

Planning Commission Caucus - 7:18 P.M. - Wednesday, October 17, 2007
Present: Chairman Tony Sandora, Mayor Cathy Luks, Victor Bull, Anne Reinkober, Don Willey, Council Representative to Planning Commission, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Tom Koch, Mrs. Sharkin, Brenda L. Fashempour, Secretary.

There will be no one present from the Law Department this evening.

Public Hearing

Ordinance 07-103 - Public Hearing Notice, Posted. Recognize audience.

Adjournment

Regular Meeting

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Approval of minutes - October 11, 2007 - No Action.

Old Business

Abbeyville Townhouses - tabled no action.

Abbeyville Townhouses - tabled no action.

Columbia Gas of Ohio - tabled no action.

Columbia Gas of Ohio - tabled no action.

Rivers Edge Subdivision - tabled, no action. 90 day time extension.

C & C Management Group - Carlo Chiuchiarelli, tabled - no action.

Tony D'Abramo - tabled, no action. 90 day time extension.

Tony D'Abramo - tabled, no action. 90 day time extension.

Nick and Rosa Carosielli, no action. 90 day time extension.

Timberlane Estates Phase V - tabled, no action.

Ordinance No. 07-73 - tabled, no action.

York/Royalton LLC, Villas of Worthington, tabled, no action.

Ohio Catholic Federal Credit Union, tabled, no action. - BZA

Salon Pink, signs approval, tabled, no action. - BZA

Michael and Alice Walsh, tabled, no action.

Columbia Gas of Ohio, tabled, no action.

Mount Royal Villa, sign approval, tabled, new sign proposal presented, BZA. No action.

Woodcroft Glen - Extension of Woodcroft Trace, Final Plat 2 - tabled, no action.

at&t - 18540 Bennett, tabled. Remove from tabled, residents present.

Motion to approve.

New Business

Ordinance 07-103 - Sign

Utility Plan Request

At&t - applicant, residents, motion.

At&t - applicant, residents, motion.

At&t - applicant, residents, motion.

Miscellaneous

Adjournment

Planning Commission Caucus end 7:22 P.M.

Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission for Wednesday, October 17th, this is the Public Hearing portion.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, October 17, 2007 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:30 P.M.

Chairman Sandora stated Ms. Fashempour, please call the roll.

Present: Chairman Tony Sandora, Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Anne Reinkober, Victor Bull, Vice Chairman, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Opening Ceremony - Pledge of Allegiance.

Chairman Sandora stated please stand for the Opening Ceremony. Pledge of Allegiance recited.

Public Hearing - Ordinance

Ordinance No. 07-103 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part 12 Planning and Zoning Code, Chapter 1284 Signs, Section, 1284.01, 1284.03, 1284.05, 1284.07, 1284.10, 1284.13, 1284.14, 1284.15, 1284.16, 1284.17, 1284.21, 1284.23, 1284.24 and creating new sections 1284.25 through 1284.29, and Declaring an Emergency.

Ms. Fashempour read the Public Hearing Notice, Public Hearing Notice posted at the City Public Posting Places.

Chairman Sandora stated okay, a, Mr. Willey you want to present this, you are one of the sponsors of it.

Don Willey stated yes, yes, Thank You very much, the intention of a Ordinance 07-103, my fold, first of all it changes some of the, a, a, quite a number of, of Codes regarding signs and monuments and so forth, one of the intentions also is that when a new business or ongoing business, replacement business comes into the City, they, they no longer have to come to the Planning Commission and the reason for this is that, most generally the Planning Commission refers all signs to the Architectural Review Board which a meets after the Planning Commission and if they are in compliance with the, with the Building Codes and the, the architecture of the particular Shopping center or main road or development or whatever, that then they would you know negotiate, negotiate the signs, the other thing is that, it would allow temporary signs such as commercial real estate signs, those types of things that are pretty standard to be approved only by the Building Department rather than having to go to the Planning Commission and the Architectural Review Board and then to the to the Building Department. Don Willey stated they have to conform with all the Building Codes in terms of size and so forth and a our Building Department is responsible for enforcing that and making sure that, that application meets those standards, so that's primarily it, it's, hopefully it will save a little time for a businesses coming in and, and a new businesses as well as a replacement businesses, or, or so forth, so that's, that's the intension of it, we, we think it's pretty well cleaned up although there have been a couple suggestions that a will probably address next year he guessed so, that's, that's the reason for the Ordinance.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated and he concurs with most of it though, he does have some problems with some of the language and some of the stuff that's in it but we will get to that later, does anybody else on the Board have anything they want to say on this at this time.

Chairman Sandora stated is there anybody in the audience.

Chairman Sandora stated Mr. Kundla, please step up to the microphone, state your name and address please for the record.

My name is Edward Kundla, his address is 12674 Ponderosa Drive, here in North Royalton and for those of you that don't know, he is the President of the Architectural Review Board.

Mr. Kundla stated he has a quite a number of issues with this not necessarily good or bad some just general questions as to what may or may not have been taken into consideration while this Ordinance was put together, he may be jumping a little bit but he thinks he is going to go through as best he can referring primarily to your Ordinance 07-103 as well as some questions about Ordinance 06-112, which was made part of the Building Codes back when it was approved in 06 so a, his first general question really has something to do with the very first paragraph stated where as and the question is, since administrative duties will possibly be handled better by just going to the Building Commissioner, he was curious as to whether or not the Building Commissioner will be approving the signs before ARB or after ARB review, that's one of his first questions.

Don Willey stated should he address that.

Mr. Kundla stated please.

Don Willey stated okay, Thanks. Don Willey stated the, the intent of it is that in some cases, for instance if, if a, a business comes into a plaza and you have the stellar red or the stellar green or whatever it is that a the first thing that the Building Commissioner is going to advise the business to do is to conform with that particular standard if it's a franchise or a new business where they are going to vary from, from what has been established as a standard for that particular strip or whatever then, then he would refer it to the Architectural Review Board in other words, he shouldn't be, the Building Commissioner, Building Department shouldn't be placed in a position to get into a hassle with a Company over red, white or blue or green or purple or whatever.

Mr. Kundla stated okay.

Don Willey stated and so therefore he would in those events, he would refer those to the Architectural Review Board also the Architectural Review Board for new businesses, and new, new designs and so forth, they would be, correct him if he is wrong Rito, they would be referred to, to the ARB.

Mr. Kundla stated okay, when you say new businesses, is it a completely new business or what if it's a change of tenant in for instance a multiple tenant.

Don Willey stated well if it's a multiple tenant and, and so forth the first, the first scenario as he mentioned would be the, would, would take precedent.

Mr. Kundla stated okay.

Don Willey stated if it's a totally new business and a you know, it's a franchise type of thing, although we certainly encourage franchise

monograms and so forth, if it's something other than what's in that particular plaza or whatever then they, they would be referred to the Architectural Review Board.

Mr. Kundla stated so is it possible that the Building Commissioner could approve a sign without ever having gone through the Architectural Review Board.

Don Willey stated yes.

Don Willey stated and, and again the scenario is that down on a the Plaza down here on Wallings Road, should a new business come in here, all those signs are red.

Mr. Kundla stated um uh.

Don Willey stated down on 82 there at the Wine Shop, they are all green.

Mr. Kundla stated okay.

Don Willey stated and so if a new business came in that would be obviously the standard, if it's something new or so forth.

Mr. Kundla stated okay.

Don Willey stated size wise, we have the Building Codes, so many square feet per, for occupancy space and frontage and so at that point if there is a variation from that then, then the default on that is the a, a, BZA.

Mr. Kundla stated what if the sign itself may meet square footage requirements but because of the size of the building might be completely out of scale with the building, what would happen in that case.

Don Willey stated well in that case he is assuming, he doesn't know that, that could necessarily happen because the, there, our Code says that they are allowed so many square feet based on the size of the building and the frontage.

Mr. Kundla stated uh um.

Don Willey stated so if the building is only 6' wide by 110' long they are going to have a very narrow, obviously a very narrow sign, so if our, our, he doesn't know that, he don't know that could happen.

Mr. Kundla stated well you are partially getting at what he is a driving at, and that is, 60 square feet, he can make a sign 3' x 20' and be totally out of scale with, with the building because the building may only be 25' wide and all of the sudden he has a 20' wide sign across a 25' building.

Don Willey stated well you wouldn't, you wouldn't, well, if you do the calculation.

Mr. Kundla stated but he means, the area.

Don Willey stated that couldn't happen on a 25' wide building.

Mr. Kundla stated okay.

Don Willey stated based, based on.

