

PLANNING & ZONING COMMISSION
September 15, 2015 – 7:00 P.M.

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

Present: Commission Members Mazur and Newberry, Mayor Drucker, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky (meeting only), Planning Director Frankland, Secretary McConoughey

Absent: Commission Member Bentley

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)

Councilman Pelunis presided.

PENDING:

1. 29000 Cannon Road – William and Jessica Fugate – accessory structure rear yard setback variance and accessory structure side yard street setback variance: Mr. Frankland said the applicant requested this item be withdrawn from the agenda as a location for the structure was determined that did not require a variance.

Mayor Drucker noted a minor change to the minutes of August 25th and it was determined they could be approved as read.

2. 6958 SOM Center Road – Kevin & Katie Egan – lot split for PP# 954-18-022, lot width variance, lot width to depth variance (north and south lot), side yard setback variance and cumulative side yard setback variance: Councilman Pelunis said the applicant will make a brief presentation during the meeting.

3. 33170 Aurora Road – Bruce Bilek – site plan (striping) and

4. 33100 Aurora Road – Bruce Bilek – access drive width variance and site plan (striping): Mr. Frankland said the applicant spoke with the Planning Department regarding items 3 and 4 and he believes the applicant is aware that he needs to discuss the issues involved with these items. He said clarification for the ADA parking space and the parallel parking space is necessary. Therefore, he recommended the item be tabled.

5. 30775 Bainbridge Road – Betsy Investment Company – rear yard building setback variance and side yard parking setback variance: Councilman Pelunis said a cross-access agreement and a utility agreement are still necessary for this item.

It was determined that the Clerk would send the applicant a letter requesting a representative attend the meeting on September 29th and inform them that it is necessary to contact the Planning Department prior to the meeting regarding the additional documentation and agreements that are required.

NEW:

6. 27855 Aurora Road – Mount Olive Cemetery Association – expansion of a non-conforming use (enlarge garage), side yard setback variance, building material variance and a building color variance: Councilwoman Meany was present and asked that this item be tabled until additional residents of Emerald Ridge Condominiums are notified.

Clerk McConoughey explained the typical method for notifying adjacent and abutting parcels is through the tax mailing address on file in the Office of the County Fiscal Officer which only listed an address for the association. However, the Clerk's office will notify each address in Emerald Ridge that can be identified through City records.

7. 6382 SOM Center Road – Paul Gruttadauria/Mr. Chicken – building color variance and site plan for new awnings: Councilman Pelunis said the selected awning color has caused some concern which will be discussed during the meeting.

Mr. Frankland said he has 3 minor alterations to present.

The caucus ended at 7:06 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. Mazur to approve the minutes of the August 25, 2015 meeting as read.

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

Nay: None

Motion Carried

Mr. Stolarsky noted as only four members of the Commission are present, an affirmative vote from three of the members is necessary for an item to be approved. Therefore, any applicant can request to be tabled until all Commission members are present.

PENDING:

- | | | | |
|----|---|----------|---|
| 1. | 29000 Cannon Road – William & Jessica Fugate | 072-2015 | 5 |
| | <ul style="list-style-type: none">▪ 9' accessory structure rear yard setback variance▪ 49' accessory structure side yard street setback variance | | |

Councilman Pelunis said the applicant requested this item be withdrawn.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's request to withdraw Item 1 from the agenda.

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

Motion Carried

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|----|--|----------|---|
| 2. | 6958 SOM Center Road – Kevin & Katie Egan | 076-2015 | 7 |
| | <ul style="list-style-type: none">▪ Lot split – PP#954-18-022▪ 10' lot width variance▪ 3' lot width to lot depth variance (north lot)▪ 53' lot width to lot depth variance (south lot)▪ 1.5' side yard setback variance (north lot)▪ 0.5' cumulative side yard setback variance (north lot) | | |

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

There were no public comments, however, Councilman Pelunis said the public hearing will remain open until after the applicant's presentation.

Mr. Kevin Egan was present. He displayed a photograph of his home located on SOM Center Road and indicated the proposed location for the lot split. Mr. Egan reviewed numerous reasons why it is important to his family to remain in Solon.

Mr. Egan said as they have been in their home for a couple of years, they realized there is more land than needed or practical. He said this prompted him to consider finding a way to use the land more creatively. Mr. Egan thought the land might have an agricultural use so he met with members from the Administration and upon closer review, it was determined that would be impractical.

Mr. Egan said upon further review of his family's future needs, it was determined that as his parents and his wife's parents age, it would be practical to have them reside with them. He said this will address the ongoing health concerns for their parents and it is the most financially feasible solution. It will also assist them with child care concerns for their three children.

