

**PLANNING & ZONING COMMISSION
February 10, 2015 – 7:05 P.M.**

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

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

Absent: None

Also Present: Councilman Kitora, Assistant City Engineer Welch, Fire Inspector Todd 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:

1. Intersection of Route 91 and Miles Road – Pro-Built Homes, Inc. – Woods of Solon: Mr. Frankland said this item should remain on the Active Agenda as the applicant has submitted a letter asking to be tabled until March 10th.

In response to Mr. Newberry's question, Mr. Stolarsky said he believes the City and the applicant are making progress with the application.

NEW:

3. 5951 SOM Center Road – Jasvinder Mandair – fence setback from right-of-way variance, setback from residence variance, fence height variance, uniform aggregate opening variance, orientation of the finished side of the fence variance: Mr. Mandair was present and said it is anticipated that the temporary fence would remain from November through March, during the snow season. He explained this would be something he would construct every year to protect his landscaping.

Mayor Drucker asked why it has become necessary to bring this item to the Planning Commission as she has seen temporary burlap fences in other locations in the City.

Mr. Frankland said a complaint was received about this particular burlap fence so it was brought to the Commission for review. He said the Commission may use this as a precedent and determine that all such fences need to be approved by the Planning Commission in the future.

In response to Mayor Drucker's question, Mr. Mandair said individually wrapping each tree or shrub in burlap does not provide adequate protection to prevent road salt from getting into the soil which he believes gets into the roots and kills the landscaping during the winter.

Mr. Frankland said when a structure is stretched out across a property such as this one, it must be treated as a fence. He is concerned that issues, e.g., line-of-site issues, etc., might arise if temporary burlap fences are unregulated. Although he has not been made aware of many burlap fences erected in the City, it is anticipated that with the use of brine on the roads, they will become more prevalent during the winter months.

Mr. Frankland explained that a fence in the front yard is permitted to be 3½' tall. However, Mr. Mandair's property is unique since there is a passing lane in front of his property which causes substantial spray onto his property. In addition, the property is quite large and wrapping the trees individually with burlap does not prevent the road salt from getting into the soil which eventually kills the trees.

Mayor Drucker said she believes the complaint was due to the burlap flapping in the wind after it had become loose.

Mr. Mandair said the day after he erected the temporary burlap fence, the wind was very strong and he realized he needed to fortify the structure and added metal poles to strengthen it.

Mr. Newberry said although line-of-site issues are not associated with Mr. Mandair's property, this could be an issue for other properties in the future. Therefore, it is important to have a policy in effect.

4. 29750 Cannon Road – Chabad Jewish Center of Solon – front yard setback variance and building material variance: Mr. Newberry said it is his understanding that this request will reduce the previously approved setback variance but increase the size of the room being built.

Mr. Frankland said the addition is in the rear of the property and will be located further away from the street. However, the setback variance is still necessary as it is a non-residential use in a residential area.

5. 30575-30775 Bainbridge Road – Besty Investments Co. – sign area variance and sign location variance: Mr. Frankland said this is a request to place a sign on the rear of the building that would face State Route 422.

Councilman Pelunis said approval of the sign should be contingent upon a specific time limit.

Mr. Rico Pietro, Cresco Real Estate, was present. He explained the sign will remain until the building is leased, and it is their goal to lease it as soon as possible. Mr.

Pietro said it is believed that a sign facing State Route 422 would attract more activity and a business needing to lease a large amount of space is the goal for this location. It is hoped that the sign will attract a regional interest and a larger company will lease the space.

In response to Mayor Drucker's question, Mr. Pietro said there is a small leasing sign on Bainbridge Road at the front of the building advertising space for lease. He said they would prefer to keep both signs as it is believed the two different locations advertise for a different audience. The sign facing State Route 422 is only a temporary sign, whereas the sign on Bainbridge Road would remain until the property is fully leased. Mr. Pietro believes an initial six-month approval for the sign facing State Route 422 would be reasonable.

Mr. Mazur is concerned about setting a precedent by approving a sign on the rear of the building for leasing purposes. He asked Mr. Pietro if there has been any interest from potential businesses to lease the building up to this point.

Mr. Pietro said there has been interest for 3,000 to 5,000 square feet. However, to increase the occupancy and the value of the property, the goal is to lease to a company that employs 100 to 150 people with a long-term commitment.

Mr. Frankland said another variance has been identified for item 3. Therefore, a fence type variance will be added to the list of variances.

Mayor Drucker recommended Mr. Frankland prepare a policy regarding temporary burlap fencing for next winter. She would like to see guidelines prepared for temporary burlap fences which will assist residents and businesses when they install them.

