

**SOLON PLANNING & ZONING COMMISSION**  
**MARCH 26, 2019 – 7:05 P.M.**

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

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

Absent: Mayor Kraus

Also Present: Councilman Kotora, Inspector Eisenhuth, Assistant City Engineer Lyndon, 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:**

6. 34165 Aurora Road – SOM Aurora Reorganization, LLC (Wendy's) – various variances: Mr. Mazur questioned the parking availability and inquired as to the seating capacity. Mr. Neikirk said the restaurant will seat 40 and because 75% of the business is drive-thru patrons, Wendy's corporate along with the owner are comfortable with their standard 22 to 25 parking spaces.

Mr. Frankland noted the Safety and Public Properties Committee and Traffic Engineer have reviewed this item.

5. Lot 10 Liberty Road – PP# 955-01-003 – Christopher and Theresa Vacik – 168' front yard setback variance: Mr. Bentley said the applicant has requested this item be tabled.

Mr. Frankland said the applicant will contact the Engineering Department to discuss options.

Mr. Sniderman, an objecting neighbor, requested due process and Mr. Bentley explained the procedure for public comments during the meeting.

8. 6141 Kruse Drive – Shibley Management (Yours Truly) – various variances: Mr. Bentley said there could be confusion as to which entrance to use. Mr. Shibley said either driveway will serve as an entrance.

Mr. Newberry asked about the removal of the existing abandoned service connections. Mr. Lyndon said abandoned water and sanitary connections run from the back of the

building to an easement between this property and Davis Automotive Group, Inc. and the abandoned service connections should be removed to the right-of-way.

The caucus ended at 7:20 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

Mr. Stolarsky advised although the Commission is short a member this evening, there is a quorum. He explained an affirmative vote of three of the four members is required for approval before an item can be forwarded to Council. However, if any applicant believes they would benefit from a full Commission, they may request their matter be tabled prior to a vote.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

MINUTES:

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the February 26, 2019 minutes as presented.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Newberry to approve the March 12, 2019 minutes as presented.

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

Motion Carried

PENDING:

1. 36000 Aurora Road – PP# 954-41-001 - Annette and Willie Chan 020-2019 6
  - 400' lot width to depth variance (parcel 1)
  - 252.75' lot width to depth variance (parcel 2)
  - 30' lot width variance (parcel 1)
  - 15.55' lot width variance (parcel 2)
  - 13.1' side yard setback variance
  - Lot split

A public hearing was scheduled.

Mr. Bentley opened the public hearing and requested comments.

Annette and Willie Chan were present and displayed drawings of their lot. Mr. Chan requested to split the lot to conform to the neighboring lots and advised the existing garage does not comply with the new code requirements.

Mrs. Chan displayed a drawing indicating the location of the lot split and said most of the neighboring lots are 100' in width.

Mr. Newberry said lot width to lot depth ratios are required to discourage "bowling alley" lots.

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

Mr. Mazur said the Engineering Department has requested an additional 5' of right-of-way be dedicated for the road project frontage for the eventual Aurora roadway expansion. Mrs. Chan said when they're ready to take it, they can have it; however, she preferred nothing be done at this time.

Mr. Newberry said the plat indicates .1138 acres of each parcel is within the City's existing right-of-way by prescription, noting the parcels were platted to the center line of Aurora Road; the City is asking, as part of this lot split, that 30' by the lot width in each of those lots be dedicated to public use.

Mrs. Chan said after discussion with her surveyor, she was uncertain that was the case. Mrs. Chan said it is her understanding that 45' was already dedicated and recorded for right-of-way and an additional 5' was being requested.

Mr. Frankland recalled the discussion and deferred to the Engineering Department.

Mr. Lyndon said with the upcoming Aurora Road widening, the City will require an additional 5' from the current public right-of-way. Mrs. Chan acknowledged that fact.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 400' lot width to depth variance (parcel 1).

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the 252.75' lot width to depth variance (parcel 2).

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Bentley to approve the 30' lot width variance (parcel 1).

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the 15.55' lot width variance (parcel 2).

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 13.1' side yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the lot split for 36000 Aurora Road, PP# 954-41-001.

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

Motion Carried

2. 34165 Aurora Road, 6353 and 6375 SOM Center Road - 021-2019 6  
PP#'s 954-29-018, 020, 021, 022  
SOM Aurora Reorganization, LLC  
▪ Lot split/consolidation

A public hearing was scheduled.

Mr. Bentley opened the public hearing and requested comments.

Mr. David Bruening, 3248 Belvoir Boulevard, Beachwood, Ohio, was present and displayed drawings of the properties. Mr. Bruening indicated where the lots did not match the lease lines of the three tenants, future Wendy's, Arby's and Dunkin' Donuts and where the lot lines should be to alleviate ambiguity regarding lot lines.

Mr. Frankland suggested a bike path easement contingency, as per the March 21, 2019 Safety & Public Properties Committee meeting, and a cross access agreement for Chase Bank to the former Pizza Hut drive by Mr. Bruening and Wendy's with the understanding Arby's and Dunkin' Donuts must agree before the cross access drive can be utilized. Mr. Frankland said Mr. Bruening is in agreement.