Mr. Alvarez stated let me add, excuse Mr. Chairman, he thinks he knows where you are heading at a, a case in point was the Tanland.

Mr. Kundla stated you are absolutely correct.

Mr. Alvarez stated where a, they actually met the area for Code but they were still less than the allowable.

Mr. Kundla stated understood.

Mr. Alvarez stated but a, he knows some of your members have some questions about the proportion of that sign to the building.

Mr. Kundla stated correct.

Mr. Alvarez stated rest assure you know, he has a background of Engineering and some what architectural.

Mr. Kundla stated good.

Mr. Alvarez stated that you know, if, if there is some doubt if, if he even thinks of, any of the least doubt that a, it should go to ARB believe him, it's not like we are leaving you out of the picture.

Mr. Kundla stated okay.

Mr. Alvarez stated at all.

Mr. Kundla stated he is asking merely out the rationale of how, what was derived as part of this Ordinance was you know, was certain things like that taken into consideration.

Mr. Alvarez stated yeah and that's how, right and so you know, one thing we, like he said, we are not leaving you out, the ARB out of the picture at all.

Mr. Kundla stated good.

Mr. Alvarez stated it's just the idea that and again he even advised those, the owner there that you know, yes it does meet Zoning but you know he can see the point as well that it is still something to be better for the Community as a whole the way it looks on the, on the building.

Mr. Kundla stated very happy to hear that.

Mr. Alvarez stated and so in that, in that situation sure, he would advise them that they have to go to ARB.

Mr. Kundla stated okay.

Mr. Alvarez stated and there is probably a few other examples that he is not a, at the top of his head right now.

Mr. Kundla stated but that's, that's a perfect example as to what he was, he was, his main point.

Don Willey stated yeah, if someone, if someone redoes the, the a façade on the front of the building or something like that and completely changes it then he thinks in that instance number one, they, they should be seeing you first anyway.

Mr. Kundla stated okay.

Don Willey stated and a then it, then, then it logically would go to ARB.

Mr. Kundla stated okay, leads me perfectly to his next question and that is and he can best refer to it in example of section 2 on page 2, it was toward the top of the page indicated b 1 c 1 and it said something about telephone numbers shall be permitted at the discretion of the and then it, new information is added that indicates Building Commissioner or Architectural Review Board.

Don Willey stated uh um.

Mr. Kundla stated if for instance it goes, if the Building Commissioner refers it to the Architectural Review Board and that happen several times and the Architectural Review Board at their discretion says certain things about whether or not telephone numbers can be allowed and yet for those signs that do not go to the Architectural Review Board that the Building Commissioner has a different reasoning in his discretion and decided that they can go on will there not be a double standard created.

Don Willey stated yeah, he agrees and, and so the conflict as you are pointing out is whose, whose in control.

Mr. Kundla stated well won't, won't certain business owners go, well I'm going to take my chances, game the system and go to the ARB, boy, they are passing what I want.

Don Willey stated no, no, he.

Don Willey stated well yeah but there wouldn't.

Mr. Kundla stated or hope to get to them.

Don Willey stated there wouldn't be a requirement to go there if there is no requirement to go there they are not going to show up are they, can they just fall in, inaudible.

Mr. Kundla stated he guessed he just wants to make sure that there isn't a chance for somebody to gain the system and in essence if the Building Commissioner says one thing and then for those things that do get sent to the ARB and we have a different reason and at our discretion we decide something completely opposite, are we not creating this double standard.

Don Willey stated yeah a, a, you, you very well could, in which case he, he thinks that what we would need to do is to stead fastly go back and review that and make the, make the necessary changes.

Mr. Kundla stated okay.

Don Willey stated if something doesn't work, obviously you want to fix it.

Mr. Kundla stated yes.

Don Willey stated and the whole objective of this is to you know assist people that are investing money in, in the City and so forth and, and a so forth so you know if it doesn't, doesn't fix it we shouldn't wait for he thinks that the last time this was reviewed were a number of years ago you know we should immediately get it into Rules and Ordinance and, and you know you as a City Board Member certainly an make recommendation for changes on any of the Building Codes or whatever that doesn't work.

Mr. Kundla stated okay.

Don Willey stated you know, you'll, you'll, he is sure that you have some areas of stumbling blocks, constantly.

Mr. Kundla stated yes.

Don Willey stated so and, and if that's the case the, his feeling is to resolve that would be to, to revert, to change our Code to better, to more clearly let our, let the people that are applying know what, what's expected of them.

Mr. Kundla stated is he wrong in, in assuming that, that with some of the issues that he is bringing up here this evening that's what's actually might happen or is he too late with this legislation to what he may or may not be discussing here this evening.

Don Willey stated will, will, will this be perfect.

Mr. Kundla stated if he brings up this issue.

Don Willey stated he, he doesn't know of any, any legislation we have that a is perfect.

Mr. Kundla stated sure.

Don Willey stated we had this extensively reviewed by the Law Director, final drafts and so forth, anything is open to challenge you know that.

Mr. Kundla stated okay.

Don Willey stated so, is this perfect he, he would doubt it.

Mr. Kundla stated okay.

Don Willey stated we certainly a, a, a put a lot of thought and effort into it, doesn't necessarily mean it's right though but a so.

Mr. Kundla stated all right, he was curious, as to let him move on here.

Chairman Sandora stated Mr. Kundla can he just interject something here if he may.

Mr. Kundla stated yes, yes.

Chairman Sandora stated are you going to go down page by page.

Mr. Kundla stated he does have several other sections he is probably.

Chairman Sandora stated okay he has a question, all right, he has a question he wants to ask while we are on this same page.

Mr. Kundla stated yes, yes.

Chairman Sandora stated on this temporary sign, Mr. Willey.

Don Willey stated yes.

Chairman Sandora stated on the temporary signs, there is nothing in there that says for a definitive time period, now how is that going to relate on a temporary sign, you have, temporary sign means a sign designated for use for a limited period of time to announce special events, sales, sale, lease or rental of properties and then you have the a, the structure, no larger than 32 square feet no more than 6' high but you have no, there is no, is there any place in the Code that's going to be referred back to that for for a time period, the time period, the limits for the expiration of the approval or criteria for the extension of that time period, it necessarily shall be part of the approval by the Building Commissioner.

Chairman Sandora stated he means, you know, were, he doesn't.

Don Willey stated yeah, he sees what you mean.

Chairman Sandora stated we are not going to get into a situation where someone is going to have a temporary sign up again for a.

Don Willey stated two years.

Chairman Sandora stated for two years or whatever and based on you know a different circumstance there should be some, some sort of, a something should be put in there.

Don Willey stated well, let me ask this, what's the length of, that someone comes in and get's temporary sign permit how long is that permit good for.

Mr. Alvarez stated well, in terms of Building Codes, okay, that's a separate code, it's a 180 days.

Don Willey stated uh um, okay.

Mr. Alvarez stated typically temporary signs, would, would be probably when you end, an event ends or something of that nature might have or.

Chairman Sandora stated so in other words.

Mr. Alvarez stated any.

Chairman Sandora stated Mr., Mr. Alvarez something like that should be stated in there then is he correct.

Mr. Alvarez stated right a, right, now he doesn't think that we did, all we, all that was done was just crossed off Planning Commission and added Building Commissioner so really that was never addressed in terms of temporary in the Code change.

Chairman Sandora stated okay.

Mr. Alvarez stated so that was never an issue.

Chairman Sandora stated okay.

Mr. Alvarez stated it was just simply the name, name change but a when we say temporary Mr. Chairman it varies from project to project, some projects can be 90 days or whatever the event is, some can be 180 days, some could be a year.

Chairman Sandora stated well exactly, but we don't want to get into a situation where there is nothing in here and somebody does have something and they decide well the Codes, doesn't say that he has to take it down in 180 days or 30 days, or 90 days whatever, he is going to leave it up for a year or whatever, what could be.

Don Willey stated well Mr. Chairman if the permit was only issued for 90 days a, a if they, they would be in violation of the, of that permit if it was, it was beyond, if it was the 91st day, is he correct.

Mr. Alvarez stated yes.

Don Willey stated so it would be up to the Building Department then to validate that, tear the sign down, whatever they do.

Mr. Alvarez stated or grant an extension, that's a possibility.

Chairman Sandora stated okay Mr. Kundla.

Mr. Kundla stated Thank You Mr. Chairman.

Mr. Kundla stated continuing on page 2, section 1284.05, he sees that paragraph a was a struck and a new paragraph was labeled as a.

Don Willey stated uh um.

Mr. Kundla stated he is curious as to why that was struck, it seem to well, from, from the Architectural Review Board standpoint, it, it all makes perfect sense and he was curious as to why that language was struck, was it potentially included somewhere.

Don Willey stated what makes sense, the first or the second.

Mr. Kundla stated the entire paragraph that was struck in letter a.

Don Willey stated a.

Mr. Kundla stated somewhat of a generic statement but generic enough to, to, to make sense and he was curious as to whether or not that was taken into account in any other section when for some of the parts that were rewritten.

Don Willey stated he, he don't a, he doesn't recall, he knows we, the Law Director wanted to a, when he reviewed it and by the way we sent these to you folks also correct.

Mr. Kundla stated yes that's fine, inaudible.

Don Willey stated a, a, in the a, a, he doesn't know, he doesn't remember.

Mr. Kundla stated okay.

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

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated again this, when we did this, was several months ago.

Mr. Kundla stated uh um.

Mr. Alvarez stated and he, if anything, he, possibly it is for, in that new a, deals with reasons for aesthetics and balance is possibly the emphasis.

Mr. Kundla stated okay.

Mr. Alvarez stated but you would put your expertise to you know when you are looking at this.

Mr. Kundla stated well maybe that's part of a bigger question in which was his next question and that is when we proposed and it was passed and made part of Ordinance 06-112 there were additional paragraphs that went on to further clarify what that statement meant and he doesn't know if these are still a part of the Sign Code, were they struck from the Sign Code, it, it almost, it almost makes him wonder and maybe this is partially his naivete as part of the Architectural Review Board and their, their you know what they deem to be good for the City we presented those things that were made a part Ordinance 06-112 and now we are wondering why those things taken out and if so for what reason, it seems like we thought we were addressing certain things and now this almost seems like an overhaul above and beyond that.

Don Willey stated well let me through the question back to you, was it taken out or was it included since you have apparently have reviewed this whole thing because he doesn't really remember.

Mr. Kundla stated he will answer it by saying if he sees a, you know subparagraph a there.

Don Willey stated okay.

Mr. Kundla stated and then the next subparagraph he sees is r does that mean that b everything in between is still part of the Code.

Mr. Alvarez stated the answer, the answer is yes.

Mr. Kundla stated okay great, then that answers his question that although you may have taken out paragraph a, b, c, d so on and so forth.

Mr. Alvarez stated yeah, bear in mind he thinks he had this discussion before we didn't take the entire section 1284 throw it away and this is it.

Mr. Kundla stated a, yes.

Mr. Alvarez stated we simply made the, message if you will.

Mr. Kundla stated okay.

Mr. Alvarez stated to certain areas and what's not given here is, still remains as the Code.

Mr. Kundla stated okay.

Mr. Alvarez stated a good example will be 1284.17.

Mr. Kundla stated yes.

Mr. Alvarez stated the prohibited sign section, we only added a couple sections to that, or a couple comments but there is a whole list there of prohibited so hopefully that answers that question.

Mr. Kundla stated he thinks it does.

Mr. Kundla stated a he guessed just a point, a, wondering about continuing on down that same page, letter r, subparagraph 2 there is some identification and marking indicated that needs to be on the sign, and he would be curious if he is a tenant and, and if he is the owner of the building and the tenant changes, there is now an incorrect amount of information on that little identification marker and does that have to be kept up tenant by tenant or.

Don Willey stated well a, because we issue occupancy permits.

Mr. Kundla stated uh um.

Don Willey stated he would assume that at that time that's, that's a, should be a requirement to put the tenant should they elect to do that for some reason.

Mr. Kundla stated okay.

Don Willey stated they may, they may not want their name on the marquee, he doesn't know why.

Mr. Kundla stated okay.

Don Willey stated but it, it should be the a, he would think the a, the change of tenant would require the, the owner to unless it's vacant obviously but to, to update the marquee.

Mr. Kundla stated okay, he guessed maybe when he read it that didn't, that wasn't clear to him that, that would actually be a part of it, if you are saying that it is then, he can understand.

Mr. Kundla stated may he continue.

Chairman Sandora stated yeah go ahead Mr. Kundla.

Don Willey stated oh yes, he is sorry.

Mr. Kundla stated he is sorry, he thought you were still.

Don Willey stated oh he, he, laughs.

Mr. Kundla stated okay, number 7 of that next page, strength of parapet wall or roof, a, he thought we weren't allowing roof signs and yet when he reads number 7 it seems to indicate that we are. Mr. Kundla stated is he reading that right or.

Don Willey stated he is sorry, where are you at.

Mr. Kundla stated number 7 as you, as you flip the page.

Don Willey stated section.

Mr. Kundla stated we were under r and we talked about number 2, so if he flips the page and continues down, number 7, strength of parapet wall or roof.

Don Willey stated inaudible, yeah.

Mr. Kundla stated he reads that and it now seems to indicate something about the parapet wall or roof shall be strong enough to support whatever sign might be on there yet he understands to, believe that there are no roof signs allowed so why would that need to be there.

Don Willey stated he, he, thinks that we had a you know we had discussed that at some, some kind of possibility so that should there be a roof sign, obviously it has to be structurally sound enough to hold it you know and a, although we don't really want them there you know but that was, he, he, thinks we did discuss that and that was the reason, should they be on a wall, for instance you could have a, he supposed you could have a scenario where you had a brick wall and you had some kind of sign on there.

Mr. Kundla stated he can understand it from a wall.

Don Willey stated yeah.

Mr. Kundla stated he can understand as a wall and he can have a parapet 3, 4, 5' higher than the actual roof itself and we do allow wall signs.

Don Willey stated right.

Mr. Kundla stated but he thought we didn't allow roof signs so he wouldn't know that, that would have to be addressed or does that create some kind of loop hole to say well, yeah he can have a roof sign if he wants one, he didn't know if that was the case or not.

Don Willey stated yeah we can, we, we can, yeah we can always change that.

Mr. Kundla stated okay.

Mr. Alvarez stated you have to bear in mind again, it's a, and he knows what you are saying about the roof sign, it's in section 17 as well, so.

Don Willey stated great.

Mr. Kundla stated yes, okay.

Mr. Kundla stated he, he merely brings these up as a double check that way all, that we are all doing this.

Don Willey stated good.

Mr. Kundla stated about half way down that page a, a, creating a new paragraph t, notwithstanding any other provisions of this Code no sign shall be subject to any limitations based on the content of the message and he says that with emphasis, because he is wondering is that a, content of the message is that something of a free speech kind of thing or is that something of a well we are not going to allow you to say certain things and or we are not going to allow you to have a sign that goes on and on or have changeable copy or have some objectionable kinds of things on the sign itself, he guessed he was curious as to.

Don Willey stated if he, if he recalls we are talking in terms of us not not limiting what people might say, in other words Jesus Saves.

Mr. Kundla stated okay.

Don Willey stated something like that.

Mr. Kundla stated okay.

Don Willey stated and if you happen not to like Jesus or know who he is or whatever.

Mr. Kundla stated okay.

Don Willey stated someone might object to that.

Mr. Kundla stated sure.

Don Willey stated and he thinks that was one of the reasons if he recalls that we, we talked about it and you know, have that as.

Mr. Kundla stated so well, so the emphasis is on the content of the message, without being written you are saying if somebody did want to do that they would have a little bit of leg to stand on as far as being allowed to do that.

Don Willey stated well, he, he thinks so, you know, first amendment constitution guarantees that.

Mr. Kundla stated absolutely.

Don Willey stated you know.

Mr. Kundla stated absolutely, just wanted to make sure, he read it as a potential a limiting either the number of things that could be on the sign, the, you know, such there are two many things that clutter up the sign, he could have his name, he could have his dogs name, he could have a phone number, he could have the name of the building, he could you know four symbols and so on and so forth and he was just curious why that would have been written in there and whether or not it is in conflict with any other part of the Code.

Mr. Kundla stated he would ask you know to flip two pages and go to section 1284.13.

Chairman Sandora stated Mr. Kundla he would like to stop for just one second, while we are on the same page.

Don Willey stated okay.

Chairman Sandora stated he has a, he has a question on e, on e, you are asking basically what we have now is a project sign and it's one, one year, okay.

Don Willey stated uh um.

Chairman Sandora stated the extension of that permit may be granted if deemed necessary by the Building Commissioner upon application by the owner, project sign may be removed, the intended use but not later than the initial exceeding one year period covered by the permit. Chairman Sandora stated a, when he read that he, he, what came to mind was if somebody puts up a and he doesn't know if we have this now or not to be honest with you all right but if somebody puts up a development, okay and they put in 300 homes let's say and let's say they have two hundred, say two hundred homes are completed or 250 homes are completed and it's not been 3 or 4 years while there doing this and it, received a number of extensions isn't there a period of time when, if the project reaches a certain point even though it's not finish completely that they should no longer have a project sign.

Don Willey stated no, not necessarily, what if, what if it's a project that takes five years.

Chairman Sandora stated well he is talking about, well if you are talking about.

Don Willey stated they are going to put.

Chairman Sandora stated yeah, if you are talking about like say a shopping center or something like that if you want or are you talking about.

Don Willey stated well it could be a, it could be a, yeah, it could be a shopping center, it could be a housing development, he doesn't know why anyone would want to do that but you know, you have a you know a scenario between Abbey and York Road where they eventually want to tie all those together.

Chairman Sandora stated okay.

Don Willey stated you could have a, a situation where it could go over several years you know, so that, that's, you know so putting a limitation, in other words if the, they sell the 250 out of 350 homes and three years has passed, your, your, inferring he thinks that, that sign should be torn down, well he would hope by that time they would have permanent signs up but.

Chairman Sandora stated well that's what he was, that's exactly where he was going to but at that time if they have their permanent signs up would there be a need for a project sign you know, to continue being up he guessed is his thought.

Don Willey stated well he, he guessed Tony what or Mr. President, what he is thinking of is that if you had a if you had a sign up there you know, 50 lots available, 100 lots available that type of thing while they are still marketing that particular project, he would think you

would, you could very well need to have a that, that temporary, if you would, that temporary project sign up so it may, if it's done in a year the thing should come down, if it's done in four years then a, he would think that you know it would take four years, although, no, we've had, we've had a few around here that have been over three years.

Chairman Sandora stated well you know we are all, we are just discussing this and he wanted to get all the input.

Don Willey stated sure, sure.

Chairman Sandora stated he has another one on, on e the next one down, your, your saying on a ground sign, in lieu of the above permitted ground sign a unified commercial or office complex under a common ownership exceeding 100,000 square foot in gross floor area shall be permitted a pylon sign not exceeding 100 square feet in area per side and 10' in height contents of the sign shall be limited to the name of the unified commercial or office complex a, that's seems, 100 square feet to him and you are limiting it to the name of the unified commercial or office complex and you are saying that it could be 10' high and a sign not exceeding, 100 square feet, that's 10' x 10' just with there, the name of their shopping center on it.

Don Willey stated well that's how, that's how the calculation, what if it's a five story office building, he is just thinking out loud here.

Chairman Sandora stated or, or the office complex or.

Chairman Sandora stated well even, even so he means, would you want something 10' x 10', 100 square feet.

Mr. Kundla stated could actually read, could it mean that it means that the top of the sign could be no higher than 10' is that the way he read it and he thinks if that is the case.

Chairman Sandora stated you still can have 100 square feet.

Mr. Kundla stated that with the top of the sign being no higher than 10' to him that's how he would read that and he wonders if the language should just be cleaned up to clarify that.

Chairman Sandora stated would just, just the name of that complex, you would think that would be okay.

Mr. Kundla stated it sounds to him like yes, take our name, 100 square feet, he can put it as high as 100, or 10' off the ground be 100 square feet in area and be allowed is the way he reads that.

Don Willey stated yeah that, that's, been in the Code by the way, that wasn't a change that we made, the only change we may to that paragraph was Building Commissioner and or Architectural Review Board so this is currently in the Code.

Chairman Sandora stated okay, go head Mr. Kundla.

Mr. Kundla stated he is switching to a, section one, 1284.13 permits required and most specifically a letter e, when he reads all of that under application for permit he, he sees nothing in regards to a

landscape plan and he was curious as to you know was that left off, is that in some other section of the Code or is that not being, is that being taken out all together.

Don Willey stated yes, no, yeah, it's in another section of the Code.

Mr. Kundla stated it's in another section Code.

Ms. Fashempour stated yeah, it's in another section, she looked for it today.

Mr. Kundla stated okay, good.

Chairman Sandora stated well let's back up a little bit Mr. Kundla too, because he had a question on a under a in there where a the change of copy, he thinks this is the one, excuse me a minute, no, that's okay, go ahead.

Mr. Kundla stated all right. Mr. Kundla stated now moving on, he believes he, two more pages beyond the one we just discussed under nonconforming signs, it is towards the top of the page, if you can see Section, 1284.16 removal, he is actually referring to letter, number 2 he should say, right above that.

Don Willey stated change of use.

Mr. Kundla stated change of use that is correct, when he reads that, he would ask that you read that again and potentially after you shall such change of use shall require the owner, he would ask that you add the word or tenant bring the sign into compliance with this Chapter.

Don Willey stated are we referring to the, the property owner or the business owner.

Mr. Kundla stated well see and that's why he thinks that paragraph is ambiguous because the building owner may not change but the tenant could constantly change from a zoning and from a architecture standpoint the change of use of the building may or may not happen but a change in tenant could happen over, and over, over, over again and he was wondering as to.

Don Willey stated so where do you place the, the liability, on the owner of the property that enters a lease with the business or, or on that, that particular business owner.

Mr. Kundla stated that's, that's what he is asking, he is saying to you, if we are trying to get rid of a nonconforming sign, if there is a change in tenant, boom, that triggers that you have to make the sign conforming or if there is a change in building ownership, then again same thing applies.

Don Willey stated well the trigger on that and correct him if he is wrong Rito.

Mr. Alvarez stated um uh.

Don Willey sated a, a, the trigger on that is that if you have a change in tenant and a change of business, they, they have to get an occupancy permit so at that time that triggers the Building Department to do that a.

Mayor Luks stated a.

Chairman Sandora stated Mayor.

Mayor Luks stated Mr. Chairman, on that same item, she, she guessed she would, she would ask and the Law Department isn't here this evening how that would be applicable in cases where a variance has been granted, it is her understanding that the Law Department has always taken the position that the variances stay with the property so in a situation such as that if the tenant changes and the business changes, it is her understanding the variance still applies she also would question a situations such as where we the City has through negotiations for right, right-of-way entered into agreements with property owners regarding sign setbacks and location because the City has basically you know taken frontage from, from the property, it, how, this section would apply to those instances as well she, she thinks that is an important question um she thinks that's going, she thinks that's going have to be answered before we could go forward with a statement like that.

Don Willey stated so a, a, Mayor if he understands your, your asking for this to define grandfathered variance in, in the application of the Building Code.

Mayor Luks stated she didn't know that variances are considered grandfathered, she just knows that Case Law says that according to our Law Department, we have been told, says that the variances stay with the property.

Don Willey stated okay.

Mayor Luks stated for ever.

Don Willey stated okay.

Mayor Luks stated and so is that considered a nonconformance, she believes it is a, she wants to know the applicability of this section in those situations.

Mayor Luks stated Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mayor.

Don Willey stated he is surprised the Law Director didn't a cover that.

Chairman Sandora stated go ahead Mr. Kundla.

Don Willey stated okay, go, inaudible.

Mr. Kundla stated yes he has one last issue if you turn the page to Section 1284.24 under the Section entitled enforcement, the first paragraph there under subsection a when in the opinion of the Building Commissioner violation of this Chapter exists, the, the Commissioner will, shall issue or cause to be issued a, something to the owner telling him he is out of compliance, a, is the owner, he just wants to know for clarification purposes is, the oneness is not strictly placed on the Building Commissioner he would assume, if for instance something

that's passed by the Architectural Review Board is later found out to be not adhering with what it was that we had approved, is there a procedure in place that we bring that up to the Building Commissioners attention and he therefore can rule on it and that point in time.

Don Willey stated you mean something that has slipped through the cracks.

Mr. Kundla stated something, somebody, two, three, four, ten businesses put up signs prior to ever getting approval from anybody and then we, what is of such a procedure whereas we bring that to the Commissioners attention and a you know whether it was something that was passed by them or something that was done completely never having come before us, we happen to notice just cause we are citizens and we live here in the community we notice wow, that never came before me and you know and the Board how.

Don Willey stated you mean, what, what would the enforcement, what would our enforcement.

Mr. Kundla stated what, what, what is the procedure he guess, he means, how does that, me or any other citizen bring something to the Commissioners attention as to a nonconforming or a sign that is just you know, let's call it illegal for a lack of a better word.

