

PLANNING & ZONING COMMISSION
January 26, 2016 – 7:17 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: 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)

Mr. Bentley presided.

PENDING:

5. 6140 SOM Center Road – Walter Louis Torrens (Pacos Tacos) – building color variance and site plan for building alterations: Mr. Rick Siegfried was present representing the applicant. He asked the Commission for guidance on how they would like him to proceed during the meeting with the presentation.

Mr. Frankland suggested Mr. Siegfried start by displaying the previously approved elevation of the building and indicating where changes were made.

Mr. Siegfried said he will also display photographs of the building as it currently appears with the changes.

Mr. Newberry said it is important to see what is different from the approved plan.

Mr. Frankland will present one minor alteration during the meeting.

Councilman Pelunis asked Mr. Stolarsky if Item 5, Pacos Tacos, can still be reviewed if the violations are being considered in court.

Mr. Stolarsky said the Planning Commission can still proceed with the application.

Mr. Bentley said an application was submitted for a lot split which requires a public hearing and Mr. Frankland recommended the public hearing be scheduled tonight. He said this is for PP# 951-41-011, property south of Woodall Road at Glenwood Avenue, which was before the Planning Commission in 2013.

The Commission discussed the Inactive Agenda items and the lack of response to the letters sent from the Clerk's office.

Mr. Frankland said Item A, CEI/Verizon Wireless should remain on the Inactive Agenda as they have been in contact with the Planning Department and plan to move forward with the application.

The Commission determined Items B and E should be removed from the Inactive Agenda as the letter sent to the applicant indicated this could occur. The applicant for Items C and D responded to the letter and asked to be removed from the Inactive Agenda.

The caucus ended at 7:25 P.M. and the meeting began at 7:30 P.M.

Mr. Bentley presided.

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 Mayor Drucker to approve the minutes of the January 12, 2016 meeting.

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

Nay: None

Motion Carried

NEW:

1. 30003 Bainbridge Road – Stouffer Corporation 003-2016 5
 - Number of wall signs variance for (2) additional signs
 - 112.5 sq ft sign area variance

Ms. Kira Kabo, Nestlé USA, was present regarding Items 1, 2 and 3. She explained Nestlé is celebrating 150 years in business and it is Nestlé's intent to display the banners on every Nestlé building globally throughout the year, 2016 in honor of this achievement.

Ms. Kabo displayed photographs of the three buildings indicating the various locations of the celebratory banners on each building.

Mr. Newberry congratulated Nestlé and said while he does not typically approve applications when the request has already been completed, he approves of the signs and will support the variances.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the number of walls signs variance for two additional signs.

Councilman Pelunis asked if each variance is specific to a one-year time period.

Mr. Stolarsky recommended the variance be approved with a contingency that it is a temporary variance through the end of the year or this time next year.

Ms. Kabo said the banners are to be displayed through 2016.

Mr. Mazur revised his motion to include the contingency that the banners be removed by January 1, 2017.

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

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 112.5 square foot sign area variance.

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

2. 5750 Harper Road – Nestlé Prepared Foods 004-2016 5
- Number of wall signs variance for (2) additional signs
 - 80 sq ft sign area variance

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the number of walls signs variance for two additional signs contingent upon removal of the banners by January 1, 2017.

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

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 80 square foot sign area variance.

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

3. 30500 Bainbridge Road – Nestlé Prepared Foods 005-2016 6
- 35 sq ft sign area variance

Motion by Mr. Bentley, seconded by Mayor Drucker to approve the 35 square foot sign area variance contingent upon removal of the banner by January 1, 2017.

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

4. 5425 Ridge Lane – John A. Hornik 006-2016 5
- 11' front yard setback variance

There was no one present representing the applicant.

Mayor Drucker requested the Clerk notify the homeowner and the contractor that a representative is required to attend the next Planning Commission meeting.

Motion by Councilman Pelunis, seconded by Mr. Mazur to table consideration of Item 4 and to send letters to the applicant and the contractor requesting attendance at the next meeting.

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

Motion Carried

PENDING:

5. 6140 SOM Center Road – Walter Louis Torrens 107-2015 6
(Pacos Tacos) - 11/24 tabled (applicant notified attendance is required) – 12/15 tabled (no representative in attendance) – 1/12 (no representative in attendance) moved to Inactive Agenda –
NO NEW MATERIAL
- Building color variance
 - Site plan – building alterations

Mr. Rick Siegfried, RSA Architects, 10 North Main Street, Chagrin Falls was present representing the applicant.

