

**PLANNING & ZONING COMMISSION**  
**November 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, Secretary McConoughey

Absent: None

Also Present: Councilman Kotora, Assistant City Engineer Welch, Fire Inspector 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)

Councilman Pelunis presided.

**PENDING:**

1. 30300-30340 Solon Industrial Parkway – Tameran, Inc. – rear yard parking setback variances and a lot split of PP#'s 953-22-019 and 953-22-020: Councilman Pelunis said the public hearing will be continued tonight.

Mr. Stolarsky said the agreements have been reviewed and are appropriate.

Mrs. Welch confirmed that the Engineering Department requirements have been met.

**NEW:**

4. 35875 Sedge Circle – Jackie Cunningham – side yard setback variance: Mayor Drucker said the letter received from a neighbor raises numerous concerns.

Councilman Pelunis asked Mr. Stolarsky if the concerns expressed in the letter can be taken into consideration when making a decision because it is regarding a legal proceeding.

Mr. Stolarsky said all concerns can be taken into consideration when a variance is requested.

Mayor Drucker asked if the applicant received approval from the Preserve Homeowners Association for this project. She recalls from past experience with The Preserve that there are strict guidelines that must be followed. Mayor Drucker asked the applicant if there was a rush to complete the project.

Mr. Jackie Cunningham, the applicant, was present and said he was not in a rush to complete the project and he had not contacted the Homeowners Association. Mr. Cunningham was given a copy of the letter from the neighbor with the concerns.

The Commission determined the item will be tabled and Mr. Cunningham will have the project reviewed by the Homeowners Association. The Commission considers the decision of the Homeowners Association when determining whether to approve proposed variances.

5. 31500 Solon Road – 31500 Solon Associates, LLC (Saint Gobain) – free standing ground sign height variance, free standing ground sign area variance, directional sign height variance and directional sign area variance: Mr. Frankland said he has no concerns with the variances as it is a very large property.

In response to Mr. Mazur's question, the applicant, Mr. Terry Zuik, said Saint Gobain has leased the entire facility.

6. 30775 Bainbridge Road – Betsy Investment Co., PP# 951-30-023 – lot split, rear yard building setback variance (Parcel 1), side yard parking setback variance (Parcels 1 & 2), rear yard parking setback variance (Parcels 1 & 2) and onsite parking variance (Parcels 1 & 2): Councilman Pelunis said this item has been on the agenda for quite some time and although the cross-access agreement has been submitted, there are some concerns about the two properties not having cross-parking privileges.

Mrs. Welch said the agreement also needs to contain the storm water management for both parcels and the responsibility for maintenance. The applicant has agreed to add this information to the agreement, therefore, if the Commission approves the application, a contingency should be added that the storm water management portion be reviewed by the Engineering Department and the Law Director.

Mr. Stolarsky spoke with the applicant's attorney who agreed to make a change to Paragraph 20 of the Declaration and add that any amendment will be subject to the City of Solon's consent per Paragraph 12.

Mr. Frankland said if the Commission requires cross-parking in the agreement, it will only require the removal of one sentence in the agreement. He said another issue is that once the lot split is approved and a new lot is created, another sign will be permitted and two signs already exist on the property.

MASTER PLAN:

7. Master Plan Proposed Updates: Councilman Pelunis said the public hearing for the Master Plan will be continued for resident comment during the meeting. As this

will be the fourth public hearing, he recommended this item be forwarded to the Council for their review.

Mayor Drucker said public hearings will also be held by the Council.

**COUNCIL REFERRAL:**

**8. Proposed ordinance to establish regulations for Subdivision Identification Signs**

Councilman Pelunis said he received a phone call from a concerned member of a Homeowners Association. Councilman Pelunis informed him that current signs do not have to be changed as this ordinance will apply to new signage.

Mr. Frankland said a public hearing will be required for this item.

The Commission discussed cancelling the meeting for November 24<sup>th</sup> as it is a minimal agenda and a short week due to the Thanksgiving Holiday.

Councilman Pelunis will not be able to attend the meeting on November 24<sup>th</sup>, however, the Commission determined to hold the meeting.

The caucus ended at 7:21 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 October 27, 2015 meeting.

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

Nay: None

Motion Carried

**PENDING:**

- |  |               |
|--|---------------|
| <ol style="list-style-type: none"> <li>1. 30300-30340 Solon Industrial Parkway – Tameran, Inc. <ul style="list-style-type: none"> <li>▪ Lot split – PP#'s 953-22-019 and 953-22-020</li> <li>▪ 5' rear yard parking setback variance (Parcel A)</li> <li>▪ 5' rear yard parking setback variance (Parcel B)</li> </ul> </li> </ol> | 096-2015    3 |
|--|---------------|

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.

