

PLANNING & ZONING COMMISSION
July 29, 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: Councilman Kotora (meeting), Fire Inspector Eisenhuth, 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.

NEW:

6. 33800 Country View Lane – Kevin Baird - Accessory structure location variance: Councilman Pelunis said the applicant informed him that he is unable to attend the meeting tonight, therefore, the item will be tabled.

11. 32615 Stony Brook Lane – John and Audrey Cox - Number of accessory structures variance and an accessory structure area variance: Mr. Frankland said it has been determined that the structure is more like a roof and no variances are necessary. Therefore, he recommended it be removed from the agenda.

Mr. Frankland said he has two minor alterations to review and briefly reviewed one of them. He displayed a rendering of the Shankman and Associates building as it was approved and another photograph of its actual appearance. He noted the white paint color change to the brick and said as it is located in the industrial area, there are no design standards to uphold but believed it should be brought to the Commission's attention.

The caucus ended at 7:10 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. Mazur, seconded by Mr. Newberry to approve the minutes of the July 15, 2014 meeting.

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

Motion Carried

PENDING:

- | | | | |
|----|--|----------|---|
| 1. | 33755 Country View Lane – Lisa Harry | 047-2014 | 4 |
| | <ul style="list-style-type: none"> ▪ 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 | | |

Councilman Pelunis said an email was received from the applicant requesting this item be withdrawn from the agenda.

Motion by Mr. Newberry, seconded by Mayor Drucker to accept the applicant's withdrawal of this item.

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

Motion Carried

- | | | | |
|----|---|----------|---|
| 2. | 5750 Harper Road – Nestlé Prepared Foods | 053-2014 | 5 |
| | <ul style="list-style-type: none"> ▪ 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. Bentley to table consideration of item 2.

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

Motion Carried

- | | | | |
|----|---|----------|---|
| 3. | PUBLIC HEARING - 6931 Highland Drive –
Kristin M. Brown - PP#'s 955-33-088, 955-33-089,
955-33-090, 955-33-119, 955-33-120, 955-33-121 | 054-2014 | 3 |
| | <ul style="list-style-type: none"> ▪ Lot consolidation | | |

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.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the lot consolidation for PP#'s 955-33-088, 955-33-089, 955-33-090, 955-33-119, 955-33-120 and 955-33-121.

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

Motion Carried

4. **PUBLIC HEARING** - 34171 Russell Drive – 055-2014 1
David & Louise Soltis - PP#'s 956-09-024 and 956-09-025
▪ Lot consolidation

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.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 956-09-024 and 956-09-025.

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

Motion Carried

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

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.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the lot consolidation for PP#'s 951-42-037 and 951-42-038.

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

Motion Carried

NEW:

6. 33800 Country View Lane – Kevin Baird 064-2014 4
▪ Accessory structure location variance

Motion by Mr. Bentley, seconded by Mayor Drucker to table consideration of Item 6.

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

Motion Carried

7. Lochmoor Drive (PP# 955-10-006) – Dan and Shirley Leonard 065-2014 3
▪ 15' front yard setback variance
▪ Variance to not combine non-conforming lots of record

Mrs. Shirley Leonard was present. She explained that they own two lots in Chagrin Highlands and they wish to construct a new home on one of the lots. Mrs. Leonard said they bought the property as two parcels and they are asking for a variance to not combine the two lots as their future plans may include selling the second lot or building on it.

Councilman Pelunis asked Mrs. Leonard when the property was purchased.

Mrs. Leonard believes it was at least 10 years ago.

In response to Councilman Pelunis' question, Mr. Frankland said 10 years ago the zoning for that area was R-1-D and the requirement to combine lots has been in place since the 1970's.

Mr. Newberry said the lots were part of the original Chagrin Highlands plat and nothing has been changed by the applicant since the lots were approved. He said the plat was approved with the lots as presented by Mrs. Leonard and now the City's zoning considers them to have sub-standard frontage and are required to be combined in order to achieve the 140' frontage. However, the Chagrin Highlands sub-division was originally approved with all of the lots less than 140' wide.

Councilman Pelunis has no issue with the 15' front yard setback variance, however, he is concerned about the not combining non-conforming lots of record variance.

In response to Mr. Mazur's question, Mrs. Leonard said they have no immediate plans for the second lot. However, they were purchased as two separate lots and approved as such. She said if two separate owners had purchased them, it would be the same end result that they are requesting now.

Mayor Drucker asked Mr. Stolarsky how this would be addressed if the plat conflicts with the ordinance that requires parcels under common ownership to be combined.

Mr. Stolarsky said the residential growth management policy favors larger lots and calls for the combining of lots when possible. Although he understands what Mrs. Leonard is saying about the lots, they are adjacent non-conforming lots under common ownership at this time.

