

PLANNING & ZONING COMMISSION
October 27, 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, Planning Director Frankland, Secretary McConoughey

Absent: None

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.

Councilman Pelunis advised that new information was received in regard to Inactive Item "E" and it should be placed on the Commission's next agenda for consideration. Mr. Stolarsky will review the cross access agreements prior to the next meeting.

PENDING:

2. 30300-30340 Solon Industrial Parkway – Tameran, Inc. – parking lot setback variance and a lot split of PP#'s 953-22-019 and 953-22-020: Although a public hearing has been scheduled, necessary information has not been received and Planning Director Frankland advised this issue should be tabled. However, comments regarding this issue will be heard and the public hearing will remain open at the next meeting.

NEW:

4. 33580 Linden Drive – Michelle L. Nemecek NKA Michelle L. Kent – side yard setback variance and cumulative side yard setback variance: Mr. Mazur inquired about the extra driveway which leads up to the house. However, Planning Director Frankland said it is pre-existing and the variances are required because they are connecting the garage to the house. There were no violations identified.

6. 34050 Solon Road – Legacy Holding Group, LLC – parking lot aisle width variance, building material variance and site plan for drive-thru: Mr. Frankland said the applicant will request the 9' parking lot aisle width variance be withdrawn and indicated that all of the aisles will be the required 24' width. This applicant should

also be referred to the Safety and Public Properties Committee for review of the drive-thru.

Mayor Drucker said if the Planning Commission can approve the variances contingent upon the Safety and Public Properties Committee's approval of the site plan, the application can then be considered by the Council instead of returning to the Planning Commission.

Mr. Mazur is concerned that the handicap parking is quite a distance from the entrance and Mr. Frankland said the Building Department will review the plan.

MASTER PLAN:

8. Master Plan Public Hearing: Councilman Pelunis said the public hearing for the Master Plan will be continued for resident comment during the meeting.

The caucus ended at 7:12 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 October 13, 2015 meeting.

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

Motion Carried

PENDING:

- | | | | |
|----|---|----------|---|
| 1. | 5065 Harper Road- Michael Arsena | 093-2015 | 5 |
| | ▪ Lot consolidation – PP#'s 951-42-007 and 951-42-008 | | |

A public hearing was scheduled.

Councilman Pelunis opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Although the applicant was not present, Mr. Frankland said the Code requires that the lots be combined and, therefore, the applicant's attendance was not necessary.

Motion by Mayor Drucker, seconded by Mr. Mazur to recommend approval of the lot consolidation for PP#'s 951-42-007 and 951-42-008.

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

Nay: None

Motion Carried

2. 30300-30340 Solon Industrial Parkway – Tameran, Inc. 096-2015 3
- Parking lot setback variance
 - Lot split – PP#'s 953-22-019 and 953-22-020

A public hearing was scheduled.

Councilman Pelunis opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Motion by Mr. Newberry, seconded by Mr. Bentley to table consideration of Item 2 pending submission of items requested by the Planning Department.

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

Nay: None

Motion Carried

NEW:

3. 38040 McDowell Drive – Dylan & Marleina Davis 098-2015 3
- 30' patio setback from dwelling variance

Mr. and Mrs. Davis were present. Mr. Davis explained his proposal to install a pool with a concrete deck. He said the code requires the pool deck to be 4' around and that one part of the proposed deck will be 12'.

Councilman Pelunis said a letter was received from an adjacent neighbor opposing the variance.

Mr. Davis displayed the plan and explained his adjacent neighbor, who objected to the variance, also has a pool and has planted trees for privacy. He said he cannot see the neighbor's yard from his house and that the rear of his own property is greenspace.

Mayor Drucker asked what type of fencing Mr. Davis will install. Mr. Davis replied the fence will be standard 5' fencing similar to the neighbor's fencing and will surround his entire property and not just the pool.

Councilman Pelunis read the letter from the neighbor indicating the proposed pool will be in direct view of their kitchen, family room and outdoor living area.

Mr. Bentley noted that the neighbor referred to the screening in his objection.

Mr. Newberry said the neighbor also expressed concern that if the trees do not survive, it will open their view of the applicant's pool causing them to have to replace their evergreen trees for privacy. Mr. Newberry advised that the aerial view of the neighbor's pool helped him make a determination.

Mr. Davis asked if the neighbor believes the extra few feet of cement he is proposing will somehow deter value; but the pool will not.

Mayor Drucker believes the neighbor's objection is based on the possibility that if the trees die, there would no longer be any screening and they do not want to assume the burden of providing the only screening. They feel that possibly Mr. Davis could add screening in the back portion as well. She asked to see a picture of the trees to determine if they provide complete screening.

Mrs. Davis said a picture was submitted showing the evergreens. There was question as to whether the picture was of the back yard or the side yard. Mr. Davis indicated the location of the variance and the neighbor's trees and pool in the picture.

Mr. Bentley explained the Commission must determine the practical difficulty for the extra area of cement.

Mrs. Davis said there is no space to place the cement closer to the house because of retaining walls and beds. She said the other side of the yard would be visible from the street and there is no screening for the neighbor on that side. She said they have small children and the location chosen is for privacy purposes.

In reply to Mr. Newberry's question, Mr. Frankland said the distance of the patio from the house cannot be more than 40' and is the reason for the variance. Without the variance, Mr. Newberry said the back end of the deck could not be installed.

Mr. Newberry believes the configuration of the lot and existing infrastructure poses a practical difficulty.

Councilman Pelunis agreed with Mr. Newberry and understands the Davis' need for privacy.

Mr. Mazur assumed the fence height will comply with the code and Mr. Davis said yes.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 30' patio setback from dwelling variance.

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

Nay: None

Motion Carried

Although the neighboring property owners who objected were not present, it was clarified that they would also have an opportunity to speak at the next Council meeting regarding their objections.

4. 33580 Linden Drive – Michelle L. Nemecek NKA Michelle L. Kent 099-2015 7
- 4' Side yard street setback variance
 - 4' cumulative side yard setback variance

Mr. Doug Wargo, Custom Design Builders, was present on behalf of the applicant.

Mr. Wargo displayed the plan and explained the proposal to expand a small kitchen space. He indicated the location of a porch addition in the rear of the house in disrepair and said it will be eliminated. The new 14' x 20' addition will be located further to the right and 12' from the property line.

Councilman Pelunis asked if grass will be planted once the porch is removed. Mr. Wargo said a sidewalk or small patio may be considered but, because there is a door there, some type of stoop will be needed. Councilman Pelunis said that type of improvement would require a permit.

Councilman Pelunis understood that the new addition will be further to the right and asked if it will be attached to the garage. Mr. Wargo said yes. He explained that the applicant's grandfather owned the home at one time and the applicant would like to raise her children in Solon.

Mr. Mazur does not object to the variance, but requested the Planning Department determine if the abandoned driveway is appropriate per code.

Mr. Wargo said a car cannot be parked in front of the garage and that the driveway Mr. Mazur is referring to is used by the applicant.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 4' side yard street setback variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 4' cumulative side yard setback variance.

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

Motion Carried

5. 28600 Fountain Parkway – Cleveland Owner Corp. (AMRESKO) 100-2015 7
- Site plan for addition

The applicant was not present.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 5 and request the Clerk to notify the applicant to attend the next meeting.

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

Motion Carried

6. 34050 Solon Road – Legacy Holding Group, LLC (Talmer Bank and Trust) 101-2015 4
- Building material variance
 - ~~9' parking lot aisle width variance~~
 - Site plan for drive-thru

Mr. Lowell Mintz, RHM Properties Management, 30265 Solon Industrial Parkway, was present.

Councilman Pelunis asked Mr. Mintz to acknowledge he is withdrawing the 9' parking lot aisle width variance. Mr. Mintz said yes.

Mr. Mintz displayed a revised site plan and indicated the area on the plan that was changed to accommodate the required parking lot aisle width.

Mr. Mazur said the traffic consultant was concerned about signage and asked if the Safety and Public Properties Committee will be reviewing the plan.

Mr. Frankland said it will be reviewed by the Safety and Public Properties Committee after the Commission refers the application.

Mr. Mintz explained the canopy will be built with masonry columns and the façade is proposed to be an EIFS material, resulting in the variance. The intent is to match the front of the building for a cohesive look and to improve the unsightly appearance.

Mr. Mintz displayed the plan for the drive-thru and identified the current AAA drive-thru which will not change. Mr. Mintz indicated the location of the proposed drive-thru which will accommodate a four-car stack and will have an ATM and pneumatic tube with no window. A closed circuit camera system will be used to allow tellers to communicate with customers. He indicated where an island will be installed to direct traffic to the drive-thru and an island where the pneumatic tube and ATM will be located. He said painted lines will separate the lanes.

Mr. Mintz indicated where signage will be placed to direct traffic to the proper drive-thru lanes.

In regard to using an ATM at night, Mayor Drucker questioned if the Police Department may be concerned as the drive-thru is not visible from the main road.

Councilman Pelunis noted Talmer Bank is currently located on Enterprise Parkway with an ATM that is not visible to a main street.

Mayor Drucker said past requests involving an ATM drive-thru were reviewed for security cameras, lighting and visibility.

Mr. Mintz said the area will be well lit. He said camera installation is the bank's responsibility and he is sure they will be installed. He said the location of the ATM

in the back of the building was the applicant's preference and they did not express concerns about safety.

Mayor Drucker advised Mr. Mintz to be prepared as security will be discussed at the Safety and Public Properties Committee meeting.

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

Mr. Newberry asked if the EIFS will be the same color as the trim on the building and Mr. Mintz said it would.

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

Mr. Mintz requested the 9' parking lot aisle width variance be withdrawn.

Motion by Mayor Drucker, seconded by Mr. Mazur to accept the applicant's withdrawal of the 9' parking lot aisle width variance.

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

Mr. Stolarsky recommended contingencies be added to site plan approval including submission of an approved landscape plan and that curbing comply with ODOT Type 6.

Mr. Newberry questioned if a contingency is needed for the location and count of the accessible parking. Mr. Frankland said it is a state law and the Chief Building Official is required to review it.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan for the drive-thru contingent upon the approval of the Safety and Public Properties Committee, submission of an approved landscape plan and that the curbing comply with ODOT's Type 6 requirement.

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

7. 30450 Bruce Industrial Parkway – JRJ Management (American Ring) 102-2015 7
 - Sign structure color variance

Mr. Chris Berner, representative for American Ring, was present and explained the request for a variance to use a red color on a monument sign which will replace an outdated sign that reflects a former business partner's name. He said American Ring's headquarters are in Solon with locations in three other states. As part of a rebranding effort, he said they want all locations to have the same branded signage of corporate identity.

Mr. Newberry clarified the request is for a red sign as displayed on a company brochure showing the corporate colors.

Mr. Mazur questioned what type of business American Ring provides. Mr. Berner said they manufacture retaining rings and small metal fasteners used in the agriculture and automotive industries. He said American Ring has been in Solon for many years and intends to stay.

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

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

Motion Carried

MASTER PLAN:

8. Proposed amendments to the Master Plan

1. Plan Introduction and Process – (Article I, Chapters 1-4)
2. Revised Statement of Goals, Policies and Objectives (Article 1, Chapter 5)
3. Revised Central Retail District Plan – (Article III, Chapter 16)
4. New Peripheral Retail District Plan (Article III, Chapter 17)
5. Revised Industrial Core Plan – (Article III, Chapter 18)
6. New Peripheral Industrial Area Plan – (Article III, Chapter 19)

A public hearing was scheduled.

Councilman Pelunis opened the public hearing and asked for comments.

There were no comments from the public.

This item was tabled and the public hearing remained open through the next Commission meeting.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 30003 Bainbridge Road – Nestle

Mr. Frankland displayed an aerial view and explained the proposal to replace all windows and the access doors on the roof.

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

2. 29001 Solon Road – FMI Medical

Mr. Frankland displayed an aerial view and explained the proposal to install two 30' flagpoles. One flagpole will display the American flag and as it is a Chinese company, the second flagpole will display the Chinese flag when dignitaries from China are visiting.

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

3. 33275 Aurora Road - KeyBank

Mr. Frankland displayed a site plan and said the proposal is to increase handicap accessibility. He indicated where there will be a slight modification to the original parking plan and access to the building. Mr. Frankland said eleven parking spaces were shown on the plan. However, the two handicap spaces did not meet Code requirements. Therefore, the proposed plan will widen the two handicapped spaces reducing parking to ten spaces. The access way to the sidewalk will be striped and the issue of any additional pavement will be verified by the City to ensure it is not installed on private property.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said Saturday, October 31st is Halloween and Trick-or-Treating will take place from 6:00 P.M. to 8:00 P.M. She reminded everyone Daylight Savings Time is Sunday morning and to turn their clocks back on Saturday night.

Mr. Newberry encouraged everyone to vote on Tuesday, November 3rd.

Motion by Mr. Bentley, seconded by Mr. Mazur to move Inactive Item E, Betsy Investment Company to the Active 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 Betsy Investment Company.

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

Motion Carried

Councilman Pelunis encouraged everyone to vote and to be safe on Halloween.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Mr. Bentley to adjourn the meeting at 8:10 P.M.

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

Motion Carried

Chairman

Secretary