

**PLANNING & ZONING COMMISSION**  
**May 27, 2014 – 7:05 P.M.**

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley, Mazur and Newberry, Mayor Drucker, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Eisenhuth, Councilman Kotora (meeting only), Assistant City Engineer Welch

**NOTES OF CAUCUS DISCUSSION:**

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus)

Chairman Pelunis presided.

**PENDING:**

2. 28200 Miles Road, Unit G – Brainard Miles Retail Development, LLC – re-approval of site plan for drive-thru (Regal Cleaners). Councilman Pelunis said Regal Cleaners is being re-located to another unit in this plaza.

3. 31135 Cannon Road – PP#'s 951-39-003 and 951-39-004 – David Ferrante – front yard setback variance, accessory pavement area variance, driveway width variance and a lot consolidation: Councilman Pelunis said an adjacent neighbor sent an email expressing concern regarding the landscape screening and lighting. Councilman Pelunis believes contingencies should be discussed and added to the motion if this item moves forward tonight.

Mr. Frankland said the driveway width variance will be withdrawn. Mr. Dan Neff was present representing the applicant and confirmed the driveway width variance will be withdrawn.

**NEW:**

8. 30575 Bainbridge Road – Betsy Investments Company – 60 space temporary parking variance (for Nestlé): Mayor Drucker asked for clarification from Mr. Frankland regarding his memo and the reference to grandfathered temporary parking.

Mr. Frankland said the existing parking does not comply with the plan approved in the 1990's. However, as it was the City's responsibility to monitor the parking plan, he does not feel it is fair to require that plan at this time.

The Commission discussed adding a time contingency to the motion regarding the temporary parking.

9. 32740 Shadowbrook Drive – Frank Myeroff – maximum front yard coverage variance and minimum distance between driveways variance: Councilman Pelunis viewed the property and said the request is consistent with other driveways in the neighborhood. He would like additional landscaping installed and would like the applicant to retain as much of the current landscaping as possible.

#### COUNCIL REFERRAL:

12. University Hospitals Health System/The Fountains of Solon – requesting the rezoning of property located on Franklin Park Boulevard from the C-3 (Commercial) Zoning to R-3 (Multi-Family Residential) Zoning for an apartment/townhouse complex: Councilman Pelunis said the applicant requested this item be tabled this evening. As there is a public hearing scheduled, Councilman Pelunis said comments will still be heard and the public hearing will be continued at the next meeting of June 10<sup>th</sup>.

The caucus ended at 7:20 P.M. and the meeting convened at 7:30 P.M.

Councilman Pelunis presided.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the minutes of the May 13, 2014 meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

#### PENDING:

- |  |                   |
|--|-------------------|
| <p>1. 28300 Miles Road, Unit C – Brainard Miles Retail Development, LLC</p> <ul style="list-style-type: none"> <li>▪ Re-approval of site plan for drive-thru (Subway)</li> </ul> | <p>026-2014 5</p> |
|--|-------------------|

Councilman Pelunis said this item was reviewed and approved by the Safety and Public Properties Committee and by the City's traffic engineer. The approval was made with the following contingencies; no outside menu board, no signage for the outside drive-thru pick-up window and no speaker box for ordering.

Mr. Dan Neff, Neff and Associates, was present representing the applicant. He said all of the contingencies made by the Safety and Public Properties Committee have been agreed to. Mr. Neff displayed a site plan indicating the location of Subway and said how the existing drive-thru and pick-up window will be used. He explained the car stacking and the traffic flow. He confirmed there will be no ordering at the window and it will be used to pick-up phone orders.

Motion by Mr. Mazur, seconded by Mr. Newberry to re-approve the site plan for a drive-thru (Subway) for 28300 Miles Road, Unit C with the contingencies that there will be no outside menu board, no signage for outside drive-thru pick-up window and no speaker box for ordering.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

2. 28200 Miles Road, Unit G – Brainard Miles Retail Development, LLC 027-2014 5
- Re-approval of site plan for drive-thru (Regal Cleaners)

Councilman Pelunis said this item was also reviewed and approved by the Safety and Public Properties Committee and there were no objections as it was determined there will not be an excessive amount of cars stacking at the pick-up/drop off window for Regal Cleaners.

Mr. Neff displayed a site plan, indicated the location and explained the flow of vehicles.

Motion by Mr. Newberry, seconded by Mr. Bentley to re-approve the site plan for a drive-thru (Regal Cleaners) for 28200 Miles Road, Unit G with the contingency that there be no outside advertising boards.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

3. 31135 Cannon Road – PP#'s 951-39-003 & 951-39-004 – David Ferrante 033-2014 5
- 520.5' front yard setback variance
  - ~~4' driveway width variance (withdrawn by applicant)~~
  - 325 sq ft accessory pavement area variance
  - Lot consolidation

Mr. Dan Neff, Neff & Associates, was present representing the applicant. He displayed a plan indicting the two parcels and said the request to consolidate will create one large 4.8 acre parcel.

Councilman Pelunis said the 4' driveway width variance is no longer necessary and the applicant is requesting its withdrawal.

Motion by Mr. Bentley, seconded by Mayor Drucker to accept the applicant's withdrawal of the 4' driveway width variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a 520.5' front yard setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Mr. Newberry asked Mr. Neff to indicate the location of the 325 sq ft accessory pavement area variance.

Mr. Neff displayed a plan and indicated the location of the garage where the accessory pavement area variance is proposed to assist with maneuverability around the garage area.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 325 sq ft accessory pavement area variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

A public hearing for the lot consolidation was scheduled.

Councilman Pelunis opened the public hearing and asked for comments.

Mr. Bob Evans, 31035 Cannon Road, was present and said his property is adjacent to Mr. Ferrante's property. He asked for clarification of the lot consolidation and how it might affect his property.

Mr. Neff referred to the plan and said the property has always consisted of two parcels. The house that was previously on the property was located towards the front of the property on the smaller parcel. However, in order to be in compliance with the Code as it exists today, the parcels are required to be consolidated.

Mr. Evans asked if the applicant would be able to potentially split the property again in the future to build a second home.

Mr. Stolarsky said the applicant would have the option of submitting an application.

Mr. Frankland said any application to split the lot would require variances and due to the pond located on the property, it would be very difficult to construct a second house on the property without variances.

Mr. Evans asked for clarification regarding the location of the driveway to access the home as it will be built further back on the lot.

Mr. Neff displayed the plan indicating the driveway will run parallel to Mr. Evan's property. Although by Code, the driveway is required to be 5' from the property line, the plan is to have the driveway 15' from the property line. Mr. Neff said the driveway will meet the Code standards to accommodate emergency vehicles, if necessary.

Councilman Pelunis said an email was also received from an adjacent neighbor with landscape screening and lighting concerns.

Mr. Neff displayed the plan indicating the area of concern for the neighbor with screening and lighting concerns. He indicated where landscape screening will be added to prevent vehicle lights from shining in the windows of the neighbor's home. Mr. Neff said this has been discussed with the neighbor who will be involved in the plan once the project reaches that point.

Mr. Newberry said there is no finished floor elevation shown on the site plan. He noted there is considerable topography on the lot which may assist with screening issues.

Mr. Neff said the location for the home was selected to take advantage of the higher elevation and the goal is to construct the garage close to existing grade then take advantage of some of the falling topography and expose the lower portion of the house towards the west. Mr. Neff said the final plans will be submitted to the Building Department for approval.

There were no further comments from the audience, therefore, Councilman Pelunis closed the public hearing.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 951-39-003 and 951-39-004 with the contingency that the landscaping plan be reviewed and approved by the Planning Department to provide appropriate screening for the neighbor to the east.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

4. 35310 Solon Road – PP# 952-29-012 - Dorothy S. May, Revocable Trust Indenture
  - Lot split

037-2014 4

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for June 10, 2014 for a lot split for PP# 952-29-012.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

5. 35480 Bainbridge Road – Stephen Rivers 038-2014 6  
 ▪ 12' fence setback from right-of-way variance

Mr. Stephen Rivers was present. He displayed an aerial view and indicated the location of his property which is on the corner of Bainbridge Road and Huntington Drive. The proposal is to install a fence in the rear yard of his property for the safety of his children as the property is on a corner lot. Mr. Rivers displayed a rendering depicting where the fence would be located if placed within the Code requirement of 30' from the right-of-way line. He indicated where this placement would cut into a large area of the rear yard. The 12' variance proposed for the Huntington Drive side would keep the fence even with the rear corner of the home and give him the ability to utilize most of the rear yard. Mr. Rivers displayed a rendering of the proposed 6 foot board-on-board fencing and indicated where gates will be located.

