don't just bring cars to a location just to have them sit there in a parking lot only if that, if that agency operator actually needs them to to meet their, their business demands for that weekend.

Mr. O'Donnell stated Mr. Chairman.

Victor Bull stated Mr. O'Donnell.

Mr. O'Donnell stated are renters able to drop a vehicle off over the weekend when the office is closed.

Mr. Vaccaro stated at some of our locations yes, we have after hours drop boxes.

Mr. O'Donnell stated how about this location, what's intended for that.

Mr. Vaccaro stated no, no,, no there would be, be probably no, most of our strip malls, our stand alone location do have after hours drops but most of these, these these type of plaza locations you have to return the car during normal business hours when when the site actually manned.

Mr. O'Donnell stated okay.

Don Willey stated Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated he, he believes the, and he could be wrong but he thinks the other businesses in the Plaza he doesn't know except maybe the corner business it's a bar, whether or not there any other ones are operating on a Sundays, so the sign shop he doesn't believe they are there, there are several other businesses in there and he doesn't believe that a any of them are open on Sunday. Thank You.

Victor Bull stated Thank You Mr. Willey.

Victor Bull stated any other comments from Commission Members.

Mayor Luks stated Mr. Chairman.

Victor Bull stated Mayor.

Mayor Luks stated a, she thinks that it would be prudent for us to table this this evening just to give us the opportunity to ensure that there is not going to be a conflict or a problem between the storefront church that is located there on Sunday and your business. Mayor Luks stated a suspects there won't be a problem but she would like to make certain of that before we act on this, so, if we could get that information will, will make point of getting that and then look at this at the next meeting.

Mr. Vaccaro stated okay, Thank You your Honor.

Mayor Luks stated and Mr. Chairman she moves to table.

Don Willey stated second.

Victor Bull stated he will second that.

Victor Bull stated it's been moved and seconded, that we table, any discussion.

Roll call: Yeas: Three - Willey, Mayor Luks, Bull, Nays: None.  
Motion carried.

Victor Bull stated it's been tabled, thank You.

Mr. Vaccaro stated Thank You.

Ms. Fashempour stated can she have your telephone number Sir, just so that she can give you a call.

Mr. Vaccaro stated sure, 216-244-6146.

Ms. Fashempour stated okay.

Mr. Vaccaro stated Thank You.

Ms. Fashempour stated Thanks.

Conditional Use Permit - **South Point Community Church**, Property Owner Alpha Properties, Ltd., PPN 483-14-004, 13390 York Road, General Industrial Zoning. South Point Community Church would like to relocate their administrative offices, classrooms and church auditorium. South Point Community Church states that very few people will occupy the building during regular business hours. The congregation meets for services on Sunday mornings. There is presently significant street and parking access for the parishioners and the street intersection abutting the property is controlled by a traffic signal. Approval.

Ms. Fashempour stated and Mr. Chairman they are looking for approval.

Victor Bull stated Thank You, would the representative please step forward, state your name, your home address and tell us what you will.

Hello, I am Dan Lindner, he is the Attorney for South Point Community Church, his address is 8650 Peppermill Run, Chagrin Falls, Ohio 44023.

Victor Bull stated Thank You Mr. Lindner.

Mr. Lindner stated um, Good Evening everybody, as, as, as a matter of presentation he believes there are two avenues by which his client could be permitted to operate in the facility that we are requesting. Mr. Lindner stated one is under the Similar Use provisions of your Code and one is also under Conditional Use provisions of your Code and the Similar Use discussion is a result of he believes we have mentioned it in the previous hearing of the storefront church that's located within the Industrial District, he believes there is actually two churches in the industrial district and, and they have been found at least the storefront one was a permitted use and they believe that their Church functionally is the same thing and therefore we believe it would qualify as a Similar Use under 1262.08 similarly under 1262.06 our, as his clients will, as his client and the property owner will tell you they have factually every element necessary to satisfy either, either test. Mr. Lindner stated so he is going to let them do the talking from this point forward. Mr. Lindner stated he has with him Bob Nottrodt who is a property owner, he presumes.

Yes, his name is Bob Nottrodt, 26750 Schubert Drive, Westlake.

Mr. Lindner stated does he need to be sworn, no, okay.

Mr. Lindner stated Mr. Nottrodt, you are, you're the property owner correct.

Mr. Nottrodt stated yes, one of the partners.

Mr. Lindner stated okay and a you are familiar with the Industrial District.

Mr. Nottrodt stated yes he is.

Mr. Lindner stated in North Royalton of course.

Mr. Nottrodt stated that is correct.

Mr. Lindner stated and are you familiar with other churches in that Industrial District.

Mr. Nottrodt stated yes he is.

Mr. Lindner stated and you are familiar with what our tenant in your property is looking to do there correct.

Mr. Nottrodt stated correct.

Mr. Lindner stated do you, to your knowledge is that similar or even the same use as the other churches within that Industrial District.

Mr. Nottrodt stated basic the same.

Mr. Lindner stated okay, Thank You.

Victor Bull stated Thank You.

Mr. O'Donnell stated he, he, Mr., if you are asking questions, he might as well ask a question to.

Mr. Lindner stated sure.

Mr. O'Donnell stated Mr. Nottrodt, you don't know how the other churches got there use in their locations in that district.

Mr. Nottrodt stated basically all he knows is the Royalton Business Park he believes you call it, there is a church back there.

Mr. O'Donnell stated okay, but you don't know if there use was granted by the Planning Commission or not.

Mr. Nottrodt stated that he does not know.

Mr. O'Donnell stated Thank You, that's all.

Mr. Lindner stated and also with him he has Pastor Doug Aey, Douglas Aey, South Point Community Church. Mr. Lindner stated Pastor could you a tell him, you have had an opportunity to explore other churches in the Industrial District correct.

Pastor Aey stated that's correct.

Mr. Lindner stated okay and with what you are going to be doing at the particular property we are here for, is there any significant difference in function.

Pastor Aey stated no there's not.

Mr. Lindner stated okay, actually talk into the microphone just in, just in case.

Pastor Aey stated none whatsoever.

Mr. Lindner stated okay, and tell the, tell the Committee a little bit about what you are going to be doing in this property.

Pastor Aey stated at this specific property we would like to hold our Church Services, our normal Sunday Services there, currently in the facility that we have in Seven Hills, we have family life center, it's a counseling center that a is there to aid people of the community, through divorce care and grief share and things of that nature and we hope to have that functioning there as well, which would just be during normal business hours.

Mr. Lindner stated is there a portion of your congregation that is a comprised of North Royalton residents.

Pastor Aey stated currently there's about 18% of our congregation that comes from North Royalton.

Mr. Lindner stated okay, and tell him about the facility itself, as it relates to parking access

Pastor Aey stated well currently there are two access points into the parking area that a, the actual spaces are not marked but a there is approximately a he believes a little over 125 spaces that comprise the the total common area for that facility.

Mr. Lindner stated and, and as far as traffic control, there is traffic light at the intersection where the property is located correct.

Pastor Aey stated that's correct.

Mr. Lindner stated tell, tell me about the a, a population of, of work staff and and members that might be present during normal business hours, like during the work week.

Pastor Aey stated well currently a, we have one full time person which would be himself and then we have an intern, two part time staff people, secretary about total of about 4 to 5 people.

Mr. Lindner stated and when is most of, when do most of your people show up at, at the church facility.

Pastor Aey stated normally it's not until Sunday Morning which would be approximately he is going to say 10:30 and then are services are over by the time everyone clears out close to noon.

Mr. Lindner stated how long, how large of a congregation do you have in regular attendance.

Pastor Aey stated about 200 members.

Mr. Lindner stated okay, and a, actually he, he doesn't have anything further.

Victor Bull stated Law Director.

Mr. O'Donnell stated Mr. Chairman, yeah, he just wants to follow up, is the facility you have in Seven Hills is that also going to be a, an assembly facility for services or some other use.

Pastor Aey stated currently we hold our services at the Normandy High School Auditorium located right in Parma.

Mr. O'Donnell stated okay, he knows where it's at.

Pastor Aey stated we currently just have our administrative offices and our counseling center in that other facility.

Mr. O'Donnell stated you, you intend on keeping the Seven Hills facility and.

Pastor Aey stated no, we, we intend to combine them all under one, one facility.

Mr. O'Donnell stated okay, um, it's, does your Church, do you intend to use the facility for fund raising events.

Pastor Aey stated can you clarify what you mean by fundraising.

Mr. O'Donnell stated well, a lot of churches will hold bingo.

Pastor Aey stated a no, that.

Mr. O'Donnell stated he, he.

Pastor Aey stated yeah.

Mr. O'Donnell stated he, he, it actually sounds funny but it's.

Pastor Aey stated no, he would understand your point, no we don't.

Mr. O'Donnell stated he means, churches do fund raising because they use obviously the funds for outreach and ministry and things like that, that's all legitimate, he is just asking because it would be another assembly type of use.

Pastor Aey stated yes, no, the only, the only issues related to that would be when we held our Capital Campaign but that was predominately just our, our congregation.

Mr. O'Donnell stated how about a, since it sounds like you haven't had all your facilities under one roof, how about plans for festivals and things like that.

Pastor Aey stated a none.

Mr. O'Donnell stated he is asking because obviously these will have a potential impact on, on traffic.

Pastor Aey stated yeah.

Mr. O'Donnell stated so, you know, if you had some kind of a large art festival or just a you know typical carnival type festival it would have an impact but you are not planning any so that's that's okay.

Mr. O'Donnell stated no casino gambling.

Pastor Aey stated not unless any of you want to join us.

Mr. O'Donnell stated no, it's just, a raises the hair on the back of his neck sometimes because it's a hard issue to really kind of get your hands around.

Mr. O'Donnell stated with the traffic light, you anticipate really not needing, do you think you will need anybody for traffic control, or do you think that the traffic light will be adequate.

Pastor Aey stated he doesn't, he wouldn't foresee it at this time, however if such a need arose we would certainly move to do that.

Mr. O'Donnell stated yeah, and and the procedure for that is obviously all traffic control has to go through the North Royalton Police Department so you, your willing to do that if necessary.

Pastor Aey stated absolutely.

Mr. O'Donnell stated all right.

Mr. O'Donnell stated so services on Sundays, no prayer services during the week.

Pastor Aey stated from time to time there may be but those would be after normal business hours, usually maybe 7:30 in the evening.

Mr. O'Donnell stated right.

Pastor Aey stated but they would not, usually those types of meetings don't comprise large amounts of your congregation.

Mr. O'Donnell stated right.

Mr. O'Donnell stated the hierarchy of the Church, he means is it Elders, Board of Elders, or Board of Trustees or.

Pastor Aey stated we have a Board of Trustees as well as a Board of Elders that comprise the leadership.

Mr. O'Donnell stated and these are not large board, so when they hold meetings it's usually just a few cars.

Pastor Aey stated that's correct.

Mr. O'Donnell stated okay, those are all the questions he thinks he has, he thinks that Mr. Lindner provided to the a Planning Commission a brief.

Mr. Lindner stated in effect yeah.

Mr. O'Donnell stated four pages, and and he just wanted to comment on the Similar Use issue, he thinks that the Code anticipates Similar Use being declared by the Planning Commission that's why he asked the question before he don't, he really doesn't know how those other churches got in the Industrial Park and he suspects they were granted by a previous Building Commissioner and that in his opinion wouldn't constitute a declaration of a Similar Use by this Commission, Planning Commission, he thinks the Planning Commission would really have to field

an application, declare it a Similar Use and then according to rules the Similar Use changes the permitted uses in the zoning district and he thinks that's why he he preferred that this application come in as a Conditional Use because he didn't feel that the other churches in the area were went through that official process, they are there, we can't deny it, he doesn't know if they got there appropriately but rather than go through a long drawn out argument on that the Applicant is here under a Conditional Use application.

