

PLANNING & ZONING COMMISSION
July 12, 2011 – 7:05 P.M.

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

Present: Commission Members Bentley, Mazur, Newberry, Councilwoman Richmond, Mayor Drucker, Law Director Lobe, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict, City Engineer Busch

The following items remained on the Inactive Agenda:

- A. Thornbury Subdivision – Forest City Land Group – Dedication Plat for phases 7 and 8
- B. 34050 Aurora Road – BP America – Number of signs variance (to permit 16)
- C. Hawthorne Estates Subdivision – TransCon Builders
- D. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District

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 Mazur presided.

PENDING:

2. 29605 Aurora Road – 322 & 91 Properties, LLC – Jon Sines – site plan modification to previously approved landscape plan: Mr. Mazur said although the City Traffic Engineer submitted a review per the Commission's request, Mr. Mazur would like the applicant present to discuss the maneuvering capability available to truck drivers upon entering and exit the station.

NEW:

- 3. 35025 Bainbridge Road – Ed Skok – front yard setback variance for a ramp:
- 4. 38075 Bainbridge Road – Anthony Mazzone – front yard setback variance for a ramp:

Mr. Mazur said he is concerned that no permit was filed for items 3 and 4. He asked Mr. Frankland if the contractor is registered with the City.

Mr. Frankland said the ramps are assembled by the company, Amramp, and they are not registered with the City. He is uncertain if the ramps were purchased by the property owner and then assembled. If so, there is no need for the contractor to be registered. However, if the ramps were assembled by the company, registration is necessary.

5. 34125 Portz Parkway – Cuyahoga County Public Library – changeable copy sign area variance, sign width and height variance and site plan approval: Mr. Lane Edwards from the Cuyahoga County Public Library said the architect for the project should be arriving shortly. Mr. Mazur informed him that the landscaping plan will need to be approved with a contingency and Mr. Frankland will review this during the meeting.

6. 36925 Aurora Road – Joseph Tuma – area variance for a detached garage: In response to Mr. Mazur's question, Mr. Tuma advised his existing driveway is gravel and an additional 10' to 15' of gravel will be necessary. Mr. Frankland said a variance will be necessary to continue the gravel to the new building.

Mr. Tuma said he eventually would like to concrete the entire driveway but is not able to do so at this time. Mr. Tuma said the addition will be used to store a tractor and a motorcycle and the loft area will be used to store holiday decorations and lawn furniture. He said he will not add additional gravel at this time.

7. 38405 Bainbridge Road – Anna Zatorski – front yard setback variance and area variance: Mr. Mazur said he spoke with the applicant who said the bonus room above the garage will be completed. Therefore, the area variance will not be necessary.

8. 6100 Cochran Road – Swagelok – Ben Disante – site plan approval for parking lot expansion: Mr. Frankland said if a representative from Swagelok is unable to attend the meeting, he will present the application.

Mr. Newberry asked about the houses depicted on the aerial view. Mr. Frankland said the houses have been razed.

9. 34855 Sherwood Drive – Sherwood Homeowners Association – front yard setback variance and site plan approval for a picnic pavilion: Mr. Mazur said a letter of objection was received from one of the neighbors. However, he viewed the site and does not believe there is an issue with the view being blocked.

Mr. Frankland briefly explained two minor alterations.

The caucus ended at 7:22 P.M. and the meeting convened 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 Councilwoman Richmond, seconded by Mr. Newberry to approve the minutes of the June 14, 2011 meeting as presented.

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

Nay: None

Abstain: Drucker

Motion Carried

PENDING:

1. 6585 Liberty Road – Alex and Julie Spirikaitis (additional site plan submitted) – 4/26 tabled, 5/10 tabled, 5/24 tabled 024-2011
 - 122.5' front yard setback variance

Mr. Frankland said approval from the Army Corp of Engineers has not yet been received.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of item 1.

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

Nay: None

Motion Carried

2. 29605 Aurora Road – 322 & 91 Properties, LLC – Jon Sines 037-2011
 - Site plan modification to previously approved landscape plan

Mr. Mazur said although a report was received from the City traffic engineer, he was looking for a more definitive review of the ingress and egress as it pertains to tractor-trailers. Mr. Frankland will schedule a meeting with the applicant to further discuss their reasons for requesting to reduce the number of curb cuts on the site.

Mr. Mazur said only two accidents for 2010 were noted in the report, however, the business was not open for the entire year. Therefore, the report may not be accurate.

Motion by Mr. Newberry, seconded by Mayor Drucker to table consideration of Item 2.

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

Nay: None

Motion Carried

NEW:

3. 35025 Bainbridge Road – Ed Skok 038-2011
 - 17' front yard setback variance (ramp)

Mr. Derrick Hoffman, 33471 Baldwin Road, Ultimate Home Care was present. Mr. Hoffman said he is seeking approval for two ramp installations at 35025 and 38075

(Item 4) Bainbridge Road. An ADA approved company called Amramp has installed the ramps.

