

SOLON PLANNING & ZONING COMMISSION
NOVEMBER 12, 2019 – 7:20 P.M.

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

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

Absent: Mr. Newberry

Also Present: 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.

Mr. Stolarsky explained as only four Commission members are present, three affirmative votes are required for passage. He noted an applicant may request to table their matter at any time prior to a vote if they would prefer all the members are present.

Mr. Bentley explained comments by those who are not an applicant can be made at the beginning and end of the meeting and during a public hearing.

PENDING:

1. 32972 South Roundhead Drive – Colton Wetherwax - 10.5% uniform fence opening variance: Councilman Pelunis said the property is in his ward and he has received no objections from the neighbors. He said the fence opening difference is 5/16" less than what is required by Code but believes the 5' height would allow visibility over the top.

NEW:

3. 39660 Patterson Lane – Thornbury HOA and Lloyd and Sharon R. Prindle - PP#'s 955-20-022 and 955-20-052 - lot split/consolidation: Mr. Bentley said the Prindle's purchased the property unaware that the neighborhood walkway was installed on a portion of their property. An agreement has been reached to trade the walkway portion on the property for a strip of property along the side of their house.

6. 34500 Aurora Road – Percap Realty Ltd. – several variances: Mr. Bentley said a revised site plan was submitted.

Mr. Lyndon said the Traffic Engineer recommends eliminating the access road closest to Aurora Road and allow a southernmost cross access agreement which could improve traffic flow and alleviate difficulty exiting onto Aurora Road.

Mr. Frankland requested the Traffic Engineer investigate whether that cross access would encourage motorists to exit further east on Aurora Road and create a cut through onto Aurora Road. Mr. Lyndon said he would readdress the issue with the Traffic Engineer.

Mr. Mazur asked how the reduction of parking spaces would be handled on the Echo property. Mr. Lyndon said a site plan reflecting the reduced parking spaces would be reviewed by the Commission.

Mr. Frankland said a cross access agreement would be required if Echo were to alter their property or if they agreed to cross access. He noted if the City requires a cross access, a variance would be required.

Mr. Mazur noted the cross access is only necessary when the second phase is built. Mr. Lyndon added the second phase of the project depends on Echo's agreement or if a cross access is required.

Mr. Frankland said the parking lot would not be installed on that side of the property until the second building is built.

Mr. Eisenhuth said a second drive is most important for phase two.

Mr. Frankland said the revised site plan eliminates the front yard building setback variances, the minimum parking lot green space variance and the site lighting variance. He said the signage will be located 10' off of the right-of-way.

Mr. Bentley suggested a contingency on the variance so the applicant is not delayed.

The Commission agreed to cancel the November 26th meeting because several members are unavailable.

The caucus ended at 7:34 P.M. and the meeting began at 7:35 P.M.

Mr. Bentley advised one Commission member was absent therefore; any applicant who preferred to have their item tabled could make that request prior to a vote.

Mr. Stolarsky explained the Planning Commission is composed of five members and although four Commission members are present this evening, three affirmative votes are still required for passage. Mr. Stolarsky noted an applicant may request to table their application at any time prior to a vote.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

MINUTES:

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the minutes of the October 29, 2019 meeting as presented.

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

Motion Carried

PENDING:

1. 32972 South Roundhead Drive – Colton Wetherwax 099-2019 2
▪ 10.5% uniform fence opening variance

Mr. Colton Wetherwax, 32972 South Roundhead Drive, was present. Mr. Wetherwax said the fence he is requesting is 5/16" narrower than the Code requires because the neighbor's dog barks when people are in his backyard. He said it is intimidating and is hoping additional screening will lessen the barking. He said they are expecting a family.

Mr. Wetherwax said he understands the visibility requirements for the Code but believes the 5' fence height would permit visibility over the top. He displayed a picture of the fencing with a penny between the slats and noted the allowable size and the requested size amounts to about a half a penny.

Mr. Scott Middleton, NEO Fence, was present and displayed a sample of the fencing. He said the Code requires 3/4" and 7/16" is being requested which leaves a 5/16" difference in the required spacing making the uniform space fence opening 14.58%.

Mr. Stolarsky said the variance has been identified at 10.5%. Mr. Frankland recommended keeping the 10.5% variance because if the Planner disagreed with the 14.58% calculations, another meeting before the Commission would be necessary. Mr. Middleton noted his opinion is the Planner's calculations were incorrect.

Councilman Pelunis said this property is in his Ward and he has not received any negative comments regarding the fence. He understands it is being requested for the safety of family and guests. Councilman Pelunis understands the current and former Police Chiefs discourage closed fencing for law enforcement safety but believes a 5/16" difference is negligible and the 5' height would allow visibility.

Mr. Mazur said prior to seeing a prototype of the fence he was against the variance; however, after viewing the sample and hearing the explanation, he will not object to the variance.