Mr. Lindner stated and again he believes that we satisfy the elements of either so, hopefully he won't make a inaudible.

Mr. O'Donnell stated yeah, he went through all those with the previous applicant so he thinks that your, tried to hit most of those so.

Mr. Lindner stated right.

Don Willey stated Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated a, a, Mr. Nottrodt, question for you if you wouldn't mind, Thanks.

Mr. Nottrodt stated yes.

Don Willey stated how much of the a, currently there is a high performance body shop in the, in the front section of the building correct.

Mr. Nottrodt stated it's called a Collision Center.

Don Willey stated Collision Center.

Mr. Nottrodt stated they occupy about 7500 square feet is he recalls.

Don Willey stated okay, what's your total building size.

Mr. Nottrodt stated it's around 24,000.

Don Willey stated 24,000 and they are requesting he assumes the west end of the building.

Mr. Nottrodt stated correct.

Don Willey stated how many square feet again.

Mr. Nottrodt stated 11,000, approximately 11,000.

Don Willey stated so a, next door to them and between them and the Collision Body other businesses could go in there, manufacturing or whatever.

Mr. Nottrodt stated no, there is already one other tenant and that's on the front side facing York Road that's already occupied, they occupy about 2700 square feet he believes.

Don Willey stated right, okay. Don Willey stated so should the Planning Commission grant them this a, a provisional use a, a, how, how much of your space will be vacant, available, he is sorry.

Mr. Nottrodt stated there will be none.

Don Willey stated none, this would, this would cap it.

Mr. Nottrodt stated we would be fully occupied then, that is correct.

Don Willey stated okay, all right, okay, Thank You, Thank You Mr. Chairman.

Victor Bull stated Thank You Mr. Willey.

Victor Bull stated to the Building Commissioner.

Mr. Alvarez stated Thank You Mr. Chairman, to the Pastor, most churches like to grow all the time, would you ever conceive of having like a Sunday evening services as well.

Pastor Aey stated well it, our hopes are that would, our growth would be the case but by them we would move to multiple services which would mean we would either move to two morning services which may be 8:45, 10:45 and then last resort would be to move to a Sunday afternoon service which would be around 6, 6 P.M.

Mr. Alvarez stated the only other question again and upon approval as he said to the other applicant, by the Commission, you should have a design professional submit building plans to our office for plan review according to the Ohio Building Code and he thinks you and I talked about that as well before.

Pastor Aey stated we have retained Patrick Casey who is an Architect, he thinks you are familiar with in North Royalton.

Mr. Alvarez stated yes.

Pastor Aey stated to do most of that work for us.

Mr. Alvarez stated okay, Thank You, no further questions Mr. Chairman.

Victor Bull stated Thank You, Engineer.

Mr. Merdes stated Thank You Mr. Chairman, to the Pastor, are any site changes, alterations being proposed at this time.

Pastor Aey stated none whatsoever.

Mr. Merdes stated okay and could you clarify he, he hasn't heard it yet is, is the parking that's available at the site accommodates all your needs.

Pastor Aey stated currently would more than accommodate our, our current needs, and to be honest with you the, we would outgrow the building before we would outgrow the actual physical parking on that site.

Mr. Merdes stated Thank You.

Don Willey stated Mr. Chair, well hopefully you have a short term lease then.

Laughs.

Someone stated what do you think about that.

Victor Bull stated Law Director any additional comments.

Mr. O'Donnell stated a, no Thanks, no comments.

Victor Bull stated okay, Members of the Commission.

**Mayor Luks stated Mr. Chairman she moves to approve.**

**Don Willey stated second.**

**Victor Bull stated it's been moved and seconded any comments.**

**Victor Bull stated please call the roll.**

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

Mr. Lindner stated Thank You.

Don Willey stated Good Luck.

Mr. Nottrodt stated Thank You.

#### **Sign Approval**

**"Pita House & More..."**, 8617 Ridge Road, Local Business Zoning. Signs Approval.

Victor Bull stated would the Representative step forward, state your name, your home address and tell us what you will.

Samir Nakhle, 9762 Forge Drive, Brecksville, Ohio 44141.

Victor Bull stated share with us what you will.

Ms. Fashempour stated explain that you are looking for your, your sign.

Mr. Nakhle stated he is looking to put a sign on, in for the store, just the name basically on the street and on the building, the sign is already existing, he got it approved two years ago for Pizza Pan and now we change name, we change, Pizza Pan moved and he took, he took the location as a kitchen.

Victor Bull stated Thank You, to the Building Commissioner.

Mr. Alvarez stated Thank You Mr. Chairman, a the sign is 18 square feet in area, it is less than the maximum allowable 27 square feet, he recommends approval.

Victor Bull stated Thank You, City Engineer.

Mr. Merdes stated Thank You, on the, the identification sign, the, our Code allows the, the name of the business.

Mr. Nakhle stated okay.

Mr. Merdes stated but it also goes on to state that for business uses such a sign may also include the principal type of goods sold or services rendered however the listing of numerous goods or services prices, sale items shall not be permitted, and also the telephone number is allowed there at, at the discretion of the Planning Commission.

Mr. Nakhle stated okay.

Mr. Merdes stated besides the, the, the name Pita House and More, there is also two smaller blocks, and the telephone number.

Mr. Nakhle stated are you talking about the blocks or the writing inside of them.

Mr. Merdes stated there are two blocks, on the, on the, on the large sign, it, there is a block and then it says Mediterranean Dinners and Deserts and then there is another one that says Pitas, wraps, salads and more, a the sign is actually allowed to say the name but, but not list.

Mr. Nakhle stated not a description.

Mr. Merdes stated such things.

Mr. Nakhle stated of, okay, he could drop off those.

Mr. Merdes stated that would be acceptable.

Mr. Nakhle stated yeah, can he keep just the frames itself, the squares, the outside, just the outside the square.

Mr. Merdes stated you will actually to Architectural Review Board.

Mr. Nakhle stated okay.

Mr. Merdes stated from Planning and it's probably more there, their issue then our issue.

Mr. Nakhle stated okay.

Don Willey stated um, Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated he noticed that you have two.

Mr. Nakhle stated yes.

Don Willey stated two signs where is the small one going, you have one that is 3'10" is that going to go in the front of the building.

Mr. Nakhle stated it's, no, it's on the, in the parking lot, we just added that sign about a year ago.

Don Willey stated you are going to add this to the street sign that's out there now.

Mr. Nakhle stated yes.

Don Willey stated okay, the only thing, he thinks that a, since this has to go to the Architectural Review Board, he, personally he has no problem with having the phone number on there since it's a, that's going to be primarily a take out business correct.

Mr. Nakhle stated and a, and as far as the the copy that's in the boxes he would be in favor of leaving that up to the Architectural Review Board to decide.

Victor Bull stated Thank You, to the Law Director.

Mr. O'Donnell stated he has no comments.

Victor Bull stated any other Members of the Commission.

Mayor Luks stated Mr. Chairman.

Victor Bull stated Madam Mayor.

Mayor Luks stated she is not sure she is clear on what you are suggesting, are you suggesting that if we go forward with an approval this evening we, we, do so on the condition that ARB make a decision on the phone number is that what you are suggesting.

Don Willey stated no.

Mayor Luks stated are you suggesting that we wait until he goes to ARB.

Don Willey stated no neither.

Mayor Luks stated she is sorry.

Don Willey stated he is suggesting that he leave the phone number on it since it's a take out business.

Mayor Luks stated okay.

Don Willey stated and then the two boxes where he has Mediterranean so forth, the Engineer had indicated that in his opinion it shouldn't be there and, and he doesn't know, he personally doesn't have any problem with it but he thought maybe that would be up to the discretion of the Architectural Review Board since they have to approve the overall sign.

Victor Bull stated Engineer.

Mr. Merdes stated he thinks it's the Code that doesn't allow it actually.

Don Willey stated well you you just said it was up to the discretion of the Planning Commission.

Mr. Merdes stated the telephone number is.

Don Willey stated that's what he is talking about.

Victor Bull stated Mr. Willey we are on the boxes.

Don Willey stated oh, back on the boxes okay.

Mr. Merdes stated yeah.

Don Willey stated all right.

Mr. Merdes stated the listing of the, building wall signs.

Mr. O'Donnell stated he didn't see what you were referring to, 1284.03

Mr. O'Donnell stated Mr. Chairman the section, he just wants to reiterate the section that Mr. Merdes was referring to is 1284.03 subparagraph b 1 c identification sign which this would qualify as since it goes on a building. Mr. O'Donnell stated that means a sign indicating the name and address of a building, development, public or semi public facility, business, office or industrial establishment. Mr. O'Donnell stated for business uses the sign may also include the principal type of goods sold and services rendered, pizza, something like that, however the listing of numerous goods or services, prices, and sale items shall not be permitted so he thinks that is the point and he would agree with the Engineer that the two boxes indicating dinners, wraps, salads should be excluded.

Victor Bull stated Thank You.

Mayor Luks stated Mr. Chairman.

Victor Bull stated Madam Mayor.

Mayor Luks stated to the Applicant, are you willing to withdraw the boxes from your requested approval tonight.

Mr. Nakhle stated yes.

Mayor Luks stated and therefore if we went forward, we would only be going forward on the Pita House and More and the phone number.

Mr. Nakhle stated yes.

Mayor Luks stated okay.

Victor Bull stated is that a motion.

Mayor Luks stated it, unless, sure.

Mr. Nakhle stated one question though.

Victor Bull stated sure.

Mr. Nakhle stated can the outside boarder stay.

Mayor Luks stated the outside boarder.

Mr. Nakhle stated where it's the house, the shape of the house basically.

Mr. O'Donnell stated shape of the house.

Mayor Luks stated yes, yes.

Mr. Nakhle stated would the outside.

Mayor Luks stated she only wants the removal of the boxes.

Mr. Nakhle stated okay.

Mayor Luks stated that enclose the words Mediterranean Dinners and Desert and the box that encloses the words Pita Wraps, Salads and More.

Mr. Nakhle stated that's fine.

Mayor Luks stated she wants those gone.

Mr. Nakhle stated no problem.

**Mayor Luks stated and, and so Chairman, she, Mr. Chairman she moves that we approve the application for the sign for Pita House and More on the condition that it does not include the boxed in Mediterranean Dinners and Desert or the boxes in Pita Wraps, Salads and More.**

Victor Bull stated Thank You is there a second.

**Don Willey stated second.**

**Ms. Fashempour stated with the phone number.**

**Don Willey stated yes.**

**Mayor Luks stated including the phone, the phone number can be included.**

**Victor Bull stated it has been moved and second, any other discussion, please call the roll Ms. Fashempour.**

**Roll call: Yeas: Mayor Luks, Willey, Bull. Nays: None. Motion carried.**

**Mortgage NOW, Inc., 6685 Royalton Road, Town Center District - 1. Sign Approval.**

Victor Bill stated Representatives step forward, state your name, your home address and state, state what you will.

