

SOLON PLANNING & ZONING COMMISSION
JANUARY 15, 2019 – 7:00 P.M.

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

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

Absent: None

Also Present: City Engineer Busch, Lieutenant Eisenhuth, Director of Business and Marketing Shaker, Assistant Clerk of Council Buller, Councilmen Magill, Kotora, Shimits and Councilwoman Meany (arrived at 7:20 P.M.)

NOTES OF CAUCUS DISCUSSION:

Chairman Bentley presided.

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus.)

NEW:

1. 32333 Aurora Road – Bhavin Shah – 10' free standing ground sign setback variance and total number of free standing ground signs variance (to permit 3): Mr. Newberry questioned if the measurements in the Planning Department memo are the distance from the right-of-way. Mr. Frankland stated that was correct.

2. 33095 Bainbridge Road – OMNI Bainbridge Road LLC – PP# 952-20-027 – Lot split: Mr. Biales stated no mortgage release is necessary for the right-of-way property.

The caucus ended at 7:17 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. Bentley advised comments are welcome at this time and also at the end of the meeting.

Mrs. Marilyn Matia, 33715 Redbridge Lane, stated she is the voice for many concerned residents and requested the Mixed-Use Planning District Zoning Classification language exclude residential areas. She cautioned if the intent is to open this type of zoning to residential, there would be many objections.

There were no additional comments from the audience.

MINUTES:

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the December 11, 2018 minutes as presented.

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

Motion Carried

NEW:

1. 32333 Aurora Road – Bhavin Shah 088-2018 6
 - 10' free standing ground sign setback variance
 - Total number of free standing ground signs variance (to permit 3)

Mr. Bhavin Shah, 32333 Aurora Road, was present and provided a brief history of his business. He advised customers are experiencing difficulty locating the building and he is requesting to install a more visible sign. Mr. Shah displayed pictures of the landscape indicating the trees and mounding on the property create obstacles for signage. He displayed a picture of an elevated sign designed to solve the problem.

Councilman Pelunis suggested placing the sign in front of the mound. Mr. Stolarsky stated the sign is planned as close to the right-of-way as permissible.

Mr. Bentley inquired what materials would be used for the sign. Mr. Earl DiMalanta, Owner of FastSigns, stated the 4' sign cabinet would be illuminated and mounted on an aluminum face skirt that would hide a single pole cemented into the ground.

Mr. Stolarsky asked if they were aware of the Engineering Department's requirements for a grading plan and staking of the property by a registered surveyor. Mr. DiMalanta said they were.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 10' free standing ground sign setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the total number of free standing ground signs variance to permit three.

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

Motion Carried

2. 33095 Bainbridge Road – OMNI Bainbridge Road LLC – 089-2018 6
PP# 952-20-027
 - Lot split

A public hearing was scheduled.

Mr. Gary Biales, 32870 Wintergreen Drive, Vice President of Development for OMNI Senior Living, displayed drawings of the future OMNI corporate headquarters. He indicated an area of the property that will be dedicated to the city and noted there is no mortgage on the dedicated property.

Mr. Bentley opened the public hearing and requested comments.

There were no comments from the public; therefore, Mr. Bentley closed the public hearing.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the lot split of PP# 952-20-027.

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

Motion Carried

- 2A. (7) 33095 Bainbridge Road – OMNI Bainbridge Road, LLC 005-2019 6
(Corporate Headquarters)
- 117.5' front setback variance
 - 19 space total parking variance
 - 11' side yard setback variance
 - Site plan

Mr. Gary Biales displayed renderings of the future OMNI corporate headquarters. He advised the entrance is located on Bainbridge Road with parking in the front and rear of the building. Mr. Biales noted brick screened dumpsters would be located in the rear.

Mr. Biales stated the Engineering and Fire Departments requested a driveway connection between the senior living facility and the corporate headquarters to allow additional access to the site. As a result of that connection, two parking spaces would be relocated at the Senior Living facility. Mr. Biales understood a joint access easement would be required.

Mr. Biales stated the detention pond would sufficiently handle the storm water runoff needs from the office building as well as the senior community.

Mr. Biales indicated the easement between the OMNI property and Escapology would remain in place.

Mr. Biales requested the previous Kruse Drive connection fees be waived and is aware the sanitary fees for the office building would remain.

Mr. Biales reviewed the building's 15,000 square foot plans and indicated brick, stone and glass materials would be implemented. He specified 10,000 square feet would be used for office and 5,000 square feet would be used for storage.

Mr. Biales displayed an aerial photo and indicated the property's narrow frontage prohibits building in line with the adjacent structures according to the Code. He stated this necessitates the 117.5' front setback variance.

Mr. Biales stated the code requires 76 parking spaces; however, he believes with OMNI's 22 to 25 employees, 57 spaces will be excessive.

Mr. Biales stated the configuration of the property is the reason for the side yard setback variance request.

Mr. Biales understands the need for a cross access easement and a storm water easement agreement with the senior living property. He stated the Rollhouse access easement has been discussed.

Mayor Kraus commended Mr. Biales on the resounding voter approval for the rezoning. He stated OMNI is a preeminent builder and appreciates the relocation of their corporate headquarters to Solon. Mr. Biales stated he appreciates the City's assistance and is happy to be in Solon.

Mr. Mazur asked when the photo metrics and landscaping plan will be presented. Mr. Biales said the plans have been submitted. Mr. Frankland noted the foot candles cannot exceed 2.5' candle average overall for an office building. Mr. Biales said they do not exceed that amount and there is zero light at the lot line. Mr. Frankland advised the landscaping plan could be approved as a condition prior to issuing a building permit.

Mr. Bentley inquired about the vacant space north of the northern parking lot. Mr. Biales stated this property is zoned C-1 Historic Commercial and C-2 Commercial. He advised a future plan would be to split the lot for retail by means of a Kruse Drive entrance.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 117.5' front setback variance.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 19 space total parking variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the 11' side yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend approval of the site plan contingent upon approval of the landscape plan prior to installation by the City Landscape Architect, a cross access easement agreement between the senior living facility and the corporate headquarters prior to the issuance of the occupancy permit and compliance with the January 9, 2019 Engineering Department memo regarding sewer assessments along with the Inspection and Maintenance Agreement.

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

Motion Carried

3. 33651 Aurora Road – Rajiv Patel
▪ Site plan - exterior alterations

001-2019 6

Mr. Charles Miller, Architect, 3368 Mayfield Road, Cleveland Heights, was present representing the applicant. Mr. Miller reviewed the application for the remodeled storefront design for Rita's Salon and Spa and stated interior construction has begun. He displayed drawings of the exterior design and indicated the façade improvements include new windows, doors and a metal awning. Mr. Miller presented samples of the cultured stone that will be installed under the window line, the brick veneer that will be installed above the stone and a cornice that will finish the look.

Motion by Mr. Newberry, seconded by Councilman Pelunis to recommend approval of the site plan contingent upon approval of the exterior colors by the Planning Department.

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

Motion Carried

4. 6465 SOM Center Road – 6465 SOM Center Road, LLC
▪ 11' parking aisle width variance
▪ 5' parking setback from building variance

002-2019 6

Mr. Frankland explained the variances are necessary due to the City's future street widening project. As part of a court settlement and to maintain sufficient parking at this site, the front parking would be moved towards the building and parallel parking would be permitted along the side of the building. Mr. Frankland noted the Fire Department and Safety Forces have approved an aisle width variance for the parallel parking along the side of the building.

Mr. Stolarsky said the variances were foreseen in the litigation and the Law Department supports them.

Mr. Bentley reiterated the variances became necessary after the City obtained the property for a future widening of SOM Center Road.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 11' parking aisle width variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the 5' parking setback from building variance.

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

Motion Carried

5. 6150 SOM Center Road – Chick-fil-A, Inc.
▪ 4' side yard structure setback variance (canopy)
▪ Site plan

003-2019 6

Mr. Allan Wiley, 565 White Pond Drive, Akron, was present representing the applicant. Mr. Wiley explained in May 2018, a side yard setback variance off of Kruse Drive for a drive-thru canopy was approved. He is requesting to install a longer canopy at the drive-thru to cover more cars which will require a setback variance adjustment of 4'.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 4' side yard structure setback variance for a canopy.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to recommend approval of the revised site plan.

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

Motion Carried

6. 37436 Hunters Ridge – Bonnie Broida 004-2019 3
- 1' cumulative side yard setback variance
 - 1' side yard setback variance

Ms. Bonnie Broida was present and displayed plans for a generator to be installed at the southeast corner of the house which is the most viable location. She stated the generator needs to be located 18" from the house with a depth of 12.4".

Ms. Broida noted the immediate neighbor has a generator and does not object to her installing one.

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the 1' cumulative side yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 1' side yard setback variance.

