

**SOLON PLANNING & ZONING COMMISSION
AUGUST 15, 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: Fire Inspector Eisenhuth, Councilman Kotora, 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.

NEW:

14. 33200 Aurora Road – Nahra Enterprises, LLC – site plan and various variances: Since trucks are not permitted onto Solon Boulevard, Mr. Mazur questioned how fuel was going to be unloaded. Mr. Rahman stated to avoid traffic, gas deliveries will be scheduled between midnight and 6:00 A.M.

Mr. Frankland noted it is Police Chief Viland's opinion they are creating a safer condition by eliminating curb cuts.

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. Jeff Kleinman, 34640 Lakeview Drive, was present regarding Item 13. He requested an explanation of the requested variances. Mr. Kleinman stated he lives adjacent to the north of the proposed pavilion and was concerned regarding the close proximity of the structure to his property.

Mr. Frankland explained each variance.

Mr. Kleinman stated he might have additional comments after the Committee's discussion of the item. Mr. Bentley explained after the presentation, the Committee would vote on the item.

Mr. Kleinman stated the existing proposed plan was too close to their home and requested another proposal moving the structure or downsizing to prevent infringement on their property.

There were no additional comments from the audience.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the minutes of the July 25, 2017 meeting as presented.

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

Motion Carried

PENDING:

Mr. Bentley explained Items 1, 2 and 3 involve the SOM Center/Aurora Road intersection improvements and additional issues need to be resolved before consideration of the variances.

1. 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 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. 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 Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 2.

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

Motion Carried

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

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

Motion Carried

Mr. Stolarsky stated he would contact Attorney Hunt's office to determine the progress of these items.

4. 33565 Bainbridge Road - Eagle Creek Press 068-2017 6
- Site plan (signage)

Mr. Harold Hughes, 5461 Pine Lane and Mr. Dale Feneli, 33565 Bainbridge Road, were present. Mr. Hughes displayed drawings of the property and pictures of signs that were approved by the Safety and Public Properties Committee.

Mr. Bentley questioned the total number of signs being requested. Originally, Mr. Hughes requested 15 signs. Mr. Bentley felt the number of signs was excessive. After much discussion, Mr. Hughes summarized he would install eight "tow away" signs and three "no access" signs for a total of 11 signs. Mr. Feneli noted they would be affixed to the building or placed in the ground.

In response to Mr. Newberry's question, Mr. Hughes confirmed there are handicap accessible parking spaces on the site.

Ms. Welch noted any signs placed along Bainbridge Road are not permitted in the right-of-way.

Mr. Newberry did not feel the signs were being requested to accomplish a safer or more secure property.

Mr. Feneli stated tenants are experiencing parking issues with their spaces being used by Studio M patrons and asked what number of signs would be acceptable.

Councilman Pelunis indicated if an issue exists for their tenant's customer's using this parking lot he does not have an issue with a property owner wanting signage. Mr. Feneli agreed, adding he wants to cooperate with the city. Mr. Hughes said it would be in his best interest to minimize signage because too many signs would interfere with the aesthetics of the building.

Mr. Bentley stated the Committee could vote this evening or this item could be revisited. Mr. Feneli stated the Police and Fire Departments have approved the signage. Mr. Mazur noted the verbiage was approved and Mr. Newberry added the departments noted the signs are legal but the city will have no responsibility for enforcing them. Mr. Feneli and Mr. Hughes agreed.

Mr. Stolarsky stated the applicant is currently requesting a package that includes eleven signs.

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve a revised site plan to permit up to eleven additional directional signs and parking assignment signs with the contingency that none of the signs be within the right-of-way or beyond the property lines of the Eagle Creek Press.

Roll Call: Aye: Mazur, Pelunis

Nay: Bentley, Drucker, Newberry

Motion Failed

Mr. Bentley informed the applicant the item has failed and stated the Clerk will notify them of the appeal process.

NEW:

5. 5265 and 5275 Naiman Parkway – Raintree Holdings, LLC 077-2017 5
- Number of permitted free standing ground signs variance
 - Sign design review

Mr. Bob Vallarelli, 5265 Naiman Parkway, and Mr. Paul Gallagher, Fast Signs at 5269 Mayfield Road, were present representing the applicant.