Mr. Newberry questioned the logic with the City approving a sub-division with lots that are sub-standard and then not permitting the people who buy the lots, whether it is one person buying two adjacent lots or two separate people buying the lots, to build on them.

In an effort to understand Mr. Newberry's position, Councilman Pelunis said when the property was purchased, the lots were considered approved and accepted as buildable, however, the Code was changed at a later date.

Mr. Newberry clarified the Code was the same when the lots were approved as it is now but at that time, permission was given to create narrower lots for this sub-division.

Mr. Mazur said it might be possible that the lots would be considered an exception since they were non-conforming when the City approved them.

Mr. Frankland said every lot that is required to be combined because they are considered sub-standard in size was legal at one time. This might have been more recent but the growth management plan and the zoning code state that when there are sub-standard lots, they need to be combined. Mr. Frankland said even though the zoning was in place at the time that the variance was given for the sub-standard lots in the sub-division, it is a fine line between any other lots being required to be combined as all the lots were considered legal by the City at one time.

Mr. Newberry said it would be interesting to read over the minutes during the time when the sub-division was approved as there were many variances granted.

Councilman Pelunis feels this should be tabled tonight to review the history regarding the sub-division and get a written opinion from Mr. Stolarsky. Councilman Pelunis recalls there have been some circumstances where this variance has been granted based on the date the property was purchased. He would like to have this reviewed to ensure Mrs. Leonard's request is addressed appropriately.

Mayor Drucker believes the minutes during that time should be reviewed as she is concerned since there are three additional lots under common ownership located across the street from the parcels in question. These lots could potentially be sold to three different owners and three additional homes built on them if this variance is approved, as it would set a precedent.

Councilman Pelunis asked the Clerk to research the minutes during the time the Chagrin Highlands sub-division was established and asked Mr. Stolarsky to provide a written opinion to the Commission for review before the next meeting of August 12th.

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

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

Nay: None

Motion Carried

Mr. Newberry suggested the City's growth management plan be reviewed as the lots in question were intended to conform as well as many lots in some of the new sub-divisions. Although the lots are considered to be sub-standard by strict interpretation of the Code, there should be a review based on the size and cost of some of the homes being built as he is unsure that the intent of the growth management plan is to prohibit lots that may be narrower than required. In response to Mayor Drucker's question, Mr. Frankland said he was contacted by the president of the Chagrin Highlands Homeowners' Association who said there are no objections to the variance being granted.

Mrs. Leonard submitted a letter from the Homeowners' Association.

(CLERK'S NOTE: THE VIDEO FEED STOPPED WORKING AT THIS POINT, HOWEVER, THE AUDIO WAS WORKING AND THE COMMISSION DETERMINED THEY WOULD CONTINUE THE MEETING.)

8. 30000 Aurora Road – Tarkett – Todd Ritter/GEIS Corp. 066-2014 6
- Number of wall signs variance (to permit 5)
 - Wall sign location variance for east wall
 - 14 sq ft wall sign area variance (west elevation)
 - Free standing ground sign number of sign faces variance
 - 6 sq ft free standing ground sign area variance

Mr. Todd Ritter, GEIS Corp., was present. He explained that a sign package was submitted for Tarkett for signage on the building and a monument sign on the corner of Aurora Road and Cochran Road.

Councilman Pelunis referred to information in his packet and said the proposal includes removing existing signage and installing the new name and logo on the north elevation.

Councilman Pelunis referred to the rendering of the east elevation where no signage currently exists and said the proposal is to add signage to the east elevation.

Councilman Pelunis referred to the rendering of the west elevation where a sign is currently located above the entranceway and said the proposal is to remove the current sign and add the Tarkett sign which is proposed larger than the current sign. An additional sign is also proposed for the western elevation.

Mr. Ritter said the proposed sign over the door will be a sphere decal inset into the arch above the entranceway.

Mr. Mazur said the rendering indicates the sign will be white and asked Mr. Ritter about the color choice.

Mr. Ritter explained that the building will be painted white and the sign, therefore, will match the rest of the building and will not be as much of a contrast as it is in the photograph.

In response to Mr. Newberry's question, Mr. Ritter said the sphere decal is made of a translucent material and will be placed on the glass.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the number of wall signs variance (to permit 5).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a wall sign location variance for the 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 14 square foot wall sign area variance for the west elevation.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a free-standing ground sign number of sign faces variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 6 square foot free-standing ground sign area variance.

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

Motion Carried

9. 33410 Cromwell Drive – Robert Waligora
▪ 3.5' average front yard setback variance

067-2014 2

Mr. Robert Waligora was present.

Councilman Pelunis said the application is to construct a sheltered porch with hand railings for the applicant's grandmother to enter safely. He said this is located in his ward and the property is located on the corner of Cromwell Drive and has an odd-shaped yard that backs up to the church with no neighbor located on one side of the property. He has not received any objections from other neighbors on the street regarding this request and he will support the variance.

Councilman Pelunis said there is a plot plan located in the packet and a diagram of the current home with the proposed covered porch located on the front of the home facing Cromwell Drive. He said the plan also includes a rendering of the ridge board header and treated beam and the existing grade.

Mr. Bentley asked about the proposed covered deck on the rear of the house that is also on the plan.

Mr. Waligora said he did apply for a permit for the covered deck as well as the covered porch, however, no variance is necessary to construct the covered deck and it is not part of this application.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 3.5' average front yard setback variance.

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

Motion Carried

10. 5680 Elm Hill Drive – Anthony Aseff 068-2014 5
- 30' fence setback from street right-of-way variance
 - 2 1/2' fence height variance
 - Fence type variance

Mr. Anthony Aseff was present.

Councilman Pelunis said an email was received from a resident of Gemini Court who opposes the installation of the fence.

Councilman Pelunis said the applicant is proposing to install a 6' board-on-board fence around the property. He said the application included a photograph of the yard and the existing fence located along the rear lot line and a plot plan.

Mr. Aseff said he wants to remove the line of 6' pine trees on the property line and replace it with a fencing to match the currently existing fence. The fence will keep his dog safely in the yard as well as his child. Mr. Aseff said he was just made aware that the fence requires visibility and he would be receptive to a different style of fence and only wants to make his yard safe.

Mr. Newberry expounded upon the history of this property and why a tree-line fence was installed rather than a wooden fence. He has no issues with the right-of-way variance or the fence height variance, however, he is concerned with the fence type variance. Mr. Newberry said the board-on-board fence Mr. Aseff is requesting does not meet the 25% visibility standard. He said other fences have been approved in the area with 2' of lattice work on the top of the fence for visibility.

Mr. Mazur viewed the property and feels the trees that currently exist provide significant privacy. He will not support the right-of-way variance or the fence height variance. Mr. Mazur believes a solution could be to install a split-rail fence and add wire to it for security to prevent pets and children from wandering.

Councilman Pelunis does not feel Mr. Mazur's solution would be aesthetically pleasing. Mr. Aseff agreed with Councilman Pelunis.

Mr. Mazur explained the wire is added to the poles on the property owner's side of the fence and cannot be viewed from the road.

Mr. Bentley understands the applicant's need to add a fence to the property and will support the variance request providing the 2' lattice work is added to the top for visibility.

Mr. Frankland said if split-rail fencing is installed, it is still required to be 30' off of the street. Therefore, a variance would still be necessary. If the variance is granted to install the board-on-board fence, it is not sufficient to have the 2' of lattice at the top of the fence for visibility. Mr. Frankland explained the 25% aggregate opening is for visibility throughout the entire fence, not just at the top.

He said the type of fence will be reviewed to ensure the 25% aggregate opening prior to the issuance of a building permit.

As there have been many ideas discussed, Mayor Drucker questioned Mr. Aseff if he wishes to have the existing board-on-board fence remain and add to it with similar board-on-board fencing following the tree line around the back yard.

Mr. Aseff confirmed he wishes to continue with the board-on-board fencing to match what already exists on the property and he believes it will look better than the current unmaintained tree border.

Mr. Newberry said the board-on-board fencing that exists on the property now is overlapped and there is significantly less than 25 percent aggregate opening. He believes it was installed this way intentionally to prevent headlights from shining lights into the windows of the residence.

Councilman Pelunis said the letter objecting to the fence was from a resident on Gemini Court and he believes it is because the fence will not be aesthetically pleasing to them driving onto Gemini Court.

Mr. Mazur wished to clarify his position regarding the trees on the property. He believes the trees appear to be very healthy and thick and provide privacy, therefore, the trees should remain. The addition of a split-rail fence behind the trees with wire meshed attached will add security.

Mr. Aseff disagreed with Mr. Mazur as to the amount of privacy the trees provide as he can see through the trees. In addition, much of the trees and shrubbery will have to be removed due to grading issues with the yard as water is getting into the basement. It is his intention to re-plant the healthy trees and shrubs elsewhere on his property.

Mayor Drucker did not agree with Mr. Mazur and while the split-rail fence with trees in front of it might be aesthetically pleasing from the street, she does not believe it will be aesthetically pleasing for the homeowner when in his yard. She will not support a split-rail fence with wire mesh as a solution.

Mr. Aseff said the board-on-board fence that exists on the property can be altered and the boards spaced to achieve the 25% aggregate visibility. He will also stain and maintain the fence so it looks attractive.

Mayor Drucker said if Mr. Aseff installs a board-on-board fence with 25% aggregate visibility and altered the existing fence, then the type of fence variance would not be necessary.

Mr. Frankland clarified the fence type variance would still be necessary as only split-rail and picket fences are permitted. However, the 25% aggregate visibility would be met.

Mr. Aseff agreed to the board-on-board fencing with the 25% aggregate visibility.

Councilman Pelunis agreed with Mayor Drucker.

Mr. Mazur said chicken-wire and wire mesh are terms used, however, he wished to make clear that there is very good quality mesh products on the market that can be made to look attractive on a split-rail fence, and when installed, is barely visible.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 30' fence setback from street right-of-way variance.

Roll Call: Aye: Bentley, Drucker, Newberry, Pelunis
Nay: Mazur Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 2 ½' fence height variance.

Roll Call: Aye: Bentley, Drucker, Newberry, Pelunis
Nay: Mazur Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a fence type variance with the contingency that it be a board-on-board fence with 25% visibility.

Roll Call: Aye: Bentley, Drucker, Newberry, Pelunis
Nay: Mazur Motion Carried

(CLERK'S NOTE: THE VIDEO FEED RETURNED AT THIS TIME.)

11. 32615 Stony Brook Lane – John and Audrey Cox 069-2014 6
- Number of accessory structures variance
 - 56 sq ft accessory structure area variance

Mr. Frankland recommended this item be removed from the agenda. Although it is a pergola on a deck, it is constructed in such a manner as to be a roof over a deck, which is permitted by Code without the need of a variance.

Motion by Mr. Bentley, seconded by Mayor Drucker to remove Item 11 from the agenda.

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

COUNCIL REFERRAL:

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

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 12.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 32910 Solon Road – Solon Road Enterprises – Jim Alesci’s Place

Mr. Frankland displayed an aerial view of the property and indicated the rear of the building where the proposal is to add an overhead garage door for deliveries. He displayed a photograph indicating the rear of the building and noted the existing automotive transmission repair business located in the same building adjacent to Jim Alesci’s Place which has existing overhead garage doors. Mr. Frankland noted a parking area and said it will be maintained as parking.

Councilman Pelunis asked if the proposed overhead garage door will match the existing ones.

Mr. Frankland said the door will match the existing doors and will be painted to match the building.

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

2. 31635 Aurora Road – Shankman and Associates

Mr. Frankland displayed a rendering of the building as it was previously approved with gray sides and a white front and a photograph of the actual building with the brick painted white. The building is located in the industrial area where there are no design standards, therefore, there is no violation. Mr. Frankland wanted to make the Commission aware of the change to what was previously approved.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced “Cops on Top” will be held on Friday, August 1st. 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 1st 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 2nd at 6:00 P.M. Mayor Drucker asked that everyone come out and support local police for this worthy cause.

Mayor Drucker said the Solon Police Department is participating in National Night Out on Tuesday, August 5th, 2014 from 5:00 P.M. to 9:00 P.M. This event will take place in the Solon Senior Center parking lot and ballrooms of the Community Center. This will be the third year that the Solon Police Department will participate

in this event that will take place throughout the country and it attracts more people every year. She encouraged everyone to come out and support this event.

Mayor Drucker said the Solon Historical Society is hosting their 3rd Annual Flea Market on Sunday, August 10th from 1:00 P.M. to 5:00 P.M. in the Solon Historical Society parking lot. Reservations from vendors are now being taken and the fee is \$5.00 for a parking space. There will be no rain date.

Mayor Drucker thanked and congratulated everyone who was involved in this year's Home Days festival. She said it was an incredible event even with the changes that were made this year. Mayor Drucker wished to especially thank Tim Siebert and Kevin Amick, the Service Department electricians who worked all weekend to keep the event going. She also thanked members from the Solon Center for the Arts, specifically, Maria Klein, Barb Bowers, Christine Madden and Kevin Lewis who were responsible for providing all of the entertainment over the weekend. Mayor Drucker also thanked members of the Recreation Department; Rich Parker, Tracey Sullivan, Dave Peleg, Jeff Luca, Rich Conklin, Don Holub and Matt Hadden and the rest of the staff. She also thanked the Solon Benevolent Fund for the raffle they organized and the Kiwanis Club for hosting the breakfast. She was happy to welcome back the Rock-N-Roll Capital Street Machines car cruise.

Mr. Mazur thanked everyone, on behalf of the Solon Benevolent Fund for the prize donations and to everyone who purchased raffle tickets.

Mr. Newberry said he had a great time at Home Days this year.

Councilman Pelunis said he enjoyed seeing everyone at Home Days and thought the parade was great.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:28 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary