

**SOLON PLANNING & ZONING COMMISSION**  
**July 26, 2016 – 7:05 P.M.**

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

Present: Commission Members Bentley, Mazur and Newberry, Councilman Pelunis, Mayor Drucker, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Acting Secretary Letourneau

Absent: None

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)

Chairman Bentley presided.

3. 33840 Aurora Road – William B. Smith (CVS) – sign area variance and re-approval of a site plan for ancillary signage: Mr. Frankland said two additional variances have been identified. He said the same variance for two different signs is necessary and it is for a sign not located on the tenant space which is considered advertising for the Aurora Road façade and one for the SOM Center Road façade.

Mr. Mazur said these signs were removed as a contingency to allow CVS to install other signage for a previous application.

Mr. Stolarsky recommended this item should be considered as a new application based on the information from the previous application with CVS where it was a contingency for approval that the signs be removed. In addition, any non-conforming or "grandfathering" that might have previously existed for the signs was waived when this contingency was placed on the previous CVS application and approved by CVS.

Mr. Mazur said it is his understanding that Dr. Tenney does not have an office located in the CVS building.

Mr. Stolarsky believes this to be accurate. It is his understanding that Dr. Tenney leases 296 sq ft of storage space on the second floor of the CVS building and no patient practice is conducted there.

Mr. Joel Frizzell was present representing the applicant and said it is his understanding that Dr. Tenney has a lease for space in the building, however, he is unaware of how the space is used.

Councilman Pelunis recalled that in the past the tenant described this leased space as a billing office, however, the site was viewed and it was not being used as a billing office.

Mr. Mazur is concerned about a precedent being set if this is approved and feels any business could lease space and hang a sign advertising their name.

Mr. Frankland clarified that only items requiring variances are viewed by the Planning Commission. He said signage is reviewed administratively by the Planning Department daily with permits being issued or denied. Mr. Frankland said based on the City's Code, if any request for a sign for leased storage space was reviewed, it would be denied because storage is considered an accessory use and signs are approved for principle uses. In addition, there was a discrepancy regarding the square footage for this request as three different amounts were given and calculation for an allowable sign is based on the occupied building wall width.

Councilman Pelunis said this is a moot point since the space being leased is not occupied for an ongoing business use and the application would not be approved.

Mayor Drucker asked how this application came to the attention of the Planning Commission if it did not meet the criteria of the administrative review by the Planning Department.

Mr. Frankland said this request is a continuation of previous action taken by the Planning Commission for an application made by CVS and Mr. Stolarsky has determined that this request should be treated as a new application. However, if this was reviewed as a new request, the Planning Department would not have performed the necessary calculations since the sign is not a permitted use for a storage area.

Mr. Mazur said many years ago Dr. Tenny's business was located on the first floor of this building.

Mr. Frizzell said it is his understanding that if Dr. Tenny's business where he meets with patients was still located in the building, signage would be permitted, however, as the leased space is only used for storage, a sign is not permitted.

Mr. Frankland said a sign for a storage facility in the Industrial District would be permitted but a sign for storage space in the CVS building is not permitted.

6. 31500 Solon Road – 31500 Solon Associates LLC – parking lot setback variances and lot split of PP# 953-33-005. Mr. Bentley said a public hearing is scheduled and will be opened and will remain open for the August 9<sup>th</sup> meeting. However, as there are issues with cross-access agreements, the item will be tabled.

Mayor Drucker said she has had discussions with Mr. Frankland about changing setback requirements in side yards for fencing when property is located on a corner lot which is similar to Item 9. She believes the need for privacy is more prevalent with property located on a corner lot.

Mr. Frankland said he will draft changes to the section and submit it to the Commission for review.

Mr. Bentley said it is necessary to schedule two public hearings during the meeting.

