

PLANNING & ZONING COMMISSION
April 12, 2011 – 7:00 P.M.

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

Present: Commission Members Bentley, Mazur, Newberry, Councilwoman Richmond, Mayor Drucker, Law Director Lobe, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict, City Engineer Busch, Councilman Bell (caucus)

The following items remained on the Inactive Agenda:

- A. Thornbury Subdivision – Forest City Land Group – Dedication Plat for phases 7 and 8
- B. 34050 Aurora Road – BP America – Number of signs variance (to permit 16)
- C. Hawthorne Estates Subdivision – TransCon Builders
- D. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District

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 Mazur presided.

NEW:

- 1. 38600 Bainbridge Road – AT&T and First Energy, PP# 951-19-002 – area variance for equipment shelter and site plan approval for antenna collocation: A public hearing is scheduled.

Mr. Mazur said an additional fence variance has been identified by the Planning Director. He said the applicant will be requested to install protective fencing around the building structures below the tower.

Mr. Frankland said an additional variance/waiver is required as another cell tower is located within ¼ of a mile and the Code requires a ¼ mile separation between towers.

Mr. Mazur advised the Council meeting scheduled for Monday, May 18th has been cancelled. He said a special Council meeting will be held tomorrow, Wednesday, April 13th. Mr. Mazur said if an application is unanimously approved this evening, it will be considered by the Council at the special meeting as a consent item. The

applicant will not be required to attend the special meeting. However, if the Council removes any of the Planning Commission items from the consent agenda, they will be tabled and considered at the Council's next regularly scheduled meeting of May 2nd.

Mr. Newberry requested clarification on the request for a waiver or variance to allow an additional cell tower within ¼ mile of another cell tower for Item 1.

Mr. Frankland said waivers do not exist, therefore, it is considered a variance since the Code requires a ¼ mile separation and an antenna is located on the high tension wire adjacent to this location.

Mayor Drucker asked if having two antennas located so close together would conflict with their services.

Mr. Mazur said a propagation review was completed by the City's wireless consultant and it was determined there would be no conflicts with service and coverage will be improved significantly.

Mr. Frankland said the purpose of the Code requirement is to avoid having two towers erected in an area where there could have been co-location.

Mr. Newberry said co-location is not possible at this location since the high tension tower cannot support additional antennas.

2. 7375 SOM Center Road – Jeffrey & Theresa Cline – accessory pavement area variance: Mr. Mazur said the Ward 1 Councilman has said he is in favor of the request.

3. 31999, 32111 & 32333 Aurora Road – Coto, LLC & DBG Group – various variances and a lot split/consolidation: A public hearing will be scheduled.

5. 29375 Woodall Road – Joseph Spidalieri – front yard setback variance: Mr. Frankland said the map that has been provided to the Commission was prepared by the Planning Department and the setbacks were determined through the City's GIS system. He said it was not intended for the map to be the submittal version, however, if the applicant wishes, he may display the map and attest to the validity of the setbacks designated on the map during the meeting.

6. 32849 Aurora Road – Liberty Investment Group – color variance: Mr. Frankland said the Architect, Rick Siegfried, will attend the meeting. He advised they could not obtain color samples, however, photographs will be provided.

7. 29900 Solon Industrial Parkway – Swagelok – site plan for exterior modifications: Mr. Ben DiSante was present representing Swagelok. In response to Mr. Mazur's question, he said new aluminum siding will be installed on the entire building. He said it will look similar to the other two buildings Swagelok has recently re-sided.

8. 34690 Cannon Road – Daniel Kalk – detached garage location variance: Mr. Mazur said a letter was received from the neighbor located to the west of the property indicating they have no objection to the location of the garage. Mr. Mazur said the applicant has requested consideration of the application at the beginning of the meeting because of a family issue.

Mr. Mazur said Mr. Frankland requested public hearings be scheduled for two lot consolidation applications.

Mr. Frankland said he has four minor alterations to present and briefly described them.

The caucus ended at 7:15 P.M. and the meeting convened at 7:30 P.M.

CHANGES TO THE AGENDA:

Item 8 will be heard prior to Item 1.

Mr. Mazur announced a special Council meeting will be held Wednesday, April 13th. He said any item unanimously approved by the Planning Commission at tonight's meeting will be on the Council consent agenda and the applicant will not be required to attend. However, if an item is not unanimously approved tonight, it will be heard at the next regularly scheduled Council meeting of May 2nd.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Councilwoman Richmond to approve the minutes of the March 15, 2011 meeting as presented.

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

Motion Carried

NEW:

8. 34690 Cannon Road – Daniel Kalk 021-2011
▪ Detached garage location variance

Mr. Daniel Kalk, 34690 Cannon Road, was present. He displayed a rendering of the property and indicated the location for the detached garage. He explained the detached garage location would be in the rear of the side yard at the end of his driveway.

Mr. Mazur said a letter from the adjacent neighbor was received stating they have no objections to the variance for the garage location.