Don Willey stated well, he means, it's up to the Building Commissioner to, to enforce the Building Codes obviously and a that can be through direct correspondence and volunteering conformance or if not it goes to, it's referred to the Law Department, a, he would assume if he understands correctly what you are saying, if something slips through the cracks, they put there, put up there sign and then oh by the way, he, he notices that it's not 12, 12 square feet, it is actually 13 and it passed by the inspection will say, that happens in a lot of residential over the years you know, he doesn't know that we have any recourse since if we have signed off on it, but he is not attorney.

Mr. Kundla stated uh um.

Don Willey stated but he, he would guess that, that we would have no recourse if, if our a, building people have signed off on it and he is sure that you can drive around town and see.

Mr. Kundla stated he can tell five or six of them right now.

Don Willey stated a number of them, yeah he knows, yeah.

Mr. Kundla stated how, how, he guessed where he is going is, a, a, okay we approved a sign, the business decided to change his name, decides to put another sign panel in it's sign, it's never come before the Architectural Review Board he didn't know that it could or could not be passed by anybody else, so his opinion have they not, are they not in violation of the Code and therefore can he as a citizen just come and say excuse me Mr. Commissioner but a did you know that sign at such and such at this business best he can tell you they have never been approved.

Don Willey stated well on.

Mayor Luks stated Mr.

Don Willey stated on occasion someone does something on a Saturday or Sunday and the Building Department doesn't discover it until Monday.

Mr. Kundla stated sure.

Don Willey stated in which case they, they go and try to curb, resolve the a problem but, he, he is not a.

Chairman Sandora stated Mr. Willey.

Mayor Luks stated Mr. Chairman if he may.

Don Willey stated yes.

Chairman Sandora stated Mayor.

Mayor Luks stated she will make an attempt at this, a, our procedure now Ed is general, because this routinely happens.

Mr. Kundla stated yes it does.

Mayor Luks stated it routinely happens and it even happens where people have hired Sign Companies that we have dealt with that know that they are suppose to get permits.

Mayor Luks stated and our Code addresses it in terms of penalties but the process, the procedure is that they are, once the our, our zoning official in the Building Department is notified that there is a sign that didn't receive the appropriate approvals he issues a letter telling them they are in violation, the Law Department says we have to give people due process so we tell them they have so many days to remedy the situation, come in apply for whatever, the application process, a if they fail to do the things that they are instructed to do through the zoning letters then they are cited into Mayor's Court and, and it, it's a misdemeanor, in certain cases for instance we have a sign that has, that was approved by, was told that they could not change the message.

Mr. Kundla stated uh um.

Mayor Luks stated she is sure you are aware.

Mr. Kundla stated yes.

Mayor Luks stated in that case we actually filed a civil type of litigation against the property owner for remedy, there are times when the Law Department feels that, that is going to be more effective then Mayor's Court and a potential of a maximum \$150.00 fine. Mayor Luks stated when applicants don't get permits and do things, we have the ability to charge them double on their permits is she not correct and that's part of our Code structure as well as a penalty, so there are measures and procedures in place but unfortunately sometimes you know we are following the legal system, those take much longer than we would like but we have the obligation to allow them due process.

Mr. Kundla stated okay.

Mayor Luks stated that's currently the the way it basically works.

Mr. Kundla stated okay.

Chairman Sandora stated Thank You Mayor.

Mayor Luks stated and anyone can bring that to the attention of the Building Department.

Mr. Kundla stated good.

Chairman Sandora stated Thank You Mayor.

Mr. Kundla stated is it, is it then in, in, a, this may be a question of perception but let's say somebody is sent one of these letters, oh by the way you didn't get the proper approval, they come in before the ARB, they have already spent the hundreds if not thousands of dollars to put their sign up, they almost assume that they are coming to be rubber stamped to be approved and then things can get testy in the meeting at times, there is no other way of saying it and a, we almost feel like a, at times we might need to a oh play nice, behold to the business owner.

Mayor Luks stated uh um.

Mr. Kundla stated yes he has made an investment in his business in this community and, and, and yet we may have some issues but ultimately we, we pass the sign.

Mayor Luks stated um.

Mr. Kundla stated is, is that just the nature of the beast or or is.

Mayor Luks stated prior, prior to there being an ARB, Planning Commission faced that on numerous occasions, so she knows exactly what you are talking about and it, it's a,

Mr. Kundla stated okay.

Mayor Luks stated it's a, it's one of those types of items that, that are truly discretionary.

Mr. Kundla stated okay.

Mayor Luks stated to, to the Board and your weighing a, what you have mentioned in terms of this is a business investing in our community with is that tolerable, this sign, did they know, are they lying to us, even if they didn't knowingly do this, is it so garish and out of sync that we just can't accept it, it's a discretionary item that you need to weigh, all of those factors and come to a decision, she understands, and it's difficult because of all of the things that come into play, a she don't, you know she doesn't know any way around it.

Mr. Kundla stated okay, all right, if there was, if there was then he would certainly love to have that kind of, backup, we all would wouldn't we a.

Mayor Luks stated and, and you know this Planning Commission has gone both ways on that.

Mr. Kundla stated okay.

Mayor Luks stated we have accepted signs and we have rejected them even though they were already made.

Mr. Kundla stated okay, okay that's all he has, Thank You.

Chairman Sandora stated Thank You Mr. Kundla, Thank You for taking your time to come before this Board tonight and express your opinion, we appreciate.

Don Willey stated Thank You very much.

Mr. Kundla stated you welcome, your welcome, Thank You.

Chairman Sandora stated he does have one more questions, a hypothetical question a, what happen if for some reason the Architectural Review Board is a no longer here.

Don Willey stated what, you mean they, they all quite, ran to Strongsville or that they.

Chairman Sandora stated no let's just say that, it is decided that the Architectural Review Board would no longer be needed.

Don Willey stated well obviously if, well then, then we obviously would have to a change these Codes because we, we would be referring to something that doesn't exist or if BZA or if Planning Commission or whatever you know. Don Willey stated what's, what's the a, how do you catch that stuff then.

Chairman Sandora stated well just for the record, so it's on the record that then that something will take place when, all he is saying is that something will take place if a it is decided that the Architectural Review Board is no longer needed then something else will, will take place.

Don Willey stated he, he doesn't know.

Mayor Luks stated Mr.

Don Willey stated well obviously what we have to do we, we would have Rules referring to a, a or Codes referring to an agency will say or, or to him it doesn't exist we would have to change that.

Chairman Sandora stated okay.

Don Willey stated you know and at that time how do you deal with it, he certainly doesn't want to personally if he is on the Planning Commission he certainly doesn't want to get into a color scheme with a, a McDonald's and Company, he doesn't, don't know and, and of course he thinks that one of the reasons the Mayor because of the things coming on created the Architectural Review Board is to have consistency and design throughout the City.

Chairman Sandora stated right.

Don Willey stated and at one time he remembers a number of years ago there was an Architect correct him if he is wrong that sat on the Planning Commission.

Chairman Sandora stated right.

Don Willy stated so.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated okay, Thank You Mr. Willey.

Chairman Sandora stated Mayor.

Mayor Luks stated a, Mr. Willey raised a point that, that's, she guessed is kind of bothering her and that is the consistency issue, she thinks that a couple of the items that Mr. Kundla raised a, to me leave some room for inconsistency, a, and in the discussion when we were discussing, about whether or not a sign would be that, it would meet the area requirements, but be proportionate or not and Rito said he would certainly not want to make those types of decisions so he would send those to ARB, she is concerned that there is nothing in here that says that is going to happen because while Rito she fully trust that you will do that, and she, you know, if you were to get hit by a truck God forbid tomorrow and your not here and someone else is making that call she don't, she don't know um that they are going to have the same kind of discretion, she thinks that is a little too wide open.

Chairman Sandora stated vague.

Mayor Luks stated a Mr. Willey overall she, she supports your intent to a try and kind of make the whole process a little more user friendly she, she agrees with it but she would like to see some of that clarified, she, she thinks to her when she is reading some of these the, the equal protection issue comes to mind, one thing that she has learned in the eight years as Mayor and for that matter the four years on Council is that so many things can give, the appearance of being discretionary, and, and the minute that flag goes up were, were told that we have to afford everyone equal protection, so when you are talking about things like the Building Commissioner can decide whether or not there could be a phone number or the ARB can decide whether or not there can be a phone number, it goes back to that consistency thing, she is hearing due process, she is hearing equal protection arguments in her mind just from past experience so she, she just, while she thinks that this Code is moving in a direction that's good, she, she would like us to a work on a few of these things, she would like to ask the Law Department some questions, and maybe work a little more with the ARB on some of these before we move this forward and therefore it would be her suggestion that we table this, this evening, Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mayor.