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

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the lot split/consolidation for 34165 Aurora Road, 6353 and 6375 SOM Center Road, PP#'s 954-29-018, 020, 021, 022 contingent upon the requirement noted in the March 21, 2019 memo from the Safety & Public Properties Committee and a cross access agreement with Chase Bank.

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

Motion Carried

NEW:

6. 34165 Aurora Road – SOM Aurora Reorganization, LLC (Wendy's) 025-2019 6  
▪ 5' front yard building setback variance  
▪ 33 space total on-site parking variance  
▪ 2.2' parking aisle width variance  
▪ 5' free-standing sign setback variance  
▪ Number of wall signs variance to permit (2) additional  
▪ 2.6 foot candle level variance

- Site plan – new building

Mr. Ken Bracker, Architect, 311 Alexander Street, Suite 214, Rochester, New York, was present representing the applicant and displayed plans for Wendy's. Mr. Bracker described the materials to be used in the project.

Mr. Mike Neikirk, Civil Engineer, 306 North Market Street, Suite 101, Mount Carmel, Illinois, was present representing the applicant. Mr. Neikirk said the site lighting, architectural plans and site plans have been submitted for review and they are in agreement with the March 21, 2019 Planning Department memo. He said a Y-lane drive-thru was planned.

Mr. Mazur questioned the reason for a 33 space parking variance. Mr. Neikirk said the Wendy's owner and Wendy's Corporate Office are comfortable with their standard 22 to 25 parking spaces. He noted 75% of the business is drive-thru related.

Councilman Pelunis asked how many cars can be stacked at peak time. Mr. Neikirk said there is ample stacking of 11 to 16 vehicles before they spill to the access road.

Mr. Newberry asked if they were aware of the cross access easement with Chase Bank. Mr. Neikirk said yes, it is anticipated and shown on the plans along with a future cross access at the site's eastern end. Mr. Neikirk added parking spaces shown in the cross access are not in the parking count.

Mr. Frankland said the Chase Bank cross access would eliminate the current Aurora Road access point.

Mr. Stolarsky asked the Fire Department if the parking aisle width variance was acceptable. Mr. Eisenhuth said the aisle width meets the fire code requirements.

Mr. Mazur inquired about the light variance. Mr. Frankland said although it is an unusually bright request, it would not impact a residential area.

Mr. Frankland thanked Mr. Bracker and Mr. Neikirk for working closely with the City on this project.

Mr. Mazur said the City's Landscape Consultant is requesting deer resistant landscaping. Mr. Frankland suggested a contingency with the March 20, 2019 Landscape Architect's memo. Mr. Neikirk was in agreement.

In response to Mr. Mazur's inquiry regarding the dumpster enclosure, Mr. Bracker said the enclosure was based on screening the dumpster's height but could be reduced. Mr. Frankland supported the 7' height fencing enclosure at this location.

Mr. Bentley said he would normally take issue with the excessive foot candle level; however, in this case it is not near a residential area.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 5' front yard building setback variance.

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

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the 33 space total on-site parking variance.

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

Motion by Councilman Pelunis, seconded by Mr. Bentley to approve the 2.2' parking aisle width variance.

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

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

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

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the number of wall signs variance to permit two (2) additional.

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

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 2.6 foot candle average lighting level variance.

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

Motion by Councilman Pelunis, seconded by Mr. Mazur to recommend approval of the site plan contingent with the Landscape Architect's recommendations and the Engineering Department and Safety & Public Properties Committee memos.

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

3. 30270 Cannon Road – Sarah Gatanas 022-2019 5  
 ▪ 2.3' front yard setback variance

Mr. Neil Gloger, 30270 Cannon Road, was present representing the applicant. Mr. Gloger said the variance request is due to design changes on the pending addition.

Mr. Bentley said a previous variance had been approved and this request is in addition to the prior approved variance.

Mr. Newberry said this minor change will architecturally enhance the front of the house.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 2.3' front yard setback variance.

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

Motion Carried

4. 6221 SOM Center Road – TLM Realty Holdings, LLC (ALDI) 023-2019 4
- Number of wall signs variance to permit (1) additional
  - 21 sq ft wall sign area variance

Mr. Dustin James, Advanced Installation & Sign, 28 Elevator Avenue, Painesville, Ohio, was present representing the applicant. Mr. James displayed drawings of the project and the proposed signage.

Mr. Newberry questioned the materials used for the sign's surround and Mr. Frankland advised it was a solid metal.

Mr. Newberry believed the extra sign was justified to compliment the tower. Mr. Bentley agreed.

Mr. Bentley questioned the lighting for the sign and Mr. James said the sign would be backlit with LED lights.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the number of wall signs variance to permit one (1) additional.

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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the 21 sq ft wall sign area variance.

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

Motion Carried

5. Lot 10 Liberty Road - PP# 955-01-003 – Christopher and Theresa Vacik 024-2019 4
- 168' front yard setback variance

The applicant requested this item be tabled.

Motion by Mr. Newberry, seconded by Councilman Pelunis to table consideration of Item 5.