My name is Gerald Arnholt, he is the Branch Manager and he is at 1552 West Royalton Road, Broadview Heights. Mr. Arnholt stated what we are applying is for obviously a permit to put our sign up there which is our Company Logo, we have several locations right now in Ohio, a but, we do not have any free standing, how can he say this, most of our offices are in office buildings and so the owner of our Company who lives in Hinckley would like to have our sign out there because obviously he is, growing up in this area and he would like to, have us identified in North Royalton. Mr. Arnholt stated don't mind, he is a little nervous, laughs and by doing so that's why we had to shrink the sign down because the other two tenants that are there right now have their signs in there, what we would like to do which we weren't, we were told that we may not be able to do our logo is maroon, their signs are black but as he understands it with North Royalton you have to be, it has to be like matched but.

Victor Bull stated consistent.

Mr. Arnholt stated pardon.

Victor Bull stated consistent.

Mr. Arnholt stated so, but we were trying to make the lettering or how can he say our logo shrunk down enough because in some sense, the two tenants that are there right now have been there for years and obviously one of them owns it and so in essence for us to get a right, put together a sign in there we would have had to move their signs and it would be too costly so that's why we would, we would like to at least show our presence there for customers who would like to come in and obviously visit us.

Victor Bull stated Thank You, to the Building Commissioner.

Mr. Alvarez stated Thank You, to the Applicant, is Mortgage Now presently up there on the second floor.

Mr. Arnholt stated yeah, we are up in the second floor, correct.

Mr. Alvarez stated okay, as far as computing the allowable area, you are 16 square feet, you are less than what he would consider the maximum of 28 so that's okay. Mr. Alvarez stated the problem that he really has is that the and he knows it's not, you didn't create this problem.

Mr. Arnholt stated yeah he knows.

Mr. Alvarez stated you are sandwiched in-between this a, the Doctor, the Dentist there and Country Stove and Patio and Spa and as a result it looks like everything is running together and he knows it looks subjective when he looks at this, it is running all together and there is a section of the Code that addresses that, just trying to avoid that sort of thing so, to you Mr. Chairman that's one thing that the Commission had to consider whether they will accept it the way it is shown or should we do something with the sign, to make it smaller or he really doesn't know what to do at this point so at least to be in compliance with the Code.

Mr. Arnholt stated that's why he, oh he is sorry to interrupt.

Mr. Alvarez stated go ahead, that's fine.

Mr. Arnholt stated that's why we were trying to get it because obviously our Corporate it's a, it's a maroon sign, we have a, our corporate headquarters right now is in Broadview Heights and we were trying to use their sign because they were going to move their office but their sign is too big but it's, that's the way we have our registered logo is in maroon that's why he wanted to try to get it in maroon but it can't, that would have offset it going making it look like it, close.

Mr. Alvarez stated right, like he said.

Mr. Arnholt stated he is sorry, go ahead.

Mr. Alvarez stated it, it's, honestly it's just because the way everything is set up right there with those two signs next to you, it's, it's a run-on thing.

Mr. Arnholt stated he knows but they, they used the same guy for the, both signs that's why.

Mr. Alvarez stated oh he understands that, without your sign everything looks a lot better.

Mr. Arnholt stated he knows, he knows that was one of the things that his sign guy had the same problem with trying to.

Mr. Alvarez stated that's something for the Planning Commission to consider Mr. Chairman.

Victor Bull stated Thank You.

Don Willey stated Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated a, a, Rito are you, you saying that a, that the sign as, as in the picture here are they in conformance with the allowable square footage.

Mr. Alvarez stated yes.

Don Willey stated okay so it looks crowded, are the other tenants in compliance within the allowable square footage.

Mr. Alvarez stated he would assume they are because they are there already.

Don Willey stated so that's, so there is no, no problem and be in violation of the Code by either one of the other tenants.

Mr. Alvarez stated that's correct.

Don Willey stated Thank You, the Architectural Review Board is the one that will decide on the, on the color of the sign, you have to go there correct, should we refer them.

Ms. Fashempour stated yes.

Mr. Arnholt stated that's why we were, we were just going to use the black, just to conform with everything and like you say it does look like it's a.

Don Willey stated Thank You Mr. Chairman.

Mr. O'Donnell stated Mr. Chairman.

Victor Bull stated Law Director.

Mr. O'Donnell stated he, he assumes that your application is for the sign that appears on the white, in-between the spa and Craig Voinkovich, you are not asking about signs that you are going to put in windows.

Mr. Arnholt stated a do we have, he didn't know.

Mr. O'Donnell stated well that's another section of the Code.

Mr. Arnholt stated oh, okay, he didn't know we have to or not.

Mr. O'Donnell stated so he just wants to be clear that if the Planning Commission approves your application it only applies to the, to the, to the building sign.

Mr. Arnholt stated to the wall, building.

Mr. O'Donnell stated which is the larger, you know the type, the biggest one on the white space of the building between Craig Voinkovich and Spa.

Mr. Arnholt stated okay.

Mr. O'Donnell stated not the window signs.

Mr. Arnholt stated and so we would have to apply for the window signs.

Mr. O'Donnell stated you, you probably, you may qualify and the Building Commissioner can tell you for, for window signs, there is a percentage on that and these don't look that big so it's probably not a problem but he just wants to focus, that your application is only for the one sign and doesn't include the, the window signs so, just so you understand that.

Mr. Arnholt stated okay, well we were trying to get it all in one but.

Mr. O'Donnell stated he assumed that, that's why he brought it up so.

Mr. Arnholt stated yes every much Thank You.

Mr. O'Donnell stated you can probably talk to the Building Commissioner after this because he can give you the criteria for window signs and just by looking at it he doesn't think you are going to have a problem.

Mr. Arnholt stated okay Thank You.

Mr. O'Donnell stated but just understand his statement and Planning Commission is not ruling on the window signs.

Mr. Arnholt stated excellent, correct.

Victor Bull stated Law Director.

Victor Bull stated Mr. O'Donnell.

Mr. O'Donnell stated yes.

Victor Bull stated he heard Mr. Alvarez say that the signs running together may be addressed in the Code and the Applicant is talking about having a different color to address that issue, could we compel the Applicant to shrink the size of the sign so that it does not run together and maintain the black color.

Mr. O'Donnell stated yes, he doesn't see why not but the discussion that we have been having in private here between the Mayor and himself is if you force this sign to match the current style of type and size of type

of the other signs there you are going to have one run on letter series of letters and then there won't be differential between the various signs unless you put some color in it and then color might be an issue so he doesn't know how to resolve that.

Mayor Luks stated Mr. Chairman.

Victor Bull stated Mayor.

Mayor Luks stated this is an, this is an instance where she really feels that we need some input and guidance from ARB before we act on this she means she is, it, it doesn't look right to her but it, there, you know, obvious problems and she doesn't know what the answer is and frankly the ARB is probably more qualified to figure out what the answer is so she would prefer that we not act on this, that we table this, let this Applicant go to ARB and work with them, they, they have more expertise in this then we do and see what you can come up with in working with the Architectural Review Board then come back to us.

Mr. Arnholt stated okay.

**Mayor Luks stated so Mr. Chairman she, she moves to table.**

**Don Willey stated second.**

**Victor Bull stated moved and seconded any other discussion, please call the roll.**

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

Mr. Arnholt stated Thank You very much.

Victor Bull stated you understand what just happen.

Mr. Arnholt stated yeah, he has to go to the Architectural Review Board and then.

Ms. Fashempour stated they meet next.

Mr. Arnholt stated pardon.

Ms. Fashempour stated they meet this coming Monday.

Mr. Arnholt stated oh do they.

Ms. Fashempour stated 6 o'clock here, right in this same room.

Mr. Arnholt stated okay, excellent, oh, excellent.

Ms. Fashempour stated okay.

Mr. Arnholt stated does he need to make an appointment or anything.

Ms. Fashempour stated so, just show up, they have all the information.

Mr. Arnholt stated fantastic, Thank You very much, Thanks.

Ms. Fashempour stated okay, okay.

Victor Bull stated Thank You.

**North Royalton Library Branch Cuyahoga County**, 14600 State Road, Public Facility Zoning. Signs Approval.

Victor Bull stated state your name, your home address, know that you are being recorded.

Good Evening my name is Marty Glaserman, he is with the Adams Sign Company, 1100 Industrial Avenue, Massillon, Ohio 44648. Mr. Glaserman stated he is here on behalf of the Sign Company an the Cuyahoga County Library we are proposing to change the faces they have changed their logo and their color scheme, change of faces of an existing monument sign and and put up a small he doesn't call it a directional he calls it more so traffic sign that's within their parking lot to help the flow of traffic is why they wanted that sign there. Mr. Glaserman stated he guessed that's probably pretty much it, he did notice on one of the communications that he got about the Fire Department recommended that the address be put on the proposed sign which it was on the, which it is on the existing sign, 4" letters and you know we will actually do that, a, a, he doesn't know what else to to tell you.

Victor Bull stated Thank You Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated there are two signs, one is like a minor revision that's the one that's 59 inches by 60 inches, it's a name plate, he doesn't have any really problem with that one, he would recommend that approval. Mr. Alvarez stated anytime he sees a sign with an arrow on it or something like this, telling people which way to go or something, to him that's a directional sign and a just according to Code you do have advertising, he can consider Cuyahoga County Public Library as advertising for a Library that's on there and a as far as it being on a pole we don't allow pole signs so those are just two comments on that one directional sign that you have that's 48" high.

Mr. Alvarez stated and then no further comments.

Victor Bull stated Thank You Mr. Merdes.

Don Willey stated Mr.

Mr. Merdes stated he can defer to Mr., Mr. Willey if you want to go ahead.

Don Willey stated oh, Thanks, sure, Thank You Mr. Chairman. Don Willey stated he, he personally, he doesn't like to see that directional sign right now in that island, there is a flag pole there, that's the only thing that's in there, there aren't, there are not any other signs in there and he doesn't, he doesn't think it's necessary because if you see State Road and see where the Library is all lit up and so forth most, most of our residents know where to go and, and so he, he don't see any particular value in having that plus they are not legal in the location is he, he wouldn't want to see that island disturbed himself.

Don Willey stated Thank You Mr. Chairman.

Victor Bull stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, he has nothing to add to the previous comments.

Victor Bull stated Thank You.

Mr. Merdes stated Thank You.

Victor Bull stated Law Director.

Mr. O'Donnell stated no comments or questions.

Victor Bull stated Thank You.

Victor Bull stated any other Members of the Commission.

Mr. Glaserman stated may he make another comment please. Mr. Glaserman stated we are willing to withdraw that part of the application so we could move forward with the face replacements, we would like to get that done as soon as possible, we are changing them in all the communities if they want to, if they wish to come back to this body to deal with or a variance to deal with that, that other directional sign, we can do so in another, in another attempt but if we could in any way expedite the face changes on that monument sign it would really be a helpful.

Don Willey stated well he thinks the other, Mr. Chairman, if he may, that, the property actually belongs to the City of North Royalton that's, that's on, basically it's our property you know.

Mr. Glaserman stated okay.

Don Willey stated and, and he, he personally, Mr. Chairman he would be willing to you know approve the first sign and exclude the second or the directional sign provided that the new logo has the address on it at the recommendation of the Fire Department Thank You.

Victor Bull stated Thank You was that a motion.

**Don Willey stated yes, he, he makes a motion to approve the, the a, main sign with the a, adding the address 14600 he believes but, but not approving the a, the directional sign for a lack of a better term.**

Mr. Glaserman stated okay.

**Mayor Luks stated second.**

**Victor Bull stated moved and seconded, any other comments.**

**Victor Bull stated please call the roll.**

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

Victor Bull stated Thank You.

Mr. Glaserman stated okay, Thank You very much, now what does he need to do from here to go forward with this.

Ms. Fashempour stated you will have to go before the Architectural Review Board, they meet Monday night here at 6 o'clock.