Mayor Kraus understands and appreciates the Police Chiefs position but the property owner's rights and desires should also be respected. He does not recall an incident where fencing hindered an investigation, especially with today's available technology.

Mr. Mazur recommended a caveat that the Commission is not encouraging fence opening variances. He said this variance is an exception and not the standard.

Mr. Bentley said he supports the Police Chief's request and maintains the City should require 25% visibility protocol for all residential fencing applications. He referred to the Chief's reasons that the visibility is for the protection of the safety forces who on occasion need to visually observe if someone is attempting to conceal themselves behind a fence structure.

Mr. Bentley agreed with Mr. Mazur that the Commission is not setting a precedent with this variance.

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the 10.5% uniform fence opening variance.

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

Motion Carried

NEW:

2. 5663 Spring Grove Drive – Felix Shcherbakov 101-2019 5
 ▪ 72 sq ft accessory structure area variance (shed)

Mr. Felix Shcherbakov, 5663 Spring Grove Drive, was present. He displayed plans for a large shed matching the colors on the house to be built in the rear of the approximate 2.8 acre lot at the tree line which extends into the woods. He noted the property next door contains a larger shed.

Mr. Mazur said the Commission is flexible with sheds especially when they can't be seen.

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the 72 sq ft accessory structure area variance.

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

Motion Carried

3. 39660 Patterson Lane – Thornbury HOA and Lloyd and Sharon R. Prindle - PP#'s 955-20-022 and 955-20-052 102-2019 3
 ▪ Lot split/consolidation

Mr. David Soble, 38210 Flanders Drive, was present representing the Homeowners Association. Mr. Soble said they are requesting a lot split/consolidation. He said over 20+ years ago a walking path was built throughout the development but the path has been closed for approximately six years. Mr. Soble said the path is being refurbished and it was discovered a portion was unknowingly installed on the Prindle's property. He displayed the plans for the property, indicated where the path cut into the rear corner of the Prindle's property and indicated the property at the side of the Prindle's house along the path that will be exchanged for the rear corner property.

Motion by Mr. Mazur, seconded by Mayor Kraus to schedule a Public Hearing on December 10, 2019 for lot split/consolidation of PP#'s 955-20-022 and 955-20-052 located at 39660 Patterson Lane.

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

Motion Carried

4. 30050 Aurora Road – Benderson Development/
Solon Lodging Associates 103-2019 6
- 31 sq ft wall sign area variance

Mr. Jeff Clark, Easy Sign Group, 9478 Ravenna Road, Twinsburg, was present representing the applicant. Mr. Clark said the restaurant is seeking 66 sq ft of signage to provide better visibility from Aurora Road. He displayed pictures of the storefront from Aurora Road comparing the allowable size signage and the requested signage size.

The Commission agreed the allowable size signage was unreadable from the road.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the 31 sq ft wall sign area variance.

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

Motion Carried

5. 30355 Solon Industrial Parkway – Chagrin Valley Properties, LLC 104-2019 7
- Site plan

Mr. Steve Ciciretto, AIA Architect, 270 Park Place, Chagrin Falls, was present representing the applicant. Mr. Ciciretto said an approximate 15,000 sq ft addition is being proposed to the current 18,323 sq ft building. He displayed an aerial of the property and indicated the location for the addition. Mr. Ciciretto noted the plan will comply with the required 20% green space and the 49 parking spaces.

Mr. Ciciretto said the long-term plan includes continued updates to the building. He displayed the plans and described the existing building. Mr. Ciciretto said the addition will be an insulated masonry building with bronze metal siding extending over the painted concrete block portion of the original building. He said brick detail would meld the original building to the addition.

Mr. Ciciretto said the Engineering Department memo will be considered when construction documents are drawn and noted the Fire Department's satisfaction that the building is fully sprinkled.

Motion by Mr. Mazur, seconded by Councilman Pelunis to recommend approval of the site plan as presented for 30355 Solon Industrial Parkway contingent upon compliance with the requirements in the November 7, 2019 Engineering Department memo.

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

Motion Carried

6. 34500 Aurora Road – Percap Realty Ltd. 105-2019 6
- Single street access point variance

- 1' front yard building setback variance (Phase 1)
- 1' front yard building setback variance (Phase 2)
- 33' building side yard setback from residential areas variance
- 37' rear yard setback from residential areas variance
- 11' parking side yard setback from residential areas variance
- 7' parking rear yard setback variance
- Number of parking spaces without green space interruption variance
- Site lighting variance
- Site plan

Dr. Buitry, 34500 Aurora Road potential property owner, was present.

Mr. Leon Sampat, LS Architects, 22082 Lorain Road, Fairview Park, was present representing Dr. Buitry. Mr. Sampat said Dr. Buitry plans to relocate his practice to Solon from Beachwood. He displayed plans for the two phase project on the approximately 1.46 acre property and indicated the property would be divided into two parcels. Mr. Sampat said the first phase, an 11,600 sq ft building, would be located at the east portion of the lot with Dr. Buitry occupying approximately 6,700 sq ft. He displayed the layout plans for the practice and said 82 parking spaces are provided.

