

PLANNING & ZONING COMMISSION
June 24, 2014 – 7:00 P.M.

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

Present: Commission Members Bentley, Mazur and Newberry (entered Caucus at 7:10 P.M.), 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:

1. 35310 Solon Road – PP# 952-29-012 – Dorothy S. May, Revocable Trust Indenture – Lot split: Mr. Frankland said the applicant does not want to remove the storage building from the vacant lot that will be created by the lot split and the Code does not permit an accessory building on a lot with no principle use. The applicant indicated he would prefer to delay the lot split and withdraw his application at this time.

It was the consensus of the Commission to have Mr. Frankland contact the applicant and request a written withdrawal for this item.

2. 33960 Country View Lane – Nancy O'Brien – Maximum accessory building area variance and rear yard setback variance: Councilman Pelunis said at the previous meeting, questions were raised about the dimensions of the patio.

Mr. Frankland said new information was submitted regarding the patio setback.

Mr. Mazur asked Mr. and Mrs. O'Brien if they would be willing to screen the patio with landscaping.

Mr. O'Brien said they intend to add landscaping around the patio but are uncertain, at this time, as to what type of shrubbery will be installed.

Mr. Mazur said the addition of landscaping is voluntary, however, as there was an objection to the patio by an adjacent neighbor, he believes landscaping might be appropriate.

Mayor Drucker said the aerial view of the property indicates there are many trees surrounding the O'Brien property.

Mrs. O'Brien confirmed that the property is surrounded by woodlands.

Mr. Mazur said the woodlands are not located on the O'Brien property.

Mayor Drucker does not feel the applicant should be asked to add screening as this is not requested from other applicants who install patios. She will support the setback variance.

Mr. O'Brien said he used the City's GIS system to provide the setback information for the patio diagram.

3. 33755 Country View Lane – Lisa Harry – minimum accessory structure setback from right-of-way variance, minimum fence setback from right-of-way variance, maximum fence setback from residence variance, maximum fence height variance and fence type variance: Mr. Frankland said the applicant will be meeting with the Planning Department to discuss options that would not require variances or would reduce the number of variances and requested this item be tabled.

5. 28985 Ambina Drive, Exact Crane – site plan for a temporary salt storage building: Mr. Frankland said the City required the applicant to withdraw this item since the applicant is applying for a contractor use in the industrial area which is currently under a moratorium and cannot be legally considered at this time.

NEW:

7. 34182 Aurora Road – ECHO Solon, LLC – Paul Colla – site plan for re-striping: Councilman Pelunis said this item was reviewed by the Safety and Public Properties Committee and referred back to the Planning Commission with the recommendation that there are no safety concerns with the proposal.

Mayor Drucker said it is her understanding that the adjacent parcel where Dairy Queen was located will soon be re-developed and in order to avoid conflict, it might be beneficial to postpone the approval until that proposal is submitted.

Councilman Pelunis agreed with Mayor Drucker and said he believes it is important to have a plan for the entire site before any approval is given.

8. 5750 Harper Road - Nestlé Prepared Foods – maximum free standing ground sign height variance, maximum free standing sign area variance, maximum directional sign height variance and a maximum directional sign area variance: Councilman Pelunis explained that Nestlé requested review of this application be

postponed as it was prematurely submitted by their sign company and further review between Nestlé and the Planning Department is required.

COUNCIL REFERRAL:

9. Rezoning request from DJM Group for property located at the intersection of Aurora and Harper Roads: Councilman Pelunis said there will be no action taken tonight. He requested the Clerk notify the adjacent and abutting property owners of the request and said a public hearing should be scheduled.

Mr. Frankland said he has one minor alteration to review.

The caucus ended at 7:15 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:

Mr. Ken Gazdag, 5151 SOM Center Road, spoke regarding Item 2. He said his property is adjacent to 33960 Country View Lane and requested the variance not be granted. Mr. Gazdag asked that a plan requiring no variance be considered.

Mr. Gazdag explained that the previous owners of the property at 33960 Country View Lane were given misinformation regarding the property line and believed that 25' of his property belonged to them. Mr. Gazdag said they cut down all of the trees within that 25' and installed a shed on the property. He had the property surveyed and it was discovered that the shed was on his property and it was removed.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the minutes of the June 10, 2014 meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Pelunis

Nay: None

Abstain: Newberry

Motion Carried

PENDING:

1. 35310 Solon Road – PP# 952-29-012 - Dorothy S. May, 037-2014 4
Revocable Trust Indenture
 - Lot split

Councilman Pelunis said the applicant intends to withdraw this application and Mr. Frankland will request a letter from the applicant.

Motion by Mr. Bentley, seconded by Mayor Drucker to table consideration of Item 1.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

2. 33960 Country View Lane – Nancy O'Brien 045-2014 4
- 112 sq ft maximum accessory building area variance
 - 3.4' minimum rear yard setback variance

Mr. and Mrs. O'Brien were present. Mr. O'Brien explained the need for the 112 sq ft maximum accessory building area variance to install a shed larger than the Code permits. He explained the second variance has been more accurately determined now that he has been able to access the City's GIS and a rendering was submitted with better identification as to the shape and location of the patio and setback measurement from the adjacent property line.

Councilman Pelunis asked if the patio could be installed without a variance.

Mrs. O'Brien said it might be possible but would not be logical as the home is situated oddly on the property. The logical location for the patio is to be located off of their living space where a door is located which is how their landscape architect designed it. However, the patio is 3.4' closer to the property line than permitted by the City's Code.

Councilman Pelunis said he has no issue with the 112 sq ft maximum accessory building area variance, however, he said there needs to be a practical difficulty in order to approve the 3.4' minimum rear yard setback variance.

Mrs. O'Brien said the main practical difficulty is due to the way the house is situated on the property with one corner of the house close to the property line. She said if the patio is moved down to prevent the need for the variance, then the patio will not be located behind the living space where the door is located for accessibility to the patio and it would be very close to the driveway.

Mr. O'Brien said the patio would have to be located on the side of the home to prevent the need for the variance which would place it very near to the traffic from Country View Lane coming off of Miles Road.

Mrs. O'Brien does not believe a 3.4' variance is unreasonable.

Mayor Drucker said the plan shows a mulch bed between the house and the patio which makes sense as installing a patio adjacent to the house can cause the patio to shift and separate. The patio was designed by a landscape architect who understands the importance of the settling that occurs. Mayor Drucker will support the variance.

Mr. Newberry is concerned about the diagram as it was prepared using the City's GIS program which is not a property map and does not depict accurately the buildings relative to the property line as the images are taken by aerial photography and there is a parallax between the locations of the building on the property and the property line. In addition, the property lines depicted on the GIS are not surveyed but are copies of pieces taken from the county's tax records which may also contain inaccuracies. Therefore, he cannot support a variance with the possibility of so many inaccuracies. Mr. Newberry said the information submitted does not indicate where the door or windows are located regarding their proximity to the patio.

Mr. Newberry would like to see more information on the configuration of the patio based on an actual topographic plat or a recent professional survey.

Mayor Drucker said a plat or professional survey is not typically required from residents seeking a variance for a patio and often only a hand-drawn rendering is submitted. She feels the applicant is being treated unfairly.

Mr. Frankland said sometimes the GIS program can be a few feet off, however, these measurements have been verified by the Planning Department using other resources.

Mr. Newberry believes the correct way to make these decisions is with a professional survey.

Mr. Mazur said typically he takes the concerns of an adjacent neighbor seriously and considers them very carefully. He feels the patio can be re-configured so no variance is required and he will not support the variance request.

Mayor Drucker respects the opinion of the neighbor, however, the proposed patio will be next to vacant land.

Mr. Bentley asked for the rendering to be displayed again and for the applicant to indicate the location of the door for accessibility to the patio. Mr. O'Brien reviewed the rendering indicating a walkway that will connect to the patio from the driveway and the location of the door to access the patio from the home.

In response to Mr. Bentley's question, Mrs. O'Brien said the patio will be 14' wide and 34' long.

Motion by Councilman Pelunis, seconded by Mr. Newbury to approve the 112 sq ft maximum accessory building area variance.

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

Motion Carried

The Commission discussed the applicant's right to appeal a failed decision to the Council considering the minimum rear yard setback variance might not be approved.

Mr. O'Brien feels it is unfortunate that he is being held responsible for issues that occurred with the former owner of the property.

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 3.4' minimum rear yard setback variance.

Roll Call: Aye: Bentley, Drucker,

Nay: Mazur, Newberry, Pelunis

Motion Failed

3. 33755 Country View Lane – Lisa Harry 047-2014 4
- 42' minimum accessory structure setback from right-of-way variance
 - 22' minimum fence setback from right-of-way variance
 - 36' maximum fence setback from residence variance
 - 2.5' maximum fence height variance
 - Fence type variance

Motion by Mr. Bentley, seconded by Mr. Newberry to table consideration of Item 3.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

4. 33160 Solon Road – SSSS, Inc. 049-2014 6
- Lot consolidation – PP#'s 954-02-021, 954-02-022, 954-02-023, 954-02-024

A public hearing was scheduled and Councilman Pelunis opened the public hearing and asked for comments.

There were no comments from the audience, therefore, the public hearing was closed.

Mayor Drucker said she attended the ground breaking on June 20th which was very well attended and included a wonderful ceremony. She wished the applicant much success and welcomed them to the community.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the lot consolidation for PP#'s 954-02-021, 954-02-022, 954-02-023 and 954-02-024.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

5. 28985 Ambina Drive, Exact Crane 043-2014 7
- Site plan – temporary salt storage building

Motion by Mr. Bentley, seconded by Mr. Newberry to withdraw the application from 28985 Ambina Drive.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis

Nay: None

Motion Carried

NEW:

6. 32795 Ledge Hill – Winfred & Elizabeth Balraj 050-2014 6
▪ 17' minimum side yard street setback variance

Councilman Pelunis said correspondence was received from Councilman Kraus indicating his support for the variance.

Mr. Winfred Balraj was present. He displayed a plot plan and indicated the location of the proposed patio which will be less than 23' from the property line. He said tall bushes will screen the patio and it will not be visible from the street. Mr. Balraj explained problems with stagnant water issues after heavy rain or from melting snow due to improper drainage. He said the patio will aide in proper drainage.

Mr. Bentley supports the variance and noted that corner lots can be somewhat challenging.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 17' minimum side yard street setback variance.

Mr. Newberry noted a plot plan was included which shows the appropriate setbacks from the property line.

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

Motion Carried

7. 34182 Aurora Road – ECHO Solon, LLC – Paul Colla 052-2014 6
▪ Site plan for re-striping – correspondence from
Safety & Public Properties Committee

Councilman Pelunis explained this application involves the Starbuck's location. As discussed during the Caucus, information was received from the Safety and Public Properties Committee, however, until a proposal for an adjacent parcel is submitted, the item will be tabled.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 7.

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

Motion Carried

8. 5750 Harper Road – Nestlé Prepared Foods 053-2014 5
▪ 9' maximum free standing ground sign height variance (Sign A)
▪ 35 sq ft maximum free standing sign area variance (Sign A)
▪ 2' maximum directional sign height variance (Signs B, C, D, E)
▪ 10 sq ft maximum directional sign area variance (Signs B, C, D, E)

Councilman Pelunis said correspondence was received from the applicant requesting consideration of this item be postponed for two to four weeks to allow the applicant to meet with the Planning Department.

Motion by Mayor Drucker, seconded by Mr. Bentley to table consideration of Item 8.
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None Motion Carried

COUNCIL REFERRAL:

9. Rezoning request from DJM Group for property located 051-2014 5 & 6
at the intersection of Aurora and Harper Roads

Mr. Dan Margheret, owner of DJM Group and property owner of 5900 and 5910 Harper Road was present and explained the rezoning also involves adjacent property owned by Tarkett and Rockside Woods.

Mr. Margheret said the request is to rezone the property from the I-2 district to I-1 which reduces the use from industrial manufacturing to light industrial. He noted there have always been office uses and never manufacturing at the location.

Mr. Margheret explained the adjacent properties would be rezoned from O-2 office to I-1 light industrial. The uses will expand the property to allow research and development.

Councilman Pelunis asked if Mr. Margheret has spoken with the other property owners and Mr. Margheret said he has and they do not have any concerns.

Mr. Stolarsky said he discussed obtaining letters from the other property owners, incorporating permanent parcel numbers and indicating their support for the rezoning, with Mr. Margheret.

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for July 15th.

At Mr. Frankland's request, Mr. Stolarsky requested the applicant provide a map and legal descriptions in addition to parcel numbers for the involved properties.

Mr. Mazur questioned if the rezoning will affect the proposed zoning use changes. Mr. Frankland said it will not affect the amendments.

Mr. Mazur suggested the applicant review the proposed zoning use changes that will be an issue on the November ballot.

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

The Clerk will notify the adjacent and abutting properties of the public hearing.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 32910 Solon Road – Alesci's

Mr. Frankland displayed an aerial view and explained the request to reduce the size of the retaining wall bricks which will be stained to match the front of the building.

Mr. Frankland referred to the columns approved with a staggered stone design. He said the request is to use a more rectangular and linear layout to look more like brick.

In answer to Councilman Pelunis' question regarding the windows, Mr. Frankland said they are clear glass windows.

Mr. Newberry asked if the columns will still be stone and Mr. Frankland said they will still be stone but only linear.

The Commission agreed no further review of this item was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced that the Party in the Park offered by the Solon Center for the Arts and the Recreation Department will be held on Friday, June 27th from 11:00 A.M. to 1:00 P.M. in the pavilion at the Solon Community Park. There will be live music and food available for purchase.

Mr. Mazur wished everyone a happy and safe Fourth of July.

Mr. Newberry looks forward to seeing residents at the fireworks display. He thanked everyone for their get-well wishes.

Mr. Bentley welcomed back Mr. Newberry and wished everyone a safe Fourth of July.

Councilman Pelunis looks forward to seeing everyone at the Community Park on the Fourth of July and wished everyone a safe and happy holiday.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Mr. Mazur to adjourn the meeting at 8:15 P.M.

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

Motion Carried

Chairman

Secretary