

OLON PLANNING & ZONING COMMISSION
January 24, 2017 – 7:00 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 Buller

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.

Mayor Drucker requested the third paragraph of page 8830 of the January 10, 2017 minutes be amended, to replace the sentence "She recommended a traffic study be performed by the applicant" with "*She would not support bollards without a study*".

PENDING:

2. 32812 Charmwood Oval – Todd Korner – Fence type variance: Mr. Frankland stated a voicemail had been left with Mr. Korner to schedule an appointment with the Planning Department but the call had not been returned. The Commission requested a letter be sent directing Mr. Korner to attend the February 14, 2017 meeting.

The caucus ended at 7:10 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:

Mr. Bentley stated during the Caucus Mayor Drucker requested an amendment to page 8830 of the January 10, 2017 minutes.

Motion by Mayor Drucker, seconded by Councilman Pelunis to approve the minutes of the January 10, 2017 meeting as amended.

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

Motion Carried

PENDING:

1. 30650 Wedgewood Drive – Benjamin J. Klein – 002-2017 5
PP#'s 951-38-021 & 951-38-045
- 188 sq ft accessory structure area variance – (Pavilion)
 - 329 sq ft accessory structure area variance – (Building)
 - Lot consolidation
 - 2.5 sq ft accessory structure height variance (Pavilion)

A public hearing was scheduled. Mr. Bentley opened the Public Hearing and requested comments.

Mr. and Mrs. Benjamin Klein were present. Mr. Klein stated they purchased this property last year and over the summer, they applied for a permit to install a concrete pad for their back patio. It was then discovered that permits had not been approved for the storage shed on the back of the pool house, a two-car garage and a pavilion on the property.

Mr. Klein presented a picture of the buildings in question. He stated the buildings had recently been inspected and were found to have no code violations with the exception of one pavilion area outlet requiring a plastic cover. He said the cover is being affixed.

Mayor Drucker welcomed the Klein's to Solon.

Mr. Mazur inquired if the pool area was completely fenced in and Mr. Klein said it was.

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

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 188 sq ft accessory structure area variance for the pavilion for 30650 Wedgewood Drive.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 329 sq ft accessory structure area variance for the building.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 2.5 sq ft accessory structure height variance for the pavilion.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a lot consolidation for PP#'s 951-38-021 and 951-38-045.

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

Motion Carried

2. 32812 Charmwood Oval – Todd Korner 003-2017 7
▪ Fence type variance

Mr. Bentley noted no representatives were present for this item.

Motion by Mr. Mazur, seconded by Mr. Newberry to table Item 2 and request that the applicant be notified that he is required to attend the next meeting.

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

Motion Carried

3. East side of SOM Center Road (north of the Hanover Woods Trail and SOM Center Road intersection) 005-2017 2
PP#956-02-006 - Verizon Wireless
▪ Equipment building variance
▪ Revised site plan for telecommunication tower equipment structure

Mr. Bentley opened the Public Hearing and asked for comments.

Mr. Jesse Styles, Strategis, LLC, was present representing Verizon Wireless. He explained the small change to the ground based equipment was based on a national engineering change. Mr. Styles said the landscaping layout buffer will be retained. He said the equipment cabinets will be located on a galvanized steel platform with the lighting facing inward so it would not be visible from any of the residents or passersby on SOM Center Road, unless they pass by when a technician is on site. He requested approval of the revised site plan.

Mr. Terrence Uhl, 34403 Bramble Lane, noted Verizon has followed through on landscaping commitments. He wanted to reconfirm that cell towers will be engineered on the north side only and not the south side towers.

Mr. Styles confirmed there will be no change to the actual structure where the antennas will be placed. The change will be to equipment at the base of the tower which has already been approved. Mr. Styles explained extensive time was spent determining what tower to place the equipment on.

At Mayor Drucker's request, Mr. Styles explained the two separate lines of transmission towers that run parallel to each with the proposed number two tower being the southernmost of the northern string.

There were no additional comments from the audience.

Mr. Newberry requested further clarification of the building equipment variance. Mr. Frankland replied the equipment building is required to be an enclosed four-sided building but with this variance, it would be an open sided building with a roof and the equipment under it.

Mr. Bentley closed the public hearing.