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

Motion Carried

8. 6221 SOM Center Road – Solon OH Retail LLC c/o TLM Realty 006-2019 4
- 38 space total parking variance
 - 2' drive aisle width variance
 - Total number of free standing signs variance (to allow 2)
 - 10 sq ft total free standing sign area variance
 - 6" free standing sign height variance
 - 5' free standing sign setback variance
 - Request to waive traffic study
 - Lot consolidation
 - Site plan

Mr. Chad Solon, Architect, Onyx Creative, 25001 Emery Road Suite 400, Cleveland, was present representing TLM Realty. Mr. Solon stated two national retailers will occupy the former Sears building. He explained the building would be subdivided, utilities split, an existing truck dock would be enclosed and an additional truck dock would be added for the second tenant. Mr. Solon displayed drawings of the front and side façade that include cornices, pilasters and awnings along with significant brick and stone. Mr. Solon noted the improvements were added at the city's request and are more elaborate and costly than the prototypes these tenants usually build. He indicated the full windows have been modified to smaller windows so as to not resemble entryways. Mr. Solon noted the parking lot green space would be increased and a new sign would be installed on SOM Center Road that will create a separate identity in the shopping center.

Mr. Greg Schunck, Civil Engineer, The Mannik & Smith Group, Inc., 20600 Chagrin Boulevard, Shaker Heights, was present representing TLM Realty. Mr. Schunck stated the northern natural retaining wall will be cleaned, washed and painted to compliment the building's façade and additional trees will be planted along the rear property line's green space. Mr. Schunck stated the outdoor area structure and parking lot concrete islands will be removed. He stated landscaping will be increased by 13,000 square feet and he will work with the City Landscape Architect on landscaping solutions. Mr. Schunck stated the parking area will be milled, overlaid, restriped and the standing water issue will be alleviated. The drive aisle width will be modified to 24' which will eliminate the need for the 2' drive aisle width variance. As City officials are aware, they are land locked with regards to parking. Mr. Schunck stated LED lighting is compliant with photo metric requirements and will be installed throughout the project. He advised the items in the City Engineer's letter would be addressed.

Councilman Pelunis inquired about the public hearing for the lot consolidation and Mr. Stolarsky advised a public hearing could be scheduled, however, approvals can be contingent upon the lot consolidation being approved prior to issuing the occupancy permits. Mr. Frankland noted that has been done in the past.

Mr. Jordan Berns, Attorney, 3733 Park East Drive, Beachwood, was present representing the applicant. Mr. Berns clarified, although he understands the rationale for a lot consolidation, there is concern in regard to tying the occupancy permit to the ability to complete the lot consolidation. He explained there are numerous issues involved with a shopping center that was developed many years ago and has had a variety of uses and various owners, in addition to shared parking variances and easements. Many of the issues are out of the applicants control and he also suspects a need for additional variances as a result of a consolidation. He does not want to delay the tenants' occupancy while these issues are being resolved.

Councilman Pelunis questioned a time frame for completion of the lot consolidation.

Mr. Berns estimated it could be accomplished in six months, however there may be delays with some of the issues that are out of their control.

Mr. Newberry asked when tenant occupancy is anticipated. Mr. Michael Oestreich, Owner, 295 Madison Avenue 37th Floor, New York, replied as soon as approvals are granted, construction will begin and occupancy could take place later in the year. Mr.

Oestreich explained they are willing to tackle a variety of obstacles but these should not be tied to the tenant's occupancy.

Mr. Berns noted it does not appear the Marc's portion of the shopping center was consolidated at the time of their recent renovation. Mr. Newberry recalls there was no issue due to the location of the property line.

Councilman Pelunis does not have an issue bifurcating the lot consolidation from the site plan approval.

Mr. Newberry would like the lot consolidated and believed property tax issues would become simpler with a consolidation.

Mr. Frankland stated although it is good planning, additional time would not present a problem as the lot consolidation is a paper requirement that does not change the project.

Mr. Berns stated the concern remains they do not want to be in violation of the contingency if a consolidation cannot be accomplished within a given time frame.

Mr. Newberry advised the Planning Commission can grant an extension of the time frame if necessary.

Mr. Stolarsky agreed it is only a paper requirement. He advised if necessary, the applicant can return to the Commission to extend completion of the lot consolidation and any associated variances would be identified.

Mr. Bentley stated the intention is not to delay the project and, if necessary, at the end of the allotted time, additional time can be requested.

Mr. Berns expressed his appreciation for the Commission's flexibility.

Mayor Kraus commended Mr. Oestreich on his continued efforts to create change and enhance not only SOM Center Road but the City of Solon.

Mr. Michael Oestreich thanked Mr. Frankland and the Administration for their efforts involved in reenergizing this site.

Mr. Mazur read Mr. Frankland's summary of issues including the final approval of colors and materials prior to issuing a building permit and the concurrent resurfacing of the US Bank property.

Mr. Solon stated a hard copy of the color palette will be presented at a later date and a colored elevation has been submitted. Mr. Schunck stated resurfacing will be done; however, they do not have complete control of the site. Mr. Oestreich added he is comfortable with US Bank correspondence indicating plans to resurface in the spring.

Mr. Mazur complimented Mr. Oestreich on his flexibility with this project and asked if there is a collection area for the tenant's shopping carts. Mr. Schunck stated neither

tenant requires parking lot cart corrals. He noted one tenant has a main entrance cart corral and the other tenant constructs barriers to discourage the carts from being taken out of the building.

At Mr. Mazur's request, Mr. Solon indicated both tenants' dumpsters will be below grade level, hidden by a retaining wall in the truck wells.

Mr. Oestreich confirmed he is amenable to the landscape architect's plant substitution suggestions.

Mr. Mazur reviewed the loading restriction hours of 7:00 A.M. to 7:00 P.M., in deference to the neighbors.

Mr. Mazur stated the possibility of a trail designation easement should be solidified with the Planning Department. Mr. Frankland said there is an agreement in principal, adding if the trail project proceeds, trail easements would be finalized. Mr. Oestreich agreed to grant a trail easement along their property.

Mr. Frankland said the Master Plan's architectural design standards have been met due to Mr. Oestreich's considerable efforts to comply.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 38 space total parking variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the withdrawal of the 2' drive aisle width variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the total number of free standing signs variance (to allow two).

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the 10 sq ft total free standing sign area variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 6" free standing sign height variance.

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 5' free standing sign setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the request to waive the traffic study.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to recommend approval of the site plan contingent upon compliance with the requirements noted in the January 15, 2019 memo from the Planning Director and the January 9, 2019 memo from the City Engineer, modification of the landscape plan as recommended by the City Architect and approval of a lot consolidation and cross access easement by December 31, 2019 (unless an extension is granted by the Planning Commission).

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

Motion Carried

(Secretary's note: Prior to the motion to approve the site plan, a motion was inadvertently approved by the Commission intended to defer the application for the lot consolidation contingent upon the applicant making their best efforts to work with all involved to complete the cross access easement and various issues by December 31, 2019. In the event that effort would fail, the applicant would return to the Commission, report their findings and request an extension.)

COUNCIL REFERRAL:

9. Review of proposed Mixed-Use Planning District (MPD) Zoning Classification 070-2018

Mr. Bentley advised the public hearing remained open from the October 23, 2018 meeting and asked for comments.

Mr. Bentley stated the changes have been implemented and the final document is prepared for consideration.

Councilman Pelunis thanked Mr. Frankland for incorporating his comments.

Mayor Kraus thanked Councilman Pelunis for his input on this document.

Mr. Stolarsky requested Mrs. Matia's concerns be addressed.

Mr. Frankland stated the first paragraph of the district's purpose section states this is only applicable to the central retail district, which are the commercial downtown areas as identified in the Master Plan.

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

Motion by Councilman Pelunis, seconded by Mayor Kraus to refer the Mixed-Use Planning District (MPD) Zoning Classification as revised to City Council.

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

Motion Carried

MINOR ALTERATIONS FROM PLANNING DEPARTMENT

1. 6134 Kruse Drive – Namaste Nail Sanctuary

Mr. Frankland displayed a picture of the property and stated the front windows would be frosted to match the rear windows.

The Commission agreed no further review of the item was necessary.

2. 27855 Aurora Road - Mount Olive Cemetery

Mr. Frankland displayed an aerial of the property and stated screened air conditioning units would be installed at the west side of the building. He noted the units would not be visible from the street.

The Commission agreed no further review of the item was necessary.

3. 33600 Inwood Drive - Solon High School

Mr. Frankland displayed pictures of the existing scoreboard sign and the new higher definition scoreboard sign. He stated the new sign will be one foot wider, three to four feet higher, 83 square feet larger with a video display 439 square feet larger, and the "Solon Comets" logo would be 19 square feet smaller.

Mr. Frankland stated the sign will be located inside the stadium and will not impact adjacent property owners.

The Commission agreed no further review of the item was necessary.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

COMMENTS FROM THE COMMISSION

Mr. Newberry thanked the members of the audience for their community participation.

Councilman Kotora thanked the Commission for their hospitality.

Mayor Kraus expressed pleasure with Solon becoming business friendly. He stated business development is encouraged through streamlining the city's processes.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 9:06 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary