

**PLANNING & ZONING COMMISSION**  
**August 26, 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: 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.

Councilman Pelunis said Mr. Frankland has requested the scheduling of two public hearings tonight that are not listed on the agenda for the September 9<sup>th</sup> meeting. The Commission determined these would be scheduled at the end of the meeting.

**PENDING:**

1. 5750 Harper Road – Nestlé Prepared Foods – various sign variances: As this application has been pending for many weeks, it will be tabled. Mr. Frankland was requested to contact the applicant to determine the status.

**NEW:**

7. 34900 Bridle Trail Lane – Luke and Emily Dautovic – detached garage area variance and height variance: Mr. Frankland said the Planning Department has identified an additional variance which will be discussed during the meeting.

**COUNCIL REFERRAL:**

10. Rezoning request from DJM Group: Councilman Pelunis said there has been no new information on this item for many weeks.

Mr. Frankland said he spoke with the applicant who indicated he would be sending an email withdrawing this request. However, he has not yet received an email.

The Commission members discussed the request and determined it would not be possible from a timing standpoint to make the November ballot. They discussed

placing the item on the Inactive Agenda as it is possible the applicant may choose to place it on the May, 2015 ballot.

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. Newberry, seconded by Mr. Bentley to approve the minutes of the August 12, 2014 meeting as presented.

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

Nay: None

Motion Carried

PENDING:

- |    |   |          |   |
|----|---|----------|---|
| 1. | 5750 Harper Road – Nestlé Prepared Foods  | 053-2014 | 5 |
|    | <ul style="list-style-type: none"> <li>▪ 9' maximum free standing ground sign height variance (Sign A)</li> <li>▪ 35 sq ft maximum free standing sign area variance (Sign A)</li> <li>▪ 2' maximum directional sign height variance (Signs B, C, D, E)</li> <li>▪ 10 sq ft maximum directional sign area variance (Signs B, C, D, E)</li> </ul> |          |   |

Mr. Newberry requested Mr. Frankland contact the applicant to determine the status of the application.

Motion by Mr. Bentley, seconded by Mr. Newberry to table consideration of item 1.

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

Nay: None

Motion Carried

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|----|---|----------|---|
| 2. | 33800 Country View Lane – Kevin Baird   | 064-2014 | 4 |
|    | <ul style="list-style-type: none"> <li>▪ Accessory structure location variance</li> </ul> |          |   |

Councilman Pelunis said correspondence was received from the applicant indicating their withdrawal of the item.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of Item 2.

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

Nay: None

Motion Carried

NEW:

3. 30500 Carter Street PP#'s 953-28-005 & 953-28-006 – 055-2014 7  
Pat Christopher  
▪ Lot consolidation

Motion by Mayor Drucker, seconded by Mr. Mazur to schedule a public hearing for a lot consolidation for PP#'s 953-28-005 and 953-28-006 on September 9, 2014.

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

Motion Carried

4. 7401 SOM Center Road – City of Solon (Fire Station 3) 076-2014 1  
▪ 25% aggregate fence opening variance  
▪ Site plan for fence and landscaping

Mr. Frankland displayed an aerial view of the property and explained the proposal is to replace some of the existing landscaping. The landscaping was originally intended as a buffer along the rear and north side of the property. However, there have been issues with keeping the vegetation alive.

Mr. Frankland displayed a site plan and explained the proposal is to install a combination of landscaping and fencing. He indicated where 50' sections of fence will be installed with areas of landscaping in between them. Mr. Frankland said the landscape plan was created by the City's landscape architect with a variety of vegetation that should thrive in that location.

Mr. Frankland displayed a photograph of the fencing that was installed at CVS and explained this is the type of fence proposed for this location. He explained that the fence does not have the minimum aggregate opening, however, it will block headlights from the large fire vehicles from shining onto the neighboring homes.

Mayor Drucker said at the Safety and Public Properties Committee meeting, Fire Chief Shaw said he had visited with the adjacent neighbors and explained the landscaping proposal to them.

Mr. Mazur asked what color is proposed for the fence.

Mr. Frankland said the color of the fence can be determined by the Commission and approved by the landscape architect.

Mayor Drucker believes the color brown was displayed at the Safety and Public Properties Committee meeting.

The Commission determined brown is an appropriate color for the fence at this location.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 25% aggregate fence opening variance for 7401 SOM Center Road (Fire Station 3).

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 fencing and landscaping for Fire Station 3.