Mayor Drucker expressed concern with the screening modifications and stated she would be asking for 100% screening around the unit from all angles, all seasons of the year in perpetuity including a maintenance contingency. Mr. Styles stated First Energy has control of safety and access restrictions that precludes Verizon from placing landscaping in locations other than the areas indicated on the site plan. He explained a certain distance is required from the equipment, there has to be an opening in adjacent areas to the towers for maintenance and also grounding above and below the ground must be considered. Mayor Drucker understands the need for accessibility; however, she believes screening is necessary so residents do not have to view the equipment. In answer to the Mayor's request, Mr. Styles indicated the location of Bramble Lane residents. He believes Bramble Lane residents will not be able to see the equipment. Mayor Drucker advised she wants the contingency of 100% screening throughout the year and continued maintenance should the landscaping not survive. Mr. Styles agreed to maintain only existing landscaping and will continue to maintain the landscaping in accordance with Verizon's stringent maintenance plan.

Mayor Drucker said another resident contacted the City and was concerned about the equipment being screened.

Councilman Pelunis explained the concern stems from other providers previously failing to maintain utility boxes. Mr. Styles indicated they will maintain the landscaping and assured that would not be an issue. He indicated the difficulty in balancing the requirements of both the City and First Energy.

Mayor Drucker asked Mr. Styles if he would agree to the contingency to maintain existing landscaping in perpetuity. Mr. Styles agreed as long as Verizon is on the site. Mr. Frankland stated the code requires the maintenance of the existing screening for perpetuity.

Mr. Frankland pointed out a house on SOM Center Road on the south side of the tower. He said the site drive exits from the south side of the tower leaving an opening and asked if there could be trees placed just beyond the south side of the access drive. Mr. Styles stated that is outside the area of their rights. He believes it would be difficult for the SOM Center property to see the equipment as it is a small and narrow window to see into. He said they may see part of the base of the transmission tower but not much of the equipment inside. He indicated corner areas of the north and south sides of the landscaping to address that screening issue. He suggested the City contact him in the case of a complaint.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a building equipment variance for PP# 956-02-006 on behalf of Verizon Wireless.

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the revised site plan for the telecommunication tower equipment with the contingency that 100% screening be maintained in perpetuity while the structure exists.

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

Motion Carried

NEW:

4. 5435 SOM Center Road – Judy A. Daus 007-2017 4
- 440 sq ft additional accessory pavement variance
 - 7' side yard pavement setback variance

Ms. Judy Daus was present. She displayed a schematic and aerial view of the location and explained her request. She said it is difficult to maneuver her wide-body van in and out of the driveway and explained the need for the additional pavement.

Mr. Bentley stated allowances are made for special conditions on major roads.

Mayor Drucker inquired as to who poured the concrete pad. Ms. Daus indicated she did not hire a contractor, but rather an acquaintance. Mayor Drucker stated anyone who is pouring concrete would know there is a permit requirement; however, they do not always relay that to the owner.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 400 sq ft additional accessory pavement variance for 5435 SOM Center Road.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 7 ft side yard pavement setback variance.

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

Motion Carried

5. 6870 Liberty Road – Pavel Miller 008-2017 6
- 16.25' front yard setback variance
 - 7'-10" side yard setback variance

Mr. Pavel Miller and Ms. Marina Tutelman, representing the applicant, were present. Ms. Tutelman displayed a drawing showing the existing house and structures in disrepair. She explained the challenges of the lot such as placing an appropriate size home on a lot with limited width, consideration of appropriate radius for parking, distance to a busy street and consideration of the neighbors.

Mr. Bentley understands the challenges of the lot and inquired if the existing driveway will continue to be used after demolition and was told yes.

Mr. Newberry questioned an area on the aerial photo. Ms. Tutelman advised it was a chicken coup and reiterated everything will be removed from the property.

Mr. Newberry understands the need for the front yard setback variance but expressed concern with the side yard setback variance and placing 69' wide house

on a 100' wide lot. He believes there is a way the required 20' setback could be met without losing much living space.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 16.25' front yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 7'-10" side yard setback variance.

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

Motion Carried

6. Aurora Road – Majas Properties, LLC 009-2017 6
 ▪ Lot split/consolidation – PP#'s 954-29-025, 954-29-026, 954-29-040

A public hearing was scheduled.

Mr. Bentley opened the public hearing.

Mr. Jeff Huntsberg, McDonald Hopkins, was present representing the applicant. He visually explained how the three parcels along Aurora Road near Route 91 would be split and consolidated into two parcels. He stated 7-Eleven and BP would then be situated as one parcel with the owners ground leasing the parcel on the east side, known as parcel B.

Mr. Huntsberg showed the delineation line for Parcel A, Parcel B and a piece of property acquired from Echo (the owner of the shopping center property) which will be combined with the eastern portion of PP# 954-29-040. The western portion of that parcel would be added to the property currently owned by Majas Properties, LLC where the 7-Eleven and BP station (Parcel A) are located.

