

**SOLON PLANNING & ZONING COMMISSION**  
**October 25, 2016 – 7:00 P.M.**

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

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

Absent: Mayor Drucker

Also Present: Project Engineer Lyndon, 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)

Chairman Bentley presided.

**PENDING:**

1. 31500 Solon Road – 31500 Solon Associates LLC – parking lot setback variances and lot split of PP# 953-33-005: Mr. Bentley said the public hearing will be closed tonight since it has been open for many weeks.

Mr. Frankland said since meeting with the applicant during the last few months, the Administration is not opposed to approving the variance for a longer period of time as long as there is a time limit. He explained it is considered an accessory use on a lot without a building.

Mr. David Perlberg was present representing the applicant. He said the applicant requested the Commission consider a ten-year time limit for the variance.

Mr. Stolarsky said granting the lot split does not change the appearance of the property but creates three separate lots. If approval is granted for the three lots, the Commission is not verifying that the lots are buildable and it is the responsibility of the property owners to determine potential wetlands and flood plains issues. In addition, approved cross-access and cross-utility agreements should be a contingency for approval of the lot split.

**NEW:**

3. 30775 Bainbridge Road – Arbor Court Properties – sign location variance: Mr. Frankland said the applicant indicated to him that they are willing to forego signage on the front of the building if signage is permitted on the back of the building and they are able to install a free-standing sign for the other tenants in the building.

5. 33175 Aurora Road – Huntington National Bank – building area variance, building material variance, building color variance, number of wall signs variance, directional sign height variance and site plan: Mr. Frankland said although approval from the Safety and Public Properties Committee for the drive-up ATM and directional signage is required, the applicant's representative requested the opportunity to present the application to the Commission for feedback.

Mr. Bentley said after the presentation, the item will be tabled until it is reviewed by the Safety and Public Properties Committee.

6. 5275 Brainard Road – Jessica Kardamis – large vehicle landscape screening variance, uniform aggregate fence opening variance and amount of accessory pavement variance: Councilman Pelunis said correspondence was received from Councilwoman Meany about this item regarding a neighbor's concerns with the applicant's yard.

#### COUNCIL REFERRAL:

7. From the Planning Director regarding proposed amendments to the Zoning Code regarding fences located on corner lots: Mr. Bentley said the public hearing has been active for many weeks and he will recommend it be closed and the amendment be forwarded to City Council for their review.

The Commission discussed continuing the public hearing since Mr. Frankland made a minor change to the amendment.

Mr. Frankland said the change is regarding chain-link fences in the side yard and the amendment is posted to the City's website.

Mr. Newberry said the change can be discussed during the meeting and the public hearing and anyone with concerns may discuss it during the City Council review.

The caucus ended at 7:16 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. Mazur, seconded by Mr. Newberry to approve the minutes of the October 10, 2016 meeting as submitted.

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

Nay: None

Motion Carried

Mr. Stolarsky advised only 4 of the 5 Commission members are in attendance, therefore, 3 of the members would have to vote in the affirmative for an item to be approved. If an applicant would prefer to wait for a full Commission to be present, they can request their item be tabled.

PENDING:

1. 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

Mr. David Perlberg, Chelm Properties, was present representing the applicant. He said the owner of the property is proposing to split the parcel into three lots for viable future development.

Mr. Perlberg displayed the lot split plan and said the utility easement agreement, the cross-access agreement and a storm water management easement agreement have also been submitted. Mr. Perlberg said previous storm water management concerns have been addressed with the submitted revised packet.

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.

At Mr. Mazur's request, Mr. Perlberg referred to the lot split plan indicating the lot located closest to the street and said it will be an 8.9 acre lot. He indicated the center lot with the building and said it will be 5.3 acres. Mr. Perlberg indicated the final lot in the rear and said it will be approximately 3 acres.

Mr. Newberry asked Mr. Stolarsky if all of the agreements have been reviewed.

Mr. Stolarsky reviewed the cross-access agreement and finds it to be appropriate. He has also reviewed the utility easement agreement and the storm water management easement agreement and finds them legally acceptable. Mr. Stolarsky said the Engineering Department should comment on the agreements as they relate to engineering issues.