Mr. Egan reviewed various options he considered for the property and he believes the best option is to split the parcel and build an additional home.

Mr. Egan said his last option would be to relocate to another home and rent the existing home in an effort to recoup some of the expenses already incurred. However, he does not want to have to take this option as they do not want to move from Solon.

Mr. Egan displayed an aerial view of the lot indicating the location of the current home which is on the northern end of the lot. He indicated where the lot would be split and noted the other lots in the area are very similar and the lot size would not be out of character with the area. Mr. Egan feels the variance requirements might be resolved once the lot split is finalized and working creatively with the house design on the lot. He will work with the City and the neighbors to optimize the site plan and setbacks to ensure public agreement and satisfaction.

Councilman Pelunis said the public hearing is still open and asked if there were any public comments. There were no public comments, therefore, the public hearing was closed.

Councilman Pelunis said he spoke with the ward councilman and they both have concerns about the proposal. He said a growth management plan was previously approved which required two non-conforming lots owned under common ownership to be consolidated. Councilman Pelunis said this proposal would create a sub-standard lot requiring variances in order to build a home and would not be upholding the growth management plan.

Mr. Mazur recalled a similar previous proposal and said he did not support it. As Mr. Egan purchased the property in 2013, he should have been aware of the growth management policy in effect in Solon. Mr. Mazur said if Mr. Egan had owned the property prior to the growth management policy, he would give the proposal consideration.

Mr. Egan is aware of the growth management policy, however, feels the proposal should be considered since the lot being created would be consistent with others in the area. Mr. Egan said he is a civil engineer and feels he can build a suitable home on the new lot and meet all of the required setbacks which would create additional tax revenue for the City.

Councilman Pelunis said an additional home also produces more service needs for the City.

Although Mr. Egan said the City services provided are accounted for in the tax base, Mr. Newberry said residential taxes are not a source of revenue for the City. The main source of tax revenue comes from the City's commercial, institutional and industrial properties which Solon is fortunate to have. Although he understands the reasons for the City's anti-growth policy, he does not completely agree with it. Mr. Newberry prefers to review each situation individually to determine if it fits into the intent of the growth management policy. He said after reviewing this proposal, he has no issues with it.

Mr. Egan reiterated there are many factors motivating the proposal. In addition to utilizing the property and financial reasons, having his parents living on the property will allow his wife to return to her career as a teacher. Mr. Egan displayed photographs of the property as viewed from SOM Center Road indicating the substantial area that would be provided for the construction of another home. He believes a home will not look out of place on the lot and would not interfere with the Master Plan's growth management policy.

Mr. Egan referred to the photograph and indicated a fence that will be removed for the construction of the house and a ramp-type structure that remained from the removal of a barn will also be removed. In addition, he will remove as few trees as possible.

Mayor Drucker agreed with Councilman Pelunis and Mr. Mazur about the City's growth management policy. She said previously a similar proposal was approved to construct a home for a family member and instead the lot was sold. Mayor Drucker feels there are other options Mr. Egan can pursue, such as an addition, and suggested he meet with the Planning Department to review them.

Mr. Frankland said while there are certain restrictions, he confirmed that in-law suites are reviewed and approved frequently.

Mr. Egan said the family is outgrowing the home and already have what might be considered an in-law suite. He does not feel an addition to the home and adding more people living in the home is an appropriate option. Additionally, the cost of such an addition would be substantial and he does not feel he would get a mutual return on the investment if the property were eventually sold due to its location on SOM Center Road.

Councilman Pelunis asked Mr. Egan if he would like to continue with the proposal tonight or wait until there is a full Commission present.

Mr. Egan said he would like to continue with the vote tonight.

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a lot split for PP# 954-18-022.

Roll Call: Aye: Newberry

Nay: Drucker, Mazur, Pelunis

Motion Failed

Mr. Newberry said as the lot split proposal has failed, the other variances are moot.

Mr. Stolarsky said although that is correct, as the variances are before the Commission and an appeal could be filed, he would like to see a vote taken.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 10' lot width variance.

Roll Call: Aye: Newberry

Nay: Drucker, Mazur, Pelunis

Motion Failed

Motion by Mr. Mazur, seconded Mayor Drucker to approve a 3' lot width to lot depth variance (north lot).

Roll Call: Aye: None

Nay: Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 53' lot width to lot depth variance (south lot).

Roll Call: Aye: Newberry

Nay: Drucker, Mazur, Pelunis Motion Failed

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 1.5' side yard setback variance (north lot).