Mr. Mark McGrievy, attorney representing the applicant, was present and has also been authorized to speak on behalf of LKL Properties by Robert Fuerst, as this is a joint application. He said this application was previously reviewed by the Planning Commission and approved, however, it was never filed.

Mr. McGrievy said the combined parcels are approximately 5 acres. The front lot and building is being purchased by Mr. Fuerst's client and the rear lot, which is vacant, will be owned by Tameran, Inc. He said the cross-access easement agreement has been submitted to ensure that traffic has the ability to move back and forth on the lots to maintain accessibility.

Mr. McGrievy said the setback variances are necessary as the lot split is through the parking area. However, the front lot will not lose any parking as a result of the variances. Mr. McGrievy said if the rear parcel is developed in the future, review and approvals will be necessary.

Mr. Frankland said this is basically the same application that was previously approved.

Motion by Mr. Newberry, seconded by Mr. Bentley to recommend approval of a lot split for PP#'s 953-22-019 and 953-22-020.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 5' rear yard parking setback variance (Parcel A).

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

Motion Carried

Mr. Stolarsky said a contingency should be added that the cross-access agreement should be executed and filed.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 5' rear yard parking setback variance (Parcel B) with the contingency that the cross-access agreement is executed and filed.

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

Motion Carried

2. 28600 Fountain Parkway – Cleveland Owner Corp. (AMRESKO) 100-2015 7
  - Site plan for addition

Ms. Taylor Pfeffenberger, Geis Companies, and Mr. John Fisher, AMRESKO, were present representing the applicant. Ms. Pfeffenberger said the proposal is for a 1,200 sq ft addition to an existing manufacturing facility which will be painted to match the building. She said the addition will be located in the rear of the building and cannot be seen from the road.

Mayor Drucker asked if the applicant is aware that there will be a tap-in fee associated with the addition.

Mr. Fisher said AMRESO understands that there will be a tap-in fee.

Mayor Drucker said once approval is received for the application, the Engineering Department will notify AMRESO regarding the amount of the tap-in fee.

Mr. Stolarsky asked Mrs. Welch if the Engineering Department is in receipt of the storm water management letter with regard to future projects.

Mrs. Welch said the letter is on file in the Engineering Department.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan for the addition at 28600 Fountain Parkway.

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

Motion Carried

NEW:

- |    |   |          |   |
|----|---|----------|---|
| 3. | 35215 Bainbridge Road – Matthew & Heidi Yokom   | 103-2015 | 4 |
|    | <ul style="list-style-type: none"> <li>▪ 120 sq ft accessory structure area variance</li> <li>▪ 6" accessory structure height variance</li> </ul> |          |   |

Mrs. Heidi Yokom was present and explained the proposal is to install a shed behind the house. Mrs. Yokom displayed an aerial view of her property and indicated the proposed location for the shed. She said the property is 1½ acres and she indicated the substantial amount of woods bordering the back yard.

Mrs. Yokom said the garage is currently full of small vehicles and yard equipment to care for the property. She displayed a photograph of the crowded garage. Mrs. Yokom said the purpose of the shed will be to store all of the equipment, small vehicles, bicycles, etc., and use the garage to store automobiles. She displayed a photograph of the yard with a shed superimposed on the property indicating how it will appear when installed.

Mrs. Yokom said the neighbors located on both sides of the property have no objections to the proposed shed.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 120 sq ft accessory structure area variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 6" accessory structure height variance.

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

Motion Carried

Councilman Pelunis said the ward councilman spoke to him during the Caucus and indicated his support for the variances and said he had not been made aware of any objections from surrounding neighbors.

4. 35875 Sedge Circle – Jackie Cunningham 104-2015 6  
▪ 3' side yard setback variance

Motion by Mr. Bentley, seconded by Mayor Drucker to table consideration of Item 4.  
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

5. 31500 Solon Road – 31500 Solon Associates, LLC (Saint Gobain) 105-2015 7  
▪ 3.25' free standing ground sign height variance  
▪ 20 sq ft free standing ground sign area variance  
▪ 1' directional sign height variance  
▪ 5.4 sq ft directional sign area variance

Mr. Terry Zuik and Mr. Scott Simmons from Signets, Inc., were present representing the applicant. Mr. Zuik said they were hired to design exterior and interior signage for Saint Gobain. He displayed a photograph indicating the existing block concrete structure sign located at the main entrance. Mr. Zuik said the proposal is to add new aluminum sign faces with the fabricated logo.

Mr. Zuik displayed another photograph indicating where a directional sign is proposed. He said it is located in the rear of the site and will not be seen from the road. The height variance is necessary to assure the copy can be seen when the snow is plowed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 3.25' free standing ground sign 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 20 sq ft free standing ground sign area variance.  
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 1' directional sign height variance.  
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 5.4 sq ft directional sign area variance.  
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis  
Nay: None

Mayor Drucker welcomed Saint Gobain back to Solon as they were previously located here. She said Solon is honored to have been chosen for their new location.

