

*Planning Commission Caucus - Wednesday, March 21, 2007 - 7:05 P.M.*

Present: Mayor Cathy Luks, Don Willey, Council Ward Three - Representative to Planning Commission, Tony Sandora, Vice Chairman, Victor Bull, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, Denise Bobulsky, Council Ward One, Tom Teskey, Owners of Bill-Mar Specialty, Paula Recker, Carlo Chiuchiarelli, Joe Golubic, Tony Farinacci and Brenda L. Fashempour, Secretary.

Regular Meeting

Call to order.

Roll call.

Nominations and Election of Chairman

Nominations and Election of Vice Chairman

Opening Ceremony - Pledge of Allegiance

Approval of minutes - March 7, 2007.

Old Business

Abbeyville Townhouses - Recreation Allocation - Tabled. No Action.

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

Columbia Gas of Ohio - Tabled. No Action.

Columbia Gas of Ohio - Tabled. No Action.

Rivers Edge Subdivision - Tabled. No Action.

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

Councilwoman Bobulsky ready to move forward, remove table, motion - recommend to Council adoption, roll call.

Elizabeth Orosz - Tabled. No Action.

Joseph Golubic - Tabled. Mr. Chiuchiarelli and Mr. Golubic present, remove table, motion, roll call.

Colliers, Ostendorf-Morris - Tabled. Requested removal from tabled and agenda, motion, roll call.

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

Southwest Industrial Storage, LLC - Tabled. Mr. Farinacci present, remove table, motion, roll call.

Stevens Painton Corp. - Tabled. No Action.

Villa of Worthington - Tabled. Size of Sign has been revised, remove table, motion, roll call.

At&t - Tabled. No Action.

New Business

Ordinance

Ordinance 07-25 - Dedication Villas of Worthington - Table.

Sign Approval

Premier Eye Care - Motion, roll call.

Site Plan Approval

Lakeland Management Systems, Inc. Platinum Park Plaza LLC - Motion, roll call.

Gary Moyse - May need variance, table pending BZA, motion, roll call.

At&t - motion, roll call.

Miscellaneous

Bill-Mar Specialty Co. motion, roll call.

Adjournment

*Planning Commission Caucus March 21, 2007 ended 7:09 P.M.*

*Tony Sandora stated Good Evening Ladies and Gentleman, welcome to the March 21<sup>st</sup>, meeting of the North Royalton Planning Commission Meeting.*

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, March 21, 2007 in regular session. The meeting was called to order by Vice Chairman Tony Sandora at 7:30 P.M.

Tony Sandora stated Ms. Fashempour please call the roll.

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

#### **Nominations and election of Chairman**

Tony Sandora stated at this time he would like to open up the floor for discussion and nominations for the Election of Chairman.

**Don Willey stated Mr. Chairman; he would like to nominate Anthony Sandora as Chairman.**

**Mayor Luks stated second.**

Tony Sandora stated it's been moved and seconded, any discussion. Tony Sandora stated any other nominations, at this time he would like to close the nominations.

Don Willey stated for Chairman.

Tony Sandora stated for Chairman.

Don Willey stated Thank You.

**Ms. Fashempour stated she needs a motion and second to close nominations.**

**So moved Mayor Luks.**

**Tony Sandora stated it's been moved and second, any.**

**Ms. Fashempour stated she didn't get a second.**

**Tony Sandora stated the Mayor second.**

**Mayor Luks stated no, she moved.**

**Don Willey stated he will second.**

**Tony Sandora stated it's been moved and seconded, any discussion, the nominations are closed, Ms. Fashempour take the roll please. Roll call: Yeas: Four - Willey, Bull, Mayor Luks, Sandora. Nays: None. Motion carried.**

Tony Sandora stated he would like to take a vote for Election of Chairman.

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

## **Nominations and Election of Vice Chairman**

Chairman Sandora stated at this time he will open up the nominations for the Election of Vice Chairman.

Mayor Luks stated Mr. Chairman, she moves that we nominate Victor Bull as Vice Chairman of the Planning Commission.

Tony Sandora stated he will second that motion.

Tony Sandora stated any other nominations.

Mayor Luks stated Mr. Chairman she moves that we close nominations for Vice Chairman.

Don Willey stated second.

Chairman Sandora stated it's been moved and second that we close nominations, Ms. Fashempour please call the roll.

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

Chairman Sandora stated at this time can he call for a vote for the Election of Victor Bull for Vice Chairman.

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

Chairman Sandora stated Thank You Board.

*Opening Ceremony - Pledge of Allegiance. Pledge of Allegiance recited.*

Approval of minutes: March 7, 2007. Ms. Fashempour stated Approval of Minutes, March 7, 2007 if you so choose. Don Willey stated so moved. Victor Bull stated second. Chairman Sandora stated it's been moved and seconded any discussion, Ms. Fashempour please call the roll. Roll call: Yeas: Four - Willey, Bull, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been approved.

## **Old Business**

Recreation Allocations - **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 Abbeyville Townhouses for the Recreation Allocation, 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 Abbeyville Townhouses for the Preliminary Plan approval, 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 Columbia Gas of Ohio, #3 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 Columbia Gas of Ohio, #4 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 Rivers Edge Subdivision, 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 1920.04, and Declaring an Emergency. Tabled.

**Ms. Fashempour stated it is tabled, Councilwoman Denise Bobulsky is here to speak on that tonight, so if you so choose she needs a motion to remove it from the table.**

**Don Willey stated so moved.**

**Victor Bull stated second.**

**Chairman Sandora stated it's been moved and seconded, call the roll.**

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

Chairman Sandora stated Ms. Bobulsky please.