Roll Call: Aye: Newberry

Nay: Drucker, Mazur, Pelunis Motion Failed

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 0.5' cumulative side yard setback variance (north lot).

Roll Call: Aye: Newberry

Nay: Drucker, Mazur, Pelunis Motion Failed

Mr. Stolarsky advised Mr. Egan of the appeal procedure.

3. 33170 Aurora Road – Bruce Bilek – 8/25 tabled – Applicant notified to contact Planning Dept. and attend 9/15 meeting 077-2015 7
- Site plan (striping)

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

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

Nay: None Motion Carried

4. 33100 Aurora Road – Bruce Bilek – 8/25 tabled – Applicant notified to contact Planning Dept. and attend 9/15 meeting 078-2015 7
- 24' access drive width variance
 - Site plan (striping)

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

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

Nay: None Motion Carried

The Commission discussed sending the applicant another letter, however, Mr. Frankland said the applicant is aware of the issues and that he needs to meet with the Planning Department prior to the next meeting.

Mr. Mazur said if the applicant does not attend the next meeting, the Commission might consider moving this item to the Inactive Agenda.

Mr. Stolarsky said the applicant has zoning violations with the rental occupancy which are incentives for him to resolve the outstanding issues.

The Commission determined no letter will be sent at this time as it is believed the applicant will attend the next meeting.

5. 30775 Bainbridge Road – Betsy Investment Company – 8/25 084-2015 6
tabled
- Lot split
 - 15' rear yard building setback variance
 - 5' side yard parking setback variance

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of item 5.

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

Nay: None

Motion Carried

NEW:

6. 27855 Aurora Road – Mount Olive Cemetery Association 087-2015 5
- Expansion of a non-conforming use (enlarge garage)
 - 15' side yard setback variance
 - Building material variance
 - Building color variance

Councilman Pelunis said Councilwoman Meany asked that this item be tabled in order to send additional notification to surrounding residents.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 6.

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

Nay: None

Motion Carried

7. 6382 SOM Center Road – Paul Gruttadauria/Mr. Chicken 088-2015 6
- Building color variance
 - Site plan for new awnings

Ms. Chris McManus, Marketing Director, Mr. Chicken, was present representing the applicant. She displayed a photograph of the Mr. Chicken located on SOM Center Road depicting a green awning. Ms. McManus explained that the current awning is red canvas and is in disrepair. She explained that the company is re-branding and the green color is now part of the palette. Ms. McManus said the use of the color green as part of the palette is an effort to represent fresh food and move away from the color red associated with fast food restaurants.

Mayor Drucker asked if there is a local Mr. Chicken with the color green awning already installed that the Commission could view in person as it is challenging to envision with only a color swatch to view. She has some concern about the color based upon the submitted sample.

Ms. McManus said the Mr. Chicken located in Parma on Ridge Road has the green awning installed and the Twinsburg location has had some interior alterations completed utilizing the new color palette. She explained that an architectural firm selected the color palette for the re-branding.

Mr. Mazur asked if the new awning will be fabric or metal.

Ms. McManus said the current awning which is in disrepair is made of fabric, however, the new awning will be made of a metal material utilizing the same frame.

Councilman Pelunis is concerned as the other businesses in that location on SOM Center Road; the Imperial Wok and Great Clips, both have fabric awnings. He is concerned about installing a metal awning and creating an aesthetic issue. Councilman Pelunis is also apprehensive about the green color sample. He explained that if a color is selected and installed that residents object to, the City has to contend with the result.

Mayor Drucker said in order to make a fair assessment she needs to view the awning color installed on the Mr. Chicken in Parma. However, she recommended Ms. McManus meet with Mr. Frankland and review options.

Councilman Pelunis recommended the item be tabled and Ms. McManus meet with the Planning Department to review possible options. He said the members of the Planning Commission will make every effort to view the awning in person. As he will be in Parma tomorrow, he will view the awning and take some photographs.

Ms. McManus said since the re-branding is emphasizing a fresh farmhouse type of marketing, she believes this is the reason a metal awning was chosen.

Mr. Mazur asked if the Mr. Chicken located in Parma is a free standing building.

Ms. McManus said yes it is a free standing building.

Mr. Mazur said as the Mr. Chicken in Solon is located in a continuous building with other businesses, the architect might want to consider the other awnings that currently exist to create an overall continuity.

Ms. McManus said all of the Mr. Chicken locations are different. She agreed to table the item as she would like there to be additional review and discussion before it is voted on.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of item 7.