Mr. Frankland said he will prepare a policy for the Commission to review and place emphasis on safety issues, not aesthetic issues, as this type of fencing is temporary during the winter months. He said safety forces will also have to review these requests as it relates to line-of-site issues. Mr. Frankland said it is important to determine certain parameters which would include safety issues, installation of the temporary burlap fence in a workmanlike manner, a time limit, and height limitations.

The caucus ended at 7:25 P.M. and the meeting began at 7:30 P.M.

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 January 27, 2015 meeting as presented.

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

Motion Carried

PENDING:

1. Intersection of Route 91 and Miles Road – Pro-Built Homes, Inc. 104-2014 4
Parcel A: 952-40-006, Parcel B: 952-40-018 and Parcel C: 952-40-005
- 6' driveway width variance
 - 25' driveway rear yard setback variance (Parcel A)
 - 10' driveway side yard setback variance (Parcel B - north lot line)
 - 10' driveway side yard setback variance (Parcel B - south lot line)
 - 10' driveway side yard setback variance (Parcel C - north lot line)
 - 6' driveway rear yard setback variance (Parcel B)
 - Dwelling orientation variance (Parcel A)
 - Dwelling orientation variance (Parcel B)
 - Dwelling orientation variance (Parcel C)
 - 102.1' front yard setback variance (Parcel B)
 - 39.75' front yard setback variance (Parcel C)
 - Not parallel to street variance (Parcel A)
 - Revised site plan for condominiums - (3) two-family dwellings

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

NEW:

2. 35890 Pettibone Road – Constance Macik 013-2015 1
- 640 sq ft accessory pavement variance
 - Driveway material variance

Ms. Constance Macik was present. She displayed a site plan indicating the location of the current driveway and where the additional driveway is proposed. Ms. Macik said the area under the carport will be gravel at this time, however, concrete will be installed in the spring.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 640 sq ft accessory pavement variance for 35890 Pettibone Road.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve the material variance to permit a gravel driveway contingent upon it not exceeding 6 months.

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

Motion Carried

3. 5951 SOM Center Road – Jasvinder Mandair 014-2015 4
- 30' fence setback from right-of-way variance
 - 70' fence setback from residence variance
 - 2.5' fence height variance
 - 25% uniform aggregate opening variance
 - Orientation of the finished side of the fence variance
 - *Fence type variance (added during the Caucus)*

Mr. Jasvinder Mandair was present. He displayed an aerial view of his property indicating the unique location on the corner of SOM Center Road and Maple Drive. Mr. Mandair has had difficulty in the past maintaining the vegetation in front of his home during the winter. It is Mr. Mandair's belief that the road salt and debris that is sprayed onto his property from passing vehicles is contributing to the loss of shrubbery and trees through seepage into the soil. He previously tried wrapping burlap individually around the trees and shrubs, however, this did not protect the soil. Therefore, he constructed the burlap fence to provide a barrier.

Mayor Drucker said as discussed during the Caucus, burlap fences are becoming more commonly used during the winter months. She is concerned about residents and business owners having to come before the Commission with applications for this type of fence. As this is a temporary fence and something that will be constructed on a seasonal basis, Mayor Drucker requested Mr. Frankland prepare a policy that will standardize the use of burlap fencing, assist with administering the use of burlap fencing and address potential safety concerns. This will be reviewed at a future meeting.

Mr. Newberry agreed with Mayor Drucker and feels a policy would be appropriate.

In response to Mr. Newberry's question, Mr. Mandair said the height of the burlap fabric is 5 feet. However, a fence height variance is necessary since the poles add to the fence height.

Mr. Newberry said 5' burlap is more readily available now and commonly used. Mr. Newberry will not support the finished side of the fence variance as he believes the posts should be located on the inside of the fence and not on the outside of the fence which is located on the street side of the fence.

Mr. Mandair said there are actually poles located on the inside and the outside of the fence. He said when the fence fell because of the wind, he reinforced it with the poles on both sides in an effort to prevent it from falling again.

Mr. Newberry would like to see the clause that the poles must be on the inside of the fence in the policy Mr. Frankland will provide to the Commission. However, he understands Mr. Mandair's situation because of the unique location and all of the

difficulties he has maintaining the landscaping due to the harsh winter and the various products used to reduce its impact on the roads.

Mr. Mandair said there was a year when he planted salt-tolerant grass plants and did not cut them back so they could serve as a screen during the winter, but once the salt seeped into the soil, the grass plants died.

Mayor Drucker said she will support the finished side of the fence variance although she understands Mr. Newberry's concern about the poles being viewed on the street side. However, she does not believe it is reasonable to have Mr. Mandair try to change the poles at this time as the ground is frozen solid. Mayor Drucker said the future policy can specify the poles need to be located on the inside of the fence.

Mr. Bentley agreed with Mayor Drucker.

Councilman Kotora was present and said he spoke with residents on Maple Drive regarding the burlap fence. He was informed that Mr. Mandair is a great neighbor who has beautified his property and Councilman Kotora said nobody was in opposition to the fencing. Councilman Kotora said the fencing is only erected on a temporary basis for approximately three months to protect the landscaping during the winter so that it can later be enjoyed during the rest of the year. He supports the variances requested by Mr. Mandair.

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

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 70' fence setback from residence variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2.5' fence height variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 25% uniform aggregate opening variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve the orientation of the finished side of the fence variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a fence type variance with the contingency that it will be removed no later than March 30, 2015.

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

Nay: None

Motion Carried

4. 29750 Cannon Road – Chabad Jewish Center of Solon 015-2015 5
- 9'-3" front yard setback variance
 - Building material variance

Mr. Tom Paul, Paul Architects, was present representing the applicant. Mr. Paul explained the proposal to increase space to the pool room originally approved in December on the commercial side of the property. The original request for the addition was 9'-1" and the applicant requests to add an additional 7½' of space toward the rear of the property to provide storage for children visiting the pool.

Mr. Mazur asked Mr. Paul to explain the material variance. Mr. Paul said the siding will be as originally approved, however, the variance accommodates the additional siding for the residential area.

Councilman Pelunis asked if someone will live in the residence. Mr. Paul said that is correct.

Mr. Newberry said the setback and material variance is for the portion of the building that is commercial. He believes this request is less of a variance than initially requested because the building will be moved to the rear of the property.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 9'-3" front yard setback variance.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a building material variance .

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

Nay: None

Motion Carried

5. 30575 Bainbridge Road – Betsy Investments Co. 016-2015 6
- 64 sq ft sign area variance
 - Sign location variance

Mr. Gary Cohen, managing partner for Betsy Investments Co. was present. Mr. Cohen explained the request to erect a large sign on the Route 422 side of the building located at 30575 Bainbridge Road advertising its vacancy. As this is a large rental space that has been available for over five years, Mr. Cohen feels a larger audience will be reached if the building is marketed from the freeway.

Councilman Pelunis clarified the sign is proposed to attract tenants to fill vacancies which he said will generate more jobs and tax revenue for the City.

Mr. Cohen agreed and explained the building is designed to accommodate large tenants.

Mr. Mazur is concerned with the proposed size of the sign and believes it could create a precedent resulting in widespread signs advertising rental space on buildings. He noted free standing signs are permitted in the front of a building. Mr. Mazur explained his dilemma as a former president of the Chamber of Commerce where one of his goals was to fill vacant office space. Therefore, he recommended the sign be permitted for six months with a caveat that it will be maintained. He understands the extended period of vacancy and would like to see the building rented.

Mayor Drucker will only consider supporting this sign variance because it is on the rear of the building and faces Route 422. She would not consider approving a sign like this on the front of any building. Mayor Drucker asked Mr. Stolarsky if this can be added as a contingency.

Mr. Stolarsky said all of the reasons discussed will be part of the record for granting the variance and can be used as a precedent, i.e., because of the extended period of the vacancy, the amount of square footage, facing Route 422, etc.

Mr. Mazur said the extended length of time the building has been vacant is the reason he will support this.

Councilman Pelunis agreed with Mr. Mazur and said in addition to the time the building has been vacant, the building also has a large amount of square footage. Therefore, he supports the variance to hopefully obtain a large tenant that may expand in Solon.

Mayor Drucker agreed the square footage is significant and makes a difference in her decision.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the 64 sq ft sign area variance.

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

Nay: None

Motion Carried

Mr. Mazur said for the record, the reasons for approval are because of the extended period of vacancies in the building and the significant square footage to fill.

Councilman Pelunis understands it is a difficult space to market and asked if the sign must be removed in six months or can approval be extended.

Mayor Drucker advised the applicant may return for consideration of an extension, however, consideration will also be given to any adverse comments received.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the sign location variance contingent upon removal of the sign after six months and that the sign be maintained.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

31875 Solon Road – 1 EDI Source, Inc.

Mr. Frankland displayed an aerial view and explained the proposal to replace the overhead garage doors at the rear of the building, which is not visible from the street, with glass.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said in regard to the variances for Betsy Investments Co., she will ask the Council to include as part of the contingency that if the building is leased in the six month period, the sign will be removed immediately upon lease.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Newberry, seconded Mr. Bentley to adjourn the meeting at 8:05 P.M.

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

Motion Carried

Chairman

Secretary