

SOLON PLANNING & ZONING COMMISSION
November 15, 2016 – 7:02 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, Secretary McConoughey

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.

PENDING:

2. 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: Councilman Pelunis asked if a representative from the bank will be present as requested at the previous meeting.

Mr. Terry Daspit, Architect, was present and said the bank was unable to provide a representative tonight.

Mr. Frankland said if the Commission has further questions, Mr. Daspit will convey them to the bank.

NEW:

6. 6122 Liberty Road – Brendan Pishnery – fence setback variance, fence height variance and fence aggregate opening variance: Mr. Bentley said this property is located on a corner lot and a proposed revision to the Zoning Code regarding fencing on corner lots specifically addressing this type of installation is currently under review by City Council.

Councilman Pelunis asked if the variance would be necessary if the amendment was already approved.

Mr. Stolarsky said the variance would be unnecessary if the amendment to the Zoning Code was in effect.

9. 6075 Cochran Road – Bada Properties, LLC (Wrap Tite) – site plan for parking lot alterations: Mr. Bentley asked if the sidewalk has already been installed.

Mr. Sunil Daga, owner, was present and said the previous owners of the property completed some of the concrete work and he is addressing the water management calculations.

Mr. Frankland explained that in 2010 the Planning Commission approved gravel driveway extensions that were to be paved but were never completed. The current owner, Mr. Daga, is completing the requirements of the 2010 approval to make the property compliant.

COUNCIL REFERRAL:

10. From the Planning Director regarding a proposed amendment to the Zoning Code regarding the "Cell Tower Antenna Review Process:" Mr. Frankland said the FCC has passed new guidelines regarding the timeline for the review process for cell towers and replacement antennas (like-for-like) which is 60 days.

Mr. Frankland explained the City's typical timeline takes over 60 days to review and approve as the procedure is to hold a public hearing by the Planning Commission and the Council. It is his recommendation to amend the Zoning Code to require a public hearing by the Planning Commission only.

Mr. Frankland said if the request is for a new tower, a public hearing would still be held by both the Planning Commission and the Council. In addition, if the replacement antennas were substantially different, public hearings would be held by both.

In response to Mr. Mazur's question, Mr. Frankland said the City's structural engineer will still review all requests.

Mr. Frankland said he would like to review one of the minor alterations during the Caucus to determine if the Commission would prefer to view it as a complete application.

Mr. Frankland displayed a site plan indicating a cell tower on SOM Center Road across from Cromwell Drive where antennas were previously approved. However, the plan that has been submitted is not the plan that was previously reviewed by the Planning Commission.

Mr. Frankland displayed the plan previously approved indicating a fully enclosed equipment shelter inside a fenced-in area with landscape screening. He displayed the newly submitted plan indicating this proposal is to install an open equipment area where the equipment can be viewed. Mr. Frankland said of concern are the flood lights noted on the plan. He asked the applicant if the flood lights would remain on during the evening and has not yet received a response. Mr. Frankland said the Commission can determine if a formal application review is necessary.

Councilman Pelunis and Mayor Drucker recalled there were some residents indicating their concerns during the previous review for this location. Therefore, the Commission determined this item requires a complete application review.

In response to Mayor Drucker's question, Mrs. McConoughey said the City's typical procedure is to notify adjacent and abutting properties, however, the notification area can be expanded.

Councilman Pelunis said agendas are sent to Homeowners' Associations as well so they are made aware of activity taking place in their neighborhoods.

The caucus ended at 7:14 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 25, 2016 meeting as submitted.

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

Motion Carried

PENDING:

1. 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 1 as there was no representative present.

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

Motion Carried

2. 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 (withdrawn)~~
 - 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 the bank acknowledges the requirement to address the delinquency with the storm water management agreement with the City and is aware that this issue needs to be reconciled before the project can move forward.

Mr. Daspit said at the previous meeting, the question was asked about replacing one of the drive-thru lanes with a drive-thru ATM and maintain it under the existing canopy structure. He said since that meeting, he was made aware that Huntington Bank is in the process of merging with FirstMerit Bank and, therefore, the FirstMerit Bank located nearby will be closing. Mr. Daspit explained the Huntington site does not have enough space to add a drive-thru ATM and only has space for a bypass lane.

Mr. Daspit said the amount of banking transactions that are projected justifies the need for an additional ATM machine. He said an additional 5,600 transactions are projected, making the total amount of transactions 14,500 per month.

Mr. Daspit said the site can accommodate a remote ATM and the plan has been reviewed and approved by the Safety and Public Properties Committee. He said the bank understands this is an unusual request and has made every effort to accommodate the City's requests to be able to provide this service to their customers.

Mr. Daspit said the recommendations made by the Commission at the previous meeting have been taken into consideration and are included in the plan. He designed two new ground signs which meet the City's height restriction requirements.

Councilman Pelunis thanked Mr. Daspit for addressing the concerns from the previous meeting. However, he had requested a bank representative attend tonight's meeting.

Mr. Daspit said a representative from Huntington Bank had planned to attend, however, was unable to do so.

Councilman Pelunis said he had additional questions to ask a representative about other branch locations especially with the information that Huntington Bank is merging with FirstMerit Bank.

Mr. Daspit will provide his email information to Councilman Pelunis. Councilman Pelunis said he will email the questions to Mr. Daspit who will forward them to a Huntington Bank representative.

In response to Mr. Bentley's question regarding materials and colors, Mr. Daspit said the stone currently on the building will also be used for the stone base of the ATM. He said the canopy cover will be wrapped in synthetic stucco which will replicate the trim of the current drive-thru area. Mr. Daspit said it is unlikely the

canopy would be larger than three feet and every effort will be made to make it aesthetically pleasing.

In response to Mr. Mazur's question regarding the green color that was depicted in the rendering displayed at the previous meeting, Mr. Daspit said the new rendering depicts gray for trim and bollards in an effort to minimize the green. Mr. Daspit said gray is also a color Huntington uses for their branding.

Mr. Mazur prefers the color gray over the green and has no concerns about the logo as it will be facing another building.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 1,158.5 sq ft building area variance.

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

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a building material variance.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a building color variance.

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

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a number of wall signs variance.

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

Mr. Frankland said Mr. Daspit is reducing the height of the signs and will be in compliance with the City's requirements, therefore, the variance can be withdrawn.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of a 4'-8.5" directional sign height variance.

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

In response to Mr. Stolarsky's questions, Mrs. Welch said the City requires a written commitment from Huntington Bank to correct the issues with the existing basin and any future projects with regard to storm water management.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan with the contingencies that the City's storm water management requirements are fulfilled and that compliance with the EPA for water retention requirements is met.

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

NEW:

3. 37325 Fox Run Drive – Sandor Nagy 085-2016 3
 ▪ 6' rear yard setback variance

Mr. Sandor Nagy was present and said he already started to build the deck and apologized for starting the project without applying for a permit. He displayed photographs of his yard indicating where there was an existing 15' patio area with patio pavers surrounding it. Mr. Nagy misinterpreted the zoning definitions and did not realize that the deck is deemed to be part of the house.

Mr. Nagy displayed a photograph of the second floor balcony off of the master bedroom indicating the rotting wood. He is proposing to build a pergola over the deck supported by concrete columns and replace the balcony in a section of the pergola. In addition, he will remove all of the patio pavers, re-grade the area and plant new grass.

Mr. Nagy is requesting approval as this will reduce the patio area and something aesthetically pleasing will be built. He has spoken with his neighbors who have not expressed any objections.

Mr. Nagy ensured the Commission that the deck and columns have been built properly and displayed photographs of the deck being built in various stages. He said the columns were built with rebar to ensure it would support the pergola and balcony. Mr. Nagy said another reason he started the project prior to getting the permit was because of the upcoming winter.

In response to Mr. Bentley's questions, Mr. Nagy said the deck is made of wood but the top portion will be made of engineered wood and the new balcony will be slightly larger at 5' x 10' than the balcony being replaced which was 3' x 8'.

Councilman Pelunis thanked Mr. Nagy for the drawings he submitted and his explanation as he made it easy to understand what he would like to accomplish.

Mr. Newberry said he typically will not support a project that was started without the proper permit, however, since Mr. Nagy is reducing the size of the overall footprint, he will support it.