In response to Mr. Mazur's question, Mr. Hoffman said he was not aware a permit was necessary and he does not know if Amramp is a registered contractor in Solon. He said Amramp believes they should be considered a medical equipment company and since the ramp is not a permanent structure, they believed it was not necessary to apply for a permit. Mr. Hoffman compared the situation to the need for an oxygen tank in which no permit is necessary.

Mr. Newberry said an oxygen tank is utilized inside the home, however, if somebody wished to install one on the outside of a home, the Planning Commission would have to approve it and all of the rules and regulations of the City would have to be upheld.

Mr. Mazur said a ramp which is necessary for medical purposes would not be denied, however, an accessory structure in a yard, such as a ramp, still needs to be approved and a permit issued.

Mr. Lobe asked if Ultimate Home Care is regulated by the Department of Health and, if so, do they have the necessary certification.

Mr. Hoffman said Ultimate Home Care is regulated by the Department of Health and he has licenses for all three of their rental locations. Mr. Hoffman said they are an adult care facility.

Mr. Lobe requested Mr. Hoffman provide a copy of the licenses. Mr. Hoffman agreed.

In response to Mr. Bentley's question, Mr. Hoffman said Amramp installs the already built units which are not bolted in and can be quickly and easily assembled and disassembled, as necessary.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a 17' front yard setback variance, contingent upon removal of the ramp when no longer necessary, the appropriate permit is applied for, the contractor is requested to become registered and the licenses requested by Mr. Lobe are submitted.

Mr. Newberry said he will not vote in favor of the variance and said it is his policy to not approve an application if a permit is not received prior to beginning a project.

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

Motion Carried

4. 38075 Bainbridge Road – Anthony Mazzone 039-2011
▪ 23' front yard setback variance (ramp)

Mr. Hoffman said this is also a licensed adult care home.

Motion by Mr. Bentley, seconded by Mayor Drucker to approve a 23' front yard setback variance, contingent upon removal of the ramp when no longer necessary, the appropriate permit is applied for, the contractor is requested to become registered and the licenses requested by Mr. Lobe are submitted.

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

Motion Carried

5. 34125 Portz Parkway – Cuyahoga County Public Library 040-2011
- 5% changeable copy sign area variance
 - 3' sign width variance
 - 8" sign height variance
 - Site plan approval – addition (contingent upon lot consolidation)

Mr. Marc Bittinger, CBLH Design Architects was present. He displayed a site plan indicating where changes and additions will be made to the library. He indicated the location for the proposed sign which will be made of brick and stone and will match the library. The sign will have the capability of displaying a message on both sides.

Mr. Bittinger displayed a second board with photographs of the library in its current state indicating a reading area where a curved brick wall is located and said the addition will be located in this area. He said the same materials and design elements will be used. Mr. Bittinger indicated where a new vestibule will be added.

Mr. Bittinger reviewed the proposed sign which will be located on the corner of SOM Center Road and Portz Parkway. The landscape plan around the sign is still under review. Mr. Bittinger said it is their intent to save as much of the current landscaping as possible.

Mr. Frankland said although the City landscape architect has reviewed the landscape plan and basically approved it, he has requested additional details on the planting beds surrounding the sign. He made some suggestions in regard to using plantings considered deer-resistant and locations to transplant some of the relocated items.

Mr. Bentley asked about the removal of some trees that was indicated on the plan. Mr. Bittinger said those trees are quite overgrown and are located on the parcels that were previously residential-owned properties. The trees are located very close to the street which makes it difficult to see around the corner.

Mr. Bittinger referred back to the plan and indicated most of the mature trees will remain to create a park-like setting.

Mr. Mazur said this is the first variance request since the changeable copy ordinance was established. Mr. Frankland said it is a minor request because this is a non-residential use in a residential district and according to the Code, it must comply with office district requirements. The office district requirements are for a 30 sq ft sign with not more than half of it devoted to changeable copy. However, this sign is for 27 ½ sq ft with 15 sq ft of changeable copy. Mr. Frankland said the

only way to prevent the variance would be to make the sign larger which is not a preferred option.

Mr. Mazur said Section 1288.042(g) of the Code identifies certain restrictions for changeable copy signs and a copy was given to Mr. Bittinger. Mr. Mazur requested this information be shared with Mr. Bittinger's clients.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the 5% changeable copy sign area variance.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the 3' sign width variance.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the 8" sign height variance.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the site plan, contingent upon the consolidation of the 6 lots and the landscape plan being approved by the City and the applicant prior to the July 18, 2011 Council meeting.

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

6. 36925 Aurora Road – Joseph Tuma 041-2011
- 124 sq ft area variance (detached garage)

Mr. Joseph Tuma was present and displayed a drawing of the proposed garage addition. He said there will be no additional driveway access provided at this time.

In response to Mr. Mazur's question, Mr. Tuma said nobody will live in the building. It will be used to house a motorcycle and possibly his son's vehicle in the winter.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the 124 sq ft area variance for a detached garage.

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

7. 38405 Bainbridge Road – Anna Zatorski 042-2011
- 55' front yard setback variance
 - 425 sq ft area variance

Mr. Daniel Dabrowski, 2338 Rockside Road, Seven Hills, a relative and translator for the applicant, was present. He said he will withdraw the 425 sq ft area variance

which is no longer necessary since the applicant will complete the bonus room above the garage. However, due to a deep ravine in the rear of the property, the 55' front yard setback variance is necessary.

Motion by Mr. Mazur, seconded by Mayor Drucker to accept the applicant's request to withdraw the 425 sq ft area variance, thereby making the house 2,055 sq ft.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded Mr. Bentley to approve the 55' front yard setback variance.

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

Nay: None

Motion Carried

8. 6100 Cochran Road – Swagelok – Ben Disante 043-2011
 ▪ Site plan approval - parking lot expansion

Mr. Frankland displayed a site plan and indicated where the applicant would like to install 42 additional parking spaces to accommodate additional employees. He said there are no variances associated with the application and any approval is contingent upon the Engineering Department's review and approval.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the site plan for the parking lot expansion contingent upon the Engineering Department's approval regarding drainage.

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

Nay: None

Motion Carried

9. 34855 Sherwood Drive – Sherwood Homeowners Association 044-2011
 ▪ 62' front yard setback variance
 ▪ Site plan approval for picnic pavilion

Mr. Rob Wright, President, Sherwood Park Association, was present. He displayed a site plan and said they are still reviewing it with the Engineering Department for final approval of drainage calculations.

Mr. Wright displayed a rendering of the proposed picnic pavilion when completed and explained the Association has been improving the area over a ten-year period and this is one of the improvements.

Mayor Drucker requested Mr. Wright display the aerial photo of the area and indicate the location of the home of the resident who objected to the pavilion location. Mr. Wright indicated the house in question and the direction that would give them a view of the lake. He said since they have moved the location of the picnic pavilion closer to the road, there will be no obstruction to the neighbor's view of the lake from their primary line of sight.

Mr. Mazur viewed the property and said there is a natural rise in the land which prevents viewing the lake from the road. Therefore, he believes the picnic pavilion

will not be viewed from the road. He said the structure that was previously built for storage is attractive and well maintained.

Mr. Mazur said the plan submitted included additional asphalt leading to the pavilion. Mr. Wright was uncertain about the asphalt being installed at this time. Mr. Frankland said although the asphalt is proposed in the submitted plan, the applicant is not required to install the asphalt.

Mr. Wright said there will be lights installed in the pavilion. He said there is a light currently located on the road nearby which is on a timer, programmed to turn off at 10:00 P.M. The same is planned for the pavilion lighting. He said this will only change during special events at the pavilion a few times per year when the lights might be kept on longer. Mr. Wright said the lights will be up inside the roof to prevent spillover.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 62' front yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for a picnic pavilion contingent upon the Planning Department's approval of the lighting plan.

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6600 Cochran Road – City of Solon Service Garage

Mr. Frankland displayed an aerial of the facility and said the mechanical equipment on the roof will be replaced with similar equipment as part of the roof replacement project. Mr. Frankland said the roof is not very visible since it has a parapet wall surrounding it. He said it will be replaced with a similar installation.

The Commission members agreed no further review of this item was necessary.

2. 5375 Naiman Parkway – Roto-Rooter

Mr. Frankland displayed an aerial indicating the south side of the building and said Roto-Rooter will be leasing the space. He indicated a location where the applicant would like to replace an existing 8' x 10' overhand door with a 12' x 12' overhang door. He indicated another area where the applicant proposes adding 2 garage doors to create a loading area. It will result in the loss of parking spaces, however,

there is more than enough required parking for the area. Mr. Frankland said the applicant will also replace existing overhead doors in the rear of the building.

The Commission members agreed no further review of this item was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker is very pleased to hear that the library will be expanding and said this is a valuable asset to the community. While other communities are closing the doors to their libraries, Solon's is thriving. She said the City's only contribution to the expansion is \$113,000 which remained in the Library Expansion Fund.

Mr. Newberry thanked the Ward Redistricting Committee for all of their work to balance out the districts since the last census.

Mr. Mazur said raffle tickets are available for this year's Home Days which will be held July 28th through July 31st. Prizes include a 42" plasma TV, a Weber grill and cash prizes. Mr. Mazur expressed the Solon Benevolent Fund's appreciation to the Davis Automotive Group for their donation of the grand prize of \$5,000.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to adjourn the meeting at 8:15 P.M.

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

Motion Carried

Chairman

Secretary