The Commission discussed the meeting scheduled for August 23<sup>rd</sup>. It was determined that since the Council meeting for September 5<sup>th</sup> has been cancelled, any items approved will not be heard until the Council meeting on September 19<sup>th</sup>. Therefore, it was determined to cancel the Planning Commission meeting of August 23<sup>rd</sup>.

The caucus ended at 7:20 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. Mazur to approve the minutes of the July 12, 2016 meeting as submitted.

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

Motion Carried

COUNCIL REFERRAL:

1. Breezethrough, Inc. - Dennis Oranski – PP#'s 956-38-021, 956-38-022, 956-38-024, 956-38-025, 956-38-026 and 956-38-027 – 6/20 Council referred back to Planning Commission for consideration of new information - Applicant requested item be tabled until August 9, 2016  
▪ Lot consolidation  
▪ 75' lot width at building line variance  
▪ 135' front yard setback variance  
▪ Not parallel to the street variance

Motion by Councilman Pelunis, seconded by Mayor Drucker to table consideration of Item 1.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to schedule a public hearing for a lot consolidation of PP#'s 956-38-021, 956-38-022, 956-38-023, 956-38-024, 956-38-025, 956-38-026 and 956-38-027 for August 9, 2016.

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

Motion Carried

2. 37216 Deer Run – Marc I. Robbins 057-2016 3  
 ▪ 10' rear yard setback variance

Mr. Marc Robbins was present and displayed a site plan indicating the location of his patio. The proposal is to install a wooden deck on top of the patio. Mr. Robbins said he was informed that the existing patio is in violation of the current zoning code requiring a 40' setback. He was told that he needs a 10' rear yard setback variance because the patio/deck will be 30' from the property line. In addition, during the Caucus, he submitted signatures from his adjacent neighbors indicating they have no objections to the variance.

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

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

Motion Carried

3. 33840 Aurora Road – William B. Smith (CVS) 058-2016 6  
 ▪ 5.5 sq ft sign area variance  
 ▪ Site plan re-approval – ancillary signage

Mr. Joel Frizzell, MC sign, representing CVS was present. The proposal is to re-install two single-face wall signs that were previously installed on the building. Mr. Frizzell said as a contingency for approval to a previous application made by CVS in 2015, the Commission requested the signs be removed as it was unclear if there was a valid lease for this tenant. Mr. Frizzell said documentation has been provided indicating a valid lease for space does exist for The Foot Clinic. However, he has not seen the lease.

Councilman Pelunis said the documentation provided to the Commission is a copy of a two-page lease executed March 15, 2000 for a 296 sq ft space on the second floor of 33840 Aurora Road for a ten-year term.

Mr. Frizzell displayed a rendering of the building depicting the location for the proposed re-installation of the signs, one on the north elevation on Aurora Road and another on the east elevation on SOM Center Road. He said the sign that was originally on the building is 18" high by 13' 8" wide.

Mr. Stolarsky said in 2015, an application was submitted by CVS and as a contingency for approval, the Commission requested all of the ancillary signs be removed from the building as many of the businesses were no longer located there and the application was ultimately approved by the City Council. Mr. Stolarsky said Dr. Tenney's signs were specifically discussed during this process and the signs were removed. Therefore, he believes this should be considered a new application and any "grandfathering" or prior approvals should be disregarded.

Councilman Pelunis said the documentation provided to him does not indicate there is a current valid lease. It was effective in 2000 and valid for 10 years.

Mr. Frizzell said he received correspondence from the Planning Department that said the Law Department would have to determine if the signs were considered legal.

Mr. Stolarsky said with regard to Councilman Pelunis' concern about the validity of a current lease for Dr. Tenney, attached to the application is a signed form from an authorized representative of CVS. However, there are other concerns with the request, especially that Dr. Tenney does not use the space to perform his business.

Mr. Frizzell said he was hired to come to the meeting representing MC Sign for CVS and as a practical person, if the Law Department determines the signs are not legal, then the request is a moot point.