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 6' rear yard setback variance.

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

Motion Carried

4. 5043 Cheswick Drive – Jacobus Beder 086-2016 5
 ▪ 4' side yard setback variance
 ▪ 4' cumulative side yard setback variance

Mrs. Isabella Beder, homeowner, and her son, Mr. Mike Vosko, were present. Mr. Vosko explained that his parents remodeled their kitchen approximately three years ago and they would now like to build a deck off of the kitchen.

Mr. Vosko displayed a photo of the property indicating where the deck is proposed and noted the air conditioning unit. He said in order to build the deck, the air conditioning unit must be moved. The proposal is to move the unit to the side of the house and a letter from the neighbor indicates no objection.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 4' side yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 4' cumulative side yard setback variance.

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

Motion Carried

5. 31100 Solon Road – MFS Supply 087-2016 7
- Site plan – parking lot alteration & accessory structure

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 5 at the applicant's request.

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

Motion Carried

6. 6122 Liberty Road – Brendan Pishnery 088-2016 4
- 19' fence setback variance
 - 6" fence height variance
 - Fence aggregate opening variance

Mr. Brendan Pishnery was present and said the proposal is to install a 4' picket fence in the side/rear yard.

Mayor Drucker said this application is the reason a proposed amendment to the Zoning Code is currently being reviewed by City Council. The amendment addresses fences on corner lots and will reduce the review process with similar applications.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 19' fence setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 6" fence height variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a fence aggregate opening variance.

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

Motion Carried

7. 37150 Broadstone Drive – Heath & Kim Monesmith 089-2016 1
- Swimming pool location variance
 - 14' outdoor recreational fireplace height variance
 - ~~6"~~ 1' outdoor recreational fireplace width variance
 - 5.5 ft. outdoor recreational fireplace width variance
 - 310 sq ft amount of accessory pavement variance

Mr. Patrick Cloonan, architect, was present. He said the variances are necessary as a result of an addition to the home for the project consisting of a pool and an outdoor fireplace. Mr. Cloonan displayed a site plan and said the Zoning Code requires that the pool be located in the rear yard but with the extension of the home because of the addition, the pool will be located in what is considered the side yard.

Mr. Cloonan displayed a site plan indicating the location of a tall outdoor fireplace attached to the roof of the home which conflicts with the Zoning Code requirements for air flow and a height and width variance is necessary.

Mr. Cloonan referred to the site plan indicating where additional pavement is necessary to enable a better turning radius to access the new garage and the pavers removed from the existing patio will be used for a parking pad closer to the entrance of the home.

Mayor Drucker said the Fire Department recommended a spark arrestor be installed on the outdoor fireplace and asked Mr. Cloonan if he will comply.

Mr. Cloonan agreed to install a spark arrestor.

Mr. Cloonan referred to the site plan indicating where landscape screening will be installed at both property lines. He displayed photographs of the rear yard noting the privacy and the expansiveness of the property. Mr. Cloonan also displayed photographs of the materials that will be used and said everything will match the existing home.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a swimming pool location variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 14' outdoor recreational fireplace height variance.

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

Motion Carried

Mr. Cloonan said the interior width of the fireplace is 9' wide and he believes it was scaled incorrectly when determining the variances.

Mr. Frankland said the variance should be one foot rather than six inches.

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve a 1' outdoor recreational fireplace width variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 5.5 ft. outdoor recreational fireplace width variance with the contingency that a spark arrester is installed.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 310 sq ft amount of accessory pavement variance.

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

Motion Carried

8. 6958 SOM Center Road – PP# 954-18-022 - Kevin and Katie Egan 090-2016 7
- Lot split
 - Front yard setback variance
 - Lot width at building line variance

Motion by Mayor Drucker, seconded by Mr. Newberry to schedule a public hearing for the lot split on November 29, 2016.

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

Motion Carried

9. 6075 Cochran Road - Bada Properties, LLC (Wrap Title) 091-2016 6
- Site plan – parking lot alterations

Mr. Sunil Daga, owner, and Mr. Ken Hejduk, Hejduk Cox & Associates, were present. Mr. Daga explained the proposal will address the issues raised by the City regarding a variance approved for the previous owners that was not completed as approved.

Mr. Hejduk displayed a site plan indicating the building and an adjacent gravel driveway and said concrete will be installed to replace the gravel in a portion of the driveway. He said the remaining gravel will be removed and returned to green space.

Mr. Hejduk referred to the site plan and indicated an area of asphalt that will be removed and an adjacent concrete driveway that was installed without a permit by the previous owner. He said storm sewers and an underground detention basin will be installed. In addition, modification to other storm sewers at the rear of the property will be made.

Mrs. Welch asked if the easement had been secured to allow the drainage on the adjacent property.

Mr. Hejduk said there are existing recorded easements. However, new documents have been prepared in conjunction with the adjoining property owners that will be signed once City approval is received.

Mrs. Welch said the City will require a copy of the recorded agreement once completed.

Mr. Daga said an additional expulsion line will be added to the facility which will require a second chiller be installed. He indicated the location of the existing chiller.

Mr. Frankland said the addition of a chiller unit would typically be reviewed as a minor alteration but can be included in the site plan approval.

Mr. Newberry thanked Mr. Daga for bringing the property into compliance with City requirements and wished him success with the introduction of the new product line.

Motion by Mr. Newberry, seconded by Mayor Drucker to recommend approval of the site plan for parking lot alterations and installation of a second chiller.

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

Nay: None

Motion Carried

COUNCIL REFERRAL:

10. Proposed amendment to the Zoning Code regarding the "Cell Tower Antenna Review Process"

Motion by Mayor Drucker, seconded by Councilman Pelunis to schedule a public hearing for November 29, 2016.

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

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6050 Enterprise Parkway – Townplace Suites by Marriott

Mr. Frankland displayed the previously approved site plan indicating the location of the canopy used for drop-off and pick-up for registration purposes. He said it was originally a 14' x 20' canopy and will now be a 20' x 40' canopy which will more appropriately cover the paved area for this purpose.

Mr. Newberry asked if the Fire Department verified that the canopy would accommodate a fire truck.

Fire Inspector Eisenhuth said this will be verified during the permit review process.

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

2. 34275 Aurora Road – Burger King

Mr. Frankland displayed the rear side of the building of the previously approved site plan. He indicated the drive-thru pick-up windows and said the proposal is to add canopies over the windows.

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

3. Solon Road (east of Solon Medical Campus) – Primrose School

Mr. Frankland displayed the previously approved site plan and an aerial view of the property located on Solon Road next to the Solon Medical Campus. He said the proposal is to change the location of the flagpoles and move the play area and basketball court closer to the building.

Mr. Frankland said, in addition, the number of light poles in the parking lot will be reduced and re-positioned but it will not affect the photometrics. He said an additional light will be added to the building and indicated an area where equipment will be located and surrounded by a vinyl fence in an area that is not visible from the street.

Mr. Frankland said the landscape towards the back of the property where the retention pond will be located has been modified and landscaping will be added around the flagpoles. He said the changes being made will not substantially impact the original plan approved by the Planning Commission.

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

4. 30201 Aurora Road – Verizon Wireless

Mr. Frankland displayed an aerial view of the existing cell tower which is located in the industrial area across from Enterprise Parkway. He displayed a site plan and said the proposal is to keep the antennas located at the 165' level while replacing some of the auxiliary equipment that services the antennas. Mr. Frankland said this is considered minor equipment and has been reviewed and approved by the City's structural engineer.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the City's Annual Holiday Lighting will be held on Wednesday, November 23rd at 7:00 P.M. Following the lighting event, the Solon Center for the Arts will host music, food and festivities. She encouraged everyone to join in the celebration.

Mayor Drucker wished everyone a Happy Thanksgiving.

Mr. Mazur wished everyone a Happy Thanksgiving and a safe holiday.

Mr. Newberry congratulated the Solon High School athletic teams who performed so well this year.

Councilman Pelunis and Mr. Frankland also wished everyone a Happy Thanksgiving.

Mr. Bentley wished his wife a Happy Birthday.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:20 P.M.

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

Motion Carried

Chairman

Secretary