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

Motion Carried

7. 37170 Windy Hill Lane – Kathleen and Shawn Kennedy 026-2019 3
- 10' side yard setback variance

Kathleen and Shawn Kennedy were present and displayed a drawing of the project. Mr. Kennedy said an 8'x12' shed will be replaced with a new 10'x6' shed.

Mr. Newberry expressed concern regarding the proximity of the shed to the north property line. He cautioned it should not be installed closer than 10' from the property line.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 10' side yard setback variance.

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

Motion Carried

8. 6141 Kruse Drive – Shibley Management (Yours Truly) 027-2019 6
- 9' front yard setback variance
  - 4' parking aisle width variance
  - Total number of wall signs variance to permit (4) additional
  - 5 sq ft wall sign area variances (for each of the four tower signs)
  - 10 sq ft wall sign area variance (sign on north elevation)
  - Number of free-standing ground sign variances (to permit 3)
  - Site plan - building addition

Mr. Lawrence Shibley, Owner, 6141 Kruse Drive, Solon, Ohio, and Mr. David Maison, Architect, 32110 Deerfield Drive, Avon Lake, Ohio, were present. Mr. Shibley displayed drawings of the project and said work will commence within the next week.

Mr. Maison said new awnings, windows, new LED's in existing light fixtures, and a primary entrance on the southside of the building are some of the improvements. Mr. Shibley said a fire pit in the open air patio along with a two-sided fireplace will be installed.

Mr. Frankland said the patio addition caused the parking aisle width to be narrowed on the east side of the building.

Motion by Councilman Pelunis, seconded by Mr. Mazur to approve the 9' front yard setback variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 4' parking aisle width variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the total number of wall signs variance to permit four (4) additional.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the 5 sq ft wall sign area variance for each of the four tower signs.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the 10 sq ft wall sign area variance.



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

Motion Carried

Motion by Mr. Newberry, seconded by Councilman Pelunis to approve the number of free-standing ground sign variances to permit three (3).

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to recommend approval of the site plan.

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

Motion Carried

#### MINOR ALTERATIONS FROM PLANNING DEPARTMENT

##### 1. 30250 Carter Street – Mercury Machine Co.

Mr. Frankland displayed an aerial of the property and said a dust collector will be installed in a nook at the rear of the building which will not be visible from the street nor any adjacent properties.

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

##### 2. 6221 SOM Center Road – Hobby Lobby

Mr. Frankland displayed an aerial of the property and said a trash compactor would be installed against the outside rear wall. Mr. Frankland said Hobby Lobby has been informed any equipment on the property cannot exceed the 50 decibels noise level at the property line and they have agreed. He noted this will be a condition on the building permit.

Councilman Pelunis inquired if time restrictions would be placed on its usage. Mr. Frankland said it would operate during normal business hours and noted loading and unloading is between 7:00 A.M. and 7:00 P.M.; however, conditions could be placed.

Mr. Mazur inquired if the compactor would be heard by property owners in the evening hours. Mr. Frankland said adjacent property owners have a 40' rear yard and a fence in between; the noises would be that of a shopping plaza. Mr. Mazur preferred limiting the use of the compactor to the loading/unloading time period but was uncertain if that would present an operational issue. Mr. Mazur suggested monitoring its use.

Mr. Frankland said if the Commission has concerns, a full review can be requested.

Mr. Bentley inquired if the compactor would be enclosed with a fence or wall and was told the unit will not be enclosed with a separate structure.

The Commission expressed concern over the potential noise that will be created by the compactor.

Mr. Frankland reviewed the compactor's location to adjacent residences stating it was approximately 100' to the property line followed by trees and a fence and approximately 40' to a residence.

Mr. Newberry said residents have the opportunity to challenge the noise if they believe it exceeds the 50 decibels allowed by the code.

Mr. Frankland said noise is measureable, if it exceeds it will be shut down.

Councilman Kitora asked if the prior tenants had a compactor. Mr. Frankland was uncertain.

Mr. Stolarsky said if the tenant complies with the City's Code and any restrictions, that is the extent of the City's control; however, if the Commission would like further information a review could be requested.

Councilman Kitora agreed.

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

### 3. Liberty Road – Chagrin Valley Islamic Center

Mr. Frankland displayed an aerial of the project with the proposed building and indicated the slight modification to the footprint of the building. He noted it is the same configuration within the approved footprint except the variances have been reduced. Mr. Frankland said the building is smaller, the height is less and the gymnasium and bridge request has been withdrawn.

Mr. Stolarsky said he was involved in this process. He is of the opinion this is a very slight building shift that moves the building further from affected property owners in addition to concessions for eliminating future phases.

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

### 4. 30725 Aurora Road – Pile Dynamics, Inc.

Mr. Frankland displayed an aerial of the property. He said banked parking was approved in the 1990's and 20 of those banked parking spaces will be utilized within that area.

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 wished everyone a Happy Spring.

Councilman Kotora thanked the Commission for their hospitality.

Mr. Bentley wished everyone a fun and safe Spring break.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 8:30 P.M.

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

Nay: None

Motion Carried

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Secretary

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Chairman