Mr. Bentley invited public comment, however, there were no comments.

Mr. Frankland requested the recommended changes from the Engineering Department be incorporated into the approval. Mr. Huntsberg agreed to the changes.

In response to Mr. Newberry's comments regarding utilities, Mr. Huntsberg stated a reciprocal easement of the parcels would be automatic subject to the covenants of the area.

Mr. Bentley closed the public hearing.

Mr. Newberry believes the proposed project was presented as requested and he looks forward to First National Bank's arrival.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a lot consolidation and lot split for PP#'s 954-29-025, 954-29-026, 954-29-040 contingent upon compliance with the Engineering Department's requirements.

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

Motion Carried

Mr. Huntsberg expressed his appreciation to the Planning Director for help with this complicated project.

7. 5855 Harper Road – Ezov Development Group, LLC 010-2017 & 011-2017 6
 - Minimum sq ft variance for “Sports training facility” - Spiders Baseball
 - Minimum sq ft variance for “Sports training facility” - Renzi Gymnastics

Mr. Jordan Berns, Attorney for Ezov Development Group, LLC, was present representing the property owner. He introduced Mr. Jonathan Berns, Principal of Ezov Development Group, LLC and Alan Renzi, Principal for Renzi Gymnastics.

Mr. Berns gave a brief background of the property. He stated when Ezov purchased the property in 2014, Spiders Baseball was a licensee of the property occupying 9,624 sq ft. and pointed out their location in the building. Mr. Berns stated last year Renzi Gymnastics began using this facility. He stated each have their own separate sports equipment and space but also share space, bathroom facilities and the entry door.

Mr. Berns said while the two uses provided services that fell within the definition of a sports training facility, the City Code’s square footage requirement was not met for the two facilities and it was suggested by the Planning Director that each of the facilities apply for a variance. Mr. Stolarsky agreed they are advanced sports training facilities and the use is appropriate.

Mr. Newberry asked if there were two separate lease holds. Mr. Berns stated Spiders Baseball is a licensee of the space and Renzi Gymnastics is a sub-licensee. He stated neither use the space full time. Mr. Newberry asked if there is a fixed demising wall between the two uses. Mr. Berns stated yes with an opening that joins them.

Mr. Mazur recalled a previous application where it was stated a call center would occupy the building. Mr. Berns answered yes and continues to occupy space.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a minimum sq ft variance for a “Sports training facility” for Spiders Baseball.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a minimum sq ft variance for a “Sports training facility” for Renzi Gymnastics.

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

Motion Carried

8. 6395 SOM Center Road – The Architects Partnership Ltd/
Chase Bank 012-2017 6
 - 6’-3” front yard parking setback variance

- 13'-3" side street parking setback variance
- 14'-6" side yard parking setback variance
- 7'-5" rear yard parking setback variance
- 62' distance between street access drives variance (SOM Center Road)
- 52' distance between street access drives variance (Aurora Road)
- 9'-6" accessory building side yard setback variance
- 3' accessory building rear yard setback variance

Mr. Tim Meseck, The Architects Partnership, Ltd., was present representing Chase Bank. He explained the proposed redevelopment of the existing parcel located at the northeast corner of Aurora and SOM Center Roads. He stated this would be a new branch for Chase Bank consisting of a single story banking center with full services inside the branch and a two lane drive-thru for remote ATMs.

Mr. Meseck said a major component of the proposal would include working with the city on roadway improvements anticipating the redesign of the intersection to include removing the access points located near the intersection and implementing a full access point on Aurora Road and a right in, right out on SOM Center Road.

Mr. Meseck believes the sites depth and access limits the uses and the proposed development is the highest and best use for this property. He then described the centrally located 3,470 sq ft banking center with 35 parking spaces along SOM Center and Aurora Roads as well as to the rear of the sight with the drive-thru adjacent to the north back of the structure and a trash enclosure to the rear back corner of the sight.

Mr. Meseck said the main entry would face Aurora Road and an open office area would face SOM Center with clear story glass to see into the branch. He presented a floor plan for reference. The safe and secure areas will be located in the back of the structure.

Mr. Meseck stated the architecture would be consistent with the City's goals including a four-sided architecture of all masonry construction of a combination of cast stone material, a raised parapet and storefront flanking to represent symmetry with the remote drive-thru materials consistent with the building.

The site plan was revised so that the traffic would enter towards the full access point. Mr. Meseck said for a safe and efficient movement, the drive-thru would exit towards the east and loads towards the west.

With regards to landscape and storm water requirements, Mr. Meseck stated the Code requirements would be met.

Mayor Drucker thanked Chase Bank for going to the extent of building a four-sided building. She stated this would add value to the community and she is excited to welcome them at a most visible corner. Mayor Drucker explained that Chase Bank limited the number of variances but in an attempt to help with the flow of traffic, the City's traffic engineer asked for changes.

Mr. Mazur asked how the environmental remediation was progressing. Mr. Meseck stated they are currently working with the State on environmental controls and clearance letters. He stated any monitoring wells that need to remain will be incorporated into the final site design and the shelter will be removed.

Mr. Mazur asked if this location would include an auto teller. Mr. Meseck stated there would be no exterior teller.

Mr. Bentley said this was a very challenging site and applauded an excellent job.

Mr. Meseck stated cross access with the lot to the east is in agreement and designed into the plan. He stated in the future when cross access is possible the site will be reworked to allow for that and the full access point onto Aurora Road would be closed.

Mr. Frankland commended the applicants for going above and beyond during this entire process.

Mayor Drucker reviewed the recommended approval contingencies.

Mr. Mazur questioned if the traffic flow modifications should be reviewed by the Safety and Public Properties Committee. Mr. Frankland stated the modifications were at the City's request and were not substantial however, the Traffic Engineer and Engineering Department will review and approve them but it was not necessary to return to the Safety and Public Properties Committee.

Mr. Newberry expressed concern with the late submission of three emails. Mr. Meseck explained the content relates solely to the drive thru access from westbound to eastbound traffic, the safety of the traffic movements and all previously discussions would be abided to. Ms. Welch stated the email discussion was based on obtaining the CAD files and drawings for the right of way take for the intersection improvement.

Mr. Newberry questioned the email regarding revised structure elevations and whether there was a change in materials. Mr. Meseck stated the materials have not changed; however, the detailing has been modified slightly and he will work with the staff to finalize the exact detailing. Mr. Newberry assumed signage approval was not being reviewed or approved at this meeting. Mr. Frankland stated no variances are required at this time but a sign could be installed at the Aurora Road and SOM Center Road intersection without a variance. Mr. Frankland pointed out the elevation modifications were requested from the City architect.

Mr. Mazur inquired as to what structure rendition was being approved. He indicated the difference in coloring of the windows on the left versus right side of the building. Mr. Meseck stated the difference was three clear glass windows to the left will be open to the office inside, the three windows on the right will be spandrel with a grey frit on the inside piece of glass for the safe and secure area.

Mr. Bentley asked to see the building materials. Mr. Meseck displayed the three building component finishes. He stated the exterior would be 100% custom built.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 6'-3" front yard parking setback variance for 6395 SOM Center Road.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 13'-3" side street parking setback 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'-6" side yard parking setback variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 7'-5" rear yard parking 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 62' distance between street access drives variance (SOM Center Road).

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a 52' distance between street access drives variance (Aurora Road) because the proximity between the "Pizza Hut" drive and the east entrance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 9'-6" accessory building side yard 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 3' accessory building rear yard setback variance for the dumpster enclosure.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Newberry for site plan approval with the following contingencies:

1. Final building color approval by the Planning Department (and architect consultant) prior to building permit issuance
2. Landscape plan approval prior to building permit issuance

3. All traffic circulation issues approved by engineering and the city traffic engineer prior to building permit issuance
4. Elimination of the separate Aurora Road access point, once banked access to the cross access drive which is east of the proposed drive is achieved
5. Compliance with the terms of the Engineering Department memorandum dated January 18, 2017.

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

Motion Carried

BOARD OF ZONING APPEALS

9. Appeal to the Notice of Property Violations dated November 10, 2016, issued to Richard Haig and Ismat Y. Ghanem regarding property located at 39335 Bainbridge Road

Mr. Bentley advised a request was received from the appellant to table consideration of the appeal.

Motion by Mr. Newberry, seconded by Mr. Mazur to table the Appeal to the Notice of Property Violations.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

28500 Miles Road - Shoppes of Solon North

Mr. Frankland presented pictures of a retaining wall on the east side of the Shoppes of Solon plaza and stated 32' had recently become unstable. He stated this was an emergency issue and the plaza experienced difficulty obtaining exact materials. It was noted this was only visible to delivery persons and people working in the building.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker extended a welcome to Cheryl Buller. She invited residents, weather permitting, to enter the Snowman Building Contest until February 28th with details located on solonohio.org.

The Committee, Assistant Law Director and Mr. Frankland welcomed Cheryl Buller to the Clerk of Council office.

Councilman Pelunis commended Mr. Frankland and Chase Bank on the new addition to Solon.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:54 P.M.

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

Motion Carried

Chairman

Acting Secretary