Mr. Frankland said it is Mr. Stolarsky's opinion that this request requires a new application. Mr. Frankland said sign applications are reviewed by the Planning Department daily and are only reviewed by the Planning Commission if a variance is required. He explained that legal approval is not given for a sign for leased storage space because storage is considered an accessory use for this district and is not a principle use. Mr. Frankland said approval could be issued for a sign if it was for a doctor's office that was leasing the space.

Mr. Frizzell understands what has been explained to him and that the City does not consider the signs legal.

Mr. Stolarsky asked Mr. Frizzell how he wished to proceed with the request based upon his understanding of the City's determination that he does not consider the signs to be legal. He asked if Mr. Frizzell would like to withdraw the application or have the Commission vote on the request.

Mr. Frizzell said if the application is withdrawn, the applicant can re-apply at any time. He asked what the procedure is if the item is voted on.

Mr. Newberry said the applicant will have to wait six months before they could apply again.

Mr. Frizzell said he would prefer to withdraw the application and will tell the applicant the issues involved and they can determine if they wish to pursue it.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept Mr. Frizzell's withdrawal of the application on behalf of the applicant for Item 3.

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

Nay: None

Motion Carried

4. 6465 Solon Boulevard – Beverly Magyar

059-2016 6

- 6' front yard setback variance (ADA ramp)
- Lot consolidation – PP#'s 954-06-002, 954-06-003

Mr. Todd Miles was present representing the applicant. He displayed an aerial view of the property indicating where a handicap ramp is proposed from the front door to the edge of the driveway. Mr. Miles displayed a site plan indicating the ramp location. In response to Mr. Bentley's questions, Mr. Miles confirmed that the ramp will be 19' long and 4' wide with an accessible slope and the construction materials are 4 x 4's and wolmanized wood. His intention was to install pylon posts for ease of removal. However, since the amount of weight could be as much as 700 to 800 pounds on the ramp, he is going to check with the Building Department to see if the posts should be mounted in concrete.

Mr. Newberry said there are two issues, does the building code permit temporary structures mounted on the surface and, does the applicant prefer the ease and flexibility of surface mounting as opposed to putting posts in the ground. However, this is a decision that cannot be made by the Planning Commission.

A public hearing was scheduled and Mr. Bentley 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. Mazur to approve a 6' front yard setback variance for an ADA ramp.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a lot consolidation for PP#'s 954-06-002 and 954-06-003.

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

Motion Carried

5. 39910 Aurora Road – LMC Holding (Station 43 Tavern) 060-2016 1
- Mechanical equipment screening variance
  - Site plan modification to non-conforming use

Mrs. Lisa Randazzo-Ross was present representing Station 43 Tavern. She explained that Davis Development, the owner of the former Bob Evans property, has offered her the outdoor freezer from the vacant building.

Mrs. Randazzo-Ross displayed a site plan indicating where they propose installing the outdoor freezer. She noted an area where two parking spaces are located in the rear of the building that are rarely used. The spaces are adjacent to a fenced-in area that screens the air conditioner condensers and walk-in freezer. Mrs. Randazzo-Ross said the proposal is to install the outdoor freezer in this area and move the existing fence to screen all of the equipment. She said the freezer will be painted the same tan color as the building.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a mechanical equipment screening variance for 39910 Aurora Road.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the site plan modification to a non-conforming use with the contingency that the outdoor freezer be painted tan to match the building.

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

Motion Carried

6. 31500 Solon Road – 31500 Solon Associates LLC 061-2016 7
- Lot Split – PP# 953-33-005
  - 5' parking lot setback variance – Parcel A – south lot line
  - 5' parking lot setback variance – Parcel B – north lot line
  - 5' parking lot setback variance – Parcel B – south lot line
  - 5' parking lot setback variance – Parcel C – north lot line

A public hearing was scheduled and Mr. Bentley opened the public hearing and asked for comments. There were no comments. As the item will be tabled, the public hearing will remain open for the next meeting.