Thank You Mr. Chairman, I am Denise Bobulsky, Councilwoman Ward One. Mrs. Bobulsky stated she is here to speak on Ordinance 06-151, just as a review, what this Ordinance is asking for is an increasing, it's for the Wireless Telecommunication Facilities and the Cell Towers, increasing the distance from the lot line in Public Facility Zoned Districts from 250' to 350' and then in the General Industrial Districts, actually reducing the distance from 350' to 300. Mrs. Bobulsky stated she has here in front of her, very detailed maps that mapped out all the Public Facilities, approximately there is about 14 or so of those, 4 at this time already cannot accommodate a cell tower due to the 250' restriction, what she is asking for is the additional 100', with that additional 100' there will be two additional sites that could not

accommodate the cell towers and quite frankly, she doesn't really see that as a real issue since we still can accommodate many of the cell towers in the City and they are here presently. Mrs. Bobulsky stated she supposed it could be interpreted as being restrictive but on the other hand in the densely populated neighborhoods and areas she thinks it is a definite benefit for the residents that abut such areas, it is a fact that with Real Estate Appraisers that if you have a cell tower in your backyard, it is a hindrance, she is not, she doesn't have anything actually in writing that it affects your property value but they have said that it does make it definitely more difficult to sell, it's the same, the same issue as if you had high tension wires in your backyard, at this point she leaves it up to the Commission.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor Luks.

Mayor Luks stated did you happen to and she understands that you are reducing the setbacks in the Industrial correct.

Mrs. Bobulsky stated yes.

Mayor Luks stated did you happen to map that too, the amount of Industrial Properties that would be able to accommodate that.

Mrs. Bobulsky stated it, that, it's essentially just in the.

Mayor Luks stated since you are reducing it she can understand if you didn't but she was just curious to know.

Mrs. Bobulsky stated right, right, but the cell towers are already, she means it's in the Industrial Parkway.

Mayor Luks stated okay, Thank You.

Mrs. Bobulsky stated you are welcome.

Chairman Sandora stated Ms. Bobulsky the two areas that you stated that may not be able to comply with that.

Mrs. Bobulsky stated yes.

Chairman Sandora stated are there other cell towers in that area that may accommodate this.

Mrs. Bobulsky stated actually there are, the two additional properties that could not accommodate the cell towers would be at State and Castle, in that area and then St. Albert's and there is already the tower over there at Drug Mart.

Chairman Sandora stated okay.

Mrs. Bobulsky stated and, and she thinks with the piggyback issues that they can you know, collocate she thinks that needs to be kept in mind as well.

Chairman Sandora stated Thank You.

Mrs. Bobulsky stated you welcome.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated Ms., Ms. Bobulsky, did you happen to map out the, what would be, eventually be Phase 3 of the Industrial Area between the current Industrial Park and Abbey Road, that area over there.

Mrs. Bobulsky stated she doesn't know if we did that one, a no, she would have to say at this point she did not, she did review some the issues with our Law Director but, she did find the additional property, she knows when we talked she only said one was affected but there was one more when she reviewed it today.

Chairman Sandora stated Mr. O'Donnell do you have anything that you would.

Mr. O'Donnell stated no, a, all he, that he would add is that when first proposed he asked Councilwoman Bobulsky to take a look at how many properties would be affected in the City, how many areas in the City would still be able to put up a cell tower because his concern was, this would be essentially legislating them out of existence but she was able to show in the mapping that she did that it does not legislate cell towers out of existence, there are areas in the City that will still accommodate them except he thinks the two she talked about and that was the concern that he had and so he is satisfied and as you can tell on the table there, she has taken maps of the area, of the City they are quite large, strung them together and plotted circles on, lots of little circles, red and green circles all over, you know the areas of the map where this can go and he thinks that, he asked her that she donate those back to the Law Department so we will keep those in case we are ever challenged on this at some time so, she put a lot of time and work into it and a he is satisfied that she is able to demonstrate that these, the distances are going to work plus she lowered them in some areas to make some accommodations so.

Chairman Sandora stated Thank You Mr. O'Donnell.

Don Willey stated Mr. Chairman, he has a question of the Law Director also or anyone.

Don Willey stated now that, the a, if someone wants to come in and put a cell tower in one of these areas that are to small, would they have the right to go to BZA or would it just be immediately restricted.

Mr. O'Donnell stated well, like anything else, in front of the Planning Commission, if our Code doesn't permit it, we would have to deny it and they would have the right to appeal the decision of the Planning Commission yes.

Don Willey stated go to BZA, okay, Thank You.

Chairman Sandora stated anybody else have anything, Mr. Merdes, anything.

Mr. Merdes stated no Mr. Chairman, no comments.

Chairman Sandora stated Mr. Alvarez anything.

Mr. Alvarez stated no, Mr. Chairman.

Chairman Sandora stated anybody else in the audience anything, anybody.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

**Don Willey stated he, he make a motion that we approve a Ordinance 07-25 as demonstrated by Council Lady Bobulsky, he makes that motion.**

Ms. Fashempour stated 06, 06-151.

Don Willey stated oh, he is sorry he had 07-25.

Ms. Fashempour stated that's the dedication.

Don Willey stated oh, sorry about that 06-151.

Ms. Fashempour stated 151, recommend to Council adoption.

Don Willey stated yes.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, to make a recommendation to Council for approval of this Ordinance, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Thank You for all your work, Ms. Bobulsky.

Mrs. Bobulsky stated Thank You.

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

Ms. Fashempour stated Elizabeth Orosz, Site Plan Approval, tabled, no action.

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

Ms. Fashempour stated she believes Mr. Chiuchiarelli and Mr. Golubic are both here this evening.

Mr. Chiuchiarelli advised the Board that Mr. Golubic had to leave.

**Ms. Fashempour stated okay, Mr. Chiuchiarelli is here this evening then representing Mr. Golubic so if you so choose she needs a motion to remove it from the table.**

**So moved Don Willey.**

**Second Victor Bull.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated would the Applicant step forward, state your name, home address and tell us what you would.

Carlo Chiuchiarelli, 1851 Stone Ridge Drive, Hinckley, Ohio and he is here to represent Mr. Golubic and he is here to answer any questions, he knows our City Engineer had a couple questions or concerns.

