

SOLON PLANNING & ZONING COMMISSION
JUNE 13, 2017 – 7:30 P.M.

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

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

Absent: None

Also Present: Councilman Kotora, Fire Inspector Wolf, Assistant City Engineer Welch, Assistant Clerk of Council Buller

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. 32995 Solon Road – Summit Ridge Education, LLC dba The Primrose School of Solon – lot split plat modification: Mr. Frankland stated the applicant will attend the July 25th meeting.

3. 33587 Aurora Road – Solon Square LLC (56 Kitchen) – sign type, pole sign variance and site plan: Councilman Pelunis recused himself from consideration of this item.

The caucus ended at 7:15 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:

Mr. Tony Alvarez, owner for seven years of Salon Alveraz at 33579 Aurora Road, stated four parking spaces in front of his business have been taken by 56 Kitchen. Although he was not in favor of the idea, he allowed a three months trial to cooperate with neighboring businesses. Mr. Alvarez stated it has created animosity with his staff and the restaurant, but mostly with his clientele. Despite telling his clients they can park in the designated spaces, his clients fear being towed and are uncomfortable parking there. Mr. Alveraz understands the restaurant's carry-out dilemma but, he believes in all fairness, the salon should also have reserved spaces

for his clients. He encouraged implementing a fair plan for all businesses in the plaza.

Mr. Gary Biales, 32870 Wintergreen Drive, voiced his support of Item 11.

Mr. Tony Sileo and Mrs. Michelle Sileo, 33505 Bainbridge Road, were present regarding Item 13. Mr. Sileo expressed a safety concern regarding the proposed fence behind their dance studio. He stated there is an emergency exit at the back of their building and feared a fence would restrict a quick departure away from the back of the building. Mr. Sileo stated movement in other directions was restricted by Solon Road and a retaining wall.

There were no additional comments from the audience.

APPROVAL OF MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the May 9, 2017 meeting as read.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the minutes of the May 23, 2017 meeting as read.

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

Abstain: Drucker

Nay: None

Motion Carried

PENDING:

1. 32995 Solon Road – Summit Ridge Education, LLC dba 053-2017 6
The Primrose School of Solon
 - Lot split plat modification

A public hearing was scheduled. Mr. Bentley opened the Public Hearing and requested comments. There were no comments from the public.

The applicant was not present. The item will be presented at the July 25, 2017 meeting and the public hearing will remain open.

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of Item 1.

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

Nay: None

Motion Carried

2. 6135 Kruse Drive – PP#'s 952-17-001 and 952-17-009 - 056-2017 6
Automotive Realty, LLC
 - Lot consolidation

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

Mr. Jeff Davis, 55 Woodburn, Moreland Hills, was present and explained his request to consolidate the former Bob Evans parcel with the existing automotive dealership property. He stated development would begin next year.

There were no comments from the audience and the public hearing was closed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the lot consolidation of PP#'s 952-17-001 and 952-17-009.

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

Motion Carried

3. 33587 Aurora Road – Solon Square LLC (56 Kitchen) 057-2017 6
- Sign type variance
 - Pole sign variance
 - Site plan

Mr. Bentley noted the objections of Mr. Tony Alveraz to this request.

The applicant was not present. Mr. Bentley stated a letter was received from the applicant.

Mr. Stolarsky advised that Councilman Pelunis recused himself from this item.

Mayor Drucker requested a letter be sent to the owner of the shopping center, Midamco, requesting a representative be present at the next meeting to address the concerns of the shopping center as a whole.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 3.

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

Motion Carried

4. 27355 Cannon Road – PP#'s 951-22-005 and 951-22-006 059-2017 5
2014 Properties LLC
- Lot consolidation

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

Mr. Frankland stated the two lots comprised 1.44 acres and the lot consolidation is required by the Code.

There were no comments from the audience. The public hearing was closed.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the lot consolidation for PP#'s 951-22-005 and 951-22-006.

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

Motion Carried

5. 6531 Cochran Road – PP#'s 953-28-001, 953-28-007, 063-2017 7
953-31-004, 953-31-006 & 953-31-007 - Cortom, LLC (Great Lakes Cold Storage)

- Lot consolidation
- 20' side street building setback variance
- Number of street access points variance
- 22 space total number of parking spaces variance
- Site plan – Building addition

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

Mr. Eric Safco, 11757 Katy Freeway, Houston, Texas, was present representing the applicant. He displayed the overall plan and explained the consolidation of the existing lot with several adjoining lots will allow expansion of the existing building. Mr. Safco stated the intent was to retain the existing building in line with the new facility. He also stated technically there should be two street access points off of Cochran Road, however, the Fire Chief approved two access points off Carter Street and one off Cochran Road as long as signage was affixed designating the entrance for each property. The owner of Great Lakes Cold Storage addressed the parking space shortage in a letter stating the additional parking being added was more than adequate for the employee count and operations.