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

5. 33000 Solon Road – New Par dba Verizon Wireless 077-2014 6  
 ▪ Modifications to existing collocated antennas

Motion by Mayor Drucker, seconded by Mr. Mazur to schedule a public hearing for 33000 Solon Road, New Par dba Verizon Wireless for September 9, 2014.

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

6. 6025 Kruse Drive, Suite 141 – GS II Uptown Solon, LLC 078-2014 6  
 (Dress Barn)  
 ▪ Number of wall signs variance to permit 2  
 ▪ Sign location variance

Mr. Yasin was present representing Sign Vision, the company installing the signage for Dress Barn. He said the proposal is to install a sign on the rear of the building as many of the other businesses in the shopping plaza have done.

Mr. Yasin displayed a rendering of the proposed signage. He said the sign will be white and will match the signs of the other businesses installed on the building.

In response to Mr. Newberry's question regarding size, Mr. Frankland said as there is no mention of the square footage being exceeded in the Planning Department memo, he believes the sign is within the appropriate square footage.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a number of wall signs variance to permit 2.

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

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a sign location variance.

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

7. 34900 Bridle Trail Lane – Luke and Emily Dautovic 079-2014 4  
 ▪ 1,020 sq ft detached garage area variance  
 ▪ 9' detached garage height variance

Mr. Luke Dautovic was present. He said the proposal is to build a detached garage on his property. Mr. Dautovic displayed a rendering of the proposed garage and the floor plan.

Mr. Frankland said a third variance has also been identified by the Planning Department. He said a detached garage cannot exceed one-half the square footage of the home and the home's square footage is 1,825 square feet. Mr. Frankland said the proposed total square footage of the detached garage would be 1,920 square feet which would require a variance.

Mr. Dautovic said the detached garage will be used to store assorted equipment and a boat. He said although there is a shed on the property, there is not enough room to store everything that needs to be stored. Mr. Dautovic said the shed is in poor condition and he intends to remove it.

Mr. Dautovic said he spoke with the adjacent neighbors about the proposed detached garage who said they have no issues with the proposal. He submitted letters to the Clerk from the neighbors with no objections to the proposal.

Councilman Pelunis asked Mr. Dautovic why he needed a garage larger than his home.

Mr. Dautovic said a porch located on one side of the garage will utilize approximately 480 square feet of the garage square footage. Therefore, only 1,440 square feet will be available for storage.

Councilman Pelunis has no issue with the garage height variance, however, he does have concerns about the size of the proposed garage.

Mr. Mazur went to the applicant's home and viewed the property. He said normally he would be concerned about the size of the proposed garage, however, the neighborhood is very rural with many of the properties being larger than two acres. Mr. Mazur said the applicant's property is approximately an acre and a half and the proposed garage, which has a very attractive design, will be located in the rear of the property adjacent to the Metro Parks. He explained, in addition, the topography of the property falls off about 5' in the area for the proposed garage which will make the height variance barely noticeable. Mr. Mazur will support the variances.

Mayor Drucker asked if there was a deck or patio on the property. Mr. Dautovic said there is a brick patio in the back yard of his home.

Mayor Drucker asked if the porch on the detached garage might be removed to reduce the amount of square footage being requested.

Mr. Dautovic said he is willing to make some type of concession with reducing the square footage and is willing to work with the Commission.

Mayor Drucker asked if a driveway will be added to access the garage.

Mr. Dautovic has no plans to add a driveway as the area where he plans to construct the garage does not get very wet and he believes he will not have any issues with accessing the garage. He will store the boat in the garage once at the end of the boating season and remove it at the beginning of boating season. Mr. Dautovic said he will be storing other items in the garage but it will not be accessed often.

In response to Mayor Drucker's question about maneuvering the boat into the garage, Mr. Dautovic said the boat is only 19' long and he believes he will have no issues getting the boat into the garage.

Mayor Drucker asked Mr. Dautovic about the use of the cupola on the roof of the garage that is seen in the rendering.

Mr. Dautovic said the cupola is for aesthetic purposes, as well as the doors and the upper door which appears to be a hayloft. These are for cosmetic purposes only. Mr. Dautovic said the garage will have the appearance of a barn but will not house animals.

Councilman Pelunis asked Mr. Dautovic if he is willing to remove the porch area to reduce the square footage.

Mr. Dautovic said he would consider removing the porch. However, if his wife is less willing to remove the porch, he would like to explore reducing the square footage elsewhere.

The Commission discussed tabling the item to give Mr. Dautovic additional time to review his proposal with the Planning Department and present possible revisions at the September 9<sup>th</sup> Planning Commission meeting. As the next Council meeting will not be held until September 15<sup>th</sup>, there is no additional delay.