Don Willey stated well a, a, he concurs, he thinks there is some legitimate questions, one of the things when you are trying to do this as you well know is that the ideal thing is to, to have a flow chart where everything, where you, where you don't leave decisions up to human beings, but if it is writing then that protects everybody and a, for instance discretion, he, since he has been on the, on this Board, you know the questions come about phone numbers and not phone, addresses and not addresses, expiration of time, sign dates which Mr. Sandora brought up earlier, that was never, that was never in our Codes in, in terms of

expiration dates and so forth but when Applicants came here that was one of the requirements that we, that we put on them on, on temporary signs so he, he thinks you have a, you know there has been a couple very good suggestions and a.

Chairman Sandora stated we need to work on it.

Don Willey stated yeah.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated is there anybody in the audience that has anything they would like to say on this.

Chairman Sandora stated anybody else on the Board have anything they would like to say on this.

Ms. Fashempour stated Mr.

Anne Reinkober stated she just had one comment, Mr. Chairman.

Chairman Sandora stated Ms. Reinkober.

Anne Reinkober stated she thinks too that we need some consistency, she knows that we are taking Planning Commission out of it but she still thinks that it should go the Building Commissioner and then to ARB so that everybody is treated the same.

Chairman Sandora stated he agrees and, and then these are just the finer points that need to be worked out.

Anne Reinkober stated right.

Chairman Sandora stated it's a good a, it's, overall he thinks it is good.

Don Willey stated well what is a definition, to him it doesn't make any sense for Realty One to come in here with their standard sign and then have them have to go to another meeting when they are not, they are not going to change it anyway, he doesn't see where temporary signs anyway, where that should have to go to the Architectural Review Board, it's not necessarily taking from them you know, we had this guy from Kenny Kings, he was, he drove up here for four different meetings plus he thinks he had to go to BZA and he, he just, he doesn't see where especially temporary signs and that's what started this a, a, whole thought process, he doesn't think they should go to ARB, he thinks it's wasting ARB's time and he thinks it's wasting the a customers time so.

Chairman Sandora stated Thank You Mr.

Don Willey stated in, in some cases.

Mr. Kundla stated may he, may he ask something then.

Chairman Sandora stated Mr. Kundla.

Mr. Kundla stated yes a, a, he might agree with Reinkober.

Anne Reinkober stated Reinkober.

Mr. Kundla stated there are certain Realty Company's that do bring their signs that are the same, exactly every single time, if there was something that can be written as a directive, be issued by the Commissioner that says as long as this sign always looks like this then the Building Commissioner can approve that and you can have a sign off of anybody from the Architectural Review Board and we would wholeheartedly agree that signs of that nature would be perfectly acceptable to be approved by the Building Commissioner.

Don Willey stated so what do you, what do you do for the ABC Realty Company down in Tuscarawas County that decides to sell farm land up here, it, is it going to look like this, we have never had them before.

Mr. Kundla stated and then they, then they probably.

Don Willey stated see there, there in and of itself becomes a definition.

Mr. Kundla stated if, if they already passed, if Realty One comes in, Building Commissioner yes, great and or he refers it to the Architectural Review Board, we say fine, the next time they bring another sign in for another piece of property somewhere in the community and it's the exact same sign, he would agree.

Don Willey stated see there you have a default situation, did they come, didn't they come, there is another decision, there is another default situation you know.

Mr. Kundla stated he is not understanding it, the next time he comes he only has to go to the Building Commissioner who can.

Don Willey stated well, yeah but, but, but our rule says if you have been here before don't bother coming back, referring to the ARB because we have approved it once we don't have to approve it twice, see, he don't, he don't see the logic in that.

Mr. Kundla stated he only sees it for the ARB, he is not saying, they still have to get the approval of the Building Commissioner every single time they want to put a sign up.

Don Willey stated no, he, he understands that but the first time around what you are saying if we implement this tonight, tomorrow or the next day, that whenever a standard company comes in McDonald's, Kenney Kings whatever it is and they come in with their standard signage that once you have looked at it and reviewed it that that's that, that's perfectly acceptable from here on end.

Mr. Kundla stated no, he is only referring to Realty Signs.

Don Willey stated well there, there is more, more temporary signs than Realty Signs.

Mr. Kundla stated that is strictly what he is referring to.

Mr. Kundla stated then maybe you and he are a.

Don Willey stated all right use Real Estate.

Mr. Kundla stated yes, if.

Don Willey stated use realty signs.

Mr. Kundla stated if he only stick to real estate signs and he has the same one.

Don Willey stated all right, now, Realty One decides to change their name from Realty One to Realty Two.

Mr. Kundla stated yes.

Don Willey stated and from red to blue.

Mr. Kundla stated yes.

Don Willey stated do they come to the Architectural Review Board first.

Mr. Kundla stated yes they do.

Don Willey stated even though it's a, it's a their standard business logo.

Mr. Kundla stated yes.

Don Willey stated that's a thought.

Chairman Sandora stated Thank You.

Mr. Kundla stated Thank You.

Don Willey stated Thank You.

Chairman Sandora stated anybody else have anything.

Ms. Fashempour stated Mr. Chairman, she has a couple things that she came across as she was reviewing the Code and it doesn't actually have to do with the Sign Code but it has to do with the Architectural Review Board Code and the procedures in place to allow that Application to come in and be referred to ARB, a, she thinks a couple sections need to be changed, 1224.02 Duties and Powers where a it states about the Planning Commission and the Architectural Review Board, she thinks that section should be looked at, it may need to be altered, also 1224.07 Review of Application Plans, Drawings and Signs and Recommendations, when application is made to Planning Commission distributed to the Architectural Review, that's not going to be the case, 1224.08 Review Procedures, a submission of application, c upon, action upon applications. Ms. Fashempour stated also 1281.12 in the Town Center District, b, it refers to signs, she doesn't know how that plays with a the new Sign Code and then also the Codified Ordinances Chapter 214.07 number 5, the fee for the Planning Commission to charge for a sign, she thinks those things need to be addressed also so that we don't have two sets of Ordinances running with no explanation as far as how they get from point a to point b.

Chairman Sandora stated Thank You Ms. Fashempour, correct.

Chairman Sandora stated a gentleman had something he wanted to bring up please, step forward, state your name and home address please.

My name is Emore Russo, he owns, north, northeast corner of West 130th and Drake, now this cabinet that we are talking about tonight.

Chairman Sandora stated well we are not on that yet Sir.

Mr. Russo stated oh not yet.

Chairman Sandora stated not yet, he will call you up when we get to that okay, it will be, it will be here shortly.

Mr. Russo stated okay, okay.

Chairman Sandora stated okay, anybody else on this tonight.

Mayor Luks stated Mr. Chairman she moves to table.

Ms. Fashempour stated Mayor we need to refer it to the Regular Order of Business.

Chairman Sandora stated we need to put it, it is the Public Hearing.

Mayor Luks stated oh, oh, she is sorry, you are right, move to refer to the Regular Order of Business.

Ms. Fashempour stated sorry.

Don Willey stated second.

Mayor Luks stated Thank You.

Chairman Sandora stated it's been moved and it's been second to refer this to the Regular Order of Business, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Victor, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been referred.

Adjournment

Chairman Sandora stated on that now, he would adjourn, motion to adjourn the Public Hearing.

Mayor Luks stated so moved.

Victor Bull stated second.

Chairman Sandora stated it's been moved and second to adjourn the Public Hearing, Ms. Fashempour please call the roll.

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

Planning Commission Public Hearing adjourned at 8:35 P.M.

Chairman Sandora stated he would now like to call the Regular Order of the North Royalton Planning Commission Meeting for October 17th to order.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, October 17th, 2007 in regular session. The meeting was called to order by Chairman Sandora at 8:35 P.M.**

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Cathy J. Luks, Chairman Tony Sandora, Don Willey, Council Representative to Planning Commission, Victor Bull, Vice Chairman, Anne Reinkober, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Approval of minutes: October 11, 2007. Ms. Fashempour stated under Approval of minutes - October 11th, 2007 there will be no action.

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 Number 1, Abbeyville Townhouses, 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 Number 2, Abbeyville Townhouses, 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 Number 3, Columbia Gas, 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 Number 4, Columbia Gas, 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 Number 5, River Edge Subdivision, 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 Number 6, C & C Management Group, tabled, no action.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Temporary Real Estate Sign Approval. Tabled.

Ms. Fashempour stated Number 7, Tony D'Abramo, tabled, no action.

Tony D. Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-107, General Industrial Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated Number 8, Tony D'Abramo, tabled, no action.

Nick and Rosa Carosielli, 13862-13872 Bennett Road, TCD-1, Site Plan Approval for an Addition. Tabled.

Ms. Fashempour stated Number 9, Nick and Rosa Carosielli, tabled, no action.

Harry Hayes, Timberlane Farms, **Timberlane Estates Phase V**. Revised Sketch Plan Approval. Tabled.

Ms. Fashempour stated Number 10, Timberlane Estates Phase V, tabled, no action.

Ordinance No. 07-73 - An Ordinance accepting the Dedication of 1,621 feet of Mahican Way, 649 feet of Shawnee Circle, and 822 feet of Chippewa Path in the proposed Indian Trails Subdivision, Phase 1 from Woodhill Properties, Inc., and Declaring an Emergency. Tabled.

Ms. Fashempour stated Ordinance No. 07-73, tabled, no action.

York/Royalton LLC, **Villas of Worthington**, PUD Zoning. Revision to the Final Plan, A Plan Amendment Request. Tabled.

Ms. Fashempour stated Villas of Worthington, tabled, no action.

Ohio Catholic Federal Credit Union, 5251 Wallings Road, Local Business Zoning. Signs Approval. Tabled.

Ms. Fashempour stated Ohio Catholic Federal Credit Union, tabled, no action.

Salon Pink, 13568 Ridge Road, TCD-1 Zoning. Sign Approval. Tabled.

Ms. Fashempour stated Salon Pink, tabled, no action.

Michael and Alice Walsh, York Road Rear Property, PPN 482-03-005, R1-A Zoning. Lot Split and Consolidations Approval. Tabled.

Ms. Fashempour stated Michael and Alice Walsh, tabled, no action.

Columbia Gas of Ohio requests to install 50' of 2" plastic pipe at 4695 Royalwood Road, Approval. Tabled.

Ms. Fashempour stated Columbia Gas of Ohio, tabled, no action.

Mount Royal Villa, 13900 Bennett Road, TCD-1 Zoning. Sign approval. Tabled.

Ms. Fashempour stated Mount Royal Villa, tabled, no action.

Woodcroft Glen, Royalton Road, GB and RMD Zoning. Extend Woodcroft Trace to York Road and Woodcroft Glen Phase 2 Final Plat - Approvals. Tabled.

Ms. Fashempour stated Woodcroft Glen, tabled, no action.

Ms. Fashempour stated she is going to request at this particular point in time, a ninety day time extension on Number 5, Number 7, Number 8 and Number 9.

So moved Don Willey.

Second Victor Bull.

Chairman Sandora stated it's been moved and second for 90 days on 5, 7, 8 and 9, Ms. Fashempour pleas call the roll.

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

at&t requests permission to place an above ground cabinet in the road right of way near 18540 Bennett Road - Approval. Tabled.

Ms. Fashempour stated they are looking for approval, it is tabled she needs a motion to refer it from the table and the applicant is here.

Chairman Sandora stated can he have a motion to refer from the table, remove from the table.

So moved Don Willey.

Victor Bull stated second.

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

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

Chairman Sandora stated Applicant is here, please state your name, address and what you want to do.

Mike Williams representing at&t, 16515 Clare Avenue in Cleveland, requesting to place an above ground cabinet in the right of way, at 18540 Bennett Road.

Chairman Sandora stated okay.

Mr. Williams stated he understands it was submitted last week with a pole mounted cabinet and a we have redesigned it to go with a pad mounted cabinet and he has met with the homeowners across the street, the Hach's and he doesn't know if they would want to discuss.

Chairman Sandora stated okay, fine.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Mr. Chairman, can he hold off until he hears from the Hach's.

Chairman Sandora stated okay.

Chairman Sandora stated Sir, would you like to step up to the mic please, state your name and home address and what you would for us.

Yeah, Norm Hach, 18545 Bennett Road, he lives opposite to where this thing will take place, he only has one question, he was, Mike explained quite well to us what was going to take place there, he ask one question, is the box that's hanging on the pole there going to be removed from the pole and added to the box.

Mr. Williams stated no, the, the box that sits on the pole will stay.

Mr. Hach stated that's going to stay where it is has to stay.

Mr. Williams stated yeah, it has to stay.

Mr. Hach stated okay.

Mr. Hach stated the only other thing he has is a, the condition of the pole, it's a, it's a pretty sound pole but it's cockeyed has been ever since it was installed down there and we look out our front window and that's what we are looking at, he would like to extend an invitation to each and every one of you if you would like to come down to his house and look at what we view and his neighbors view every time they look out their front window. Mr. Hach stated other than that, it is his understanding that there is going to be some landscaping around this new project, he has no further comments.

Chairman Sandora stated Thank You Mr. Hach.

Mr. Hach stated other than if we get that CEI pole fixed, that would be great, Thank You.

Chairman Sandora stated your counterpart here last week said that they might call in and check on that pole to see whose pole it was and if they can do anything with it, do you know?

Mr. Williams stated that's a CEI pole which we have joint interest on, because we use the.

Chairman Sandora stated okay, is there anyway that, that can be.

Mr. Williams stated a, well we could refer it to them but a Wendy had told him that a the Councilperson here happen to have a contact at CEI that she could speak to, he means, he can refer it to them, he can, he would be pretty assured what their answer would be, being that it is structurally sound, but who knows.

Chairman Sandora stated okay.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated she can address that with our Government Affairs Rep with First Energy.

Chairman Sandora stated all righty, Thank You.

Mr. Williams stated he did a, a talk to the Hach's about putting landscaping out front and as long as that's okay with the City.

Chairman Sandora stated okay with him, Mr. Merdes.

Mr. Merdes stated Thank You, and just for the record, what is the landscaping that was discussed and agreed to with the Hach's.

Mr. Hach stated there was nothing readily agreed to as far as the type of shrubbery or what kind of landscaping it would be, he is not sure of that.

Mr. Merdes stated okay.

Chairman Sandora stated okay Thank You.

Mr. Williams stated he was having a, he gave him the name of Doug Gerber, from Gerber Landscaping that's going to come out and take a look at it and he is going to throw a sketch together.

Mr. Merdes stated uh um, okay.

Mr. Williams stated he suggested arborvitae, but he actually suggested something else that was a little bit more salt resistant.

Mr. Merdes stated okay, but something along the lines of something that is evergreen throughout the year and tolerant to salt.

Mr. Williams stated yes.

Mr. Merdes stated and that seems to be about the same thing that your resident, Mr. and Mrs. Hach are expecting.

Mr. Williams stated uh um.

Mr. Hach stated yes.

Mr. Merdes stated okay, Thank You.

Chairman Sandora stated Thank You.

Mr. Merdes stated and the other comments he has are the normal ones that should this be approved by the Planning Commission a permit is required, plans by Registered Engineer are required to obtain a permit, you need to perform all work in accordance with the City's Codified Ordinances, and contact the Engineering Department 72 hours, 3 working days prior to commencing, full time inspection is required for all work within the City right of way, and that is billed to the Applicant. Mr. Merdes stated all areas of disturbance are required to be restored, no

open cut of the roadway pavements are allowed, there is no sidewalk here so we won't have to worry about replacing that, videotaping of the work areas required prior to doing the work and provide the City, the City and a copy of the video and also all homeowners along the installation should be given 48 hours written notice and submit a copy of the notice to the City.

Mr. Williams stated agreed to.

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

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

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

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

Mrs. Hach stated when will this be built.

Mr. Williams stated a, not, you know he could not tell you, he knows it is scheduled to be completed he believes by 12/24/07.

Mrs. Hach stated okay.

Ms. Fashempour stated were we able to move the box sideways, she means, could we change sideways.

Mr. Williams stated no, do to the swale that a, that is there.

Ms. Fashempour stated okay, so what she told a, Mrs. Hach what she told you this morning as far as trying to turn it on the side, they won't be able to do that, so they are going to landscape in front of that larger part of the box.

Mrs. Hach stated Mike explained.

Ms. Fashempour stated okay, all right.

Mrs. Hach stated Thank You.

Chairman Sandora stated okay, have a motion to a approve the request for at&t at 18540 Bennett Road.

So moved Don Willey.

Chairman Sandora stated second.

Second Victor Bull.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Chairman Sandora stated it is approved.

New Business:

Ordinance

Ordinance No. 07-103 - An Ordinance amending the Codified Ordinances of the city of North Royalton, Part 12 Planning and Zoning Code, Chapter 1284 Signs, Section 1284.01, 1284.03, 1284.05, 1284.07, 1284.10, 1284.13, 1284.14, 1284.15, 1284.16, 1284.17, 1284.21, 1284.23, 1284.24 and creating new sections 1284.25 through 1284.29, and Declaring an Emergency.

Ms. Fashempour stated under New Business, Ordinance 07-103, that was Chapter 1284 Signs.

Chairman Sandora stated okay, he will make a motion to table.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and second to table Ordinance Number 07-103, Ms. Fashempour please call he roll.

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

Chairman Sandora stated it is tabled.

Utility Plan Request

at&t request permission to place an above ground cabinet in the road right of way near 16970 State Road - Approval.

Chairman Sandora stated the Applicant is here.

Mike Williams representing At&t, 16515 Clare Avenue in Cleveland. Mr. Williams stated requests to place an above ground cabinet in the right of way near 16970 Drake.

Ms. Fashempour stated State.

Chairman Sandora stated 16970 State.

Mr. Williams stated or State, he is sorry.

Ms. Fashempour stated that's okay.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, a we have a revised plan the only, the change is that originally this was proposed as a pole mounted unit, he had made a request that this be a pedestal mounted one and the change relates to that request, now showing a pedestal mounted cabinet, a and then he would just a Thank You for, for making the change and a he has his regular comment which is that, in this case there are also no sidewalks to be involved with and worry about restoring, so his comments are exactly the same as previously discussed tonight if the applicant would be in agreement with those comments for this location.

Mr. Williams stated agreed to.

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

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

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated anybody on the Board have anything, any comments, anybody in the audience on 16970 State Road.

Chairman Sandora stated make a motion to approve a request for at&t for 16970 State Road for a pedestal cabinet.

Mayor Luks stated second.

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

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

Chairman Sandora stated it is approved.

at&t request permission to place an above ground cabinet within a utility easement near 12821 Drake Road. - Approval.

Chairman Sandora stated the Applicant is still here.

Mike Williams with at&t request to place above ground cabinet in the utility easement there, near 12821.

Chairman Sandora stated okay Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated if this is approved by the Planning Commission, a permit is required to prior to performing the work, a, plans by a Registered Professional Engineer are required to obtain the permit and you will have to perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours prior to commencing, full time inspection is 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, no open cutting of the pavement is allowed, sidewalk replacements would be by full slabs only, videotaping of the work area is required prior to performing the work, provide a copy of the video to the City and all homeowners and in this case probably business tenants near the installation shall be given 48 hours written notice and submit a copy to the City is that acceptable to the Applicant.

Mr. Williams stated yes, accepted.

Mr. Merdes stated Thank You.

Mr. Merdes stated Thank You Mr. Chairman.

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

Mr. Alvarez stated no comment Mr. Chairman.

Chairman Sandora stated anybody on the Board have anything, in the audience.

Chairman Sandora stated Gentleman step forward, state your name.

Mr. Russo stated 12821 Drake Road, is that north side of Drake or south side of Drake this cabinet.

Mr. Williams stated cabinet will be on the south side.

Chairman Sandora stated south side.

Mr. Russo stated oh south side, okay, okay well, the, another thing he wants to, he is okay with, another thing he wants to complain about, he gave an easement to at&t, they told me where they are going to put bushes around the boxes, clean up, they never cut the grass with weeds, not even once, so this Council should make sure they do their part, Thank You.

Chairman Sandora stated Thank You.

Ms. Fashempour stated Ma'am did you have anything about the box on Drake.

Mrs. Sharkin stated no, he explained to her that it is going to be near the corner building.

Ms. Fashempour stated okay.

Mrs. Sharkin stated the professional building.

Ms. Fashempour stated okay, so you are okay.

Mrs. Sharkin stated is that not right.

Mr. Williams stated correct.

Mrs. Sharkin stated correct.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated Mike, does the easement that the Gentleman is referring to, address the maintenances issues.

Mr. Williams stated he believes the easement that he is talking about is across the street that's on the north side.

Mr. Russo stated on the north side.

Mr. Williams stated he, that corner is vacant right.

Mr. Russo stated right.

Mr. Williams stated yeah and we have a, if you look, do you have the plans up there, you can see that there.

Mayor Luks stated uh um.

Mr. Williams stated and a, it a, it looks a little unruly over there.

Chairman Sandora stated well could we clean it up.

Mayor Luks stated well she guessed her question is, who's responsible for maintenance.

Mr. Williams stated well there, we.

Mayor Luks stated she means, it, he said there was an easement, is there an easement.

Mr. Williams stated yes there is.

Mayor Luks stated okay, under the terms of the easement, who is assigned the responsibility of maintenance.

Mr. Williams stated he would have to look at the language of that easement.

Mayor Luks stated okay.

Mr. Williams stated so, he, a.

Mayor Luks stated so you will get back to us on that.

Mr. Williams stated he will look at that and get back to you.

Mayor Luks stated Thank You.

Chairman Sandora stated he means, it would, it would be a lot easier right now because if you are doing one across the street, to do them both at the same time, clean it up, okay.

Mrs. Sharkin stated are you talking about cleaning up the vacant property at the corner of northeast corner of Drake Road.

Mr. Williams stated well, we wouldn't clean up the whole property he means.

Mrs. Sharkin stated she knows.

Mr. Russo stated 18 by 25 area.

Mr. Williams stated well, he will look at the language and a.

Chairman Sandora stated okay.

Mayor Luks stated please.

Chairman Sandora stated please do.

Mayor Luks stated and we don't know what the terms of that easement are, usually the easements.

Mr. Russo stated he was told they maintain it, they request extra feet so they would be able to maintain he property.

Mayor Luks stated well she, we will follow up and find out what the easement requires and who's responsible.

Mr. Russo stated well the way he reads it, they are responsible for cleaning it, maintaining it.

Mayor Luks stated do you have a copy of the easement Sir.

Mr. Russo stated pardon me.

Mayor Luks stated you have a copy of the easement.

Mr. Russo stated not with him tonight no, he has it.

Mayor Luks stated but you have seen it.

Mr. Russo stated he will get a copy.

Mayor Luks stated that would be great.

Mr. Russo stated okay.

Mayor Luks stated Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated could he have approval for the at&t request at a 12821 Drake Road.

So moved Don Willey.

Second Chairman Sandora.

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

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

at&t request permission to place an above ground cabinet within a utility easement near 7331 Edgerton Road - Approval.

Chairman Sandora stated the Applicant is still here.

Mike Williams representing at&t request to place an above ground cabinet in an easement at 7331 Edgerton.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated he would just simply state that his comments are the same for this application as the previous one and ask if the Applicant would again agree to abide by those conditions.

Mr. Williams stated agree to.

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

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

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

Chairman Sandora stated anybody on the Board have any questions.

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

Don Willey stated second.

Chairman Sandora stated is there anybody in the audience that has any questions or concerns on this, on 7331 Edgerton.

Chairman Sandora stated it's been moved, he will second it for approval for at&t at 7331 Edgerton Road.

Chairman Sandora stated Ms. Fashempour please call the roll.

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

Chairman Sandora stated Thank You.

Mr. Williams stated Thank You.

Chairman Sandora stated while you are here tonight Sir, he has a question for a okay, real quick, a, in your spare time okay, he has been watching the news kind of, he has been watching the news and he saw an article, issue on the news that related to at&t in the City of Cleveland, okay, are you aware of that.

Mr. Williams stated a.

Chairman Sandora stated the legislation that the City of Cleveland has pending or planned and he is going to be watching this legislation, evidently there are numerous white refrigerator boxes being placed on lawns in the City of Cleveland, so the City of Cleveland has decided that at&t will be landscaping them all and maintaining all of them and also come up with a graffiti plan okay, so he is going to be watching the legislation and if, whatever they pass, he is going to ask our Council to look into it so that you are aware of it and you can tell your Superiors to be on the aware, look out for that.

Mr. Williams stated sure.

Chairman Sandora stated okay, Thank You.

Mr. Williams stated he will pass that along.

Miscellaneous

Adjournment

Chairman Sandora stated motion to adjourn.

Mayor Luks stated second.

Chairman Sandora stated moved and second to adjourn.

Don Willey stated second.

Chairman Sandora stated Ms. Fashempour call the roll.

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

Chairman Sandora stated we are adjourned.

Don Willey stated Mr. Chairman does the graffiti plan tell you how to do it or how not to do it.

Chairman Sandora stated how to do it.

Mr. Alvarez stated aesthetically.

Planning Commission Meeting for Wednesday, October 17, 2007 adjourned at 8:53 P.M.

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

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

Date : November 14, 2007