Mr. Glaserman stated this Monday.

Ms. Fashempour stated uh um.

Mr. Glaserman stated okay.

Ms. Fashempour stated okay, and they have all the information so all you need to do is just come to the meeting and they will call you up and you can explain the ground sign.

Mr. Glaserman stated okay, Thank You.

Ms. Fashempour stated okay.

Don Willey stated but Mr., Mr. Chairman, you might explain to them that you are doing this at all the branches of the Library, you are doing it throughout the whole County correct that, that would make a difference in terms of a you know there, there understanding of what you are looking for, Thanks.

**Grubb & Ellis**, 10143 Royalton Road, General Industrial Zoning. Temporary Commercial Real Estate Sign Approval.

Victor Bull stated your name, your address and know that you are being recorded.

Good Evening my name is Paul Girgash, he is with Fast Signs representing Grubb & Ellis, he resides at 30145 Hilliard Blvd., Westlake, Ohio. Mr. Girgash stated what we are requesting is a typical Grubb & Ellis 48" circle, temporary real estate sign announcing the availability of a little over six acres of land.

Victor Bull stated Thank You, Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated the sign area is 16 square feet and it's 5' overall he believes, which is less than the maximum allowable height. Mr. Alvarez stated the ground sign is in compliance with our Code. Mr. Alvarez stated the problem that he really has was your site plan, after looking at it a little further you really show York-Beta on, he doesn't know if you are aware of this, and he is wondering if that really should be York-Alpha that you are going off of York, then you are going north onto York-Delta.

Mr. Girgash stated oh, he is not.

Mr. Alvarez stated on your site plan, that was submitted.

Mr. Girgash stated he knows for the placement of the sign they want, the existing Colliers sign is where they are going to place it where that, that sign is going to come down.

Mr. Alvarez stated he understands that.

Mr. Girgash stated okay.

Mr. Alvarez stated but, but what you had here was just wrong in terms of the street names and so forth.

Mr. Girgash stated okay.

Mr. Alvarez stated a, secondly he would think even if it's a replacement it is still a good idea to give us a dimensionality in terms of where it's still at because honestly he doesn't know where that Colliers Sign is, you know in terms of looking on this site plan, he knows it's indicated as existing but that's all but a, a how far back from the street edge are you.

Mr. Girgash stated we would, in this case we could put it 25' off the right of way.

Mr. Alvarez stated well okay, well that's what he kind of indicated on his comments again he thinks your, your, whoever drew this put down the wrong street names and so forth.

Mr. Girgash stated and, and, that was Grubb & Ellis that's the information that they submitted to us when they sketched it.

Mr. Alvarez stated okay, so, just to let you know it's, that's not York-Beta there, if they are going to put it back 25' like the gentleman said, he doesn't have any problem with location, from the street edge.

Victor Bull stated and you want them to correct the a.

Mr. Alvarez stated well the site plan should tell us the, the correct street names, yeah that's for sure.

Don Willey stated according to this, it's right in the middle of someone's parking lot on the wrong street so.

Victor Bull stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You, he would just add that a, there needs to be a, since this is a temporary sign, an expiration date decided by the Planning Commission if you go to approve it and once that date is determined, it needs to be placed on the sign.

Mr. Merdes stated pardon.

Mr. Girgash stated he is aware of that.

Mr. Merdes stated okay.

Mr. Girgash stated and typically in the past we have requested and been granted one year.

Mr. Merdes stated Thank You.

Victor Bull stated Law Director.

Mr. O'Donnell stated everything has been covered.

Victor Bull stated Thank You, anyone else on the Commission.

Mayor Luks stated Mr. Chairman to the Building Commissioner are you comfortable moving forward on this tonight or would you rather have the corrected plans in front of you first.

Mr. Alvarez stated a, Mayor, a, since he said he can put it back 25', that's for the record he has no problem with moving forward.

Mayor Luks stated okay Thank You.

**Mayor Luks stated in that even Mr. Chairman, she moves to approve on the condition that the applicant meets or make adjustments in accordance with all the comments made by the Department Heads this evening and that the temporary sign be allowed to exist for a one year from last say until March 1<sup>st</sup>, 2008.**

Victor Bull stated Thank You, he will second.

Don Willey stated second, oh he is sorry, he is sorry.

Victor Bull stated any discussion, Ms. Fashempour please call the roll.

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

Mr. Girgash stated Thank You.

Victor Bull stated Thank You.

**Flair Restaurant & Café, 12841 State Road, Town Center District - 3. Signs Approval.**

Victor Bull stated your name, your home address.

Good Evening my name is Sue Tomic, this is her husband Dragon, we are the new owners of Flair Restaurant & Café at the Royalwood Centre Plaza, our home address is 9105 Mercer Lane in Brecksville, Ohio.

Victor Bull stated Thank You, share with us what you will.

Mrs. Tomic stated we would like approval to a, to get the, we have a, there is an existing box there, we just want to do a new face plate to put our name Flair instead of the whatever you know the old restaurant that was there.

Victor Bull stated Thank You, Building Commissioner.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated the actual area of the sign is 19 square feet which is less than the maximum allowable 42 square feet for that tenant space, based on size he recommends approval of the sign.

Victor Bull stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman he has no comments.

Victor Bull stated Mr. O'Donnell.

Mr. O'Donnell stated he has no comments.

Victor Bull stated Thank You, anyone else on the Committee, Commission.

Mayor Luks stated Mr., go ahead Don.

**Don Willy stated Mr. Chairman he recommends approval.**

**Victor Bull stated Thank You.**

**Mayor Luks stated second.**

**Victor Bull stated moved and seconded, any additional comments, please call the roll.**

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

Victor Bull stated Thank You, you are approved.

Mrs. Tomic stated Thank You and we hope to see you there, Thank You Brenda.

Ms. Fashempour stated Thank You.

Mrs. Tomic stated the Building Department has been wonderful, Thank You for the welcome.

Ms. Fashempour stated you'll need to attend the ARB Meeting Monday night at 6 o'clock right here, okay.

Mrs. Tomic stated we will be there.

Ms. Fashempour stated okay.

### **Site Plan Approval**

**Southwest Industrial Storage LLC., 10155 Royalton Road, PPN 483-24-003, General Industrial Zoning. Site Plan Approval Phase 2 - Buildings 3, 4 & A.**

Victor Bull stated your name, your home address, know that you are being recorded and share with us what you will.

Good Evening my name is Tony Farinacci, home address is 800 State Road, Hinckley, Ohio, he is the President of Tri County Ready Mix Concrete Company and also the Southwest Industrial Storage Company we operate on the same parcel of industrial land, 10155 Royalton Road here in North Royalton, we have been here in North Royalton as our west side subsidiary since approximately 2000, the year 2000, we have recent, most recently operated out of a newer two story office building that we built on our industrial property, he is going to pass around a copy of a picture, this building approximately is 3 years old and it contains, it contains the offices of our west side ready mix operation, our builders supply operation, concrete recycling operation as well as two other affiliated companies, one being Southwest Industrial Storage. Mr. Farinacci stated we have completed the first two buildings at Southwest

Storage and are now ready before the panel tonight for Phase 2 of that company which entails three additional buildings, the existing two buildings initially were occupied for the most part by much of the Tri County fleet of trucks to keep them indoors and as the Contractors approached us to put their equipment in our storage facility, we gradually gotten moved out of our space so we are now regulated to three bays in our industrial warehouse and a we need more space so that's why we are before this panel tonight to look for expansion to, three more buildings on our site, this is a photograph of two existing buildings that we have built these are our newest two buildings, they are office industrial warehouse type buildings, what we found in the last several years since our, since this Company inception is we really didn't know what to expect at first but what we found out is that by enlarge the, the people that are coming to us are the small type contractors for the most part, they are the contractors perhaps that the City would not like to see their dump trucks with there tool trailers in their own yards at their homes, these, these contractors have come to them and are, are occupied our facility in all different disciplines, landscape contractors, concrete contractors, electric contractor, HVAC, various contractors of that nature, plumbing contractor, what they found is that a our research dictates that they are, they are interested in industrial warehouse space for their little company not necessarily the office warehouse type structure which is directly to the north of the Tri County facility where they are very heavy on office and very small on warehouse, this is quite the opposite, this product that we are building on our site is very small if any on office and they want toilet facilities, they want storage for their tools and requirement and their trucks and trailers indoors in a safe environment. Mr. Farinacci stated so that's the product that we bought to the market, they are key pad operators for each pod that allows them secure storage our units our industrial construction, as you can see by the photographs, 12" block walls, insulated R 30 ceilings steel studs and 5/8's fire code drywall construction we offer individual unit heaters to our clients if they want heated warehouse space and we also offer a plumbing in our building as far as a 1/2 bathroom with a utility sink so they can wash up when they either come to work or get back home from their jobs in the, in the evening. Mr. Farinacci stated so that's become quite popular, the other photograph he is going to pass around to you folks have an idea of scale of our operation, our operation is quite large, the buildings are large, that is a proportionate drawing that shows a 13' high mixer truck standing next to our building, now our building has a 17' high ceilings, 14' high overhead doors that will accommodate the largest trucks or trailers or a we have a sign service with a crane in one of our units, the largest 13'6 high thing allowed on the, vehicle that's allowed on the roadway is, will fit in our complex and that's what makes it attractive.

Mr. Farinacci stated so we are, we are here to start our next phase and what he would like to do is he would like, he researched, he looked at the comments given to him prior to the meeting and he would like to address Clark's comments in particular about our submission. Mr. Farinacci stated he would like to go to building 3 and 4 that's our identical pair of buildings to what we already built, Clark mentioned a site drainage notation for an existing storm sewer, in answer to his question, this is a storm sewer, it originates on the a northwest side of the property, two phases of that sewer are already installed there is

one more phase left and the water retention basin where it terminates has been installed for approximately 5 years now, where it terminates, so there is one more phase in-between and a that is on our construction schedule to do as we speak the a, precise concrete catch basins have been delivered today as a matter of fact the 30" main line pipe is on site, we have already secured approval and permits from the City to complete this project so it is upon us to do the final connection, that will be completed, we would like to do it now that the snow is starting to melt, we would like to move that into the schedule within the next 30 days because we would like to install it while the ground is still frozen, that's better for them, so before the melt, we anticipate having the 30" mainline sewer connected all the way to the Tri County retention basin. Mr. Farinacci stated the second question that Clark had was, regard, is in regard to our gas main, the gas main now terminates in front of our proposed new buildings three and four and his question is we are going to eventually as 3 and 4 get completed we are going to put concrete paving over it just like the two buildings that we have completed, he wants to rest assure everyone that before we put concrete paving down in front of that building, we will get with the a, get with the gas company and we will extend the line further to the south where we have additional buildings planned in, in what we would call phase 3 and then we would proceed with the paving so that a termination point he thinks as Clark's point will not be under concrete paving where it would have to be dug up in the future. Mr. Farinacci stated also he asks a similar question with regard to electric termination, you will see from our plans in front of you that we have a pad mounted transformer to the south of building 3, it is already in place, we took down the overhead lines so that any of our truck traffic won't interfere with the overhead lines that were originally on the site, that's all underground now, it's all in pad mounted transformers and the same will be true of a further extension to the south as we develop our phase 3 to the south, any future lines extending out of that transformer south will be installed prior to any concrete paving around the new buildings so a, that will, that will be accomplished first.

Mr. Farinacci stated is there any questions he can answer for anyone.

Victor Bull stated well, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman, the Applicant has answered the, the questions he had on, on buildings 3 and 4, Thank You.