Mr. Vallarelli presented drawings of the buildings. He stated the Code does not allow two signs on the same parcel; however, this parcel has two buildings on the same site. He requested a sign for each multiple tenant building.

Mr. Vallarelli stated permissible signs are the same color of the building; however, for 22 years the blue, white and grey colors have been Raintree Park colors. He requested to continue using the colors.

Mr. Vallarelli stated the signs would be placed at a slight angle. Mr. Newberry suggested the signs be located nearest the identifying driveway. Mr. Vallarelli agreed.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the number of permitted free standing ground signs variance.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the sign design review.

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

Nay: None

Motion Carried

6. 5325 Naiman Parkway – Raintree Holdings, LLC 078-2017 5
- Sign design review

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve the sign design review.

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

Nay: None

Motion Carried

7. 5351 Naiman Parkway – Raintree Holdings, LLC 079-2017 5
- Sign design review

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the sign design review.

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

Nay: None

Motion Carried

8. 7650 Royal Portrush Drive – Gary Cohen 080-2017 1
- 22' front yard setback variance

Mr. Gary Cohen was present along with Mr. Salvatore R. Papa, Best Value & Quality Inc. Mr. Papa presented drawings and stated it would be aesthetically pleasing if the

house were located even with the adjacent house. Mr. Cohen added that location would be further from the golf cart path.

Mr. Bentley understood the difficulty of this site and stated culverts were also necessary. Mr. Papa stated the culverts were installed.

Mr. Stolarsky stated there is a sanitary sewer easement on the property and that part of the driveway would cover the easement. Mr. Cohen agreed. Mr. Stolarsky asked Mr. Cohen if he understood an agreement was previously executed stating if any work was necessary on the sanitary sewer easement on the part of the city, the property owner would be responsible for the restoration. Mr. Cohen stated he understood.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the 22' front yard setback variance contingent upon the agreed sanitary sewer easement.

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

Nay: None

Motion Carried

9. 34380 Jaclyn Drive – Victoria Linnik 081-2017 4
 ▪ Accessory building location variance

Ms. Linnik was present. She displayed drawings of the property and identified the location of the proposed shed along the side of the garage. Ms. Linnik stated this was the most practical location because the rear of the property incurs standing water. She stated future plans included a deck at the rear of the property adding if the shed were placed beyond that, it would be in standing water.

Mr. Mazur does not see a practical difficulty because he viewed this property and neighbors on both sides have storage sheds in the rear of their property.

Ms. Linnik stated the shed could be moved back ten feet from the line of the house. She presented a picture of a neighbor's shed located at the side of the house. Mayor Drucker stated that particular shed was installed prior to the Ordinance being in effect, so it was grandfathered.

Mr. Newberry expressed concern with a shed so close to the house. He stated adjustments have been made to accommodate decks with sheds.

Councilman Pelunis noted the applicant's letter indicated a desire for easier access to snow equipment. Ms. Linnik stated yes, because with snow there is no easy access to the equipment. Councilman Pelunis stated equipment could be stored in the garage. Therefore, there is no practical difficulty.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve an accessory building location variance.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis

Motion Failed

Mr. Bentley informed the applicant the item has failed and stated the Clerk will notify the applicant of the appeal process.

10. 5305 Fairfield Oval – Richard Chandler 082-2017 5
▪ 25' rear yard setback variance

Mr. Richard Chandler was present and displayed pictures of a poured concrete exposed aggregate stepping stone which would replace the existing walkway located at the side of his house connecting the garage man door to a paver patio.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the 25' rear yard setback variance.

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

Motion Carried

11. 5935 Liberty Road – Susan and Joseph Hric 083-2017 3
▪ Variance to permit (1) additional accessory structure

Mr. Hric was present and presented pictures of an existing open run chicken coop located in the rear yard that houses nine chickens. He stated he was unaware a variance was required to install this coop. Mr. Hric explained the features of the coop.

Mayor Drucker stated nine is the maximum number of chickens allowed. Mr. Hric stated he understood.

Mr. Newberry stated it is his practice to vote no when a variance is requested after construction, however this is an exception.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the variance to permit (1) additional accessory structure.

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

Motion Carried

12. 33255 Bainbridge Road – American Millennium Investments, LLC 084-2017 6
▪ 3 space onsite parking variance
▪ Building material variance
▪ Building color variance
▪ Site plan – detached garage

Mayor Drucker abstained from consideration of this item.

Mr. Elliott Barrett, applicant, was present. He proposed construction of a 640 square foot three car detached garage at the rear of the office building to be covered in white vinyl siding to match the office building and the neighboring buildings. He stated currently there are seven parking spaces but rarely more than four spaces are used. Mr. Barrett stated there was concern if someone parked in front of the garage three spaces would be lost, however, with his secretary and himself parking in the garage and clients leaving prior to them there would be sufficient spaces.

Mr. Mazur asked if the shingles would match the house. Mr. Barrett stated yes. Mr. Mazur added the Engineering Department noted if there are any other additions or expansions to the parking lot, the property may be subject to storm water

management review. Mr. Barrett stated he submitted a letter to the Engineering Department.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the three space onsite parking variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the building material variance to allow vinyl siding.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the building color variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan for the detached garage contingent upon the shingles matching the existing building.

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

Motion Carried

13. 34700 Lakeview Drive – Sherbrook Homeowners Association 085-2017 4
(Sherbrook Inc.)
- 58' front yard setback variance
 - 13' side yard setback variance
 - Not parallel to the street variance

Mr. Bentley noted Councilman Kotora was present for this item.

Mr. Fred Koneval, Sherbrook Homeowners Association President, 34300 Sherbrook Park Drive, was present. Mr. Dan Dingfelder, Head of the Pavilion Committee, 34535 Sherbrook Park Drive, was also present.

Mr. Koneval stated the proposed pavilion would be similar to those of neighboring lake communities. He stated this structure would be a positive influence to bring the neighbors together noting 82 percent of the homeowners are in favor. Mr. Koneval stated 23 homeowners have contributed extra monetary donations towards this pavilion.

Mr. Koneval stated this pavilion and the variances requested would be similar to the Sherwood Park Homeowners Association pavilion constructed in 2012.

Mr. Dingfelder presented the site plan and pictures and described the area. He stated the proposed location was parallel to the beach and the structure was situated back to bring it further from the northern neighbor's view from their window in addition to being away from the electrical lines and trees. He stated two other properties would have a clear view of the pavilion, one property owner sent an email in support of the structure and the other property belonged to him and he was fully in support of it.

Mr. Dingfelder described the materials to be used; rough cut timber for the ceiling, architectural asphalt roofing shingles, concrete pad, hemlock gables, white oak, tongue and groove pine and board and baton gables on the side. He stated the colors would be Riverwood for the main structure and Banyon Brown for the ceilings and gables.

Mr. Bentley stated Mr. Jeff Kleinman had expressed his non-support for the pavilion earlier this evening.

Councilman Pelunis had no objections to this request, but inquired if electrical and or lighting would be part of this structure. Mr. Dingfelder stated there is existing overhead lighting. He stated pavilion lighting is not yet determined. Councilman Pelunis stated if so, lighting on a timer would be necessary. Mr. Koneval agreed and stated signage is in place stating the beach closes at 10:00 P.M.

Mr. Newberry supports lighting and suggested recessed lighting.

Mr. Frankland stated commercial building photo metrics would be required, meaning zero spillover with the property line and light bulbs cannot be visible.

Mr. Bentley inquired if additional screening was considered for the home to the north. Mr. Dingfelder stated he wasn't certain the need existed and a screening location was difficult as it was already well-screened.

Mayor Drucker stated it appears any landscaping would require mounding for impact possibly causing more of a detriment than a benefit. She stated if this is approved, she would encourage the Association members to work with Mr. Kleinman for a solution.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 58' front 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 13' side yard 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 not parallel to the street variance.

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

Motion Carried

14. 33200 Aurora Road – Nahra Enterprises, LLC

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- Lot consolidation - PP#'s 954-02-112 and 954-02-113
- 60' front yard setback variance
- 17' side yard setback variance
- 44' rear yard setback variance
- 56' rear yard setback variance (dumpster)

- Building material variance
- Structure color variance (gas pumps)
- Number of signs variance
- Extension of a non-conforming use variance
- Site plan – 8/10/17 - response received from Safety & Public Properties Committee

Mr. Daryl Mapson, Tribe Architects, was present representing the applicant. Mr. Mohamad Rahman, 7208 Selworthy Lane, was also present.

Mr. Mapson presented the site plan and pictures of the proposed gas station and convenience store. He stated along with a 356 square foot rear addition, the exterior would be completely renovated with approximately 20 parking spaces and new pumps and canopy. Mr. Mapson described the building would be Western Reserve style red brick with stone accents, canvas awnings and accent wall sconces. He stated the store would include food service, coolers, freezers and typical convenience store items. Mr. Mapson pointed out the lighting would be recessed. Mr. Rahman indicated where LED lighting will be used.

Mr. Mapson anticipated closing the apron on Solon Road, adding landscaping and also landscaping the rear of the property.

Mr. Mapson stated fuel delivery would be off Aurora Road noting the truck would back up, turn around on the property and exit onto Aurora Road.

Mr. Mapson displayed the brick samples. Mr. Frankland stated the two darker brick colors will be eliminated.

Mr. Rahman inquired about a franchise restaurant at this location. He described a scenario where his sandwich became famous, and asked if the city would shut down his store. Mr. Frankland stated a form of food sales is a customary accessory part of a service station and is incorporated into the parking requirement. When a third party shop enters, it is a distinct use and the parking specifications would be calculated as two principal uses on the property. Mr. Frankland clarified the Committee is considering a Mobil Service Station this evening.

Ms. Welch questioned if a franchise operation were implemented in the building, would the city require additional approval of the franchise. Mr. Frankland stated any additional use would require review.

Mr. Bentley stated the Planning Department has supplied a list of eight conditions for permanent parcel numbers 954-02-112 and 954-02-113 and asked if the applicant is aware of this list and is in agreement. The applicants replied this is correct and they are in agreement.

Mr. Mazur asked how the existing sidewalks were going to be addressed. Mr. Mapson stated the public sidewalk would be replaced and indicated on the plan curb line sidewalks that would be eliminated and replaced with grass.

Mr. Stolarsky noted the lot consolidation was a suggested condition of the site plan approval.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the 60' front 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 the 17' 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 44' rear yard 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 56' rear yard setback variance (dumpster).

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

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the building material variance.

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

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the structure color variance (gas pumps).

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

Mr. Newberry asked if it was practical to eliminate one of the logos on the canopy. He noted logos were located on both ends in addition to a logo on the side elevations. Mr. Rahman agreed one on the north side could be eliminated.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a number of signs variance allowing three signs.

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

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve the extension of a non-conforming use variance.

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

Motion by Mayor Drucker, seconded by Councilman Pelunis to approve the site plan contingent with the Planning Department Memo dated August 15, 2017.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6270 SOM Center Road – Walgreens

Mr. Frankland explained previously approved bollards in the rear would have a yellow covering applied and upon approval by the Fire Department for safety purposes, seven new gray bollards would be installed along the front of the building.

The Commission determined no further review was necessary.

2. 5845 Harper Road – McDowell Homes

Mr. Frankland stated overhead doors at the rear of the building would be filled in and a man door and glass would be installed.

The Commission determined no further review was necessary.

3. Enterprise Parkway – Marriott Hotel

Mr. Frankland stated two wall lights on the side of the building would be increased to three and on the back of the building the lighting would be decreased from nine to five.

The Commission determined no further review was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker congratulated the Fire Department for being awarded an American Heart Association Award, the 2017 Mission Lifeline EMS Silver Plus Level Recognition Award.

Mayor Drucker announced extensive road work will be conducted on Aurora Road east of SOM Center Road, the Chase Bank site, beginning today.

Mr. Newberry thanked the City for a tremendous Home Days event.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 9:05 P.M.

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

Motion Carried

Chairman

Secretary