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

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

Motion Carried

7. 33600 Inwood Road – Solon High School 062-2016 7
- Site plan review – parking lot alteration

Mr. Jordan Lewis, SoL Harris/Day Architecture was present representing the applicant. He displayed a site plan and said the proposal is to pave a portion of the parking lot near the maintenance garage which is currently gravel and he indicated the area.

Motion by Mayor Drucker, seconded by Mr. Mazur to recommend approval of the parking lot alteration and site plan contingent upon receipt of a letter from the applicant regarding storm water management for any future expansion of the site.

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

Motion Carried

8. 30670 Bainbridge Road – 30670 Bainbridge Road, LLC – (AMG Marketing Resources) 063-2016 6
- 30' front yard setback variance
  - Site plan modification – front yard patio

Mr. Matt Angelotta, Angelotta Landscaping, was present representing the applicant. He said the proposal is to add an outdoor patio made of unilock brick and landscaping to the front of the facility for employees. Mr. Angelotta displayed a site plan indicating the location of the driveway and the parking area located in the rear of the building. He referred to an aerial view and noted the front of the building is the only logical location for the patio. In response to Mr. Bentley's question, Mr. Angelotta said the main access to the patio will be through the building. However,

the Fire Department had concerns about exiting the patio in case of emergency so exits have been added to both sides of the patio.

Mrs. Welch said a letter from the applicant is necessary regarding storm water management for any future expansion and the necessary sediment and erosion controls need to be installed as there are basins in the vicinity.

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve a 30' front yard setback variance for 30670 Bainbridge Road contingent upon receipt of a letter from the applicant with storm water management calculations for any future expansion to ensure the grading for the placement of the new patio does not include any of the volume that was necessary for the storm water management of the property and the appropriate sediment and erosion controls are installed since basins are located nearby.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a site plan modification for a front yard patio for 30670 Bainbridge Road.

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

Motion Carried

9. 31770 Birch Circle – Audra Ber 064-2016 5
- 12' fence setback from street right-of-way variance
  - 1.5' fence height variance

Ms. Audra Ber was present. She displayed an aerial view of the property and indicated where the proposal is to add a fence to the corner lot. Ms. Ber indicated where a mature oak tree is located which she does not wish to remove and, therefore, needs the setback variance.

Ms. Ber said the necessity for the height variance is mainly because of her 2½ year old twin boys and her need to keep them safely in the yard. She displayed a photograph of the proposed white picket fence.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 12' fence setback from street right-of-way variance.

Mr. Newberry said a substantial driveway addition was approved previously for the property which is visible on the aerial view. He asked how the fence will surround this area.

Ms. Ber said the fence contractor would be more knowledgeable but she believes the posts will be put into the concrete. It is her intention to maintain the concrete as she plans to utilize the space for her children's sandbox.

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

Motion Carried



Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 1.5' fence height variance.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations to review.

COMMENTS FROM THE COMMISSION:

Mayor Drucker invited all to attend the City's Home Days celebration on July 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup>. This year's Theme is *Space Odyssey* and the Recreation Department and the Solon Center for the Arts have been busy preparing for the event. Once again, this is being sponsored by the Solon Benevolent Fund. Mayor Drucker said it will be a weekend full of fun and she is looking forward to seeing everyone there.

Mr. Mazur said raffle tickets are available through the Solon Benevolent Fund and can be purchased at the main tent. Ticket prices are \$5.00 each or \$20.00 for 5 tickets and he hopes to see everyone there.

Motion by Mr. Bentley, seconded by Mr. Mazur to cancel the Planning Commission meeting scheduled for August 23, 2016.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to schedule a public hearing for 32995 Solon Road, EVFI Solon Mob, LLC for Primrose School of Solon, for a lot split of PP# 952-18-015.

Roll Call: Aye: Bentley, 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 Mr. Newberry to adjourn the meeting at 8:12 P.M.

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

Motion Carried

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Chairman

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Secretary