Victor Bull stated Building Commissioner.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated had one question basically on building A, even though he didn't put it in his notes, it's 30 x 248 long.

Mr. Farinacci stated that's correct.

Mr. Alvarez stated yeah, is that going to also be like a multiple occupancy as well are you going to put any partitions eventually in there, something like that.

Mr. Farinacci stated yes we are, the the purpose of building A is once again a result of our research from the last several years of, of occupying the first two buildings, what we were asked by several of our clients, is that our standard unit is is 17' tall as he explained

earlier, 45' deep, there are some clients that would like that asks us for a little shallower unit and they also at the same time our research showed that they are asking for a unit that may have a man door every so often rather than just large industrial overhead doors, the purpose of that was that after we hang the unit heaters for these, these, these contractors essentially, in the, in the cold months they don't have to press the button and open their large overhead door letting the heat out, they can come through a man door, we had several requests for that so we incorporated those thoughts into what we are proposing in our building A other than that there are, building A is of identical construction of our existing buildings and they match the Tri County office building across the street, they will have, they will have plumbing, it will have, building A will have plumbing capabilities, it will have heating capabilities just like our other buildings within the, in the complex.

Mr. Alvarez stated just to tact on another question he is may, so, let's say you start partitioning these, there will still be basically for storage of large vehicles.

Mr. Farinacci stated a, what we, what we found again which is demonstrated in our, in one of the pictures, the frontal picture of what he showed you, is that we, we have a model office that is a store front type office and a we are going to continue to use that as a model as we develop the site, that's vacant, because we use it as a model, there is a contracting company that has a, a taken advantage of the office in the front, that is a building company and then they, they rent through a doorway through the fire wall, they rent a a couple of the, big, big units together without dividing walls so it is an office warehouse, as he explained earlier what they like about their complex in this heavy industrial area that we are in, is they heavy on warehouse, light on office and so there seems to be a niche market for that and we would like to continue on that bases. Mr. Farinacci stated also one other thing he might mention since we are on building A, the east wall of building A is a solid wall as demonstrated in the drawing, what we would like to do at a, at a separate submission for the, for the commission is we would like to propose that that's where the complex sign would be located a lighted complex sign because as we come down our industrial road it is the, it will be the first thing you see on the right hand side where all the industrial buildings are, so that's where we had chosen to put our lighted sign and some landscaping in front of it at a future submittal.

Mr. Alvarez stated okay, the only other comment he said was upon approval by the Planning Commission four more plans of course will be submitted to our office for plan review based on the Ohio Building Code.

Mr. Farinacci stated yes, yes, our, our Architect which is Mann, Mann Architect which has been our.

Mr. Alvarez stated Mann is his first name.

Mr. Farinacci stated pardon me.

Mr. Alvarez stated first name is Mann Architect.

Mr. Farinacci stated no, that's his last name.

Mr. Alvarez stated yeah he knows, what's his first name.

Mr. Farinacci stated a, a, Richard.

Mr. Alvarez stated Richard, oh, yeah, he knows Richard.

Mr. Farinacci stated yeah, he is our Architect, he has been our Architect and he will be our Architect on this phase, based on, on, approval from his panel he is ready with our basic electric engineer, plumbing engineer, structural people and completion of his working drawings for submittal to the Building Department for a building permit.

Mr. Alvarez stated no further questions Mr. Chairman.

Victor Bull stated Thank You Law Director.

Mr. O'Donnell stated Thank You Mr. Chairman.

Ms. Fashempour stated excuse me one second, she needs to change the tape before you start Mr. O'Donnell.

Mr. O'Donnell stated sure.

Tape changed.

Mr. O'Donnell stated all right Mr. Farinacci which buildings are actually proposed to be built during this phase according to this plan, he is, looked at sheet c1.

Mr. Farinacci stated Mr. O'Donnell the, the buildings that we proposed in phase, in this phase of this construction are the ones outlined darkest on your print, that would building A, 3 and 4.

Mr. O'Donnell stated okay what's, what's the timing of the construction of those buildings.

Mr. Farinacci stated we would like to start construction as soon as the a, as soon as the spring gets here and we would need the month hopefully, of the next 30 days to secure all our professional drawings in order to get the building permit in line so that we can get going as soon as the frost gets out of the ground.

Mr. O'Donnell stated okay, the, is the building A in any way connected to or intended to be used by tenants of buildings 3 and 4.

Mr. Farinacci stated say that again please.

Mr. O'Donnell stated building A, it says industrial storage units, building A proposed, is the use of that building intended to be connected with the tenants who are expected to be using buildings 3 and 4.

Mr. Farinacci stated well, he guessed the answer to that is that it is possible, what happens in, in our complex so far even though it has only been a 3 or 4 year old complex is that a, a contractor would rent a perhaps a single unit and outgrow that, they would look to it, they

would look to a double unit, if we did not have a double unit available they would look to another spot in our site that would, would accommodate their growth. Mr. Farinacci stated they would buy additional trucks, they would buy an additional trailer, bob cat, a backhoe and then they need more space, that's happen several times, so that is why the answer to your question is, it is possible that, that could happen.

Mr. O'Donnell stated okay, here's, here's, here's the, here's part of the issue, one, we as you know passed an Ordinance amending our Zoning Code prohibiting storage only facilities in the General Industrial zone and this took place about 2 or 3 years ago and, and, and admittedly you know we didn't, there was public notice etc., we complied with Ohio Law and our laws on that but you probably didn't know about that. Mr. O'Donnell stated so stand alone storage units are not permitted, a it's possible that storage units that are accessory to existing uses is possible so if you are telling me that it's only possible, he is not sure that, that part is going to fly, building A. Mr. O'Donnell stated the other question that he has is and we have been through this before a number of times, you have a very, very busy site plan and again he is looking at sheet c1 and you have a lot of future things, future pavement, future warehouse, future truck garage and, and obviously he wants the record to be really clear that any approvals that you might get on this plan explicitly and expressly exclude anything listed as future.

Mr. Farinacci stated that's correct.

Mr. O'Donnell stated you, you understand me.

Mr. Farinacci stated that is correct.

Mr. O'Donnell stated so future building 5 or 6 or anything else labeled future those are concepts you have but no approval of this Planning Commission is approving any of that.

Mr. Farinacci stated the reason if, if he might just comment on that, the reason that you see future sites laid out on this part of our property is that it was necessary for us to do all the civil engineering on the whole parcel for future development.

Mr. O'Donnell stated that's, that's okay.

Mr. Farinacci stated and that's why we show those dotted or lightly drawn in.

Mr. O'Donnell stated um uh.

Mr. Farinacci stated because we had to footprint what we think we are going to need so that we can get the civil engineering done as it relates to our retention basin.

Mr. O'Donnell stated all right, that's understandable he just wants it to be clear that, that no approvals of the Planning Commission approve any of these concepts even though they are drawn here they are not considered approved if you get approval on this.

Mr. O'Donnell stated the other thing is, you and he had talked about this before is there is a project already approved by the Planning Commission immediately north, is that the MK Real Estates Development is that, that group, that parcel and they have agreement with you for drainage of their, storm drainage of their property through your storm drainage system to your retention pond and they have been held up for probably eight months now because the City will not give them a permit because your drainage is not completed and the reason he brings that up is he wants to make sure that is, is, gets completed so that they don't get held up, he went back and looked at the bond agreement and he didn't realize that this dates way back to 2001, there were a number of things that you were suppose to do and he thinks most of this was done, but he, he, he just wants to kind of review that and go over some of it, a for example use condition, variance condition 8 culvert, completion, construction, installation of pipe and headwall was to be done by July 2, 2001, that's done. Mr. O'Donnell stated completion of, compliance with the grading plan, that's done. Mr. O'Donnell stated now, himself and the Engineer have met with the Engineer Terry Gerson and their attorney for the project immediately north in an effort to help them find drainage and he thinks that we, we came to the conclusion and you will have to correct him if he is wrong that some of the utility work that you have actually done that you were suppose to do may have been put in and he doesn't know if you ever got inspections done by the Engineer's Office or the Building Department, did, have they.

Mr. Farinacci stated he, he thinks.

Mr. O'Donnell stated have the been fully inspected.

Mr. Farinacci stated as far as he knows they have, at least what we have in so far.

Mr. O'Donnell stated okay.

Mr. O'Donnell stated field office, was there a field office there that was removed.

Mr. Farinacci stated yes.

Mr. O'Donnell stated building one.

Mr. Farinacci stated that was prior to the construction of our two story office building.

Mr. O'Donnell stated all right, building one is in.

Mr. Farinacci stated building one is in indeed.

Mr. O'Donnell stated and building two is in.

Mr. Farinacci stated yes Sir.

Mr. O'Donnell stated all right, you don't have any more asphalt on the site.

Mr. Farinacci stated no Sir.

Mr. O'Donnell stated okay, those were pretty much the conditions that were listed in the amendment under the bond agreement but he thinks the one critical one that was required that it was completely done is this storm drainage pipe and system and what's the status of that.

Mr. Farinacci stated he explained that earlier on the record Tom, is that precast for that final third phase of that storm sewer is, has been delivered today as a matter of fact, the 30" pipe to be installed is on site, the aggregate to bed the pipe is also on site and a the, the water retention basin owned by Tri County has been installed for about five years.

Mr. O'Donnell stated we know that stuff.

Mr. Farinacci stated four years, that's where it terminates.

Mr. O'Donnell stated so is the City, when do you anticipate the connection of the storm pipes etc., that lead to the retention pond, when's that going to be done.

Mr. Farinacci stated he would say thirty days as he mentioned on the record before.

Mr. O'Donnell stated okay, all right.

Mr. O'Donnell stated so that City can now talk to this Developer immediately north and tell them.

Mr. Farinacci stated yes.

Mr. O'Donnell stated with confidence that that's going to be done and we can issue a permit to them so they can get their work under way.

Mr. Farinacci stated yes, there is no reason why not.

Mr. O'Donnell stated all right.

Mr. O'Donnell stated okay, now, the, the buildings proposed in this plan have to his knowledge never been submitted to the Planning Commission before this, this filing, like building A, building 3, building 4.

Mr. Farinacci stated that's correct, this is the first evening.

Mr. O'Donnell stated this is the first evening.

Mr. Farinacci stated for that phase.

Mr. O'Donnell stated first time, he doesn't even know if they were ever shown lightly as future on previous plans but this is the first official time the Planning Commission is seeing these building in this proposal.

Mr. Farinacci stated with elevations and so forth, that's correct.

Mr. O'Donnell stated okay, all right and you have no objection if this Planning Commission tables this tonight and takes the opportunity to go visit the site and see what's there and, and the condition etc.

Mr. Farinacci stated a no.

Mr. O'Donnell stated he knows that you want to get it going right away but we talked about this before he thought that the Planning commission might want to table it and go take a look at the existing buildings and see where you are proposing building a and that kind of stuff.

Mr. Farinacci stated he thinks that would be fine just for the interest of our construction cycle we would like to start when the frost is out of the ground so we need time to do that, we are asking for time to do that but certainly anyone at the Commission or from the City is welcome to the site to get a three dimensional look at the surrounding area and a the area that we propose to put our next phase on.

Mr. O'Donnell stated now, the name of the Company and the name on the plan you have Southwest Industrial Storage LLC that's sort of would kind of run counter to our recent zoning amendment that says we don't allow storage facilities, just pure storage facilities, are, is there going to be a change in the future of the name of this entity.