Chairman Sandora stated all right, Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated going off of the resubmitted revised site plan, most of his comments have been addressed, he did still have a couple comments, one related to, there is a Code requirement for the landscaped area in the front setback that actually has a 50' wide requirement but you have a front setback variance he thinks for the building and for the parking so logically that, that given 50' wouldn't, wouldn't be applicable anymore but it also, it also doesn't indicate what type of he guessed landscaping is going to be in that area in the front yard.

Mr. Chiuchiarelli stated yeah, we would be more than happy to landscape the remaining area a, when he, if you want to make it contingent upon the landscaping drawings, he can bring some landscaping drawings in when we bring the final plans in, we don't have a problem with that.

Mayor Luks stated landscaping would have to go to ARB.

Mr. Merdes stated is, are you currently on the ARB agenda.

Mr. Chiuchiarelli stated he thinks, if he gets approved tonight he is on ARB on March 26<sup>th</sup>.

Ms. Fashempour stated right.

Chairman Sandora stated on the next one, Monday.

Mr. Chiuchiarelli stated or Monday, yeah.

Mr. Merdes stated perhaps you could just show it to them and that would be fine.

Mr. Chiuchirelli stated sure, okay.

Mr. Merdes stated the, the loading facility, our Code actually has required dimensions, you are showing something that is like 17 x 19, we would like to see 12 x 40.

Mr. Chiuchiarelli stated yeah that won't be a problem, we will add to that for the ARB meeting if that is okay.

Mr. Merdes stated actually you can show that when the drawings come in for, into the Department for review.

Mr. Chiuchiarelli stated okay.

Mr. Merdes stated and those were his remaining comments.

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

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated upon approval from the Planning Commission you would have to submit from your Design Professional, four sets of plans to our department for review based on the Ohio Building Codes and that's pretty much it Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, anybody else on the Board.

Chairman Sandora stated anybody else in the audience, anybody have anything to add to this.

**Chairman Sandora stated he makes a motion that we approve the Site Plan Approval for Joseph Golubic contingent on the landscaping plan and revising their loading dock and they meet all the requirements of the ARB.**

**Mayor Luks stated second.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated Good Luck.

Mr. Chiuchiarelli stated Thank You.

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

**Ms. Fashempour stated she received a letter from them requesting that they be removed from the Agenda, so if you so choose she needs a motion to remove it from the table and agenda.**

**Don Willey stated so moved.**

**Victor Bull stated second.**

**Chairman McGrath stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated it's been removed.

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 C & C Management Group, LLC, Carlo Chiuchiarelli, Site Plan Approval, it is tabled, no action this evening.

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

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

**Victor Bull stated so moved.**

**Don Willey stated second.**

**Chairman Sandora stated moved and seconded, Ms. Fashempour, please call the roll.**

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

Chairman Sandora stated the Applicant is here, please step forward, your name, home address and present what you have.

Good Evening, my name is Tony Farinacci, he is the President of Tri County Concrete Company and the Southwest Industrial Storage Corporation, the home address is 800 State Road, Hinckley, Ohio. Mr. Farinacci stated since our last meeting at the Planning Commission, we have been to the ARB, we, at the February 26<sup>th</sup>, meeting, we secured Site Plan Approval at the ARB for our project, we are to return once again to ARB, they would like to look one more time at our building elevations, through some miscommunication, they were preclude, they thought they were precluded from doing so at the February Meeting, that he guessed has been settled and we will once again return not for approval but they wanted to look at our elevation one more time. Mr. Farinacci stated also since the last meeting, the a, question was brought up about the utilities for our building A which is on the north side of our project property, the drawings have been revised by our Architects Mann Architect, everyone has a copy of the revised drawings, the revision is noted in the upper right hand corner in a triangle with a one in it, in particular, building A is showing the appropriate utilities as he spoke about in our initial meeting which is our sanitary sewer for our bathrooms, electric inlet and gas inlet for high pressure gas for heating units in the building, it's all now updated and shown with a sample bathroom incorporated in our drawings. Mr. Farinacci stated also as mentioned in the last meting the members of the Planning Commission requested that they would like to visit our site, he thinks most faces that he is looking at this evening had, had an opportunity including City Engineer Clark to visit our site so that got accomplished as well since our last meeting. Mr. Farinacci stated Clark had a couple comments in the notes prior to tonight's meeting, he believes he has discussed those notes with Clark he may want to comment about them but a basically two notes, the first note building 3 and 4 has a pad mounted

transformer and for our building upcoming buildings future buildings number 5 and 6 Clark mentioned that there is no electric conduit shown or coming out of the transformer pad vault heading south where two subsequent buildings will be built for future and a that there was paving shown over top of where those conduits might be and a his assurance to Clark was that before any paving is done in that area, finished paving, that we would put some empty conduits from the vault and extend them beyond the paving line to the south for future so that we don't have to tear up any concrete when the next phase comes about. Mr. Farinacci stated the second comment that Clark had was a, a concerning our building A on the north side of the property and that is a setback and our drawing, our Engineer McCann Associates on a site plan showed a 5' setback, we believe that according to Code a 1278.06 he believes 10' is appropriate and a we have agreed to we will comply with the Code, direct our Engineer prior to getting our Building Permits for a 10' setback from our north property line to be in compliance.

Chairman Sandora stated Thank You Mr. Farinacci.

Mr. Farinacci stated you are welcome.

Chairman Sandora stated to the Law Director is a, the Code that he just referred to with the 10' setback, is it 10' or 2 times the building height.

Mr. O'Donnell stated is this a side or rear or street right a way line.

Mr. Farinacci stated it's a side.

Chairman Sandora stated the side.

Mr. O'Donnell stated and we are talking about General Industrial A correct.

Mr. Merdes stated yes.