Councilman Pelunis said this type of variance has been approved in the past for similar corner lots.

In response to Mr. Bentley's question, Mr. Rivers said there is a shed in the rear yard which will be contained within the fenced-in area.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 12' fence setback from right-of-way variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
 Nay: None

Motion Carried

6. 32345 Cannon Road - Lewis Elementary School – 039-2014 4  
 Solon City Schools  
 ▪ Site plan for façade renovations

Mr. Bud Griffith, Construction Resources, Inc., was present representing the applicant. Mr. Griffith said the school is starting to plan a 3-year program to increase security and make exterior repairs to Lewis Elementary School. He displayed an aerial view of the school and indicated the south wing. This year's project will be to upgrade and replace the egress doors and classroom windows to include intruder-proof glass. He explained that all of the classroom windows will have an egress door built into the windows for teachers and children so they may exit the building through the windows in the event of an emergency. Mr. Griffith displayed a photograph of the school and said all of the masonry will also be cleaned and repaired and new mortar will be installed as well as water repellent. In addition, the pre-cast panels on the building will also be repaired by placing vertical commercial siding over the panels which are located primarily over the windows.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the site plan for façade renovations at 32345 Cannon Road.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
 Nay: None

Motion Carried

7. 30205 Solon Road – Brennan Industries 040-2014 6  
▪ Variance to not install curbing

Mr. Jay Kachkowsky, Brennan Industries, was present. He displayed a site plan indicating where they are proposing 13 additional parking spaces. He said 7 of the spaces were approved in 1997 but were never installed. Mr. Kachkowsky said as there is no existing curbing in this location, they are also requesting a variance to not install curbing along the additional parking spaces.

Mr. Kachkowsky said he has been made aware that it is necessary to clean up the existing detention basin as it is overgrown.

Mrs. Welch said a lengthy plan was discussed in detail with the applicant and as a contingency for approval of this project, the applicant will be required to enter into a storm water detention inspection and maintenance agreement with the City.

Councilman Pelunis said this is a typical agreement that has been entered into with other businesses as well.

In response to Mr. Bentley's question, Mr. Kachkowsky said there is no existing curbing within the parking area.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the variance to not install curbing at 30205 Solon Road with the contingencies that an Inspection and Maintenance Agreement be entered into with the Engineering Department to ensure compliance with detention basin and other maintenance issues and in the event of further parking expansion, the applicant will be required to comply with storm water management requirements.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

8. 30575 Bainbridge Road – Betsy Investments Company 041-2014 6  
▪ 60 space temporary parking variance (for Nestlé)

Mr. Gary Kohn, was present representing the applicant. He displayed a site plan indicating the area where the proposed 60 temporary parking spaces for Nestlé employees will be located. Mr. Kohn said Nestlé has asked to use the spaces for approximately three months.

In response to Mr. Newberry's question, Mr. Kohn said there are more than enough parking spaces for the current tenants.

Mr. Kohn referred to the site plan and said Nestlé employees will enter through the west entrance only.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 60-space temporary parking variance (for Nestlé) for 30575 Bainbridge Road (Betsy Investments

Company) with the contingency that it is for a time period not to exceed six months.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

9. 32740 Shadowbrook Drive – Frank Myeroff 042-2014 4
- 10.5% maximum front yard coverage variance
  - 18' minimum distance between driveways variance

Mr. Frank Myeroff was present and explained his proposal is to install a circular driveway to accommodate more vehicles and to enhance the property. He said it will not look out of place in the neighborhood as many of his neighbors also have circular driveways.

Mr. Myeroff displayed a sketch of the driveway layout he is proposing. He displayed a photograph of his home indicating a mulch bed with trees and explained that the mulch bed will remain with changes made to the angles to blend more appropriately with the new driveway. Mr. Myeroff said he will retain the current landscaping and will plant additional landscaping. He also displayed photographs of neighbors' homes where circular driveways have been installed.

Councilman Pelunis said he viewed the neighborhood and the proposed driveway would be in conformity with many other driveways.

Ward 4 Councilman Kotora was present. He said he also viewed the neighborhood and noticed how many other homes have circular driveways. As this proposal conforms to the neighborhood, he will support it.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 10.5% maximum front yard coverage variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an 18' minimum distance between driveways variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

10. *The Planning Department removed the application from Exact Crane and Equipment from the agenda.*

11. 31460 Crabtree Lane – Jami & Jonathan Schaefer 044-2014 5
- 14.3' minimum side yard setback variance
  - 14.3' minimum cumulative side yard setback variance

Jami and Jonathan Schaefer were present. Mr. Schaefer displayed a site plan of the property indicating the location of the proposed addition. He also indicated where



the side yard setback variance is necessary and an area in the rear of the property where another minor 1' variance might be necessary.

Motion by Mr. Bentley, seconded by Mr. Mazur to accept the withdrawal by the applicant of the previously approved application upon the approval of the current application.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 14.3' minimum side yard setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 14.3' minimum cumulative side yard setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a rear yard setback variance as indicated on the site plan as shown to the Planning Commission on 5/27/14 as it will be in line with the addition that exists on the rear of the house on the west side.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

COUNCIL REFERRAL:

12. From University Hospitals Health System/The Fountains of Solon requesting the rezoning of property located on Franklin Park Boulevard from the C-3 (Commercial) Zoning to R-3 (Multi-Family Residential) Zoning for an apartment/townhouse complex 029-2014 4

Councilman Pelunis said the applicant requested this item be tabled this evening. However, as there is a public hearing scheduled, residents will still be able to express their opinions.

Councilman Pelunis opened the public hearing and asked for comments.

Mr. Mark Haas, 36400 Pepper Drive, was present. He referred to the traffic study that was discussed at the previous meeting by the developers and said he does not believe it is completely accurate. Mr. Haas feels there will be more vehicles and traffic than was noted in the developer's traffic study.

Mr. Haas restated many of his concerns expressed at the previous meeting. He also believes, if approved, the project would take upwards of two years to complete and during the two years, there will be construction noise and debris associated with the project. Mr. Haas believes there are adequate rentals in the area and this

project is unnecessary in Solon. He expressed his concern over water retention for the area and the young professional that is said to be the target renter. Mr. Haas does not feel most young professionals will be able to afford the \$2,000 per month rent. Mr. Haas said this proposal violates the City's Master Plan.

Motion by Mayor Drucker, seconded by Mr. Newberry to table consideration of item 12.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations to review.

COMMENTS FROM THE COMMISSION:

Mayor Drucker thanked all of the various organizations and the City departments who helped plan and participated in the annual Memorial Day Observance Ceremony. She said it was a very well attended event.

Mayor Drucker congratulated the 2014 graduating class of Solon High School.

Mayor Drucker said on Tuesday, June 3<sup>rd</sup> at 10:00 A.M., the Solon Historical Society will join Naturalist Barb Holtz for a look at the Metroparks past & present.

Mr. Mazur said the recent water main breaks have made it necessary for residents to drive through residential neighborhoods and he encouraged everyone to slow down and be more aware of driving safely within the neighborhoods.

Mr. Newberry said as he may be unable to attend the next two Planning Commission meetings, he would like to offer his thoughts on the "Fountains of Solon" project. He believes it is appropriate for the Planning Commission to approve this item and forward it to the Council for their review with stipulations. Mr. Newberry believes there are many issues regarding the site plan presented by the developers that would need to be resolved.

Mr. Newberry feels that since there is a development agreement under review, it will be an important part of the success of the City should the project move forward. If the application is denied and the applicant uses the initiative petition process, the City loses its opportunity to negotiate advantageously for the City.

Mr. Newberry believes R-2 Zoning for that area of the City would be a mistake from a planning and an economic development perspective.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Councilman Pelunis to adjourn the meeting at 8:22 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Motion Carried

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Chairman

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Secretary