

**PLANNING & ZONING COMMISSION**  
**July 15, 2014 – 7:00 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: Assistant City Engineer Welch, Fire Inspector Wolf

**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. 33755 Country View Lane – Lisa Harry – setback and fence variances Mr. Frankland said although no formal correspondence has been received from the applicant, it was indicated to him that the application will be withdrawn and the structure will be removed, leaving only the garden in the same location.

The commission determined the item will be tabled.

3. 34182 Aurora Road – ECHO Solon, LLC – Paul Colla – site plan for re-striping: Councilman Pelunis said this item was reviewed at the Safety and Public Properties Committee meeting and referred back to the Planning Commission. He believes the item should be held pending the outcome for the adjacent parcel.

Councilman Pelunis said the Safety and Public Properties Committee reviewed the information for the proposed bank on the adjacent parcel and have concerns regarding the ingress and egress as it relates to the Starbucks drive-thru. It was determined this should be reviewed by the City's Traffic Engineer.

The Commission discussed tabling the item or moving it to the Inactive Agenda.

Mr. Frankland said a revised plan was previously approved for the Starbucks drive-thru which the applicant would like to proceed with. However, the plan was approved prior to receiving the information about the proposed, adjacent bank.

Councilman Pelunis said the plan that was approved was believed to be the best one for the other tenants due to the Starbucks traffic problems. However, he does

not believe the plan would have been approved if the Committee had been aware of the proposal for the bank on the adjacent property without properly reviewing it first.

The Commission determined the item should be moved to the Inactive Agenda.

4. 5750 Harper Road – Nestlé Prepared Foods – sign variances: Mr. Frankland said the item should be tabled tonight as the applicant will be meeting with the Planning Department to review a comprehensive sign plan for all of their buildings.

NEW:

6. 30500 Carter Street – Pat Christopher/Davis Construction Management – single street access drive waiver and site plan review for additional and parking lot expansion: Mr. Frankland said as a condition for site plan approval, a lot consolidation must be submitted, however, this should not prevent the application from moving forward.

10. 35800 Solon Road – Gerald Praizner – decorative wall setback variances: Mr. Frankland said the Planning Commission memo inaccurately listed maximum setback from right-of-way variances and it should be minimum setback from right-of-way variances.

11. 33800 Miles Road – Aaron & Elaine Salomon – decorative wall variances: Mr. Mazur said a penalty from the Building Department may be associated with this application, as the applicant has already completed the project.

Mr. Frankland said the Planning Commission memo inaccurately listed maximum setback from right-of-way variances and it should be minimum setback from right-of-way variances.

COUNCIL REFERRAL:

15. A public hearing was scheduled for a rezoning request from DJM Group for property located at the intersection of Aurora and Harper Roads: Councilman Pelunis said although additional information is necessary for this request, the public hearing will still be held and will be continued for the meeting scheduled for July 29<sup>th</sup>.

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:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the June 24, 2014 meeting.

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

Motion Carried

PENDING:

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

Motion by Mr. Bentley, seconded by Mr. Mazur to accept the applicant's withdrawal of this item.

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

Motion Carried

2. 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. Newberry, seconded by Mr. Bentley to table consideration of item 2.

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

Motion Carried

3. 34182 Aurora Road – ECHO Solon, LLC – Paul Colla 052-2014 6  
▪ Site plan for re-striping

Councilman Pelunis said this item was discussed at the Safety and Public Properties Committee meeting and no action will be taken pending a full discussion and review of safety concerns regarding the proposed bank on the adjacent parcel.

Mr. Paul Colla, ECHO, Solon, was present. He explained that ECHO Solon was willing to install the approved re-striping because of the safety concerns involving the Starbucks drive-thru with the understanding that they might have to change it once the adjacent parcel was developed. However, they will wait until the Commission and other parties review the proposal for the adjacent parcel.

Motion by Mr. Newberry, seconded by Mr. Mazur to move Item 3 to the Inactive Agenda.

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

Nay: None

Motion Carried

4. 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)

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of Item 4.

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

Nay: None

Motion Carried

NEW:

5. 6931 Highland Drive – Kristin M. Brown - PP#'s 955-33-088, 054-2014 3  
955-33-089, 955-33-090, 955-33-119, 955-33-120, 955-33-121
- Lot consolidation

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot consolidation for PP#'s 955-33-088, 955-33-089, 955-33-090, 955-33-119, 955-33-120 and 955-33-121 for July 29, 2014.

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

Nay: None

Motion Carried

6. 30500 Carter Street – Pat Christopher/Davis Construction 055-2014 7  
Management
- Single street access drive waiver variance
  - Site plan for addition and parking lot expansion

Mr. Al Wangenheim, Davis Development Group, was present. He displayed a plan for a 20,000 square foot addition to the Christopher Tool Building. Mr. Wangenheim said Davis Development Group originally constructed the building in 1970 and constructed an addition to the building in 1979. He indicated the location for the proposed addition in the rear of the building and said the brick will match the most recent addition.

Mr. Wangenheim explained the variance is necessary as the parking lot only has one access point onto Carter Street which was acceptable for the original building and the first addition. However, with the proposed addition, the parking lot will now contain more than 25 vehicles and the Code requires two access drives.

Mr. Mazur said the Fire Department has reviewed the variance from a safety perspective and has no concerns regarding the plan.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a single street access drive waiver variance for 30500 Carter Street.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for the addition and parking lot expansion with the contingency that the applicant files a lot consolidation plat prior to receiving a certificate of occupancy.

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

Motion Carried

7. 37045 Halton Court – Emil and Victoria Hayek 056-2014 1
- 24 sq ft pool building area variance
  - 21' maximum pool building setback variance

Mrs. Victoria Hayek was present and displayed a site plan indicating the location of the home and where the proposed pool equipment room will be located. She said the room will be 168 square feet and the adjacent neighbors have said they have no issues with the structure as it will not interfere with their property.

Mr. Bentley said he is familiar with the area and recently another homeowner constructed the same type of structure, therefore, a precedent was made and he will support the variance.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 24 square foot pool building area variance for 37045 Halton Court.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 21' maximum pool building setback variance.

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

Motion Carried

8. 34171 Russell Drive – David & Louise Soltis – 057-2014 1  
PP#'s 956-09-024 and 956-09-025
- Lot consolidation

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot consolidation for PP#'s 956-09-024 and 956-09-025 on July 29, 2014.

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

Motion Carried

9. 30800 Miles Road – Syed Rahman – PP#'s 951-42-037, 951-42-038 058-2014 5
- Lot consolidation

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for a lot consolidation for PP#'s 951-42-037 and 951-42-038 on July 29, 2014.

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

Nay: None

Motion Carried

10. 35800 Solon Road – Gerald Praizner

059-2014 4

~~▪ Maximum decorative wall height variances~~

~~Solon Road – west wall – 0.3' variance~~

~~Solon Road – east wall – 0.3' variance~~

~~Pepper Drive – north wall – 0.3' variance~~

~~Pepper Drive – south wall – 0.3' variance~~

▪ Maximum decorative wall setback from dwelling variances

Solon Road west wall – 38' variance

Solon Road east wall – 42' variance

Pepper Drive north wall – 35' variance

Pepper Drive south wall – 35' variance

▪ ~~Maximum~~ Minimum decorative wall setback from right-of-way variances

Solon Road – west wall – 30' variance

Solon Road – east wall – 30' variance

Pepper Drive – north wall – 30' variance

Pepper Drive – south wall – 30' variance

Mr. Gerald Praizner was present and explained he is trying to make his yard look attractive and wishes to add decorative posts to his driveway. He said the same brick that was used on the home will also be used on the decorative posts.

Mr. Newberry does not believe there is a practical difficulty or a hardship to grant a wall height variance.

Mr. Praizner said he will agree to the Code requirements of 36' and withdraw the request for maximum decorative wall height variances.

Motion by Mr. Newberry, seconded by Mr. Mazur to accept the applicant's withdrawal of the maximum decorative wall height variances.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 38' maximum decorative wall setback from dwelling variance for Solon Road, west wall.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 42' maximum decorative wall setback from dwelling variance for Solon Road, east wall.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 35' maximum decorative wall setback from dwelling variance for the Pepper Drive north wall.

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

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 35' maximum decorative wall setback from dwelling variance for the Pepper Drive south wall.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 30' minimum decorative wall setback from right-of-way variance for the Solon Road west wall.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 30' minimum decorative wall setback from right-of-way variance for the Solon Road east wall.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 30' minimum decorative wall setback from right-of-way variance for the Pepper Drive north wall.

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

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 30' minimum decorative wall setback from right-of-way variance for the Pepper Drive south wall.

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

Nay: None

Motion Carried

11. 33800 Miles Road – Aaron & Elaine Salomon 060-2014 4  
▪ (6) - 0.5' Maximum decorative wall height variances

▪ Maximum decorative wall setback from dwelling variances

Middle west wall – 37' variance

Middle east wall – 37' variance

Entry west wall – 95' variance

Entry east wall – 95' variance

▪ ~~Maximum~~ Minimum decorative wall setback from right-of-way variances

Entry west wall – 28' variance

Entry east wall – 28' variance

Mr. Aaron Salomon was present. He displayed photos of the pillars which were installed. He was not aware that a permit was needed as the pillars were installed in gravel and he believed a permit was only necessary if the pillars were cemented

as this would be considered permanent. Mr. Salomon displayed additional photographs indicating the appearance of the pillars from different locations.

Mr. Salomon displayed a photograph indicating two of the pillars and said a variance is necessary as these two pillars are considered too close to the house. He said the pillars were evenly spaced at 53' apart. However, the pillars closest to the house are only 13' from the house and the Code requires 30' from the house.

Councilman Pelunis said Mr. Salomon has been before the Planning Commission before for variance approvals and believes he would have submitted an application for the pillars if he believed it was necessary.

Mr. Mazur said although he will support the variances, there could be a penalty assessed by the Building Department for proceeding with the project without the proper permit.

Mr. Bentley said he is concerned that the pillars were not built with concrete footers and that they might fall over in the future.

Mr. Newberry said he objects to the wall height variances as he does not believe there was a necessity for them. In addition, he does not believe in granting forgiveness for zoning violations.

Mayor Drucker said it has been her custom to support variances where the work has already been performed if she would have supported them through the typical application procedure. She will, therefore, support the variances.

Councilman Pelunis said he will also support the variances as he understands Mr. Salomon's confusion in not realizing a permit was necessary for the installment of the pillars as he knows Mr. Salomon has submitted applications in the past for variance requests and is usually aware of the permit process.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve six 0.5' maximum decorative wall height variances for 33800 Miles Road.

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

Nay: Newberry

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a maximum decorative wall setback from dwelling 37' variance for the middle west wall.

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

Nay: Newberry

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a maximum decorative wall setback from dwelling 37' variance for the middle east wall.

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

Nay: Newberry

Motion Carried



Motion by Mayor Drucker, seconded by Mr. Mazur to approve a maximum decorative wall setback from dwelling 95' variance for the entry west wall.

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

Nay: Newberry

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a maximum decorative wall setback from dwelling 95' variance for the entry east wall.

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

Nay: Newberry

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a minimum decorative wall setback from right-of-way 28' variance for the entry west wall.

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

Nay: Newberry

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a minimum decorative wall setback from right-of-way 28' variance for the entry east wall.

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

Nay: Newberry

Motion Carried

12. 32910 Solon Road – Solon Road Enterprises – Jim Alesci      061-2014      6  
▪ Equipment screening variance

Mr. Frank Alesci was present representing Solon Road Enterprises. He explained that the rooftop equipment is new and they are requesting a variance to not have to screen the equipment with the fence-like screening that was proposed. He displayed a photograph indicating the roof with the new equipment and explained the majority of the units are in the rear of the building which is facing Liberty Ford. Mr. Alesci displayed a photograph of the proposed fence-like screening.

Councilman Pelunis said rooftop equipment is normally screened, however, an alternative is to just paint the equipment to blend in with the building.

Mr. Bentley viewed the area from across the street and said based on the elevation, the equipment was quite visible. However, he is not in favor of the fence-like screening and would prefer the equipment be painted.

Mr. Mazur is in favor of the equipment being painted a color to be determined by the City's landscape architect as this has been approved for other businesses.

Councilman Pelunis is not in favor of the fence-like screening and believes it will make the equipment more noticeable. He would prefer to have the painting option explored.

Mayor Drucker is also in favor of painting the equipment and believes the City's landscape architect is best suited to determine the appropriate color.

In response to Councilman Pelunis' question, Mr. Alesci said they will paint the equipment if this is the recommendation of the City's landscape architect.

Motion by Mr. Mazur, seconded by Mr. Newberry, to approve an equipment screening variance with the contingency that the City's landscape architect determines the appropriate color paint and that the paint be appropriately maintained.

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

Motion Carried

13. 30401 Wedgewood Drive – Ruth Wolfson 062-2014 5  
 ▪ Number of accessory structures variance – to permit (2)

Ms. Ruth Wolfson was present and said she currently has a shed on her property. She displayed a photograph of a moveable pergola she would like to add to her property to provide shade in the large front yard. Ms. Wolfson indicated the proposed location for the pergola which will be in a courtyard area she created that is heavily screened with landscaping and not visible from the street. She displayed photographs taken from the street showing the landscaped courtyard area demonstrating its appearance from the street.

Mayor Drucker said if this was connected to the house, there would be no need for a variance. However, as the pergola will be on a patio that already exists adjacent to the home, she will support the variance.

Councilman Pelunis will also support the variance and noted the neighbor's correspondence stating they have no issues with the installment of the pergola.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a number of accessory structures variance, to permit (2) for 30401 Wedgewood Drive.

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

Motion Carried

14. 36720 Valley Forge Drive – Richard Cyr 063-2014 3  
 ▪ 14' rear yard setback variance

Mr. Richard Cyr was present. He displayed a plot plan indicating the location for a proposed 14' x 20' screened-in porch. He said this will replace the deck that was there. Mr. Cyr said he was informed that if he was simply replacing the deck with a new deck, there would be no need for a variance as it would be considered a "grandfathered" deck.

Mr. Cyr displayed photographs of his home and a rendering of the proposed screened-in porch. He said the materials used will be those approved by the Building Department.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 14' rear yard setback variance.

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

Motion Carried

COUNCIL REFERRAL:

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

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

There were no comments, however, the public hearing will remain open for the next Planning Commission meeting.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 15.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 28200 Miles Road – Regal Cleaners

Mr. Frankland explained this item was recently reviewed and approved at the Safety and Public Properties Committee meeting for the drive-thru. However, when the plans were recently reviewed, a 2' x 2' depository box had been added to the building that was not previously noted.

Mr. Frankland confirmed there will be no additional signage or lighting added to the building.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker reminded everyone that the Home Days festival starts this weekend. She noted there have been changes made to the past schedule which include; the festival will be a three-day event, beginning on Friday, July 25<sup>th</sup> at 5:00 P.M. through Sunday, July 27<sup>th</sup>. Saturday, July 26<sup>th</sup> consists of the Kiwanis Breakfast from 8:00 A.M. to 11:00 A.M. at the Community Center. The Community Center will be closed after the breakfast except the restrooms will remain open to accommodate those attending the Rock-N-Roll Capital Street Machines car cruise. In addition, the parade will be held on Saturday at 1:00 P.M. this year to accommodate the Solon High School Band's participation and will follow the usual parade route.

Mayor Drucker announced "Cops on Top" will be held on Friday, August 1<sup>st</sup>. She said the 2014 Law Enforcement Torch Run for Special Olympics will partner with Walgreens of Solon and host the City's first "Cops on Top" event. Mayor Drucker

said the police will ascend scaffolding on the corner of SOM Center Road and Bainbridge Road in front of Walgreens at 6:00 A.M. on Friday, August 1<sup>st</sup> to raise money and awareness for the Ohio Special Olympics organization. There will be members from local police departments occupying the scaffolding for a period of 36 hours until Saturday, August 2<sup>nd</sup> at 6:00 P.M. Mayor Drucker asked that everyone come out and support local police for this worthy cause.

Mayor Drucker said every year Team NEO has their plus awards for economic development excellence and this year the competition was hosted by Team NEO in partnership with *Inside Business Magazine*. She said there were ten categories this year and Solon, along with the Greater Cleveland Partnership, was the recipient of the Business Attraction Award that involves more than 100 employees. This was awarded jointly to the City of Solon and the Greater Cleveland Partnership for the combined efforts to bring the Nestlé Pizza Division with 250 employees to the City of Solon. She congratulated everyone involved in this award.

Mr. Mazur encouraged residents to support the Solon Benevolent Fund's raffle and purchase tickets at Home Days. The grand prize is \$5,000 and is being donated by Davis Automotive Group.

Councilman Pelunis clarified the cameras being installed on light poles are not traffic enforcement cameras. These are infrared video detention cameras for traffic signalization which will be used to sense the presence of a vehicle at the intersection.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:30 P.M.

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

Motion Carried

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Chairman

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Secretary