Mr. Farinacci stated well, up until just recently when we made this submittal he really wasn't aware that this was going to create a conflict, the last thing we wanted to do now a days is create conflict so, he guessed the short answer is we could change the name of the corporation if we thought that, that was something prudent and, and worthwhile but a again our use by far is an industrial office warehouse use, and is not your mini storage type use that he thinks your, you and folks in the City our getting at which is the tin roof, tin walls, tin exterior, tin roll, roll up doors with a small little master lock, no insulation, no lights, no heating, and so forth and no plumbing, we are not that type of business, we are an industrial use.

Mr. O'Donnell stated is building A going to have plumbing.

Mr. Farinacci stated yes it is, yes it is.

Mr. O'Donnell stated so it would be possible for a tenant to take space there and put in bathrooms.

Mr. Farinacci stated absolutely.

Mr. O'Donnell stated but bathrooms aren't going to be constructed initially, it's going to be up to the tenant.

Mr. Farinacci stated what we did in, in phase one which is building 1 and 2 is we put a main sanitary line right down the middle of the building and we roughed in double sided bathrooms all the way along the building. Mr. Farinacci stated and we, and we, and we poured the floor and as we put up a a model, a model, a model, we would put a model bathroom with a single unit, a model bathroom with a double unit and then the folks started to come, the contractors started to visit us and they saw it and they took it immediately and we went on to another model and then they saw that and took it immediately and we went on to another model and thus as he explained to the panel earlier that's how Tri County sort of got worked out of their truck parking spaces over the last three years.

Mr. O'Donnell stated okay.

Mr. Farinacci stated and we intend to do the same thing in building A, 3 and 4.

Mr. O'Donnell stated yeah all right, and building 1 and 2 these are the pictures you just showed up, showed us right there like two story in building 1, A is going to be half that size.

Mr. Farinacci stated a not really, building A is still a large building as 1 and 2 is but it has a 2' shorter ceiling height, it has a 15' high ceiling rather than 17' high, the units are 30' deep instead of 45' deep and the insulated industrial doors are 12' wide and 12' high instead of 12' wide and 14' high. Mr. Farinacci stated those are the basic differences.

Mr. O'Donnell stated is and is there anything on site constructed that the Planning Commission would see that would be similar to A or not.

Mr. Farinacci stated no, A is a new product, it's a variation that we came up with in our design based on the tenants that are looking for space in our complex.

Mr. O'Donnell stated okay.

Mr. O'Donnell stated those are all the questions that he has Mr. Chairman.

Mr. Merdes stated Mr. Chairman.

Victor Bull stated Thank You, Mr. Merdes.

Mr. Merdes stated a, currently the, the drawings that are in front of the Planning Commission they don't show plumbing to building A so would they be then resubmitted so that, the Commission is going to actually approve it what's, what's submitted so it would be logical that a revised set of drawings would be submitted to the Commission.

Mr. Farinacci stated yes, in answer to your question, when we get to the, when we have approval from the Planning Commission and we go to Mann Architects there, their plumbing engineer, electric engineer, structural engineer will actually get the working drawings including a plumbing line for Building A and that's what will be on the submittal when we go to get our actual permit for construction.

Mr. Merdes stated um, he guessed what he is seeing is that the Building 3 and 4 are shown differently than building A when it comes to sanitary and water service in this submittal that you have given us and but but you have mentioned that they are going to both, both be plumbed so for, for consistency because if you look at what's been submitted for three and four it will actually show interior fixtures and the site plan shows services to that building now that, neither of those exist for what's being shown for building A, so if building A is really to have plumbing even at a Planning process it should be shown so the drawing should be revised.

Mr. Farinacci stated if, if you would like the drawings revised prior to the next meeting that he attends he can do that with Mann Architects if, if that's what you are recommending otherwise, they will have the

plumbing and the, we have, have to have a gas main also shown on there for the heating purposes for the submission to the Building Commissioner whatever you prefer.

Mr. Merdes stated he believes Planning will need to see revised drawings.

Mr. Farinacci stated okay.

Mr. Merdes stated Thank You.

Victor Bull stated motion.

**Mayor Luks stated Mr. Chairman she moves to table.**

**Don Willey stated second.**

**Victor Bull stated it's been moved and seconded, any other discussion, Ms. Fashempour please call the roll.**

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

Victor Bull stated we are tabled, Thank You.

Mr. Farinacci stated Thank You.

**Stevens Painton Corp.,** PPN 483-26-001 and 483-26-005, Royalton Road At York Road, SW corner, General Industrial Zoning. Signs and Site Plan Approval.

Victor Bull stated if you would state your name, your home address, know that you are being recorded.

I am Dave Pusti, Makovich & Pusti Architects, his address is 188 East Center Street in Berea and he is here representing Stevens Painton.

Victor Bull stated Thank You.

Mr. Pusti stated with us tonight also is the Civil Engineer for the project Stuart Saylor and the also the President of Midwestern Operations Mr. Gary Knopf.

Mr. Pusti stated Stevens Painton has been in your community for a long time, over 30 years, you may not even know that they have been there because they have a very unusual site. Mr. Pusti stated they are located on the corner of Route 82 and York Road and they are screened by the Turnpike and also by the First Energy lines over there so they have a very, very small piece of frontage on 82 and there front yard really is on a, on York Road. Mr. Pusti stated the Turnpike crosses right across their property, when the Turnpike was expanded a few years ago, it created a number of opportunities for them because now the Turnpike dumps a whole bunch more stuff onto their property and a we are proposing here tonight will bring to you a 8,000 square foot one story building with a basement, the Stevens Painton Corporation is a heavy industrial contractor working primarily in the steel industry, they are doing process system work and heavy industrial work, they are not a

General Contractor. Mr. Pusti stated currently this property is used as a storage yard for equipment and what they are proposing to do is to move the corporate offices from Middleburg Heights into a new building on this site. Mr. Pusti stated prior to coming to you we went first to First Energy to work out all of the easement issues because there were many associated with the high tension lines and also we had to have discussions with the Turnpike because when we did the survey for the property we discovered that their front apron was on Turnpike property and not there's. Mr. Pusti stated their frontage on 82 is only 15' wide but we have secured a preliminary permit from the Turnpike as well as the draft of the easement from First Energy. Mr. Pusti stated the building that we are proposing and that we have shown you on the drawings there is a, an industrial looking building to represent and reflect the work that they do, they are Headquartered out of Pittsburgh and this is going to be their Cleveland and Regional Office here. Mr. Pusti stated that site has no good views because we look at the Turnpike on one side, we look at the storage yard on the other side and we have got a storage unit behind them so we have chosen to take the building and turn it slightly to face the hillside which is our only good view.

Mr. Pusti stated the property is approximately 6 acres in area, the site plan that you have shows the entire parcel, what we have got here is a color version of the landscaping plan which shows the area in which the building is proposed, Route 82 being here, the Turnpike slicing across here, the easement for CEI running across here which we are going to put the parking under and then the building oriented toward the Turnpike and then a screening fence to separate them from the current storage yard.

Mr. Pusti stated we brought some additional packets to, to bring photos of the existing site and the adjacent properties and also to clarify one of the questions that came back to us in the analysis and that was for the directional sign on the property which is located further back on the driveway to separate the office parking and yard traffic and also to show you the graphic of the proposed monument sign along Route 82.

Mr. Pusti stated would you like to have the packets at this time.

Victor Bull stated please.

Mr. Pusti handed out the packets to the Board.

Victor Bull stated has the Building Commissioner and the City Engineer seen the latest packets, previous to this meeting.

Mr. Pusti stated the packets include the a, some of the information that was requested including the letters with the a permit from the Turnpike and also the a easement from CEI and the photos of the site as well as corrections to the site plan.

Victor Bull stated Thank You to the City Engineer then.

Mr. Pusti stated a couple of other things that he wanted to show you also rendering of the building, the building again is designed to be a heavy industrial building which represents the work that they do we have turned it to face the Turnpike and as part of the submittal there was a couple of things that we wanted to consider, one of them is they would

like to put the name on the building facing the Turnpike, the particular graphic with their name really does not, cannot be seen by hardly anyone else other than turnpike traffic because they are really behind the mound of the building. Mr. Pusti stated and finally also we brought to view a small model.

Mr. Pusti presented the model.

Mr. Pusti stated facing the side of the Turnpike, Route 82 being here, this would be the front and side of the building, would be a heavy corrugated siding, with just a simple shed roof and a outdoor area for the staff and then fencing this off from all of the equipment and the yard so we wanted to screen it a little bit.

Mr. Pusti stated one of the other things that we were asking about is a the Code allows us to ask that the storage area not be considered for parking, the building will have a full basement which has the potential to be built out into additional office space if they need it and we have shown the land banked capability of the site, they have a large site there where we could provide the additional parking should they build that out but we are asking to not have to provide the loading zone that is required by Code because they really don't get deliveries other than UPS and this of that nature.

Mr. Pusti stated one of the requirements on the agreement with the Turnpike is that on the driveway out to 82 that it be right turn only because of the sight lines so we have provided a driveway to take us to York Road which will permit the traffic to go the proper way and that will be gated to prevent people from cutting through.

Victor Bull stated Thank You, to the City Engineer

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated some housekeeping measures since you are proposing a additional building on this site a the code permits it but it has a couple of conditions, well the building would have to meet all of the standards which our review will cover. Mr. Merdes stated second that the parcel that the industrial buildings are placed on are maintained in common ownership.

Mr. Pusti stated yes.

Mr. Merdes stated is that the case.

Mr. Pusti stated yes, it's all under one ownership.

Mr. Merdes stated Thank You.

Mr. Merdes stated and then the Industrial Buildings shall be arranged and spaced in compliance with all fire regulations which again he believes is covered, the Fire Department actually writes a report.

Mr. Pusti stated right.

Mr. Merdes stated did a, he has talked with your, your civil site engineer.

Mr. Pusti stated right, Stuart Sayler and he is here with us this evening too.

Mr. Merdes stated to and we went over the, the various contents of his report that, that more or less listed what was required and and a majority of them were present, some were not, he takes it what you given us tonight has the.

Mr. Pusti stated we have made some adjustments to that, the one, of the questions he believes that you asked is about where the utilities were routed out to 82 and the reason we had them all the way to the side of driveway was, we don't own the other property.

Mr. Merdes stated right he saw that a, it also, what it appeared as though, not only there where you only have the small amount of area frontage but then the water line, the sanitary line appears to take the same alignment all the way to the building essentially being one right on top of the other usually that's not done because in the future if, you need to do any work to the sanitary the water line gets in the way.

Mr. Pusti stated um uh.

Mr. Merdes stated it was more of a, a, recommendation than a requirement, once you get on your site if that's, if that's, what you decide to do it's, it's, all, he is saying it's not recommended but he doesn't know that there is anything in Code that doesn't allow it. Mr. Merdes stated did any questions come up during the revision process that.

Mr. Pusti stated Stuart did you want to address that.

Stuart Sayler with Reitz Engineering, 4214 Rocky River Drive, Cleveland and he spoke with you, and he thinks that he has covered in this latest plan all the things that we talked about he has a, the grading plan has been upgraded. Mr. Sayler stated the a, what you are talking about right now, the sanitary and water lines, he did a, they have been revised a little bit separating them on the preliminary plan by 5' so they are not on top of each other and rerouting them so that they take a more direct line to the building and the sanitary actually shows going directly into a manhole in which is in the road, Royalton Road and proposed to be bored if at all possible per your recommendation.

Mr. Merdes stated yeah, we had had lengthy discussions about because this site going, this building is going to have a basement, ideally it would have gravity service it, it may be possible it may not be possible.

Mr. Sayler stated on the a, as it's noted, as noted on the newest plan, he has a, he would be requesting and it would go through a 8" line running at a half percent instead of the normal sanitary connection which is a 6" at 1%, if we are allowed to do that, that would serve he believes the basement by gravity.

Mr. Merdes stated so at this planning stage you believe that the building can be served by gravity.

Mr. Sayler stated yes.

Mr. Merdes stated and hopefully you can make the connection to that main at the manhole.

Mr. Sayler stated with minimal interference with traffic along Royalton Road.

Mr. Merdes stated yeah he thinks, at this point that's probably the best we can hope for, the concern is that, that, that sanitary sewer is a rather large sanitary sewer and any connection to it anywhere is going to cause a, a large disturbance and try to minimize the disturbance as much as possible.

Mr. Merdes stated the, the agreements that deal with other property owners, they need only be draft at this point is that, is that what they are or are any of them finalized.

Mr. Pusti stated what you have is the preliminary approval from the Turnpike, the Turnpike does not give easements, they give only permits, they are a very slow group to work with.

Mr. Merdes stated yes, that's true, yes.

Mr. Pusti stated and a with First Energy, they were amazingly quick and we have the draft of the agreement with that and we were hoping to have tonight also a letter from the property owner adjacent to us because our water flows across his property but there is a whole line there and that was not already, was not here although we have agreed in principal with them.

Mr. Merdes stated the part about the loading space, this Board is not able to not allow it, if you want to continue with, with not having one, you would have to get a variance that would, so that would be a, a Board of Zoning Appeals application and there is where you would a more less make your case for that, because it's required by Code, the Board doesn't have the ability to do that but there is a means by which if you want to move forward on that that's, that's where you would have to go.

Mr. Pusti stated okay, we will discuss that with the owner.

Mr. Merdes stated he would like a chance to look at this.

Mr. Pusti stated sure.

Mr. Merdes stated information that came tonight, a he had a pretty good chance to look at everything leading up to this and it, it, so as long as it addresses everything it's probably okay but himself he would like, he would like to have another couple of weeks, our next meeting to make sure everything is, is adequate.

Mr. Pusti stated um uh.

Mr. Merdes stated so, that would be all he would have tonight.

Victor Bull stated Thank You, Building Commissioner.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated looking at your ground sign you know the height is 5'8 which is less than the maximum allowable of 7' and area is 29 square feet which is less than the maximum allowable of 75 so the ground sign itself is in compliance.

Mr. Alvarez stated on your site plan the only place he really see it is on your landscaping drawing and.

Mr. Pusti stated on the ground sign.

Mr. Alvarez stated yes.

Mr. Pusti stated yes, it's on the architectural site plan but not on the civil site plan.

Mr. Alvarez stated okay, on sheet c1.1.

Mr. Pusti stated yeah it's not on that one but it's on a1.1 he believes it is, which is the other.

Mr. Alvarez stated does it indicate the setback.

Mr. Pusti stated yes, we are right at the line.

Mr. Alvarez stated oh you are right on the property line.

Mr. Pusti stated right, because we are kind of, we are in a very tight spot there between the neighbors fence and the Turnpike property if you blink you miss us.

Mr. Alvarez stated can you give us a, a dimension, a setback dimension anyway on this thing from the road.

Mr. Pusti stated um, yes, he is sure we can.

Mr. Alvarez stated okay, that would be nice, the second thing that he thinks is also the directional sign, that's, he doesn't have a problem with the direction signs, is that what you are asking for approval as well tonight.

Mr. Pusti stated yes, that would be an on site circulation sign, we, we didn't.

Mr. Alvarez stated right.

Mr. Pusti stated we hadn't submitted that but we certainly would like to have approval for that, that's just to direct the, the industrial traffic and the office traffic.

Mr. Alvarez stated okay, so that's something for the panel here to consider.

Mr. Alvarez stated other than that he doesn't have a problem with the building itself, upon approval again you would have to submit some plans, four sets of plans to the Building Department for a review in accordance with the Building Code and Electric Code as well.

Mr. Pusti stated no problem.

Mr. Alvarez stated no further comment Mr. Chairman.

Victor Bull stated Thank You.

Don Willey stated Mr. Chairman.

Victor Bull stated Mr. Willey.

Don Willey stated a Sir, he has a, a question looking at page a4.1.

Mr. Pusti stated um uh.

Don Willey stated and, and you had indicated in your documentation that in the future you hope to a, a expand and use the lower facilities and you have a stairs and so forth, on the west elevation, looking at that it would appear, it would appear that a, that a, a wall is a ceiling to subsurface on, on this elevation here, is that correct.

Mr. Pusti stated yes, because we have a meeting room in the basement we provided a second means of egress through the exterior area well plus with the mechanical room down there, we wanted to make sure that if they ever had to replace equipment, we had a method in which to get equipment in and out.

Don Willey stated yeah.

Mr. Pusti stated so we provided an area well.

Don Willey stated perhaps that might be an area that a a perhaps that might be an area that a you might want to use for a loading dock or an unloading dock.

Mr. Pusti stated yeah, on the site plan currently we do show a loading facility behind the building, we do have, have the room there but the owner just had questioned the need because they don't get many deliveries.

Don Willey stated okay, all right.

Mr. Pusti stated uh um.

Don Willey stated Thank You, Thank You Mr. Chairman.

Victor Bull stated Thank You, Mr. O'Donnell.

Mr. O'Donnell stated he has no, he has no comments at this time.

Victor Bull stated anyone else on the Commission.

Mr. Merdes stated Mr. Chairman.

Victor Bull stated Mr. Merdes.

Mr. Merdes stated he has a question for the Building Commissioner, there, there sign is on the building, that's okay, they don't need, they more or less don't need.

Mr. Alvarez stated their ground sign.

Mr. Merdes stated he is trying to think if they need any other variances because if you do go to the, to the BZA it's, best to know all the variances you need and just go once, not the ground sign or the directional sign, the, the sign on the building.

Don Willey stated the sign on the building.

Mr. Alvarez stated a, okay, which drawing are you looking at, the one that was just given to us.

Ms. Fashempour stated no, it's on.

Don Willey stated it's on the concept where the name is all the way across.

Mr. Pusti stated a, let's see, one of the elevations have it.

Ms. Fashempour stated a4.1.

Mr. Alvarez stated okay, Stevens Painton.

Mr. Alvarez stated if he can remember the formula correctly, it is 1.2 times the width of the building.

Mr. Pusti stated yes, we need a, we need approval for this.

Mr. Alvarez stated what the City Engineer question is, is that enough area, he doesn't know what the area is, if he by simply multiplying 96 x a 4.

Mr. Pusti stated there should be a note on that drawing, yeah there is a note on the sheet there that gives the size.

Mr. Alvarez stated on this same sheet.

Mr. Alvarez stated oh, 386 square feet, just looking at it he would say it's in compliance in terms of area, in compliance but he doesn't know, what, what is the actual width there, he is trying to do multiplication in his head and he.

Mr. Pusti stated width of the building or the width of the site.

Mr. Alvarez stated the width of the building.

Mr. Pusti stated the width of the building is a on the floor plan.

Mr. Alvarez stated a 111.

Mr. Pusti stated where's your slide rule.

Mr. Alvarez stated where's my slide rule, he gave that up years ago, he has one of these.

Victor Bull stated he has one of these.

Mr. Alvarez did the calculations, well you have 133 square feet, he has to take that back, this is 386.

Mr. Pusti stated right.

Mr. Alvarez stated you will probably need a variance for the area.

Mr. Pusti stated so we go to BZA for that.

Mr. Alvarez stated yes.

Mr. Pusti stated okay.

Mr. Alvarez stated that will be another variance to the area.

Victor Bull stated Thank You.

Don Willey stated now no one will be able to see, Mr. Chairman.

Don Willey stated no one is going to be able to see that but the truckers on the turnpike.

Mr. Pusti stated that's exactly right, only when you are going eastbound.

Don Willey stated and they should be, they should be watching the road because one of them went off the Turnpike the other day on Akins Road.

Mr. Pusti stated he saw that.

Mayor Luks stated Mr. Chairman.

Victor Bull stated Mayor.

Mayor Luks stated Thank You, she did want to the raise the issue about, about the a materials used on the building, she, she's skeptical as to whether or not it meets Code to be honest with you, there is certain types of masonry required and certain amounts and, and she doesn't think you are quite getting there a so.

Mr. Pusti stated we are face brick as a base and then the rest is all metal.

Mayor Luks stated but the face brick seems to be a very small amount.

Mr. Pusti stated yes, yes it is.

Mayor Luks stated in comparison to the metal.

Mr. Pusti stated uh um.

Mayor Luks stated a, and she, and she, it was in our Engineer's Report and she is sure you read it about a what the Code requires so, know that that's a issue hanging out there as well.

Mr. Merdes and Mayor Luks exchanged comments.

Mayor Luks stated she, she expects that that's going to be an issue with the Architectural Review Board.

Mr. Pusti stated and we will be there to see them on Monday evening.

Mayor Luks stated okay.

Victor Bull stated any other Commission Members have a comment.

Victor Bull stated he would move to table then.

Don Willey stated second.

Victor Bull stated it's moved and seconded, any other comments.

Victor Bull stated Ms. Fashempour please call the roll.

Roll call: Yeas: Three - Willey, Bull, Mayor Luks. Nays: None.  
Motion carried.

Victor Bull stated Thank You we are tabled.

Mr. Pusti stated Thank You.

### Utility Plan Approval

at&t request permission to place an above ground cabinet in the road right of way at 11955 Edgerton Road - Approval.

Hi a, Mike Williams here representing at&t, he lives at 16515 Clare Avenue in Cleveland.

Mr. Williams stated the first one he is requesting permission to place an above ground cabinet at 11955 Edgerton Road in the right of way.

Victor Bull stated Thank You, to the Building Commissioner.

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

Victor Bull stated Thank You, to the City Engineer.

Mr. Merdes stated Thank You. Mr. Merdes stated okay, permits required to do the work, to get the permit, the plans have to be submitted, done by a Registered Engineer, then perform all work in accordance with the City Codified Ordinances, contact the Engineering Department 72 hours prior to commencing the work, full time inspection required for all work performed within the City right of way and that is billed to the applicant, all areas of disturbance are required to be restored, you, no open cutting of roadway pavements allowed, sidewalk replacements by full slabs, videotaping of the work area is required prior to the work, provide a copy of the video to the City, all homeowners along the installation also need written notification 48 hours ahead of time and submit a copy of that to the City.

Mr. Williams stated agreed upon.

Mr. Merdes stated Thank You, nothing further.

Victor Bull stated Thank You, Law Director.

Mr. O'Donnell stated a, Mr. Chairman. Mr. O'Donnell stated he really hasn't had a chance to look at this, but he just has a question, is there any kind of existing easement that at&t has or has access to in this immediate area.

Mr. Williams stated he, he couldn't tell you in the immediate area there.

Mr. O'Donnell stated he knows that you want to locate these within you know pretty close proximity to where you want them right.

Mr. Williams stated right.

Mr. O'Donnell stated so what's, what's the sight lines like coming out of Thornton Drive.

Mr. O'Donnell stated this is proposed to be on a pad like this picture shown here which was part of your packet right, not going to be affixed to a pole in that area right.

Mr. Williams stated no, no.

Mr. O'Donnell stated so it's going to be turned in this direction so the widest part of the cabinet is.

Mr. Williams stated is facing the street.

Mr. O'Donnell stated is facing the street.

Mr. Williams stated uh um.

Mr. O'Donnell stated so if he is coming out of Thornton is he looking at the widest part of the cabinet or the thinnest part.

Mr. Williams stated it will be a, if you are coming out of Thornton you are going to be looking at the.

Mr. O'Donnell stated the narrow side.

Mr. Williams stated yeah, the narrow side correct.

Mr. O'Donnell stated okay and, so if, he is trying to understand this, this insert of this drawing there is like two boxes that sort of parallel, there is one, a pole and one is free standing.

Mr. Williams stated yeah, the one on the pole is the existing cabinet that's out there.

Mr. O'Donnell stated that's coming out or staying.

Mr. Williams stated no, that's stays there because that right now is a junction point that services that a that distribution, what we can the distribution area.

Mr. O'Donnell stated okay.

Mr. Williams stated and the cabinet that's being placed there feeds that there.

Mr. O'Donnell stated okay and this picture is the existing cabinet.

Mr. Williams stated correct.

Mr. O'Donnell stated all right and so this box is going to be the same orientation as the existing cabinet they are just going to be a few feet apart.

Mr. Williams stated ah, yeah, he thinks 20' apart.

Mr. O'Donnell stated okay and since he is not very good with these drawings, what's the distance between that pole and say the a curb of Thornton where it intersects with Edgerton is that, can that be measured or do you have an approximation for how far that might be.

Mr. Williams stated a.

Mr. Merdes stated 16', it scales to 16'.

Mr. O'Donnell stated so 16'.

Mr. Merdes stated from the pole to the edge of the pavement.

Mr. O'Donnell stated no, he is talking about the edge of the pavement over here by, you know if he is coming out of Thornton, he is going to look to his right, this pole is there, how far away from, is he from that pole, and those boxes.

Mr. Merdes stated it scales to 85'.

Mr. O'Donnell stated okay, so it's sufficient, so that's his point, it is sufficiently far enough back so that the sight line of a vehicle, of a motorist coming out of there is a, is going to be able to look around it that's the important thing, those are the issues that he has with these boxes in the right of way so, he, he thinks that that's adequate distance.

Mr. Merdes stated Mr. Chairman.

Victor Bull stated Mr. Merdes.

Mr. Merdes stated it does appear it's a little closer to the pavement then, then, the existing one, would it be acceptable to move the whole installation 2' north it will still be within the right of way, just further from the roadway.

Mr. Williams stated essentially 18' back, if 16 is right now.

Mr. Merdes stated right, right.

Mr. Williams stated he will certainly take it back there and see if we can get it done.

Mr. Merdes stated is that something you want to take back and then bring to us at another meeting or, or.

Mr. Williams stated well, he, he'll agree to it now and then if it's an issue then he will call.

Mr. Merdes stated it, okay, then you will come back, okay, that will be fine.

Mr. O'Donnell stated Clark.

Mr. O'Donnell, Mr. Merdes and Mayor Luks exchange comments.

Mr. Merdes stated okay, if that's agreeable.

Mr. Williams stated 2' back.

Mr. Merdes stated right.

Mr. Williams stated from the existing spot where it's at.

Mr. Merdes stated where it's shown.

Mr. Williams stated okay.

Mr. Merdes stated Thank You.

Mr. Merdes stated nothing further.

Victor Bull stated Thank You, any other Commission members.

**Mayor Luks stated Mr. Chairman, she moves to approve on the condition that the a criteria set forth by the Department Heads are met.**

**Don Willey stated second.**

**Victor Bull stated moved and seconded, any other discussion, please call the roll.**

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

**at&t request permission to place an above ground cabinet within an easement near 5169 Wallings Road - Approval.**

Victor Bull stated Thank You.

Mr. Williams stated looking for approval.

Victor Bull stated your, your up again.

Mr. Williams stated pardon me.

Victor Bull stated you are up again.

Mr. Williams stated right, approval for a placing an above ground cabinet in an easement at 5169 Wallings.

Victor Bull stated Thank You, Building Commissioner.

Mr. Alvarez stated Mr. Chairman, no comments.

Victor Bull stated Thank You, City Engineer.

Mr. Merdes stated Thank You. Mr. Merdes stated he would just state that this permit is subject to the same requirements as the previous item on the Agenda which he had just read, if the applicant would agree.

Mr. Williams stated agreed upon.

Mr. Merdes stated Thank You, Thank You Mr. Chairman.

Victor Bull stated Thank You, Law Director.

Mr. O'Donnell stated he, he doesn't know what the orientation is of but there is already an, a large existing box out there right in this existing easement.

Mr. Williams stated yes there is.

Mr. O'Donnell stated so, and this new box will be a little bit smaller than the existing large box right.

Mr. Williams stated yes, there is actually a, two existing boxes out there right now.

Mr. O'Donnell stated and this is not, he knows, since it's in an easement it's not in the right of way he assumes there is not much of an issue with sight lines and visibility, he hasn't really studied the plan on that.

Mr. Merdes stated there appears, it appears to be quite a distance off any pavement.

Mr. Williams stated right.

Mr. O'Donnell stated so that's, that's the only issues he have so, Thank You, nothing further.

Victor Bull stated Thank You anyone else on the Commission.

**Mayor Luks stated Mr. Chairman she moves to approve.**

**Don Willey stated second.**

**Victor Bull stated moved and seconded, any other comments, Ms. Fashempour please call the roll.**

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

#### **Miscellaneous**

Ms. Fashempour stated under Miscellaneous she has nothing.

Victor Bull stated Thank You.

#### **Adjournment**

**Victor Bull stated motion to adjourn.**

**Don Willey stated second.**

**Victor Bull stated it's been moved and seconded that we adjourn, any comments, please call the roll.**

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

Victor Bull stated Thank You all, we are adjourned.

*Planning Commission Meeting for Wednesday, February 21, 2007 adjourned at 9:45 P.M.*

**Approved: Tony Sandora, Vice Chairman - Planning Commission**

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

**Date : March 7, 2007**

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February 21, 2007

North Royalton Planning Commission and Secretary

Served by hand delivery at the regular meeting of February 21, 2007.

Re: Legal position of South Point Community Church

RECEIVED  
CITY OF NO. ROYALTON

FEB 21 2007

By  
ENGINEERING DEPT.

Dear Planning Commission Members:

I am writing to present South Point Community Church's legal position as it relates to their right to lease and operate as a church at the property commonly known as 13390 York Road, North Royalton, Ohio (hereinafter "Property").

The Property is presently zoned General Industrial. Churches are not listed as either a permitted, or conditional use. However, within the General Industrial district, there are presently two (2) operating churches, at least one (1) of which received a building permit as a permitted use. These churches are the Abbey Royal Redeemer and Abundant Life Community Church.

The Abundant Life Community Church is located in a warehouse complex only a few hundred yards down the road from the Property. The road access and parking availability of this location are significantly less than available at the Property for South Point Community Church. The Abundant Life Community Church apparently received a building permit and occupancy permit without the need to obtain planning commission or city council approval. It was reported to the Abundant Life Community Church that they were a permitted use within the General Industrial District of North Royalton.

The first legal position of South Point Community Church is that it is a permitted use pursuant to the North Royalton zoning code. More specifically, while churches are not specifically listed as a permitted use under section 1278.04 Use Regulations for General Industrial Districts), section 1278.04(b) provides:

**Similar Main Use Permitted.** Any other manufacturing use not listed above *or in any use classification of another district and determined as similar by the Planning Commission according to standards set forth in Section 1262.08.*  
(Emphasis added)

Section 1262.08 provides:



**DETERMINATION OF SIMILAR USES.**

- (a) The determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. **Any use found similar shall thereafter be included in the enumeration of uses permitted by right.**
- (b) All applications for permits for a building or use not specifically listed in any of the permitted building or use classifications in any of the districts shall be submitted to the Planning Commission and, after approval by it, confirmed by the Council in compliance with the following standards:
  - (1) That use is not listed in any other classification of permitted buildings or uses;
  - (2) That such a use is more appropriate and conforms to the basic characteristics of the classification to which it is to be added than to any other classification;
  - (3) That such a use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and
  - (4) That such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

Stated simply, churches have previously been found to be permitted uses in the General Industrial District. South Point Community Church is functionally identical to those other churches. It will be located at a Property that has an over-abundance of parking and street access both on York and York Alpha Roads. The intersection where the Property is located has a traffic signal. The highest population of visitors to the Property will be on Sunday mornings, a non-traditional work time, thereby creating minimal impact on neighboring businesses. Therefore, pursuant to sections 1278.04 (b) and 1262.08(a), South Point Community Church is a permitted use at the Property.

Similarly, while South Point Community Church does not concede that it is anything other than a permitted use, its church also satisfies the conditional use criteria for the North Royalton zoning code. Section 1262.07 provides, in relevant part:

- (2) Business, Research, Service & Industrial Districts
  - A. That the proposed use is necessary to serve community needs and that existing similar facilities located in a less restrictive or more remote district, in which the use may be permitted by right, are inadequate;
  - B. That the proposed use is not closer than applicable regulations indicate in the particular situation to schools, churches and other places of assembly;
  - C. That the location, extent and intensity of the proposed use shall be such that its operation will not be more objectionable to nearby dwellings, by reason of noise, smoke, dust odors, fumes, vibrations or glare, than is normal or is permitted by the performance standards of the district;
  - D. That the proposed use will form a harmonious part of the Business, Research, Service or Industrial District, taking into account, among other things, convenience of access and the relationship of one use to another;
  - E. That the proposed use will be permitted in a district that is more restrictive than one in which it is permitted by right, only because of its limited extent, modern equipment and processes; and
  - F. That the hours of operation and concentration of vehicles in connection with the proposed use will not be more hazardous or dangerous than the normal traffic of the district.

Once again, South Point Community Church will be located at a Property that has an over-abundance of parking and street access both on York and York Alpha Roads. Most of its congregation resides in North Royalton or the immediate vicinity. The intersection where the Property is located has a traffic signal. The highest population of visitors to the Property will be on Sunday mornings, a non-traditional work time, thereby creating minimal impact on neighboring businesses. Also, there are no similar facilities in existence in Public Facilities districts or the TCD districts, where churches are permitted.

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South Point Community Church Legal Position Statement  
February 21, 2007

The remaining arguments set forth in this document are in the event that South Point Community Church is denied their permit this evening. I will preface these arguments by stating the North Royalton's law director does not agree with the following arguments.

First, it is the position of South Point Community Church that a denial by the Planning Commission would violate the church's due process and equal protection rights, since it would be:

1. clearly arbitrary and unreasonable; and
2. without substantial relation to public health, safety, morals, or the community's general welfare

Furthermore, it is the position of South Point Community Church that churches are presently impermissibly spot-zoned in public facilities districts within North Royalton so as to deprive South Point Community Church of any properly zoned locations within existing business districts in the City. This is also unconstitutional and illegal.

Lastly, a denial by the Planning Commission would violate the Religious Land Use and Institutionalized Person Act ("RIULPA") by imposing land use regulation on a church that creates a substantial burden on the religious exercise of a person or institution without having a compelling governmental interest to do so. This increased burden is evidenced by (1) the fact that Abundant Life Community Church was not required to come before Planning Commission or seek a conditional use permit, but South Point Community Church has been so required, and (2) the only zoning district that would permit South Point Community Church to operate is the newly created TCD district, where no existing buildings that are suitable for church purposes exist, when other churches have been permitted to operate in the General Industrial District and the spot-zoned Public Facilities districts.

In conclusion, my client and I would like to thank you all for your consideration of this matter.

Very truly yours,

  
Daniel F. Lindner