Mr. Newberry asked Mr. Frankland if a variance would be necessary if the garage were attached to the house. Mr. Frankland said the variance would not be required, however, the layout of the house is not designed to connect to the garage in that location.

Mr. Newberry said he wanted to establish that the necessity of the variance is because the garage is detached and not due to it being constructed in the wrong location.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the variance for a detached garage location for 34690 Cannon Road.

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

Motion Carried

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| 1. | 38600 Bainbridge Road – AT&T and First Energy -
PP #951-19-002 | 014-2011 |
| | <ul style="list-style-type: none"> ▪ 20 sq. ft. area variance for equipment shelter ▪ Site plan approval – antenna collocation | |

Mr. Mazur said the Planning Director has identified the need for a fence variance. The Code requires the shelter be fully enclosed by a fence for security purposes and if it is determined full enclosure is not appropriate, a variance is necessary. In addition, a waiver/variance is required for the location of the tower as it is located within ¼ mile of another antenna.

Mr. John Sindell, AT&T and Mr. Paul Laguardia, Diamond Communications, representing First Energy were present.

Mr. Sindell displayed an aerial view and indicated the location for the proposed 12' x 28' equipment shelter. He also indicated the two existing First Energy high tension towers, one of which accommodates the co-location of Sprint antennas. He said AT&T is seeking the approval to co-locate 12 antennas on the adjacent First Energy high tension tower.

Mr. Sindell noted the existing Sprint equipment shelter and the evergreen trees which screen the view from Bainbridge Road. He said the same trees will also screen the proposed AT&T equipment shelter. In addition, a shadowbox style fence will be installed around most of the shelter.

Mr. Sindell explained the FCC now requires back-up power for cell sites whenever possible. In the event of a long-term black out, such as the incident that occurred in 2003, customers will have the use of their cell phones for emergencies. Mr. Sindell said the typical AT&T shelter is 22' x 20'. However, to accommodate the generator for use in the event of a blackout, the additional 8' is necessary for this site.

In response to Mr. Mazur's question, Mr. Sindell said the equipment shelter proposed is the AT&T standard with two doors. One door leads to the computer and the second door houses the self-contained diesel generator package. He said

the generator only needs to be run 15 minutes per week at a time chosen by the City.

Fire Lieutenant Benedict said he does not foresee any issues with the generator.

Mr. Mazur opened the public hearing and asked for comments.

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

Mr. Newberry asked if the applicant might consider completely enclosing the shelter with fencing.

Mr. Sindell said a 5' clearance is required by First Energy for maintenance purposes. There was further discussion about extending the fence and Mr. LaGuardia said access to the climbing ladder on the tower is necessary. It was determined that extending the fence would not accomplish any purpose and an opening will remain.

Mr. Sindell said access to the equipment shelter is limited and there are alarms on the doors.

Mr. Mazur said a propagation review was completed by a wireless communications company who recommended approval of the project and indicated coverage would be greatly improved.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 20 sq. ft. area variance for an equipment shelter.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a variance to not require a fully protected fence enclosure.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a waiver/variance to allow installation of the co-located antenna within ¼ mile of an existing antenna.

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the site plan for antenna collocation.

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

Motion Carried

2. 7375 SOM. Center Road – Jeffrey & Theresa Cline 015-2011
- 365 sq. ft. accessory pavement area variance

Mr. Jeff Cline was present and displayed a site plan indicating the location of the proposed concrete pad. He said it is dangerous to back out onto SOM Center Road

and the addition of the pad will allow room to park two vehicles and easier maneuverability to pull out onto SOM Center Road.

Mayor Drucker said this is a common variance request for properties on SOM Center Road that the Planning Commission has granted in the past and she will support it.

Mr. Mazur said the ward council representative has indicated his support for the application. He asked City Engineer Busch if the Engineering Department had any issues with 365 sq. ft. of impervious surface. Mr. Busch said there are no issues with the application.

Motion by Mayor Drucker, seconded by Mr. Bentley to approve the 365 sq ft accessory pavement area variance.

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

Motion Carried

3. 31999, 32111 & 32333 Aurora Road – Coto, LLC & DBG Group 016-2011
- Lot split & consolidation
 - 5' side yard parking lot setback variance (east side lot line) – Parcel A
 - 5' side yard parking lot setback variance (west side lot line) – Parcel B
 - 5' side yard parking lot and street access drive setback variance (east side lot line) – Parcel B
 - 5' side yard parking lot and street access drive setback variance (west side lot line) – Parcel C

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot split/consolidation at 31999, 32111 and 32333 Aurora Road for April 26, 2011.

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

Motion Carried

4. 35520 Bainbridge Road – James D'Angelo 017-2011
- 185 sq. ft. accessory pavement area variance

Mr. James D'Angelo was present and displayed a site plan indicating the current driveway and the location where he proposes the additional accessory pavement. He said because the property is located on a corner lot, there is limited street parking.

Mr. Mazur asked Mr. Busch if the Engineering Department had any issues with the additional pavement request and Mr. Busch said there were no concerns.