Mr. Lyndon said correspondence was issued by the Engineering Department relating to the location of utility easements on one of the parcels which might create concerns for potential future development. He explained that depending on the development of the parcel, the concerns would have to be addressed at that time.

Mr. Stolarsky said as discussed during the Caucus, if the Commission approves the lot split for the three lots, it is not verifying that the lots are buildable. It is the responsibility of the property owners to determine potential wetlands and flood plain issues. He asked Mr. Perlberg if he agreed to this condition.

Mr. Perlberg confirmed he agreed.

Mr. Mazur asked Mr. Frankland to explain the reason for the variances.

Mr. Frankland said currently this is one property and approval of the application would make the property three separate parcels. This would split some of the parking and create individual parking lots on each parcel and new lot lines will cross the existing parking lot. Mr. Frankland said the purpose of the lot split is to allow for marketing of future development.

Mr. Mazur said there has been discussion about the approval of this application with the contingency that if the parcels are not purchased and developed after they are split, a time constraint would be placed on the approval and the lot split would revert back and consolidation would be required. He said the Commission is in agreement with the applicant and is willing to approve a ten-year time limit.

Mr. Stolarsky said the issue is that the parking lots remaining on the undeveloped lots create an accessory use without a principle use because there is no building. Therefore, the addition of the ten-year time frame would be appropriate.

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve a lot split for PP# 953-33-005 contingent upon execution of a utility easement, a cross-access agreement and a storm water management agreement and the reconsolidation of the parcel if not developed within ten years.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 5' parking lot setback variance for Parcel A (south lot line).

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve a 5' parking lot setback variance for Parcel B (north lot line).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 5' parking lot setback variance for Parcel B (south lot line).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 5' parking lot setback variance for Parcel C (north lot line).

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

Motion Carried

2. 6874 Highland Drive – Donald Sovey 078-2016 3
- Lot consolidation – PP#'s 955-33-069 and 955-330-070
  - 30' fence setback from right-of-way variance
  - 0.5' fence height variance
  - Fence type variance

Mr. Donald Sovey was present. He displayed an aerial view of his property indicating his home and the additional parcel he owns behind the home. He said the City requested he apply for the lot consolidation.

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. Mazur, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 955-33-069 and 955-030-070.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 30' fence setback from right-of-way variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Bentley to approve a 0.5' fence height variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a fence type variance.

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

Motion Carried

NEW:

3. 30775 Bainbridge Road – Arbor Court Properties 081-2016 6
- Sign location variance

Mr. Bill Kelleher, Century Sign Co., and Mr. Craig Novak, Arbor Court Properties, were present. He displayed a photograph of the building with renderings of the proposed signs.

Mr. Kelleher said they are proposing halo lit signage for the rear of the building on the second floor for two businesses located on the first floor. The request to install the signs on the second floor is for visibility from the highway. Mr. Kelleher said there is no other signage on the building, including no monument sign.

Mr. Newberry asked Mr. Kelleher to display the site plan so he could see the location of the building from the highway.

Councilman Pelunis said as he understands the proposal, both signs will be viewed from the highway on the back of the building parallel to each other.

Mr. Kelleher confirmed that is what is being proposed and said the signs will be made of the same material and color and lit the same way.

Mr. Novak said the only differences in the signs will be different logos and a different typeset.

In response to Mr. Mazur's question, Mr. Frankland explained each business is permitted one wall sign on the business unit and one free-standing sign. The discussion that took place during the Caucus was if the sign is placed on the back of the building and not on the business unit then perhaps the applicant can forego signage on the front of the building, however, they would still be able to have a free-standing sign.

Mr. Newberry asked if Mr. Novak occupied any space on the second floor. Mr. Newberry understands the reason to have the signs on the second floor for visibility to the highway, however, is curious about what other additional signage that may be requested in the future.

Mr. Novak said the two businesses occupy the entire first floor and each business has one-half of the space. Mr. Novak said the space on the second floor is leased but that business does not have signage. Mr. Novak said the Novaks own the building and the others who lease space in the building do not have the rights to install a sign on the building.

Mr. Frankland said the variance is to allow the signage on the rear of the building, as typically signage would be on the front of the building per the City's code. Therefore, the Planning Commission would have the ability to not support a request for additional signage on the rear of the building.