There were no comments from the audience and the public hearing was closed.

Mr. Stolarsky stated he spoke with Dan Hinkle, attorney representing the owners, regarding the possible potential existence of privately owned rail easements. He requested Mr. Safco state for the record, if construction is begun prior to solving the easement issues, it would be at their own risk. Mr. Safco agreed and added construction would not begin without an agreement.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 953-28-001, 953-28-007, 953-31-004, 953-31-006 and 953-31-007.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a 20' side street building setback variance.

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

Nay: None

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve the number of street access points variance.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the 22 space total number of parking spaces variance.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan for the building addition contingent upon compliance with the Engineering Department's requirements noted in the March 16, 2017 memo.

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

Nay: None

Motion Carried

6. 6465 SOM Center Road – Sprint – PP# 954-34-017 055-2017 6
- 25' front yard parking lot setback from right of way variance
 - 28.8' front yard building setback from right of way variance

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 6.

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

Nay: None

Motion Carried

7. 6375 SOM Center Road – Arby's – PP#'s 954-29-021 and 954-29-022 055-2017 6
- 25' front yard parking lot setback from right of way variance
 - 4.7' front yard building setback from right of way variance
 - 24 drive-thru setback from right of way variance

Motion by Mayor Drucker, seconded by Mr. Mazur to table consideration of Item 7.

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

Nay: None

Motion Carried

8. 6353 SOM Center Road – Dunkin' Donuts – PP#'s 954-29-021 and 954-29-020 055-2017 6
- 9' front yard parking lot setback from right of way variance
 - 16.3' front yard building setback from right of way variance

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 8.

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

Nay: None

Motion Carried

NEW:

9. 5230 Fairfield Oval – Stephen and Jessica Crawford 064-2017 5
- 8' side yard setback variance
 - 8' cumulative side yard setback variance

Mrs. Jessica Crawford was present and requested a variance for a pathway between their house and the neighboring house. She displayed a picture and a plan and stated the material would be sandstone. Mrs. Crawford stated the neighbor submitted a lettering indicating approval.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 8' side yard setback variance.

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

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Drucker to approve the 8' cumulative side yard setback variance.

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

10. 31950 Burlwood Drive – Jon and Tracy Kannensohn 065-2017 4
 ▪ 7' accessory pavement side yard setback variance

Ms. Tracy Kannensohn and Councilman Kotora were present. Ms. Kannensohn stated they were replacing a deteriorating driveway and requested a seven foot extension towards the back of the property to create a turnaround.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the 7' accessory pavement side yard setback variance.

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

11. 32830 Wintergreen Drive – Troy Woodard 066-2017 4
 ▪ 7.8' side yard setback variance
 ▪ 7.8' cumulative side yard setback variance

Dr. Troy Woodard and Councilman Kotora were present. Dr. Woodard displayed a picture and requested to replace the existing stone walk with a sidewalk with gravel on both sides connecting to a patio.

Mr. Bentley noted Mr. Biales, neighbor, voiced support of this item.

Councilman Pelunis inquired the size of the patio. Dr. Woodard replied essentially a place for the grill.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 7.8' side yard setback variance.

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

Motion by Mr. Newberry, seconded by Mayor Drucker to approve the 7.8' cumulative side yard setback variance.

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

Dr. Woodard inquired if a neighbor could attend the Council meeting in his behalf. Mayor Drucker stated this item will most likely be approved under consent and suggested representative authorization be provided in writing.

12. 30270 Cannon Road – Sarah Gatanas 067-2017 5
 ▪ 11' front yard setback variance

Ms. Sarah Gatanas and Mr. Neil Gloger were present. Mr. Gloger presented the plans to build an addition that required an 11 foot front yard setback variance. He

stated adding a master suite and modern amenities should serve them well and also adds value to the neighborhood.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 11' front yard setback variance.

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

Nay: None

Motion Carried

13. 33565 Bainbridge Road – Eagle Creek Press & Properties LLC 068-2017 6
- Fence location variance
 - Sign type variance

Mr. Dale Feneli, 32281 North Burr Oak Drive and Mr. Harold Hughes, Property Manager Eagle Creek, 5461 Pine Lane, were present representing the applicant.

Mr. Bentley noted an earlier non-supporting comment from Mr. Tony Sileo.

Mr. Feneli stated this was not an effort to restrict the location or growth of Studio M. He extended Studio M good luck in their new location. He felt discernment of the adjoining property lines was difficult and stated adjacent to Studio M's rear egress door and concrete pad is the private parking of Eagle Creek tenants. Mr. Feneli stated there is no cross parking agreement in place.

Mr. Feneli stated the end of the proposed fence would be perpendicular and 15 feet away from Solon Road. He stated there was a retaining wall on Studio M's property parallel to Solon Road. Between the Studio's concrete pad and the Eagle Creek property was a drop of 13 inches. Mr. Hughes displayed a model of the described drop.

Mr. Feneli expressed a liability concern for the property owner if there was nothing to restrict the movement of people on the concrete pad onto Eagle Creek property. He stated the proposed fence will be contained within the same dimensions as the retaining wall and will not exceed the height of the retaining wall and will be lower than the trash receptacle holder.

Mr. Feneli agreed to Lieutenant Eisenhuth's recommendation of emergency exit gate safety requirements for the fence.

Mr. Feneli stated the fence was for safety and liability reasons to protect the owner of Eagle Creek from people using its property from the rear concrete pad of the Studio M building and to protect children.

Councilman Pelunis requested the fence location and depth. Mr. Hughes explained the location directly abutting the concrete pad from the caution tape across and four foot at the corner meeting the railroad ties on the roadside.

Mr. Newberry inquired when the concrete pad was placed. Mr. Hughes replied when CarQuest occupied the building. Mr. Newberry asked if the concrete pad and the described curb were on the Studio M property. Mr. Hughes stated he thought

so. He stated the fence would be located on his property to protect children from falling off. Councilman Pelunis inquired if the intent was to protect children from falling off of that property onto his property. Mr. Hughes stated yes, to protect them from falling period, adding he had seen CarQuest adults fall from the pad. Mr. Newberry asked why the fence is important now rather than when CarQuest occupied the location if there were issues of people falling. Mr. Hughes stated CarQuest employees used this exit; the public will be using this exit now. Mr. Newberry reminded him this was an emergency exit.

Mr. Newberry suggested the real intent of the fence was distorted. Mr. Feneli responded the nature of the building has changed from a retail store to a dance studio for children.

Councilman Pelunis speculated that the liability responsibility rested on the dance studio versus the adjacent property owner. Mr. Feneli stated if someone were to become injured a claim would be made to both tenants but reasonable steps should be made to prevent people from trespassing onto the Eagle Creek property. Mr. Feneli stated potential liability situations could be discussed at length. Councilman Pelunis believed the legal right to install a fence was present but it would increase their liability. Mr. Feneli stated they were willing to take that risk.

Mr. Bentley stated there are opposing concepts to both sides.

Mr. Mazur inquired as to the location of the egress gate. Mr. Hughes replied where the Fire Department required it, most likely at the side of the trash enclosure. Mr. Mazur expressed concern with the visibility of the emergency gate at night and was not in support of this request.

Councilman Pelunis inquired about the property lines. Mr. Hughes indicated his property was next to the concrete pad. Councilman Pelunis sensed a fence would box the area in. Mr. Feneli stated there was side and front access available.

Councilman Pelunis questioned other possible options for the fence, however, Mr. Bentley stated there are opposing concepts to both sides and it was not up to the Commission to redesign the plan. He advised that the applicant could request the item be tabled to consider other options.

Although Councilman Pelunis requested further discussion prior to a vote, a motion was made by Mayor Drucker and seconded by Mr. Mazur to approve the fence location variance.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the fence location variance.

Councilman Pelunis reiterated his request for further discussion.

Roll Call: Aye: Pelunis

Nay: Bentley, Drucker, Mazur, Newberry

Motion Failed

Motion by Mr. Newberry, seconded by Mr. Mazur to withdraw the sign type variance.

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

Nay: None

Motion Carried

Mr. Bentley informed the applicant the variance failed. Mr. Stolarsky stated they would receive a letter regarding the appeal rights.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 34180 Aurora Road – First National Bank

Mr. Frankland presented drawings with ground mounted façade lighting. He stated this does not require a change to the compliant photo metrics.

2. 33275 Aurora Road – Key Bank

Mr. Frankland stated the ten striped parking places approved at the front of the building had been amended to nine striped parking places. He stated the one lost parking space did not cause the need for a variance.

3. 5750 Harper Road – Nestle'

Mr. Frankland stated a sidewalk was added in the large parking area at the back of the building leading to the front of the building; however, no variance is required.

The Commission agreed no further review of these items was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced an update regarding the State budget's impact on the schools and community will be available tomorrow. She encouraged residents and businesses to join in the active grass roots advocacy campaign. Mayor Drucker stated the budget is currently being deliberated in the Ohio Senate and efforts are being made to work on solutions to resolve or slow the TPP phase out. The Solon schools have \$8.3 million in annual TPP funding at stake and if the phase out continues unchecked they will lose a cumulative total of \$80 million by the end of the phase out. Mayor Drucker urged everyone to invest time in the community and fill out ready-to-mail postcards for Senator Dolan and Governor Kasich. The postcards will be available at City Hall, Solon Chamber of Commerce and the Board of Education.

Mr. Newberry wished everyone a happy summer.

Councilman Pelunis expressed disappointment at tonight's action taken to curb his attempts to gain information from an applicant.

Councilman Kitora thanked the Committee for their hospitality.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

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

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

Motion Carried

Chairman

Secretary