Mr. Siegfried said the request is for modifications to the previously approved plan. He displayed the plan as it was approved and said the brick was to be whitewashed and the entry door was approved with an arch and metal trim. Mr. Siegfried said revisions were made to the original plan during the construction phase that were not approved by the City. He apologized and believes it was a misunderstanding regarding procedural protocol.

Mr. Siegfried said the whitewash which was applied did not create the approved appearance and the building looked like it was painted white. He explained that whitewashing over brick is not an exact science. Mr. Siegfried said in an effort to correct this, a brown-wash was applied to give the building more of the appearance that was originally approved which meets the earth tone color provision of the City's Code.

Mr. Siegfried displayed a photograph of the building as it currently appears. He indicated the railing that was installed has a more whimsical appearance rather than the horizontal style that was originally approved. Mr. Siegfried displayed a photograph of the door which does not have an arch or metal trim as originally approved, however, he believes the style of the wooden door matches the overall style of the building.

Mr. Siegfried apologized for not attending the previous meetings and asked that the modifications be approved.

Mayor Drucker thanked Mr. Siegfried for attending the meeting and explained that when the Planning Commission recommends the approval of an application which is ultimately approved by the City Council, it is important for consistency that the project be completed as approved. While she is pleased that the restaurant is

successful and the modifications that were made are attractive, it is important that the City's Codes be upheld. Mayor Drucker said as the applicant did not respond to letters and no representative attended the meeting, the City followed procedure with enforcement of the violations.

Mr. Mazur asked if the building color variance is still necessary.

At Councilman Pelunis' request, Mr. Frankland explained it is difficult to determine from a rendering how whitewash on a brick building will appear as was shown during the original approval. However, he does feel that the existing brown-wash color that has been added to the building meets the City's earth tone requirements.

Mr. Newberry said during the original approval process, it was believed that the original red brick would be whitewashed in the traditional sense, somewhat sloppily painted, to create white tones to the brick which was how buildings were protected in the southwest. However, the result on this building was a white building.

Mr. Siegfried said the process the painter used was to spray parts of the building with vegetable oil, spray the entire building with white paint and then the entire building was power washed. However, the process did not work according to plan.

Mr. Frankland said a color variance is no longer necessary.

Motion by Mayor Drucker, seconded by Mr. Mazur to remove the building color variance for 6140 SOM Center Road.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to recommend approval of the site plan for the building alterations.

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

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 5821 Harper Road – EZOV Building

Mr. Frankland displayed an aerial view of the property indicating an area where vegetation was disturbed with over grading on the north side of the building when landscaping was added in the front of the building. He explained that replacement vegetation had to be planted to meet Federal requirements. Mr. Frankland said a plan has been submitted with native species to replace the vegetation that was removed. He said the Engineering Department is satisfied with the stabilization completed to the area and the modifications made to the parking lot screening to meet the City's Code. In addition, the City's landscape architect has recommended approval of the plan.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced the Solon Community Band will perform at the Solon Center for the Arts on Sunday, February 7th at 3:00 P.M. This is a free event but tickets for seating are limited. Please contact Solon Center for the Arts or the Solon Community Band for tickets.

Mr. Mazur said it is necessary to schedule a public hearing for a lot split for the meeting on February 9th.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot split for PP# 951-41-011, property south of Woodall Road at Glenwood Avenue for February 9, 2016.

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

Motion Carried

Mr. Newberry said letters were sent to several applicants regarding items on the Inactive Agenda. He said only one applicant responded and based on the information contained in the letter, these items will be removed from the Inactive Agenda.

Motion by Mr. Newberry, seconded by Councilman Pelunis to remove Item B, Burton Insurance Agency/Mary Lambert from the Inactive Agenda.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to remove Item C, 33170 Aurora Road, Bruce Bilek from the Inactive Agenda.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to remove Item D, 33100 Aurora Road, Bruce Bilek from the Inactive Agenda.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to remove Item E, 6382 SOM Center Road, Paul Gruttadauria/Mr. Chicken from the Inactive Agenda.

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

Motion Carried

Mr. Bentley clarified the dates for the upcoming Planning Commission meetings are: Tuesday, February 9th and 23rd and Tuesday, March 15th and 29th.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Councilman Pelunis, seconded by Mr. Mazur to adjourn the meeting at 7:57 P.M.

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

Motion Carried

Chairman

Secretary