Mr. D'Angelo said he would like to install a hand-cut finish on the pavement, however, the Code states a broom finish is required.

Mr. Frankland said this is a Building Code requirement which would have to be determined by the Chief Building Official. Mr. Frankland said he will confer with the Chief Building Official and contact Mr. D'Angelo with the outcome. He said once the

variances are approved by the Council, the applicant is required to obtain a building permit.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 185 sq. ft. accessory pavement area variance.

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

Motion Carried

5. 29375 Woodall Road – Joseph Spidalieri 018-2011
▪ 4.5' front yard setback variance

Mr. Joseph Spidalieri was present and displayed a site plan indicating where the set back would be for the addition of a front porch. He explained the house is undergoing a complete renovation and it is believed a front porch will enhance the appearance of the home.

Mr. Mazur said the Planning Department created the document being used by Mr. Spidalieri to display the setback. He requested Mr. Spidalieri verify his agreement with the setback as calculated by the Planning Department. Mr. Spidalieri indicated his agreement with the document.

Motion by Councilwoman Richmond, seconded by Mayor Drucker to approve the 4.5' front yard setback variance.

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

Motion Carried

6. 32849 Aurora Road – Liberty Investment Group 019-2011
▪ Color variance

Mr. Greg Bumbu, Liberty Auto Group and Mr. Richard Siegfried, Architect, were present. Mr. Siegfried said a request to renovate one of the smaller buildings into a car wash was previously approved by the Commission. However, in an effort to save time, no color variance was requested and a gray color was going to be used. Construction started later than anticipated and is now underway. Therefore, Liberty Group is now requesting a color variance to match the Ford logo which is "loyal blue" and "polar white". These colors already exist on the other buildings. He displayed a site plan and photograph of the existing building indicating the blue color and said they would like the buildings to match.

Mr. Mazur said he will support the variance and believes the consistency of matching colors will look appropriate.

Mr. Bentley feels it will look contextually appropriate if the building colors match.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to approve a color variance for Liberty Investment Group.

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

Motion Carried

7. 29900 Solon Industrial Parkway – Swagelok 020-2011
 ▪ Site plan - exterior modifications

Mr. Ben DiSante, representing Swagelok, was present. He displayed a rendering of the building and explained the request to re-side the building. He indicated areas on the building where brick is starting to deteriorate.

Mr. Mazur questioned the rendering's appearance of color variations of the siding.

Mr. DiSante said in an effort to scale the rendering, the ribbed siding became compressed and appears to be darker in color, however, the entire building will be the same color, "surrey beige" and ribbed.

Mr. Frankland displayed a sample of the color that will be used for the building.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the site plan for exterior modifications for 29900 Solon Industrial Parkway for Swagelok.

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

Nay: None

Motion Carried

Mr. Mazur said it is necessary to schedule two additional public hearings for the next meeting on April 26, 2011.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing on April 26, 2011 for a lot consolidation for 6692 SOM Center Road, PP#'s 954-08-133 and 954-08-134.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Councilwoman Richmond to schedule a public hearing on April 26, 2011 for a lot consolidation for 6554 Solon Boulevard, PP#'s 954-05-210 and 954-05-211.

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

Nay: None

Motion Carried

Mr. Mazur said the Clerk contacted Hawthorne Estates regarding Inactive Agenda Item C to determine the status of their application. To date, no new information has been received. It was determined the Clerk would send another letter to the applicant stating action will be taken at the next meeting regarding this item.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 31711 Solon Road - Zircoa

Mr. Frankland displayed a site plan and indicated the location where the applicant is proposing a new landscape plan. This would be an upgrade to the building's appearance with a professional landscaping expansion of a mixture of low plants, deciduous and evergreen trees.

The Commission members agreed no further review of this item was necessary.

2. 31875 Solon Road – EDI Source

Mr. Frankland displayed a site plan and indicated the rear of the building where the applicant is proposing the addition of windows. This will improve the overall appearance of the building and provide additional light for the employees.

The Commission members agreed no further review of this item was necessary.

3. 30700 Carter Street – Red Bull Distribution

Mr. Frankland displayed a site plan indicating where the applicant proposes the addition of an overhead door and a loading ramp. This will not eliminate parking or maneuvering area and no variances are required.

The Commission members agreed no further review of this item was necessary.

4. 30500 Carter Street – Christopher Tool

Mr. Frankland displayed a site plan indicating the location where the applicant proposes the installation of an emergency generator on the west side of the building. The Code states screening is necessary and Mr. Frankland said the Commission can approve the request contingent upon landscaping being installed per Code requirements.

The Commission members agreed no further review of this item was necessary, contingent upon installation of screening approved by the Planning Director.

COMMENTS FROM THE COMMISSION:

Mr. Bentley announced the Solon Drama Club is performing West Side Story this weekend, April 14th through April 16th, at the high school and encouraged everyone to attend.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:15 P.M.

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

Motion Carried

Chairman

Secretary