Mr. O'Donnell stated it looks to him like it says 10, there is a subparagraph e it says or two times the building height whichever is greater when approved by a Conditional Use Permit for office structures only in Research Office or General Industrial as provided for in Sections 1278.02 and 1278.04. Mr. O'Donnell stated so it says 10' or 2 times the building height whichever is greater.

Chairman Sandora stated okay, a.

Mr. O'Donnell stated a, let me clarify that, this says subparagraph e reads as following or two times the building height, whichever is greater, when approved by a Conditional Use Permit for office structures only in the Research Office or Industrial, General Industrial Districts, so yeah he guessed the Conditional Use Permit applies to the General Industrial District. Mr. O'Donnell stated Mr. Farinacci Use is, was granted and he is sure that he knows this better than he does since he was not here but there was a Use Variance that was attached to it that has conditions but he doesn't know that was called a Conditional Use Permit it was a Use Variance.

Chairman Sandora stated okay.

Chairman Sandora stated okay, Thank You Mr. O'Donnell.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. O'Donnell stated 10'.

Mr. Merdes stated to Mr. Farinacci you, your facilities, you don't have a, they are not there by Conditional Use, they are an allowed use.

Mr. Farinacci stated the buildings at Southwest Industrial Storage is an allowed Use in an Industrial District that's correct.

Mr. O'Donnell stated it was, his recollection is that it was made an allowed Use by the grant of a Use Variance, the Use Variance states that they changed the uses permitted in the District and allowed it, so yeah it's, an allowed Use but that is the history of it. Mr. O'Donnell stated so since it was not granted by Conditional Use the 10' applies.

Mr. Merdes stated okay.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Merdes do you have anything else.

Mr. Merdes stated he has nothing to add.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman, again upon approval by the Planning Commission, submit construction plans to the Building Department for Plan Review based on the Ohio Building Codes, no further comments Mr. Chairman.

Chairman Sandora stated anybody else on the Commission anything, anybody in the audience have anything on this.

Chairman Sandora stated a Mr. Farinacci he has to commend you because he was one the Members that went out to your place and it's a very, very well built building, he commends you on it, it looks like you are doing a nice job over there, no body else.

Mr. O'Donnell stated he does want to follow up with a question though, if he might Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated what is the status of the name of the entity that is going to operate these buildings.

Mr. Farinacci stated the, the name of the entity has not changed since the last meeting.

Mr. O'Donnell stated and you know he guessed a Company called Southwest Industrial Storage certainly could own the buildings but if you came before us and asked for a sign that said that, we would have probably some problem about that and we might be arguing about First Amendment Rights but since the the Code specifically says and we have told you this that no more storage facilities specifically are going to be permitted or are permitted in that Industrial Zone there is the dilemma so he is just trying to head off a future battle.

Mr. Farinacci stated would, would you recommend that a prior to our submission of the Sign Approval that we perhaps modify the wording of the LLC that currently operates that business in some sort of a Sub-Chapter.

Mr. O'Donnell stated and maybe make it a DBA and register the name or something but, he, he, do you see where he, he is talking about it, it would be putting a sign up that says industrial storage, certainly would be counter to the intent of the Code, there are storage facilities operating currently but they are existing nonconforming uses now and given our history, he is just trying to give you a heads up so that we don't head down that path and he understands, as he understands it you are willing to try to do something to modify it without having to spend some money with the Secretary of State and change the name.

Mr. Farinacci stated that's correct.

Mr. O'Donnell stated so you might do it DBA or something to put a name on the sign but stay away from the word storage on that he thinks.

Mr. Farinacci stated he thinks, he thinks that's reasonable, he thinks, he thinks we can, we can work out the wording prior to us returning for Sign Approval.

Mr. O'Donnell stated okay.

Mr. Farinacci stated but some vehicle other than a change through the Secretary of State as Mr. O'Donnell suggested.

Mr. O'Donnell stated yeah.

Mr. O'Donnell stated yeah, that, that name really wouldn't go on the sign but still can own the buildings.

Mr. Farinacci stated that's right.

Mr. O'Donnell stated or be the operator of the building and if you are doing business as Southwest Industrial Offices or something.

Mr. Farinacci stated yes.

Mr. O'Donnell stated that makes him happy so a all right, that, that was the only question he had.

Chairman Sandora stated Thank You Mr. O'Donnell.

Mayor Luks stated Mr.

Chairman Sandora stated anybody else in the audience, Mayor.

Mayor Luks stated Mr. Chairman, Mr. Farinacci, what is your status in terms of ARB review.

Mr. Farinacci stated we, we secured approval, they voted and secured approval of our Site Plan when we, when we went there after the last Planning Commission, a however right at, after the approval they, they mentioned to him that they would like to see them back again after Planning Commission Approval to once again look at our building elevations.

Mayor Luks stated okay good, because it was her understanding that they haven't really worked with you on the buildings and, and, and that's the the Board that would do so and so she certainly wants them to review you're, your building proposal and, and she wants you to get their approval on that.

Mr. Farinacci stated what we, what we had a, at the time is we had the elevations in front of them, they choose, they, they didn't think they could look at them at that meeting, they thought it was site plan only so they focused on the site plan at the meeting, at the ARB meeting and they also focused on the, all his colors, the color the building, the color of the glass, the color of the storefronts that sort of thing and that was the bases of their approval but they liked the colors, no comment and they liked the Site Plan Building Layout, they just want to look at the elevations.

Mayor Luks stated so you will be returning to them.

Mr. Farinacci stated yes we will.

Mayor Luks stated okay.

Chairman Sandora stated Thank You Mayor, anybody else in the audience.

Chairman Sandora stated he will make a motion then for Site Plan Approval for Southwest Industrial Storage for buildings 3 and 4 only not building A and you are going to have the same problem as he was looking at your Site, the Site Plan over there, you have buildings A, B, and C, they are also 5' away from the side yard setback, so you are going to have the same problem with every one of those buildings, so this motion is for buildings 3 and 4 only and also you will, you agreed to modify the name in some way of your storage facility and that, and you will be going to the ARB, the Board of, Architectural Review Board and have to meet and be required to meet all their needs and specifications.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please.