Mr. Dautovic agreed to table the item and meet with the Planning Department.

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

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

Motion Carried

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|----|---|----------|---|
| 8. | 5022 Hidden Creek Circle – Govind Dixit and Neera Gupta   | 080-2014 | 5 |
|    | <ul style="list-style-type: none"> <li>▪ 30' fence setback from residence variance</li> <li>▪ 19' fence setback from street right-of-way variance (Miles Road)</li> <li>▪ 19' fence setback from street right-of-way variance (Hidden Creek Circle)</li> <li>▪ Fence type variance</li> <li>▪ 1.5' fence height variance</li> </ul> |          |   |

Mr. Govind Dixit was present. He displayed a plan indicating the area of his property adjacent to Miles Road. Mr. Dixit has safety concerns for his family as there is a hill on that area of Miles Road which increases the speed of vehicles. His proposal is to install a fence along the Miles Road portion of his property which he believes will make it safer for his children to play in the yard. Mr. Dixit indicated the area where he is proposing the installation of a fence.

Mr. Dixit displayed a rendering of the 5' fence he is proposing and said the plan is to plant flowers around the base of the posts to make it more attractive.

Mayor Drucker viewed the property and said she is concerned that the fencing will look incomplete based on the area where Mr. Dixit proposes the installation. She feels this is a difficult lot on a busy street and asked Mr. Dixit if he considered enclosing the yard with fencing as she believes it would make the yard safer for the children.

Mayor Drucker said an application for a similar property on the corner of Bainbridge Road and Solon Road was reviewed and the applicant installed a 3½' picket fence.

Mr. Dixit said different options were considered and eventually the option for a 5' decorative fence was determined to be their best option. However, he is open to suggestions and various options as recommended by the Planning Commission. Mr. Dixit said it is important to have some type of fencing installed to make his yard safer but they are flexible and amenable to alternatives.

Councilman Pelunis agreed with Mayor Drucker and suggested Mr. Dixit meet with the Planning Department to review other fencing options and return for the September 9<sup>th</sup> meeting with a new plan.

Mayor Drucker said as the next City Council meeting will not be held until September 15<sup>th</sup>, the project would not be delayed.

Mr. Dixit agreed to meet with the Planning Department and return to the Commission on September 9<sup>th</sup>.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 8.

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

Nay: None

Motion Carried

9. 33160 Solon Road – SSSS, Inc.

081-2014

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- Building material variance

Mr. Stephen Ciciretto, Architect, was present. He displayed a rendering of the new building and explained that due to cost issues they would like to change the building material from brick to through-the-wall masonry units. The new material will be a clay or concrete product. Mr. Ciciretto displayed the formerly approved material and the new product and said the color of the new material is basically the same color as the approved material.

In response to Councilman Pelunis' question, Mr. Newberry said he is familiar with this product. The appearance is similar to brick and is installed more efficiently. In addition, it is easier to work with and he believes it is acceptable for this application.

Mr. Bentley agreed with Mr. Newberry. He also feels it is a good product and will give a similar appearance to the building as the original material would give.

Mr. Mazur's only concern is that the justification for the practical difficulty is because of budgetary reasons, which is not a justification for a variance. However, as two knowledgeable members of the Commission believe it to be a comparable product and more efficient than the original, then maybe it is time for Mr. Frankland to review the Building Code to consider it as a permitted product.

Mr. Frankland believes brick is a superior product and will last longer, however, he has no problem with the current proposal for this application but he would not recommend changing the Building Code. He spoke with the City's architect consultant about it and maybe at a later date, after it has been on a few buildings for a few years, an amendment can be made to the building code. Mr. Frankland said this is the same product that is on the Giant Eagle Market District building. He pointed out that within the Code there is already verbiage that if something is considered to be of similar quality material, it can be added to the list administratively.

Mr. Newberry said there has been improvement in the technology used to make this material which is a clay product and although it is not fired like brick, it is a similar density material with the color going all the way through it, making the color of the building on the outside, the same as the color on the inside.

Mr. Frankland said if this is approved, it should be contingent that the City's architect consultant approves the quality and color of the product, as there are different manufacturers.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the building material variance with the contingency that the City's architect consultant review and approve the quality and color of the product.

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

Motion Carried

COUNCIL REFERRAL:

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

Motion by Mr. Bentley, seconded by Mr. Newberry to move Item 10 to the Inactive Agenda.