Mr. Novak said the front of the building has very little visibility as the street is mainly used by people who work in the area.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a sign location variance for 30775 Bainbridge Road with the contingency that the two businesses are only allowed signage on the north side of the building (rear) and no signage is permitted on the south side of the building (front).

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

Nay: None

Motion Carried

4. 6010 Kruse Drive – DAISA of Solon (Le Chaperon Rouge) 082-2016 6
- Minimum number of street access drives variance (to parking lot containing more than 25 spaces)
  - Site plan (approval of 3 bollards)

Motion by Mr. Mazur, seconded by Councilman Pelunis to table consideration of Item 4 at the request of the applicant.

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

Nay: None

Motion Carried

5. 33175 Aurora Road – Huntington National Bank 083-2016 6
- 1,158.5 sq ft building area variance
  - Building material variance
  - Building color variance
  - Number of wall signs variance
  - 4'-8.5" directional sign height variance
  - Site plan (approval of ATM building and appurtenances)

Mr. Terry Daspit, Architect, was present representing the applicant. He displayed a site plan of the location with a rendering of the proposed remote drive-up ATM. Mr. Daspit said an effort was made to use brick and stone materials to match the existing building. He said the only business that will be able to view the ATM will be Auto Zone.

Mr. Daspit said the proposal would also position the concrete pad for the ATM unit in such a way that a vehicle could move out in front of it before merging onto Melbury Avenue. He said although a tree will have to be removed, it will be replaced or replanted.

Mr. Daspit displayed a photograph of a remote drive-up ATM from another location and said the color gray on the sides of the unit are just sleeves placed over the bollards. He indicated the green trim color around the unit and said this can be replaced with a non-metallic alternative and will closely match the bollard color. Mr. Daspit said they are willing to make this adjustment.

Mr. Daspit said he was unaware that Huntington Bank had already been granted a number of signs variance. However, the applicant would like to have the logo on the ATM machine which is fairly inconspicuous.

Mr. Daspit referred to the variance for the sign height and said they are willing to change the sign from a pole style with yield on one side and right-turn only on the other side. The sign can be changed to a custom designed Huntington Bank ground sign at the entrance from Melbury Avenue to read "All traffic must turn right." Mr. Daspit said in an effort to reduce the sign variances, the yield sign will be unnecessary if the Commission feels the lettering on the ground will be sufficient to accommodate the location.

Mr. Newberry said directional signs for traffic control are not considered advertising signs.

Mr. Frankland said the directional signs need to be reviewed by the Safety and Public Properties Committee.

Councilman Pelunis said it is also necessary for the applicant to submit the required storm water and maintenance inspection reports. He is on the Public Works Committee and was made aware that this has not yet been submitted.

Councilman Pelunis also wants the Planning Commission to be consistent with the way the application for Fifth Third Bank and other banks were recently reviewed.

In response to Councilman Pelunis' question, Mr. Daspit said this proposal will create a 4<sup>th</sup> drive-thru lane.

Councilman Pelunis asked if it would be possible to convert one of the drive-thru lanes into an ATM lane.

Mr. Daspit said this is not a question he can answer as this was not the proposal presented to him. He is aware that the bank is currently handling 9,000 ATM transactions per month and they are projecting the potential of an additional 4,500 transactions which is the reason they would like to add another ATM unit.

Councilman Pelunis said since the bank is not open 24-hours per day, the teller system is only used during the bank's open hours. Since 9,000 transactions are being completed using the ATM, which can be used when the bank is not open, it might be a consideration to change one of those lanes into an ATM lane.

Mr. Daspit said while he does not have a definitive answer, he feels the applicant would have considered the option of adding the ATM under the existing canopy as it would be a much less expensive endeavor than the free-standing drive-up ATM proposal. It is his assumption that the drive-up teller lanes must be busy.

Councilman Pelunis said he is at this location frequently and the teller lanes are never full.

Mr. Mazur said he has witnessed just the opposite and usually waits in line with 3 to 4 cars in front of him. However, he would like this question answered by a representative from the bank.

Councilman Pelunis asked Mr. Daspit to request a bank representative be present the next time the proposal is being reviewed by the Planning Commission.

Mr. Mazur said he would like to see less of the bright green color as he feels there is already too much of the color visible.

Mr. Frankland said during the pre-application meeting, the applicant was informed that this is an unusual proposal which may or may not be approved by the Planning Commission. He said typically the solution to this problem for a bank is to have the ATM machine located under the canopy.

Mr. Daspit asked for the address of the Fifth Third Bank on SOM Center Road so he can view it.



Motion by Mr. Newberry, seconded by Mr. Mazur to refer this item to the Safety and Public Properties Committee for their review and to the Planning Department for further review.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Bentley to table consideration of Item 5.

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

Motion Carried

6. 5275 Brainard Road – Jessica Kardamis 084-2016 5
- Large vehicle landscape screening variance
  - 25% uniform aggregate fence opening variance
  - 793 sq ft amount of accessory pavement variance

Mrs. Jessica Kardamis was present. She displayed an aerial view of the property and explained they purchased a large travel trailer currently located on their property. Mrs. Kardamis said they are requesting a variance to not require landscape screening for the trailer as the trailer will only be on their property until the spring. At this time, they are proposing to screen the trailer with fencing and in the spring the trailer will be permanently moved to a campsite.

Councilman Pelunis clarified this is a temporary variance.

Mr. Stolarsky said if the Commission approves the variance, it should have a time limit.

Councilman Pelunis believes the neighbor who objected has a legitimate concern about unsightliness as this is a large trailer.

Mrs. Kardamis agreed that it is a large trailer. However, the neighbor who objected is not an adjacent neighbor and lives on Louise Drive. In addition, there is a row of trees along her adjacent neighbor's property and the property of the neighbor who objected.

Councilman Pelunis said the property of the neighbor who objected is at a higher level.

Mrs. Kardamis said her property is 1.2 acres and she believes she should be able to have her trailer in her yard.

Councilman Pelunis said although the property is 1.2 acres, it is not very wide.

Mrs. Kardamis said if the accessory pavement is approved, the trailer will be parked closer to the house.

Councilman Pelunis asked why it is necessary to have additional pavement if the trailer will be on the property temporarily.

Mrs. Kardamis said the additional pavement will be used for extra parking. They are located on a main road so additional parking will be helpful. Mrs. Kardamis said they purchased the trailer in September and it is late in the season to find a permanent location for it.

Councilman Pelunis does not see the practical difficulty for keeping the trailer in the yard and since the trailer is on wheels, it can be moved.

Mrs. Kardamis said according to the Code, she is allowed to have the trailer on her property. She is only asking for a temporary variance to not require landscape screening but to install a temporary fence for screening. Mrs. Kardamis does not want to plant landscaping when the trailer will be moved in April.

Mr. Mazur said the trailer would be able to remain on the property per the City's Code if it were properly screened with landscaping. However, the variance would be to install the fence temporarily until the spring of 2017. Mr. Mazur said if the proposed variance was for the fence to be installed permanently, he would be opposed to it. However, since it will only be for six months during the winter when it will likely be covered with snow, he will support the proposal for the temporary variance.

Mr. Mazur said if the trailer were to end up remaining on the property on the new concrete, it would have to be completely screened in accordance with the City Code.

Mrs. Kardarmis said they would screen the trailer in accordance with the City Code if it were to remain on their property. However, this is not the intention. As this is a large trailer, it is not meant to be moved back and forth and the plan is to find a permanent campsite location for it.

Mr. Bentley said he understands the trailer was only recently purchased and as yet, Mrs. Kardarmis has been unable to find a suitable permanent location for it. However, he is undecided in his decision based upon the concerns and objection from the neighbor.

Mr. Mazur said if the adjacent neighbors objected to the temporary variance, it would have given more weight to his decision. He did view the property on the GIS system and there is a substantial amount of trees that separate the property from the neighbor who objected to the variance. Mr. Mazur said he will support a variance for six months.

Councilman Pelunis is having difficulty justifying the variance when a neighbor has objected to it. He said similar applications have been received and they have had to screen the item in accordance with the City Code.

Mrs. Kardamis reiterated that the variance is only temporary. She said if the trailer was remaining on her property, she would not be at this meeting because she would be following the City protocol for screening.

Councilman Pelunis asked if the temporary fence would be installed using concrete.

Mrs. Kardamis said the fence will not be installed using concrete, however, she is unsure how it will be installed as this is something her husband would know. She was told that cement was unnecessary since the fence will only be used temporarily.

In response to Councilman Pelunis' question, Mr. Frankland said the fence is required to be installed in a workmanlike manner and cannot deter from the neighborhood. It must also meet the building code.

Mr. Newberry said there are ways to install a fence without using concrete, especially as it is only for temporary purposes. He understands the applicant's reasons for requesting the variance and believes she is making an effort to temporarily screen the trailer and will support the variance providing the trailer will be moved in six months.

In response to Mr. Mazur's question, Mrs. Kardamis said nobody will be living in the trailer.

Mr. Bentley reminded Mrs. Kardamis that there are only four voting members tonight and if she prefers to wait until there is a full Commission, she may do so.

Mrs. Kardamis said she is fine with the Commission voting tonight.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a temporary large vehicle landscape screening variance contingent upon the removal of the trailer and fencing by May 1, 2017.

Roll Call: Aye: Bentley, Mazur, Newberry

Nay: Pelunis

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a temporary 25% uniform aggregate fence opening variance until May 1, 2017.

Roll Call: Aye: Bentley, Mazur, Newberry

Nay: Pelunis

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 793 sq ft amount of accessory pavement variance.

Councilman Pelunis clarified if the 793 sq ft amount of accessory pavement variance is granted, it is not the intention of the applicant to move the trailer to the proposed concrete pad without the landscape screening per the City's Code.

Mrs. Kardamis said the trailer will not be parked on the newly installed concrete without the landscape screening per the City's Code. She said the request for the additional concrete is not related to the trailer.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

7. Memo from the Planning Director regarding proposed amendments to the zoning ordinance regarding fences located on corner lots

Mr. Bentley noted a minor change was made to the amendment.

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.

Mr. Newberry said the change to the amendment was the addition of prohibiting chain-link fences which encroach into the side yard.

Motion by Mr. Mazur, seconded by Mr. Newberry to forward the proposed amendment to the Zoning Code regarding fences located on corner lots to the City Council for their review.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 5750 Harper Road – Nestle

Mr. Frankland displayed an aerial view of the property indicating the roof. He explained that Nestle is making some changes and will be moving some of the roof-top equipment.

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

2. 29300 Cannon Road – Nestle

Mr. Frankland displayed an aerial view of the property and said the proposal is to install a gate at the access point for security purposes between two sites. He displayed a site plan indicating the location of the access road.

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

3. 5821 Harper Road – EZOV

Mr. Frankland displayed an aerial view of the property. He said landscaping was previously approved across the front of the parking area and around a corner of the building.

Mr. Frankland displayed a site plan and said some of the approved landscaping was located in flood plains and wetlands areas. He indicated a location and said the Cuyahoga Soil and Water Conservation District approved and recommended the removal of vegetation in this area from the approved plan.

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

4. 33325 Bainbridge Road – Swirl

Mr. Frankland displayed a site plan indicating the covered patio addition that was previously approved. He said a modification to the plan has been made with the addition of lighting. The lighting requirement is important and will be enforced as it is believed a residence is located adjacent to the business.

Mr. Frankland noted an area in the front of the building where electrical equipment will be located. This is required to be screened but no plan has been submitted because the applicant believes the existing landscaping will adequately screen it.

Mr. Frankland said a roof vent will be added to the new roof on the covered patio.

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

5. Pepperwood North – Intersection of Quartermane and Patridge Lane

Mr. Frankland displayed a rendering of the previously approved sign. He displayed another rendering and noted the arched top to the sign which is a minor modification.

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

COMMENTS FROM THE COMMISSION:

Mr. Newberry wished everyone a Happy Halloween and encouraged the use of reflective clothing for safety.

Councilman Pelunis welcomed Mrs. McConoughey back.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Bentley to adjourn the meeting at 8:32 P.M.

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

Nay: None

Motion Carried

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Chairman

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Secretary