Mr. Sampat said Phase 2 would consist of approximately 7,200 sq ft with an additional 40 parking spaces provided.

Mr. Sampat displayed the building and elevation plans and noted three sides of the building will be prominent. He indicated where metal aluminum awnings and vision glass would be implemented and displayed brick and stone material samples.

Mr. Sampat said the site plan was adjusted to eliminate variances by moving the buildings back, adding an additional landscape island and reducing the site lighting. Mr. Sampat noted a CAD error placing the sign off the sidewalk rather than the right-of-way has been corrected.

Mr. Bentley said a revised site plan was received and cross access agreements are being discussed to allow easier access and also benefit motorists exiting west onto Aurora Road. He said a contingency will be placed to arrive at a solution with the Engineering and Planning Departments.

Mayor Kraus said this project will be a good transition from the residential area to an office area into the commercial area.

Mr. Mazur asked who owns the property and Dr. Buitry said he is purchasing it.

Mr. Mazur appreciates the applicant reducing the number of variances.

Mr. Stolarsky recommended, per the Planning Department, a lot consolidation contingency prior to an occupancy permit and approval of a future landscape architect design.

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the single street access point variance contingent upon compliance with up to two cross access agreements when Phase 2 is proposed.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mayor Kraus to approve the 33' building side yard setback from residential areas variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mayor Kraus to approve the 37' rear yard setback from residential areas variance

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 11' parking side yard setback from residential areas variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilman Pelunis to approve the 7' parking rear yard setback from residential areas variance.

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

Motion Carried

Motion by Councilman Pelunis, seconded by Mr. Mazur to recommend approval of the site plan contingent upon compliance with the November 7, 2019 Engineering Department memo requirements, approval of a landscape design and lot consolidation prior to the issuance of an occupancy permit.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to accept the withdrawal of the 1' front yard building setback variance (Phase 1), the withdrawal of the 1' front yard building setback variance (Phase 2), the withdrawal of the number of parking spaces without green space interruption variance and the withdrawal of the site lighting variance.

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

Motion Carried

7. Inactive Agenda Item "B" – Wetlands and Riparian setbacks

Councilman Pelunis said he and Council originally referred this item to the Commission and has since discovered an ordinance of this type would be burdensome to businesses and residents and would hinder growth. He said the issues have been discussed and the effects of this ordinance would result in the requirement of studies for small variances and other items. Councilman Pelunis is pleased with the due diligence performed and does not oppose the removal of this item.

Mr. Bentley agreed the passage of this ordinance would create a tremendous onus on the applicants and perhaps cause simple variances to be cost prohibitive.

Mr. Mazur commended Mr. Frankland on a detailed memo and believes this ordinance would be a burden to place upon the city.

Motion by Councilman Pelunis, seconded by Mr. Mazur to forward a Memorandum to Council stating the Planning Commission has discussed and considered the wetlands and riparian rights documents, viewed the documents from the Chagrin Watershed Partnership and Mr. Frankland's memo and at this time it is the recommendation of the Planning Commission to not pursue adoption of the draft Ordinance.

Mayor Kraus concurred with the Commission and said he spoke with communities that have this ordinance and they believed it would negatively affect Solon business projects. He noted an ordinance of this type benefits non-industrial communities that are part of a watershed.

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

Motion Carried

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

COMMENTS FROM THE COMMISSION

Motion by Mr. Mazur, seconded by Councilman Pelunis to cancel the November 26, 2019 Planning Commission meeting.

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

Motion Carried

Mr. Mazur congratulated Mr. Bentley on his election to the City Council, wished him the best of luck and said he will be missed.

Councilman Pelunis congratulated Mr. Bentley on his recent election to City Council.

Councilman Pelunis thanked Mayor Kraus for the Veterans Day program. He said the Veterans Day and Memorial Day programs really focus on what the holidays are about.

Mr. Frankland congratulated Councilman-Elect Bentley.

Mr. Stolarsky extended congratulations to Mr. Bentley.

Mrs. McConoughey extended congratulations to Mr. Bentley.

Mr. Bentley thanked everyone for their compliments and expressed his excitement to represent Ward 1.

Mayor Kraus congratulated Councilman-Elect Bentley and looks forward to working with him in that capacity.

Mayor Kraus thanked the community for the high voter turnout and the passage of the three ballot issues.

Mayor Kraus believes Issue 65 was understood by the voters to be the first step, a zone change, and the process is now incumbent on the developer to bring a plan forward to be fully vetted.

Mayor Kraus congratulated the fall sports teams for a good season.

Motion by Mr. Mazur, seconded by Councilman Pelunis to adjourn the meeting at 8:35 P.M.

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

Motion Carried

Chairman

Clerk of Council