

**PLANNING & ZONING COMMISSION**  
**August 11, 2015 – 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, Senior Planner Crombie, Secretary McConoughey

Absent: Planning Director Frankland

Also Present: Fire Inspector Eisenhuth, Project Engineer Lyndon

**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)

Councilman Pelunis presided.

**NEW:**

1. 38700 Aurora Road – James Shikner – amount of accessory pavement variance and accessory pavement side yard setback variance: Mr. Mazur requested clarification regarding the plan and the applicant will provide information during the meeting.

2. 5878 Briarhill Drive – Joe and Lisa Rea – fence height variance (swimming pool): Mr. Eisenhuth said although a 5' fence is preferred, per the National Building Code a 4' fence is the minimum required for a swimming pool. Councilman Pelunis said there are no neighbors nearby and there is also a lake in the back of the property.

Mr. Mazur said he viewed the site and there is a small portion where there is no fencing. He requested fencing be added and the applicants agreed.

3. 29000 Cannon Road – William and Jessica Fugate – accessory structure rear yard setback variance and accessory structure side yard street setback variance: Notification was received from the Metro Parks indicating the shed would be in conflict with a deed restriction and the shed would have to be relocated.

Mr. Pelunis said the Commission cannot go forward with the variance as requested.

Mr. Fugate said that is the only acceptable location for the shed.

Mayor Drucker visited the site and although there is a slope in an alternate area, she believes it may be possible to level the ground to accommodate placing the shed.

Mr. Newberry said the Metro Parks deed restriction takes precedent.

Mrs. Crombie said she contacted the Metro Parks to determine if they had an appeal process, however, they did not and will adhere to the restriction.

It was suggested this item be tabled and the applicant meet with the Planning Department to determine if there is another possible location for the shed.

#### COUNCIL REFERRAL:

7. Burton Insurance Agency/Mary Lambert – proposed modification to minor subdivision off of Hawthorn Parkway and proposed modification to “Declaration of Restrictions”: Mayor Drucker said this issue was referred by the Council for input and requested this issue be moved to the Inactive Agenda until an actual plan is received.

Ward 5 Councilwoman Meany agreed with the Mayor. There is no actual plan and the major concern by the neighboring residents is flooding, however, without an actual plan there is nothing that can be reviewed by the Engineering Department. As long as the item is on the Active Agenda residents continue to have concerns and attend meetings although there is nothing to consider without the plan.

Ms. Lambert believes she has submitted a plan and questioned what is required.

Mr. Newberry explained an actual site plan which is acceptable for selling the property and recording with the county is necessary which includes dimensions and calculations.

Mayor Drucker added Ms. Lambert wants to modify the previously approved Declaration of Restrictions and this cannot be considered until a preliminary plan is submitted.

The caucus ended at 7:20 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 Mayor Drucker, seconded by Mr. Bentley to approve the minutes of the July 28, 2015 meeting as presented.

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

Nay: None

Abstain: Newberry

Motion Carried

NEW:

- |    |   |          |   |
|----|---|----------|---|
| 1. | 38700 Aurora Road – James Shikner   | 070-2015 | 3 |
|    | <ul style="list-style-type: none"> <li>▪ 133 sq ft amount of accessory pavement variance</li> <li>▪ 4.9' accessory pavement side yard setback variance</li> </ul> |          |   |

Mr. James Shikner was present. He displayed a site plan indicating the location of the existing garage. Mr. Shikner said the proposed pavement will be located behind the garage. He said the driveway exits onto Aurora Road, directly across the street from Grantwood Golf Course. Mr. Shikner said the proposal is to extend the driveway to give him the space to be able to turn around so he can exit his driveway facing forward instead of having to back into the oncoming Aurora Road traffic. He is also proposing a concrete pad for a future deck he intends to construct.

In response to Mr. Bentley's question regarding posts for the deck, Mr. Shikner said he intends to make the footers part of the pad which he will add later. He said the J-bolts will be located where the metal posts will later be installed in preparation for the decking.

Mr. Newberry asked if the garage is a side entry. Mr. Shikner said the garage is a side entry and there is currently no area to turn around and he has no option but to back onto Aurora Road.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 133 sq ft amount of accessory pavement variance.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 4.9' accessory pavement side yard setback variance.

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

Nay: None

Motion Carried

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|----|--|----------|---|
| 2. | 5878 Briarhill Drive – Joe & Lisa Rea  | 071-2015 | 6 |
|    | <ul style="list-style-type: none"> <li>▪ 1' fence height variance (swimming pool)</li> </ul> |          |   |

Mrs. Lisa Rea and Mr. Joe Rea were present. Mr. Rea displayed a photo of the patio area and a site plan. He indicated where a 4' fence currently exists around the

backyard and said there is currently no fencing around the patio but it will be fenced in with this proposal.

Mrs. Rea said the same fencing that currently exists will be installed with a locking gate for access.

Mr. Mazur viewed the property and confirmed the yard was completely fenced in except around the patio. He has no issues with the proposal providing any gates installed will have locking mechanisms.

Mr. Bentley prefers a 5' fence for homes with a pool as required by the City's Code, however, as the Fire Inspector has indicated a 4' fence is adequate per the state residential building code, he will support the variance.

Mayor Drucker said she understands that an automatic cover which is key secured will also be installed on the pool for added safety and security.

The Rea's confirmed they will be installing an automatic cover on the pool.

Councilman Pelunis noted certain facts regarding the title need to be clarified.

Mr. Newberry asked if the applicants were aware of the storm drain that passes through the yard, under the fence and the conditions that were placed on it.

The Rea's confirmed that they were made aware of the storm drain and its conditions prior to purchasing the home.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 1' fence height variance for a swimming pool with the contingency that the fencing be installed around the patio with locking mechanisms on the gates and the easement document executed.

Mr. Stolarsky said the easement has been executed, it is the license agreement that is necessary.

Mr. and Mrs. Rea confirmed they just received the license agreement and will complete it.

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

Motion Carried

3. 29000 Cannon Road – William & Jessica Fugate 072-2015 5
- 9' accessory structure rear yard setback variance
  - 49' accessory structure side yard street setback variance

Mayor Drucker said this item should be tabled.

Mr. Newberry said as discussed during the Caucus, the property abuts the Metroparks and there is a deed restriction on the property that takes precedence over the zoning setback. The applicant was encouraged to meet with the Planning Department in an effort to seek as resolution.

Councilman Pelunis said during the Caucus, the applicant agreed to table this item and meet with the Planning Department.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of item 3.

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

Nay: None

Motion Carried

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|----|--|----------|---|
| 4. | 29750 Cannon Road – Solon Chabad   | 073-2015 | 5 |
|    | <ul style="list-style-type: none"> <li>▪ 1.8' front yard setback variance</li> <li>▪ Building material variance</li> </ul> |          |   |

Mr. Tom Paul, Paul Architects, was present representing the applicant. He displayed a site plan and said the proposal is to add an additional 8' to the previously approved pool room under construction. Mr. Paul noted the addition on the site plan indicating where the additional 8' will be added.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 1.8' front yard setback variance.

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

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a building material variance.

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

Nay: None

Motion Carried

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|----|---|----------|---|
| 5. | 33200 Baldwin Road – St. Rita Church  | 074-2015 | 7 |
|    | <ul style="list-style-type: none"> <li>▪ Building material variance</li> <li>▪ Site plan</li> </ul> |          |   |

Mr. Major Harrison, Brilliant Electric Sign Co., was present representing the applicant.

Councilman Pelunis said during the Caucus, questions were asked about the building material being considered and he asked Mr. Harrison to clarify the type of material.

Mr. Harrison said the awning is canvas with a vinyl application for the lettering.

Mayor Drucker asked Mrs. Crombie if a building material variance is necessary for the lettering.

Mrs. Crombie said as this is not a specifically listed material in the City Code, it might be permitted but only with a variance which is how this type of issue has been treated in the past.

Mr. Newberry is pleased to see the signage proposed for the building.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a building material variance 33200 Baldwin Road.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the site plan.

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

Nay: None

Motion Carried

6. 32940 Parkway Boulevard – St. Rita Church

075-2015 7

- Building material variance
- Site plan

Mr. Major Harrison, Brilliant Electric Sign, Co., was present representing the applicant. He displayed a rendering indicating the door to the parish office where a matching canvas awning with a vinyl application as discussed in the previous application is proposed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a building material variance for 32940 Park Boulevard.

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.

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

Nay: None

Motion Carried

COUNCIL REFERRALS:

7. Burton Insurance Agency/Mary Lambert – proposed  
modification to minor subdivision off of Hawthorn Parkway

066-2015 4/5

Councilman Pelunis said a revised memo from the Planning Director was received and a revised drawing was submitted by the applicant.

Mr. Newberry said there was previously substantial review and effort made by all of the involved parties to create an agreement for this property. Ms. Lambert is now asking for modifications and suggesting she was pressured into signing the agreement.

Mr. Newberry finds it troubling that the Commission has been asked to review the applicant's plan. He feels it is not representative of a minor or a major subdivision plat but just a map which is not capable of conveying real estate.

Mr. Newberry said a more complete preliminary subdivision plan is necessary for the Commission's review process. He said the necessary items are:

- Property boundary lines
- Description of the road and its construction
- A statement of covenants and restrictions since it will have a private road shared by different owners
- A written agreement of understanding from the applicant of exactly what is being proposed and what will be considered acceptable to them

Mr. Newberry said he will not consider approving the project until an agreement has been accepted by the applicant, the Commission and the Council.

Motion by Mr. Bentley, seconded by Mayor Drucker to move item 7 to the Inactive Agenda.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6440 SOM Center Road – Verizon Wireless Retail Store

Mrs. Crombie displayed an aerial view of the property. She said Verizon is performing interior improvements to the building which has necessitated the upgrade of the AC system. Mrs. Crombie indicated where two AC units in the rear of the building are proposed.

Mrs. Crombie displayed another photo of the street view from Baldwin Road of the area where the AC units will be installed. She indicated the existing board-on-board fence and gate. Mrs. Crombie displayed photos of the utility area which already includes two AC units and said the two units proposed will look very similar to them and be placed on a concrete pad.

Mrs. Crombie said two exhaust louvers, 18" x 20" will be added to the exterior of the building above the utility lines. She indicated the location on a photograph of the area.

In response to Mr. Bentley's question, Mrs. Crombie said the fence will serve as screening for the AC units.

Mr. Newberry asked if the proposed two AC units will be replacing the existing units or in addition to the existing units.

Mrs. Crombie said these are two new additional AC units and will not be more than 3' in height.

Mr. Newberry is concerned about the amount of noise that will be produced by the two AC units and its effect on the nearby residences. He would prefer to see this item presented as a formal application, including noise attenuation information, to the Planning Commission.

2. 6134 Kruse Drive – Burger Fresh

Mrs. Crombie displayed an aerial view of the property and indicated the location of a recently approved patio in the rear of the property which included six safety bollards. She displayed a site plan and noted the area where underground utilities are located preventing the applicant from installing all six bollards. However, they will install those bollards that do not interfere with the underground utilities. Mrs. Crombie said as an additional safety measure, the applicant will fill the aluminum fence posts with concrete.

Fire Inspector Eisenhuth said the Fire Department reviewed the proposal and believes this to be the best course of action under the circumstances.

Mr. Newberry questioned the length of the parking lot side of the patio.

Mrs. Crombie said it measures approximately 21.5' with a 6' section and an 8' section of fence and the bollards will be approximately 4' apart.

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

3. 26800 Fountain Parkway – Amresco

Mrs. Crombie displayed an aerial view of the property indicating the existing parking lot. She said the proposal is to add additional pavement along the west side of the parking lot to expand the parking lot for a net gain of 27 parking spaces. Mrs. Crombie said this will be in an area of previously approved banked parking but the applicant will still have to meet with the Engineering Department for storm water maintenance approval.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Solon Historical Society is hosting the 4<sup>th</sup> Annual Flea Market on Sunday, August 16<sup>th</sup> from 1:00 P.M. to 5:00 P.M. Sellers will be charged \$5.00 per parking space to sell their treasures. Those interested in participating should call the Solon Historical Society to reserve a space.

Mayor Drucker announced that Burger Fresh and Dave's Cosmic Subs are now open.



Mr. Bentley said school will be in session again soon and traffic patterns will be changing. He asked that everyone be mindful of student's walking and driving and be considerate and cautious.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Mr. Bentley to adjourn the meeting at 7:57 P.M.

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

Motion Carried

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Chairman

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Secretary