6. 30775 Bainbridge Road – Betsy Investment Co. PP# 951-30-023 084-2015 6
- Lot split – PP# 951-30-023
  - 15.86' rear yard building setback variance (Parcel 1)
  - 5' side yard parking setback variance (Parcels 1 & 2)
  - 5' rear yard parking setback variance (Parcels 1 & 2)
  - Minimum onsite parking variance (Parcels 1 & 2)

A public hearing was scheduled and there were no comments from the public.

Mr. Bob Fuerst, Attorney, Meyers, Roman, Friedberg & Lewis, and Mr. Gary Kohn, Betsy Investment Company, were present. Mr. Fuerst said Betsy Investment Company developed Arbor Court I and II. He said Arbor Court I is being sold to Novak Insurance Agency and the lot split is necessary to facilitate the sale of the property designated as Parcel 1 on the lot plan submitted for approval.

Mr. Frankland said there are issues with the easements that need further clarification. One issue is that a cross-access agreement usually includes cross-parking but the submitted agreement does not require cross-parking. Mr. Frankland said if the Commission determines that cross-parking be required, removal of one sentence from the document will be necessary.

Mr. Frankland said a second issue is the Engineering Department's requirements for storm water management. Mr. Frankland said the applicant has agreed to comply with the requirements, however, as it is not included in the agreement, it should be added as a contingency for approval.

Mr. Frankland said the third issue involves two existing signs currently located on Parcel 2, however, only one free-standing sign is permitted. Once the lot split is approved and an additional parcel is created, there will be two signs on Parcel 2 and an additional sign will be allowed on Parcel 1.

Mr. Stolarsky said as discussed during the Caucus and agreed to by Mr. Fuerst, a change will be made to Paragraph 20 of the Declaration to add that any amendment will be subject to the City of Solon's consent per Paragraph 12.

Mr. Fuerst agreed to the change.

Mr. Mazur feels it would be more appropriate to have one sign per parcel.

Councilman Pelunis asked the applicant if he would consider removing one of the signs from Parcel 2.

Mr. Kohn said they prefer to keep both signs on Parcel 2. He displayed the rendering and indicated the location of the primary sign at the main entrance aisle.

Mr. Kohn indicated the location of the second sign in a landscape mound in front of Parcel 2 which was installed for a previous large anchor tenant. Mr. Kohn would like the sign to remain as he believes it would benefit another tenant and they would prefer not to remove it.

Mr. Mazur asked if a sign will be installed on Parcel 1.

Mr. Kohn said it is likely that a sign will be installed on Parcel 1. He referred to the site plan indicating an approximate location where a sign might be added in the landscape area.

Mr. Newberry said he would prefer to see a complete sign package once the anchor tenant for Parcel 1 is determined. It is understandable that the owner of each parcel would want a sign installed but he is curious as to who has control over the main entrance sign.

Mr. Mazur said as the main sign is located on Parcel 2, the owner of Parcel 2 would have control over it.

Mr. Newberry expressed concern over Parcel 2 having more areas of identification than Parcel 1.

Mr. Kohn said the main sign identifies both buildings by address and there are no plans to change the sign.

Mayor Drucker suggested a contingency can be added that the main sign remain the same by identifying both buildings by the address and each parcel can have an identifying sign for their anchor tenants.

Mr. Kohn said the sign is illuminated and provides identification of the appropriate building. However, there are two empty panels on each side of the sign under the addresses for a large tenant to identify their business.

Mayor Drucker said she is attempting to determine a compromise as there is obvious concern over a third sign. Once the lot split is approved, the owner of Parcel 2 will have control over the main sign.

Mr. Fuerst said if they agreed to maintain the sign identifying both buildings by addresses, they would not want to be prohibited from adding an anchor tenant name to the empty panels in the future.

Mayor Drucker said if there are two panels, then each building could use a panel for identifying purposes.

Councilman Pelunis asked if a rendering of the main entrance sign was available.

Mr. Kohn said he did not have a rendering of the entrance sign with him, however, at Mayor Drucker's request, Mr. Kohn agreed to sketch a rendering of the sign for



the Commission. He indicated the location of the addresses on the sign and noted where the empty sign panels are located.

Mayor Drucker requested clarification regarding the use of the two empty sign panels.

Mr. Kohn said the empty panels will likely be used for Parcel 2.

Mr. Newberry said the sign is not the Commission's main concern and although it is important, it is not the application for review tonight.

Mayor Drucker said as Mr. Newberry commented earlier that he would like to see a complete sign package, she feels it is only fair for the applicant to understand the concerns of the Commission before the lot split is approved.

Mr. Kohn said providing he understands the Zoning Code, Parcel 1 will have the ability to have its own sign once the lot split is approved and he believes it would be more aesthetically pleasing if the signs were consistent in size and appearance.

Mr. Fuerst said once the property transfers, it will be the new owner's decision to determine the signage they would like and go through the necessary application process with the City to get it approved.

Mr. Frankland said under the Zoning Code, Parcel 1 has the right to a free-standing sign and they do not have to apply to the Planning Commission or the Council unless the sign is larger than permitted or does not meet the setbacks of the Zoning Code. He said it would be reviewed by the Planning Department but would not have to match the other signs per the Zoning Code.

Mr. Newberry said he is also concerned about the onsite parking count as shown on the lot split plan. It appears that neither parcel will have sufficient parking to meet the Zoning Code requirements.

Mr. Kohn said the owner of one parcel might need the permission of the owner of the second parcel to use some of their parking spaces depending on the tenants.

Mr. Newberry said this is the purpose of a cross-access agreement; to have all of the details worked out before issues arise. The concern is that cross-parking should be implicit in the agreement.

Councilman Pelunis is concerned that the cross-access agreement does not clearly address if cross-parking will be permitted between the tenants for both parcels.

Mr. Kohn said he realizes cross-parking will take place and that it is inevitable.

Councilman Pelunis said it would be almost impossible to enforce no cross-parking. However, by having it clearly outlined in the cross-access agreement, problems can be alleviated.

Mr. Kohn said there have never been issues about parking in the past. The concern is that if one of the parcels has a tenant with a high intensity parking use, assurance is needed that the allocated parking spaces are available for them. Mr. Kohn said this was the intent for keeping them separate, however, there will be no "policing" the parking lot.

Mr. Fuerst said the concern was for protecting both properties in the event of a high density parking space use tenant and it was believed this was the most appropriate way to do that. Therefore, it was determined to allocate the parking spaces based on the square footage of each building.

Mr. Kohn feels that he will be able to ask Mr. Novak, the new owner of Parcel 1, if it is necessary to use some of their parking spaces and Mr. Novak would be able to ask him for the same courtesy.

Mr. Newberry said the variance exists because there is not enough parking on the site based on the Zoning Code and in his opinion the applicant is creating a problem for himself by not explicitly stating that parking is at the convenience of the patron.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the lot split for PP# 951-30-023 contingent upon compliance with the storm water management agreement requested by the Engineering Department prior to the recording of the lot split and amending paragraph 20 contained in the declaration per the direction of Mr. Stolarsky, the Assistant Law Director/Prosecutor.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Bentley to approve a 15.86' rear yard building setback variance for parcel 1.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 5' side yard parking setback variance for parcels 1 & 2.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a 5' rear yard parking setback variance for parcels 1 & 2.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a minimum onsite parking variance for parcels 1 & 2.

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

Motion Carried

MASTER PLAN:

7. 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. As there were no comments from the public, Councilman Pelunis closed the public hearing.

Motion by Mr. Mazur, seconded by Mr. Newberry to refer this item to the Council for their review.

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

Motion Carried

COUNCIL REFERRAL:

8. Proposed Ordinance to establish regulations for Subdivision Identification Signs

Mr. Frankland clarified that this ordinance will not require replacement of existing subdivision signs which are grandfathered. This ordinance only applies to new subdivision signs and establishes regulations that have been in practice for years.

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing on November 24, 2015.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

28600 Fountain Parkway - AMRESKO

Jack Welch, son of Assistant City Engineer Welch, displayed an aerial view of the property indicating where the proposal is to remove four garage doors.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the City will be honoring Veterans tomorrow, November 11<sup>th</sup>, in Observance of Veterans Day at the Veterans Memorial Park. The ceremony will begin at 11:00 A.M. and all are invited to attend and support Veterans.

Mr. Mazur thanked all of the Veterans for their service to the country.

Mr. Newberry congratulated the members of the boys' and girls' cross country teams for the outstanding performance in Columbus last weekend.

Mr. Bentley offered his thanks to all of the Veterans for their services. He congratulated the Solon Football Team who will play against Stow this Saturday in the playoffs and wished them luck.

Councilman Kotora said on this day in 1775, the United States Marine Corps was founded. He wished the Marine Corps a Happy Birthday. He also thanked Jack Welch for his public service this evening.

Fire Inspector Wolf provided the following safety tip: as the cold weather season approaches, furnaces and fireplaces should be inspected to ensure they are clean. In addition, there should be at least one functioning carbon monoxide detector in every residence.

Mrs. Welch thanked the Commission for allowing her son, Jack, to participate this evening. She thanked Veterans for their services.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 8:21 P.M.

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

Motion Carried

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Chairman

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Secretary