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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for a lot consolidation of PP#'s 953-40-001, 953-40-005, 953-40-006 and 953-40-007 on September 9, 2014 for Tarkett USA, Inc., 30000 Aurora Road.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Bentley to schedule a public hearing for a lot consolidation of PP#'s 952-33-006 and 952-33-022 for David Sarver, 5800 Ledgebrook Lane on September 9, 2014.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 30000 Aurora Road – Tarkett

Mr. Frankland displayed a rendering of the property and said the landscape plan was approved at the last meeting contingent upon approval of the City's landscape architect. Some of the landscape vegetation has been changed from the original approval and Mr. Frankland displayed another rendering indicating where some of the landscaping along the road has also been changed. He said the changes have all been approved by the City's landscape architect.

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

2. 31100 Bainbridge Road – ECI

Mr. Frankland displayed an aerial view of the property and said the proposal is to install a 25' flagpole to fly only the American flag, therefore, the concern of free speech must be considered per the Law Director. It would be located approximately 20' from the street.

Mr. Frankland said if the flag being flown had the company logo on it, the flag would be considered a sign. However, this is not a consideration if flying the American flag.

Councilman Pelunis said he understands the rights of free speech, but the Planning Commission determines where the flagpole should be installed on the property if Mr. Frankland does not feel 20' from the street is appropriate.

Mr. Frankland said he would prefer to see the flagpole installed at 40' from the street. He said if the Commission agrees to the concept of the flagpole, he will meet with the applicant to discuss the setback from the road issues.

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

## 3. 30500 Carter Street – Christopher Tool

Mr. Frankland said Christopher Tool recently submitted an application for an addition, which was approved. He displayed a rendering of the building and said there has been a request to change the material used in the rear of the building. It was originally to be made of brick and metal siding and it is now proposed to be cement block. This is located in the industrial area and the other areas in the rear portion of the building are also made of cement block.

Mr. Frankland displayed another rendering of the west side of the building. He said the proposal is to add a knock-out panel for the possible addition of a future door, rather than complete brick and he indicated the location.

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

## 4. 30701 Carter Street - Cosmax

Mr. Frankland displayed an aerial view of the property and explained that previously approval was given for several pieces of equipment in the rear of the building. He displayed a plan indicating the rear of the building where the proposal is to add another pad for additional equipment. Mr. Frankland said this is located far off of the road and will not be seen.

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

Councilman Pelunis said there are two updates proposed to the Master Plan and they are ready to be presented to the Planning Commission for their review and consideration. There will be a presentation of the Economic Development Plan on September 9<sup>th</sup>. On September 23<sup>rd</sup>, there will be a presentation of the Residential Neighborhoods for the Master Plan.

Motion by Mr. Bentley, seconded by Mr. Mazur to place these two items on the Planning Commission agenda.

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

Nay: None

Motion Carried

COMMENTS FROM THE COMMISSION:

Mayor Drucker said there have been a few issues regarding fences lately and as the Code was changed in 2005, she asked Mr. Frankland to prepare an explanation for the next Planning Commission meeting as to how and why the 2005 changes that were made were determined.

Mayor Drucker said the indoor pool at the Community Center will be closed on September 1<sup>st</sup> for painting and maintenance and it will re-open on September 29<sup>th</sup>. Although the outdoor pools are usually closed after Labor Day, they will both remain open during this time to accommodate the swim teams.

Mayor Drucker said the fall Rabies Baiting program will begin on August 28<sup>th</sup>. This program targets the raccoon habitats in the City and is applied by two people in a white truck with Board of Health signage.

Mayor Drucker said the Automated Recycling Program will begin on September 2<sup>nd</sup> and cans are currently being distributed throughout the City. Residents should not use their cans this week if they have already received them. A letter has been sent out by the Service Department and Mayor Drucker asked that residents read the letter as some residents will have a different pick-up day.

Mayor Drucker said the Vitamix Store located on Kruse Drive has re-opened after last year's fire caused them to vacate. She wished them much success.

Mayor Drucker said the City Council meeting scheduled for Monday, September 1<sup>st</sup> has been cancelled due to the Labor Day Holiday. The next City Council meeting will be held on Monday, September 15<sup>th</sup>. She wished everyone a good holiday weekend.

Mr. Mazur said in an effort to review the Inactive Agenda, he asked the Clerk to send letters to certain applicants.

Motion by Mr. Mazur, seconded by Mr. Newberry to request the Clerk send letters to Item A on the Inactive Agenda, Mid America Management, 33615 Aurora Road and Item B, Fifth Third Bank, 6445 SOM Center Road and request they respond as to their intentions considering the applications have been pending for a long time.

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Bentley to adjourn the meeting at 8:25 P.M.

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

Motion Carried

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Chairman

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Secretary