Ms. Fashempour stated just a point of clarification what happen to building A, is it just gone.

Mr. Farinacci stated he was just going to ask that question.

Chairman Sandora stated no, he is going to come back before us when, if he has to get a variance or whatever.

Mr. Farinacci stated should I modify, are we saying then that he should modify the drawing once again for the setback on building A and return to the Planning Commission for such approval.

Mr. Merdes stated Mr. Chairman.

Chairman Sandora stated do you want him to return.

Mr. Merdes stated he, he thinks that the Applicant agrees to, to meet that, to meet, to bring building A into compliance with the setback which is 10' and that then under the condition, we would expect to see that, Rito and he would expect to see that when they come in to us.

Chairman Sandora stated okay, all right then, let him modify the a, add to the motion then that.

Ms. Fashempour stated the Mayor withdraw her second and you withdraw and start over.

Chairman Sandora stated okay.

Mayor Luks stated she withdraws her second.

Chairman Sandora stated he withdraws his motion.

Chairman Sandora stated he makes a motion to approve the Site Plan for Southwest Industrial Storage for Buildings 3 and 4 and A, also on the condition that you meet the, that you agree to meet the setbacks and follow all the Codes accordingly, that you agree to modify the name of you're, a storage facility in some way, manner or form and that you also meet the requirements of the Architectural Review Board.

Ms. Fashempour stated do we have a second.

Don Willey stated second.

Chairman Sandora stated do we have a second.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated she, she have some reservations about us referring to this as a storage facility, in, in your motion, she apologizes, she just, were, we a, can't acknowledge this as a storage facility, we don't want this to be a storage facility.

Chairman Sandora stated all right he withdraws his motion.

Ms. Fashempour stated wait a minute, Don has to withdraw his second.

Chairman Sandora stated all right, Don do you withdraw.

Don Willey stated he withdraws his second, yes.

Chairman Sandora stated he withdraws his motion.

**Chairman Sandora stated he makes another motion for Site Plan Approval for Permanent Parcel Number 483-24-003 in a General Industrial Zoning on the condition for buildings 3 and 4 and for building A on the condition that Mr. Farinacci comes, meets the setback Code requirement also that he modifies the name of Permanent Parcel 483-24-003 and he gets and meets all the requirements and approvals from the Architectural Review Board.**

Don Willey stated second.

Chairman Sandora stated inaudible, it's been moved and seconded, any other discussion, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck to you.

Don Willey stated Good Luck Mr. Farinacci.

Mr. Farinacci stated Thank You Good Night.

**Stevens Painton Corp.**, PPN 483-26-001 and 483-26-005, Royalton Road at York Road, SW corner, General Industrial Zoning. Building Sign Approval. Tabled.

Ms. Fashempour stated Stevens Painton Corp., Building Sign, tabled, no action.

Ryan Homes, **Villas of Worthington**, York Road and Bentley Drive. Temporary Real Estate Sign Approval. Tabled.

Ms. Fashempour stated it is tabled, she believes that the Applicant is here this evening, they revised their sign and have been before Architectural Review Board, so they would like approval so they don't have to go before BZA, so she needs a motion to remove from the table.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora it's been moved and seconded, Ms. Fashempour please call the roll.

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

Chairman Sandora stated the Applicant is here, please state your name, home address and tell us what you want.

Okay, my name is David Smith, he represents A Sign Above, 8982 Dutton Drive, Twinsburg, Ohio. Mr. Smith stated as Ms. Fashempour previously stated, we were at the Architectural Review Board and obtained approval with the revision of the sign drawing to a height of only 6' off the ground as per Code, overall square foot of 32 square feet, the sign he believes at our last meeting, we decided the sign placement was okay, off Bentley and York and now we are seeking approval to go to production.

Chairman Sandora stated okay, he would like to Thank You for reducing your sign, the height of the sign.

Chairman Sandora stated Mr. Alvarez, do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman, the question of the meeting last, March 7<sup>th</sup>, was the height, just to make it clear you are 72" from grade is the overall height of your sign then, 6'.

Mr. Smith stated that is correct, yes.

Mr. Alvarez stated in that case it meets our Zoning Code in terms of height of the sign, there were no other issues Mr. Chairman on that in regards to the setbacks or anything else.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, if this is approved by the Planning Commission there would have to be an agreement upon the expiration date, that date would need to be placed on the sign so that that it is, it appears on the sign. Mr. Merdes stated all his other comments have been addressed by the, the second submittal of the Applicant, Thank You.

Chairman Sandora stated Thank You Mr. Merdes, anybody else on the Board, anybody in the audience.

Chairman Sandora stated what time period are we looking for, for the expiration date on this sign.

Mr. Smith stated well he would imagine that Ryan Homes would ask that the sign would remain until.

Chairman Sandora stated one year, that's the maximum.

Mr. Smith stated okay, then one year please.

**Chairman Sandora stated okay and you, okay, he will make a motion to approve a sign for the Villas of Worthington, Temporary Real Estate Sign with the expiration date of one year, say March 1, 08, you meet the requirements of the ARB, second.**

**Don Willey stated second.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated Good Luck.

Mr. Smith stated Thank You.

Chairman Sandora stated Thank You.

at&t request permission to place a six (6) inch drain pipe from at&t's manhole located at the north west corner of Royalton and Ridge Road. **at&t** proposed to place the drain pipe on the north side of Royalton Road (SR 82) in the tree lawn and extend west to a road crossing (by boring under the pavement) east of the Fire Department's apron at 7000 Royalton Road to the front of 7005 Royalton Road to an existing catch basin. - Approval. Tabled.

Ms. Fashempour stated at&t permission for the drain pipe on Royalton Road and Ridge Road, it is tabled, no action.

## **New Business**

### **Ordinance**

**Ordinance No. 07-25** - An Ordinance accepting the Dedication of 1,680 Feet of Bentley Drive and 200 Feet of Coventry Court in the Villas of Worthington Subdivision Phase 1 from York/Royalton LLC, and Declaring an Emergency.

**Chairman Sandora stated is there anybody here for Ordinance 07-25 from the Villas of Worthington, second time, there is a lot of incomplete issues on this, so he would make a motion that, we remain this on the table.**

**So moved Don Willey.**

**Second Victor Bull.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour call the roll.**

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

### **Sign Approval**

**Premier Eye Care, 12794 Royalton Road, Local Business Zoning. Sign Approval.**

Ms. Fashempour stated is the Applicant here this evening, Applicant is present.

Chairman Sandora stated the Applicant is here, step forward, your name, home address.

Good Evening, my name is Bill Kelleher of Century Sign Company, 7401 Exchange Street in Cleveland.

Chairman Sandora stated okay and what would you like Sir.

Mr. Kelleher stated he is here representing Doctor John Porter who is opening an Eye Care Center, we are seeking to get approval to put up a sign for him that consists of illuminated channel letters on a aluminum raceway, it will match the, the other signs in the Plaza, the red faces will be the same as all the others and the aluminum raceway will be painted to match the building background which is a beige.

Chairman Sandora stated Thank You Sir, Mr. Alvarez anything.

Mr. Alvarez stated Thank You Mr. Chairman, the area of the sign is 22.5 square feet which is less than the maximum allowable for that tenant space of 40 square feet, upon approval you are to submit some plans to the Building Department for review for permitting, no further questions or comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes do you have anything.

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

**Chairman Sandora stated anybody on the Board have anything, anybody in the audience have anything, make a motion to approve a sign for Premier Eye Care on the condition that it meets all the requirements from the Architectural Review Board.**

**Mayor Luks stated second.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated Good Luck.

Mr. Kelleher stated Thank You.  
Chairman Sandora stated Thank You.

#### **Site Plan Approval**

Lakeland Management Systems, Inc. **Platinum Park Plaza LLC.** Six (6) Month Time Extension - Site Plan Approval.

Ms. Fashempour stated the applicant is here this evening.

Chairman Sandora stated would the Applicant step forward please, state your name, home address and.

Fahim Gemayel, 915 Callander Boulevard, Painesville, Ohio 44077. Mr. Gemayel stated Good Evening everybody.

Chairman Sandora stated Good Evening.

Chairman Sandora stated why were you requesting the six month extension, please.

Mr. Gemayel stated we are working on our final, hopefully final design, we sent to Clark he believes Monday, the third time, Site Plan Approval for the design so a, trying to get the final design worked out.

Chairman Sandora stated okay.

Mr. Gemayel stated so hopefully we need a, very short time, soon before we break ground.

Chairman Sandora stated Mr., Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated he would concur with the Applicant that they have been working to a, with the a building and their site to get it approved in the time since we have seen them last, he could also add that he

believes they have been working with a there a, Mr. Farinacci to, at the same time with a some of a there site issues that a, we are somewhat familiar with and that he does not have an issue with granting them a time extension.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. O'Donnell did you have anything.

Mr. O'Donnell stated he was just going to echo that, part of their delay has been trying to finalize a drainage issue by, through an agreement that they have currently with Mr. Farinacci and that was discussed the last time Mr. Farinacci was here and Mr. Farinacci promised that he was finishing his last section of the drainage pipes which was the hold up, frankly the City would not grant a this applicant a permit until that drainage issue was resolved and it's now resolved, Mr. Farinacci was working on it as of the last meeting so, we see no further reason to deny them a permit but he needs an extension and he can certainly understand that it's warranted.

Chairman Sandora stated Thank You Mr., O'Donnell, anybody on the Board have anything, anybody in the audience have anything.

**Chairman Sandora stated he will make a motion to grant a, a six month, one six month extension, time limit extension till September 1<sup>st</sup>, 07 for Lakeland Management Systems.**

**Mayor Luks stated second.**

**Don Willey stated second.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated Good Luck.

Mr. Gemayel stated can he make a off the record comment, we making a, were planning, his wife and he a ground breaking ceremony, so you are all invited so hopefully you get the invitation after Clark gives us the permit, for the ground breaking ceremonies so you will see that in the mail.

Mayor Luks stated wonderful.

Chairman Sandora stated Thank You.

Don Willey stated Thank You.

Victor Bull stated Thank You.

Mayor Luks stated Thank You.

**Gary Moyse, Royalton Road, PPN 483-31-008, 483-31-009, General Industrial Zoning. Site Plan Approval.**

Chairman Sandora stated the Applicant is here, come forward please, state your name, your home address and.

Good Evening my name is Daniel J. Kaczor, Architect, 4699 East Wallings Road, Broadview Heights, Ohio. Mr. Kaczor stated Mr. Moyse could not be here, he is out of town on business and a situation came up that he was delayed and couldn't make it to the meeting, so he asked him to speak on his behalf. Mr. Kaczor stated Mr. Moyse is the owner of Furniture Nook on Royalton Road, his, he wants to purchase these two pieces of property which are diagonally across the street from his existing site, and he wants to build a small building of about 3500 square feet right now for his needs and he also wants to, an opportunity to expand to about 4400 to 4500 square feet. Mr. Kaczor stated we have tried to keep this project with almost no variances were we could, however because they are existing properties, and they are small properties, putting together they don't meet the one acre minimum lot size for that Zoning District which is General Industrial A he believes. Mr. Kaczor stated so part of the reason why they are here tonight is one, his understanding, my understanding that to go to the Board of Zoning Appeals we have to be recommended by the Planning Commission and that's what we would like to do, we would like to, he believes we only have one variance and that's the lot size, we, and he knows that Mr. Merdes has a comment about the loading space, the loading space we had here, is 18 x 45 and there is an extra 10 or 12' of space so we could always make that to accommodate the actual size as required because in his comments he had exclusive of maneuvering space, you see semi trucks on there, we get a semi truck, he gets a semi truck maybe once a month but we wanted to make sure we had enough room to maneuver those kinds of trucks, most of them are boxed trucks, he plans on operating a mattress shop here, a mattress warehouse plus warehousing for Furniture Nook.

Chairman Sandora stated Thank You, Mr. Merdes.

Mr. Merdes stated Thank You.

Mr. Merdes stated do you actually in reviewing this, it looks like there is some completely absent information, does, there is no topography shown and that's a requirement. Mr. Merdes stated there is also in the way of utilities, there are none shown either, is there a reason why there, there missing.

Mr. Kaczor stated there, there's actually a couple reasons, one, we are here to try to apply for a variance, Mr. Moyse has not bought this property, he is buying it on the condition that it is a buildable piece of property, without the variance he can't built what he wants, so we are kind of taking the first step to get the variance, once we get the variance, he, he believes he did the consolidation and he thinks that was approved by you, so he has spent his own money on somebody else's property to consolidate the lot and he spent certainly his fees and the surveyor's fees so far on somebody's else lot, he doesn't want to go through all the engineering and find out he doesn't get the variance, once he gets the variance then certainly we are going to come back through, we want to go through Architectural Review Board, we want to go through an entire process but we have to take one step, if no variance, we are all wasting our time.

Mr. Merdes stated okay.

Mr. Merdes stated and, and just perhaps a note to you a earlier in the meeting we had discussed, you are showing 28' sideyards and he thinks you got that from the building height and again 2 times the building height whichever is greater.

Mr. Kaczor stated correct and.

Mr. Merdes stated but that you actually, unless and he believes that this is an allowed use therefore the sideyard really for the building would only be 10 if that changes anything for you.

Mr. Kaczor stated well, the Law Director clarified that for him as well and he believes it clarified for you and Mr. Alvarez because he, well he hasn't talked to you directly he has talked to people in the Building Department and we couldn't make heads or tails out of that either so he went the safe way because it will be a low building, it will be 14' but if were subject to the 10 we might put a little more pitch on the roof and make it a little bit higher but we, you know, but that's why the elevations you got show the building fairly low is because we have such a small building area that the more we raise the roof the smaller the building goes and if we want the same size building the more variances so we are trying to stay within where we have to be.

Mr. Merdes stated yeah, it did look as though you made a pretty good effort of going through the Code and, and noting that you could comply, could comply, could comply and he just didn't know if, if in, in, you actually have more room then perhaps because your, your showing a little larger sideyard then you had to show.

Mr. Kaczor stated but, but you know, we need that for the loading space anyhow.

Mr. Merdes stated uh um.

Mr. Kaczor stated and the other side.

Mr. Merdes stated it might not change anything.

Mr. Kaczor stated the other side of the building just gets to narrow because it goes from 40' deep to 30' deep and it gets much narrower than that, it's not worth building.

Mr. Merdes stated uh um, and in reviewing, in his review he also didn't note any other variances that you didn't see.

Mr. Kaczor stated he didn't see any, the only one that scared him was the 2 times the building height on the rear and Mr. Alvarez stated no it's 10' so he took his word for it at that time.

Mr. Kaczor stated and if we needed it, we would have to ask for it.

Mr. Merdes stated okay.

Mr. Kaczor stated but since we don't, we don't.

Mr. Merdes stated so in the time that a you will be going for your variance and you will sit on the table here, we would be getting a resubmittal at some point.

Mr. Kaczor stated you will get a complete submittal.

Mr. Merdes stated uh um, by and you are saying more or less pending BZA's outcome.

Mr. Kaczor stated correct.

Mr. Merdes stated if it's favorable then you will go and take a few more steps and we will get another submittal.

Mr. Kaczor stated if he, he gets, if he gets BZA approval, it becomes a buildable lot he is required to buy the property.

Mr. Merdes stated okay.

Mr. Kaczor stated at that point he has to go through, if the BZA says no go, he doesn't have to buy the property and it's going to languish there for who knows how long.

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

Chairman Sandora stated Thank You Mr. Merdes.

Don Willey stated Thank You Mr. Kaczor.

Mr. Kaczor stated Thank You.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated just a note of information since you did show a sign there, he indicated that you will have a 25' setback from the edge of the road.

Mr. Kaczor stated we will take care of that certainly.

Mr. Alvarez stated yeah and then of course you would have to, the sign would have to meet our standards per 1284.05, no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, anybody else on the Board.

Don Willey stated he has one question.

Chairman Sandora stated Mr. Willey.

Don Willey stated Dan, what is the a the variance that you are going to be asking for, how much on, for that particular land.

Mr. Kaczor stated the requirement is, one acre of land, and we have .7223 if you really want, so the variance is going to be .277.

Don Willey stated about a quarter of an acre.

Mr. Kaczor stated it's about a quarter of an acre, just a little bit more.

Don Willey stated okay, Thanks.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated anybody in the audience have anything.

**Chairman Sandora stated do we have any motions.**

**Victor Bull stated motion to table.**

**Don Willey stated second.**

**Chairman Sandora stated been moved and seconded to table, Ms. Fashempour please.**

**Ms. Fashempour stated and refer to BZA.**

**Chairman Sandora stated and referred to BZA.**

**Victor Bull stated and refer to BZA.**

**Don Willey stated second.**

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

Chairman Sandora stated Good Luck.

Mr. Kaczor stated Thank You.

#### **Utility Plan Approval**

**at&t** request permission to place an above ground cabinet within an easement near 5330 Royalwood Road - Approval.

Ms. Fashempour stated the applicant is here.

Chairman Sandora stated Good Evening, step forward, your name, your home address please.

Hi everyone, my name is Mike Williams, he resides at 16515 Clare Avenue, Cleveland. Mr. Williams stated and he is here to request approval to build an above ground cabinet at 5330 Royalwood in an existing easement.

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

Mr. Merdes stated Thank You. Mr. Merdes stated he is going to read from his report, should the Planning Commission approve this you will be required to get a permit, plans done by a Registered Engineer required to get the permit, perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours before commencing the work, for the work in the right of way we will have full time inspection on that and that is billed to Applicant and all areas of disturbance are required to be restored, no open cutting of roadway pavement allowed, sidewalk replacements would they, if they become necessary in full slabs, videotape of the work areas required prior to the work and provide a copy of that video to the City and Homeowners along the installation shall be given 48 hours written notice and submit a copy of that to the City.

Mr. Williams stated agreed upon.

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

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated anybody on the Board have anything, is there anybody in the audience that would like to say anything.

Chairman Sandora stated nobody.

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

**Victor Bull stated second.**

**Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.**

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

Chairman Sandora stated Good Luck.

Mr. Williams stated Thank You.

Chairman Sandora stated Thank You.

#### **Miscellaneous**

**Bill-Mar Specialty Co., 13405 York Road, Research Office Zoning. Fence Approval.**

Ms. Fashempour stated and the Applicants are here.

Chairman Sandora stated the Applicants are here, state your name, home address, and give us what you, tell us what you would.

Good Evening, my name is Tom Teskey, 19484 Cavendish Court, North Royalton, he is with All Type Fence Company, he is representing the Owners of the Bill-Mar Specialty property and they are in attendance also this evening.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated the fence height, we don't have a problem, it's a maximum of 6' and that's what they show, the second item we have is provide vision impairing slats in the chain link per Section 1270.14g3 in the section under Industrial Districts, Research Office and Commercial, you have to have impaired slat in the fence, going back in the back there we saw the property adjoining is what is that the Sports Park and a.

Mr. Teskey stated it, yeah, it's adjacent to Mr. Divot's Sports Park.

Mr. Alvarez stated yeah that's on the east side so that would be the east side right.

Mr. Teskey stated correct, he believes it's the east and the north side is adjoining their property.

Mr. Alvarez stated okay, well according to our Code you are required to put again vision impairing slats in the chain link.

Mr. Teskey stated the owner has indicated to him that they are willing to do that, he has a question that, would a, vision impairing screening be acceptable or does it need to a be a slat.

Mr. Alvarez stated it says slats in the Code so.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated Mr. Alvarez do we a, is it in our Code for the a, a, you are talking about a screening correct that you would, in the inside so that you can't see through it.

Mr. Teskey stated correct.

Don Willey stated is that in our Code, is that allowable in our Code at this time.

Mr. Alvarez stated a no, a this section is specific for the Industrial District, Research Office and Commercial.

Don Willey stated okay.

Mr. Alvarez stated and that's what they are in, he knows that the intent is to screen of course.

Mr. Teskey stated is there a, view block requirement, 70, 80, 90 percent a.

Mr. Alvarez stated the thing is he guessed the way it is written so that no one can, it's not unsightly towards your neighbor, obviously you don't want it to be neon of course you know, just a neutral color preferred.

Mr. Teskey stated right, he guessed what he is asking is, there is a, a variety of slats that are available and each slat has a different coverage when they are installed, it can be anywhere from 70 to 90% view blocked.

Mr. Alvarez stated the Code really doesn't address that, so you might have some lead way.

Don Willey stated one other question Mr. Chairman.

Chairman Sandora stated yeah, Mr. Willey.

Don Willey stated where are you, you, erecting that, that's going behind the main building, what do you plan on putting in there, vehicles or.

Applicant stated vehicles.

Don Willy stated okay, the ones that are behind the building now.

Applicant stated yeah and we are fine with the slats, inaudible.

Chairman Sandora stated anybody else on the Board, Mr. Merdes.

Mr. Merdes stated Mr. Chairman, Thank You, a the information you submitted really doesn't a show the existing drainage pattern back there, maybe you could just generally explain where the water is draining, your property to other peoples property or other peoples property onto your property.

Applicant stated as far as it's just grass back there and next door to us.

Chairman Sandora stated a you have to, please step up to the microphone and a, or either ones of you.

Applicant stated yeah go ahead, she really doesn't know the answer to that.

Hi, I am Larry Baylog.

Chairman Sandora stated your home address Larry.

Mr. Baylog stated 7565 North Sarasota Parma, 44134. Mr. Baylor stated the present drainage of the Bill-Mar Property is from the back to the front.

Chairman Sandora stated okay.

Mr. Baylog stated so he is sure we really wouldn't be affecting that, it kind of comes down our driveway on both side.

Mr. Merdes stated so putting a, along the, you have more or less a fence going up right here.

Mr. Baylog stated correct.

Mr. Merdes stated you would still be able to maintain the existing drainage patterns.

Mr. Baylog stated oh sure, oh sure.

Mr. Merdes stated okay, that's, that's going to have to be maintained.

Mr. Merdes stated and you are also, you, any area that's disturbed will be restored.

Mr. Baylog stated of course.

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

Chairman Sandora stated Thank You Mr. Merdes, anybody else on the Board.

Chairman Sandora stated he will make a motion to approve the fence for Bill-Mar Specialty with the condition that they put in impairing slats in it, vision impairing slats in it and also this will be going to the Architectural Review Board and they will probably discuss this issue with you as far as the density of it, the 70 and 90 percent, he would hope probably that you would go to the 90 percent he would think but that's up to them and that you meet all the conditions of the ARB.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck.

Mr. Teskey stated Thank You.

Chairman Sandora stated Thank You.

Ms. Fashempour stated she has nothing further under Miscellaneous.

Chairman Sandora stated nobody, anything.

#### Adjournment

Don Willey stated motion to adjourn.

Ms. Fashempour stated she needs a second.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

*Chairman Sandora stated we are adjourned.*

Planning Commission Meeting for Wednesday, March 21, 2007 adjourned at 8:33 P.M.

Approved: Tony Sandora, Chairman - Planning Commission

Attest : Brenda Lynn Fashempour, Secretary - Planning Commission

Date : April 18, 2007