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

Nay: None

Motion Carried

8. 33365 Tandem Court – Cynthia Kester
 - 19' rear yard setback variance

089-2015 6

Mr. Dave Barrish, Barrish Home Improvement, was present representing the applicant. He said the proposal is to install a reverse-gabled roof on the sun room to assist with the snow weight. Mr. Barrish displayed a site plan indicating the proposed gable-style roof and said it will be lower than the existing home's roof and will replace the flat shed-style roof.

Mr. Frankland explained the taller roof increases the amount of structure that is adjacent to the property line and, therefore, a variance is legally required.

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 19' rear yard setback variance.

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

Motion Carried

9. 31400 Aurora Road – Swagelok Co. 090-2015 6
- 7' access drive width variance (#2)
 - 2' access drive width variance (#3)
 - 21' access drive separation variance (between #1 & #2)
 - 12' access drive separation variance (between #3 & #4)
 - 1' loading space depth variance
 - 60' maneuvering area variance
 - 60' loading space setback variance
 - Site plan for overhead door & parking lot

Mr. Rich Grasela and Mr. Devin Hogan, Swagelok Co., were present. Mr. Grasela displayed a site plan indicating the parking lot. He said the parking lot is currently asphalt and the proposal is to install concrete. Mr. Grasela said the plan was previously approved, however, the work was never completed and the approval expired. He indicated the various driveways on the site plan and explained some minimal aesthetic changes.

Mr. Hogan displayed a site plan indicating where an overhead door is proposed. He explained the door will assist with the unloading of raw materials which will be more efficient.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 7' access drive width variance (#2).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2' access drive width variance (#3).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 21' access drive separation variance (between #1 & #2).

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 12' access drive separation variance (between #3 & #4).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 1' loading space depth variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 60' maneuvering area variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 60' loading space setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a site plan for overhead door and parking lot with the contingency that a letter be submitted from the owner agreeing to include this area for storm water management for any future expansions.

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

Motion Carried

10. 32610 Arthur Road – Craig and Jennie Daniel

091-2015 7

- 10' front yard setback variance

Mr. Craig Daniel was present. He displayed a photograph of his home indicating where a cement patio is located in front of the home. The proposal is to add a roof to cover it from the elements to better utilize the space. Mr. Daniel believes it will enhance the appearance of the home and will add value to it.

Mayor Drucker asked Mr. Daniel to indicate on the photograph where the additional roof will be located.

Mr. Daniel indicated the roof will begin below the dormers on the second floor and run almost the length of the home to cover the cement area.

Mr. Mazur said it was noted that the cement area was installed without a permit.

Mr. Daniel said a phone call was made to the City and he was told that a permit was unnecessary for cement work.

Mr. Mazur asked if a contractor performed the cement work.

Mr. Daniel said he did use the services of a contractor for the cement work.

Mr. Mazur said the contractor should be aware of the fact that a permit is necessary and recommended the Building Department follow up on this.

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 10' front yard setback variance.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. Davis Development - 32000 Solon Road

Mr. Frankland displayed an aerial view and said the proposal is to modify a previously approved plan. The proposal is to change the railing to the entranceway in the front of the building from a tubular railing to metal posts and aircraft wire. Mr. Frankland said this modification is mainly for aesthetics as it will give the building more of a modern look.

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

2. CVS/Caremark – 29300 Aurora Road

Mr. Frankland displayed an aerial view and said the proposal is to add a generator in the rear of the building and he indicated the location. He said the generator will be 17.2' long, 6' wide and 5.7' in height and will not be visible from any of the adjacent properties or from the street.

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

3. Giant Eagle – 34310 Aurora Road

Mr. Frankland displayed an aerial view of the property. He said the proposal is for the annual outdoor merchandising in front of the store. Mr. Frankland displayed a photograph of a wagon that will be used to display flowers and other seasonal items.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced that the Solon Center for the Arts will host Dueling Pianos with "T" and Rich on Friday, September 25th at Grantwood Golf Course from

7:30 P.M. to 10:30 P.M. She said tickets can be purchased at the Solon Center for the Arts or on line and the event is for those 21 or over.

Mr. Newberry said during a recent trip to New York City he visited the 9/11 Memorial. He said it was a very moving experience and he encouraged anyone who gets the opportunity to be in New York to visit the memorial.

Mr. Frankland said the Master Plan Committee has completed their evaluation and it is now time for the Commission to review and schedule a public hearing for the Central Retail District Plan, the Industrial Core Plan, the Peripheral Retail Plan, the Peripheral Industrial Plan, the Revised Goal Statements and the Process and Introduction Section, which explains how it was prepared.

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing on September 29th for review of the evaluation of the Master Plan by the Master Plan Committee.

Roll Call: Aye: 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 Mayor Drucker to adjourn the meeting at 8:22 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary