

SOLON PLANNING & ZONING COMMISSION
MARCH 10, 2020 – 7:05 P.M.

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

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

Absent: None

Also Present: Inspector Eisenhuth, Assistant City Engineer Lyndon

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.)

Councilman Bentley presided.

PENDING:

1. 31275 Arthur Road – Ryan and Melanie Chaney – side yard setback variance: Mr. Frankland and Mr. Stolarsky discussed the location of the walkway and its proximity to the property line. It was determined the walkway could reach the property line but not cross it.

2. 7365 Royal Portrush Drive – Kirit Patel – rear and side yard setback variances: Mr. Frankland and Mr. Stolarsky discussed the legality of the proposed detached garage. It was determined that approval from the homeowners association was necessary prior to consideration by the Commission, therefore, the item will be tabled.

NEW:

4. 7424 Liberty Road – Ashley Will – various setback and driveway variances: Mr. Newberry voiced concern regarding how wetlands will affect the plan. He preferred a wetland delineation determination be provided. Mr. Stolarsky said the wetland delineation is part of the approval process.

5. 6025 Kruse Drive, Suite 141 – Lumber Liquidators – site plan: Mr. Mazur questioned if the type of business is permitted. Mr. Newberry questioned the clearance for the proposed overhead door.

6. 6385 Cochran Road – Graphic Packaging International – changeable copy area variance: Mr. Frankland said the sign is large and the applicant would like it to be "high end". He suggested a contingency for approval that when the applicant is not advertising for positions, the sign would be removed.

7. 6372 SOM Center Road – 6372 SOM, LLC – cross access variance: Mr. Mazur questioned if a more attractive guardrail could be installed rather than leaving the existing guardrail. Mr. Frankland said space is limited but suggested possibly landscaping.

The caucus ended at 7:25 P.M. and the meeting began at 7:30 P.M.

CHANGES TO THE AGENDA:

Councilman Bentley said there were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

Ms. Lorene Mickunas, 7398 Liberty Road, said her property is 3.5 acres and a family member, who is unable to attend this evening, owns 7 acres directly north of 7424 Liberty Road. She said they wish to preserve the wetland on their properties. Ms. Mickunas does not want to discourage anyone from building a house at 7424 Liberty Road but expressed concerns with a 10' side yard setback variance and requested that it remain at 20'.

Ms. Mickunas said the Army Corp of Engineers assured her an underground spring at 7424 Liberty Road would be examined.

Ms. Mickunas displayed pictures of significant dumping, vehicle tire tracks and a deer stand in the back of her property. She explained the refuse is being dumped at the back of her property on the land beyond the wetlands. Ms. Mickunas requested the City investigate.

Mr. Bud Griffith, 32277 South Roundhead Drive, owner of Construction Resources, Inc. located at 33900 Station Street said the cross access variance request at 6372 SOM Center Road would create a barrier on the east side of the two properties to separate the parking lots. He said a guardrail has existed between his property and the southern adjacent property for approximately 22 years; however, there is no commitment from the Passov Group that the guardrail will remain. Mr. Griffith is requesting the south side property barrier remain and he be allowed to keep his property separate from the adjoining parcels.

Mr. Frankland said providing an agreement exists between the parties, a barrier structure can be constructed because it would be located on the property line.

PENDING:

1. 31275 Arthur Road – Ryan and Melanie Chaney 003-2020 7
 - 8' side yard setback variance (for walkway)

Mr. Ryan Chaney was present and said they are planning renovations to the house they purchased in May. Mr. Chaney displayed plans for a front porch with stairs.

Mr. Chaney indicated the location of the easement and a proposed walkway that ends at the easement. He said deliveries access the front entrance by walking through the

grass and the walkway would allow easier access to the entrance. Mr. Greenspan asked if this is the main entrance to the house and Mr. Chaney said yes.

Mr. Mazur asked if the 8' setback was from the property line. Mr. Frankland said the request is to be 0' off the property line.

Mr. Stolarsky said the easement is a shared property right and the other property owner is not present; the request is to build up to the easement. Mr. Chaney agreed and said this property shares a common driveway with the adjacent property.

Mr. Newberry recalled this parcel was subdivided when Arthur Road was extended. He believed there used to be a front walkway in the configuration described this evening. Mr. Newberry said this situation is unique in that the sidewalk has been eliminated and there is separate ownership between the easement and the house lot.

Motion by Mr. Newberry, seconded by Councilman Bentley to approve the 8' side yard setback variance extending the walkway up to the easement line contingent upon the easement line being located by a registered surveyor.

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

Motion Carried

2. 7365 Royal Portrush Drive – Kirit Patel

005-2020 1

- 5' rear yard setback variance
- 9' 6" side yard setback variance

Councilman Bentley said the applicant requires approval from their Homeowner Association prior to the Commission hearing this request.

Motion by Mr. Mazur, seconded by Mayor Kraus to table consideration of this item.

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

Motion Carried

NEW:

3. 34055 Solon Road – Centre Pointe Building, LLC

007-2020 4

- Number of wall signs variance (permit additional 3 for a total of 6)
- Wall sign location variance
- 5 sq ft business unit area variance (free standing sign)

Mr. Brad Petro, 4330 North Bend Road, Ashtabula, was present representing the applicant. Mr. Petro displayed plans to attach three additional wall signs to the existing building to identify the future Urgent Care facility. He said each 15 sq ft sign is individually channeled with illuminated letters.

Mr. Petro displayed a rendering of the existing monument sign with an updated sign face.

Councilman Bentley asked what color would be used on the signs and Mr. Petro said red.

Mr. Newberry asked where the Urgent Care was located within the building. Mr. Petro was uncertain. Mr. Newberry said University Hospital has expanded the lease to include the north end of the building which alleviates prior occupancy concerns. He said the building is currently one lease hold and does not create an issue with the signage request.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the number of wall signs variance to permit three additional.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve the wall sign location variance to permit a north face sign.

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve the 5 sq ft business unit area variance for a free standing sign.

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

Motion Carried

4. 7424 Liberty Road – Ashley Will

008-2020 1

- 10' side yard setback variance
- 5' cumulative side yard setback variance
- 247' front yard setback variance
- Driveway material variance
- 4' driveway width variance
- 5' side yard pavement setback variance

Ms. Ashley Will, 53 Powers Road, Bedford, was present. Mr. Tony Lunardi, General Contractor, 6683 Old 8 Road, Peninsula, was also present. Mr. Lunardi displayed an aerial picture of the property and noted the 100' wide lots were created prior to the current zoning and indicated the houses are not in line with each other. He indicated where a house, now demolished, had been located approximately 150' back and approximately 15' from the north property line on this parcel.

Mr. Lunardi said a side yard setback variance on the right side of the house would allow for a side entry garage with a turnaround area on the opposite side of the house.

Mr. Lunardi said the previous structure had a gravel driveway which the new owners are also requesting. He noted some neighboring properties have gravel driveways.

Mr. Lunardi said to allow privacy from the neighbors to the south; the house will be built 350' from the roadway. He said wetland delineation will be performed but believes the potential wetland is located further back on the lot.

Mr. Lunardi said any refuse on this lot would be removed.

Councilman Bentley said the Commission is aware of the challenges presented when building on a narrow lot but even though the lot is narrow, he finds a 350' setback

excessive and a practical difficulty has not been defined. He suggested a compromise be reached. Councilman Bentley said the wetland delineation is historically received prior to the Commission's consideration. He said the Fire Department approves of the gravel driveway material.

Mr. Lunardi said a drainage swale and catch basin on the south side of the property was identified by the Engineering Department so positioning the house at 350' would help with the grade of the land.

Mr. Lyndon clarified the original Engineering Department email understood the house would be built in the front of the lot with rear yard drainage required. He said if the house were located in the rear of the lot, some type of drainage will still be required.

Councilman Bentley said a septic system is not permissible. Mr. Lunardi said with the addition of a grinder pump, the sewers appear to be deep enough.

Mr. Mazur does not see an issue with the 350' setback because positioning the house further back from the neighbor's outbuilding would keep the outbuilding out of the line of sight of the house.

Mr. Greenspan asked if the lot will remain wooded. Mr. Orszag, who was also present, said they intend to keep the treed landscape; however, the dead trees and brush would be removed.

Mr. Newberry expressed concern with unforeseen issues and indicated he will not support the variances at this time. He said if setbacks are approved and the lot is determined to be unbuildable, the project would have to be abandoned or be presented again once the delineation has been determined. Mr. Newberry believed it would be more beneficial if information were as complete as possible when presented.

Mr. Mazur understood Mr. Newberry's concerns but believes the risk lies with the applicant.

Ms. Will added the side entry garage allows a vehicle to exit onto a roadway safely.

Mr. Lunardi suggested, in order to reduce the applicant's costs, the Commission could approve the variances contingent upon the wetland delineation report.

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

Councilman Bentley requested the Commission to define any contingencies prior to the motions.

Mr. Mazur amended his motion.

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 247' front yard setback variance contingent upon completion of a wetland delineation; compliance with the Army Corps of Engineers and Ohio EPA requirements; assurance that the depth of the

sanitary sewer lateral is adequate to reach the house location and all other Engineering Department requirements with no costs incurred by the City.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur

Nay: Newberry

Motion Carried

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

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur

Nay: Newberry

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Mazur to approve the 5' cumulative side yard setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur

Nay: Newberry

Motion Carried

Mr. Greenspan asked if the gravel driveway presents any issues. Mr. Lyndon said it is a maintenance issue for the owner and a hard surface is a Zoning Code requirement.

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve the driveway material variance.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Kraus to approve the 4' driveway width variance and as approved by the Fire Department.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve the 5' side yard pavement setback variance.

Roll Call: Aye: Bentley, Greenspan, Kraus, Mazur

Nay: Newberry

Motion Carried

5. 6025 Kruse Drive, Suite 141 – Lumber Liquidators

009-2020

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- Site plan

Mr. Jon Zaferopolos, 3554 Brecksville Road, Richfield, was present representing the applicant. Mr. Zaferopolos said drawings for a new Lumber Liquidators Flooring Company were submitted for plans review and approvals were granted; however, visibility concerns with the overhead door facing U.S. Route 422 stalled the project.

Mr. Zaferopolos displayed renderings of the building and indicated the site is located in the center of the building and cannot host a side access door. He said the overhead door is essential for the operation of this business because it is an active service door used for customer pick up and deliveries.

Mr. Zaferopolos displayed pictures of the site from U.S. Route 422 and indicated the raised berm behind the service drive and a mostly evergreen tree line. He believed the area is well screened, even in winter.

Mr. Zaferopolos said the neighboring Land Rover Solon car dealership and Mr. Tire Auto Service Centers Solon have service doors facing U.S. Route 422 with less screening. Mr. Newberry noted the car dealership is located in a different zoning district.

Mr. Frankland said the occupancy permit was submitted and approved, subsequently, the overhead door modification was submitted.

Mr. Mazur asked what is the purpose of the portable loading ramp. Mr. Zaferopolos said it is used in place of a recessed dock. Mr. Mazur said the ramp would block the emergency exit and create a safety issue if it were placed close to the building's wall. Mr. Zaferopolos believed the portable ramp could be stored inside the dock space.

Motion by Mr. Mazur, seconded by Mr. Newberry to recommend approval of the site plan as presented.

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

Motion Carried

6. 6385 Cochran Road – Graphic Packaging International – Keith Rush
▪ 2% changeable copy area variance

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Mr. Gil Macias, FastSigns of Twinsburg, 8900 Darrow Road, Twinsburg, was present representing the applicant. Mr. Macias displayed an aerial of the property. He said they would like to install a temporary double sided sign in the front of their property perpendicular to Cochran Road advertising Graphic Packaging International and available positions for hire. Mr. Macias said the sign would reflect a professional image and can be easily removed at any point. He said an additional sign exists at the entrances on Cochran Road and Solon Road.

Mr. Mazur asked how the sign would be removed. Mr. Macias displayed a sample of the sign and demonstrated how the hollow vinyl frame is placed over ground stakes with a magnetic advertisement attached to its steel face. He said the applicant has agreed to remove the sign when there are no positions to advertise.

Mr. Newberry questioned how long it would take to remove the sign once the positions are filled. Mr. Mazur noted that is an unenforceable issue.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the 2% changeable copy area variance contingent upon removal of the sign when all of the positions are filled.

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

Motion Carried

7. 6372 SOM Center Road – 6372 SOM, LLC
▪ Cross access variance

011-2020 6

Mr. Steve Passov, Passov Group, 3401 Richmond Road, Suite 200, Beachwood was present representing the applicant. Mr. Passov displayed an aerial of the property and said there is a cross easement that runs through Mr. Griffith's property and 6372 SOM,

LLC. separated with a southern guardrail. He said the intent is to remove the reciprocal agreement and encapsulate Mr. Griffith's property, repurpose the eastern portion and take it to the north which would basically close it off. Mr. Passov is aware of the Engineering Department's concerns regarding curb cuts and said any future development plans on this site would address those concerns.

Councilman Bentley asked about utilities on the properties. Mr. Passov said they are aware of storm and sanitary utility easements which will be incorporated into the plan along with any required retention.

Councilman Bentley noted Mr. Griffith, the adjacent property owner, commented earlier this evening.

Councilman Bentley said enhancing the fences was discussed during Caucus. Mr. Passov said the overall master plan will address substantial improvement to the entire parking field.

Mr. Mazur asked what type of barrier is proposed, since these properties are located in the center of town. He suggested an attractive barrier, such as 4' fencing with planters, to impede the traffic pattern. Mr. Passov said the intent is to repurpose the guardrail and install new bases using wood posts with steel but said he would consider the suggestion as a goal to accommodate the City's requests.

Mr. Newberry understood the variance is to vacate an existing cross access easement. Mr. Frankland said accepting the elimination of the cross access is important for the process to move forward. Mr. Frankland added particular issues could be reviewed by the Commission in conjunction with the larger redevelopment of Mr. Passov's properties.

Mr. Mazur said he does not have an issue with the removal of the cross access nor the barrier but suggested placing a variance contingency for the type of barrier. Mr. Frankland said acting on this variance with the understanding this item will be before the Commission once a site plan is submitted would move the potential project forward.

Mr. Passov said the neighboring property is being encapsulated at the request of the neighboring properties. Mr. Frankland said the installation of the barrier would happen if and when a project moves forward on the property and would be presented in the site plan. Mr. Passov said that was correct.

Councilman Bentley voiced his support for the variance.

Mr. Newberry asked if a cross access agreement is in place with this property and the southernmost property and Mr. Passov said yes.

Mr. Stolarsky said the barrier will be included in the site plan submitted for the Commission's approval.

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the cross access variance.

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

Motion Carried

COUNCIL REFERRAL:

8. Correspondence from Planning Director Frankland regarding amending Section 1424.11(b)(3) of the Building and Housing Code to modify plans examiner fees

A public hearing was scheduled. Councilman Bentley opened the public hearing.

There were no comments from the audience.

Councilman Bentley closed the public hearing.

Motion by Mr. Mazur, seconded by Mr. Newberry to recommend approval to Council to amend Section 1424.11(b)(3) of the Building and Housing Code to modify plans examiner fees.

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

Motion Carried

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

COMMENTS FROM THE COMMISSION

Mr. Newberry encouraged everyone to vote on March 17th.

Mayor Kraus is looking forward to the 200 Projects for 200 years bicentennial event on March 12th.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:48 P.M.

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

Motion Carried

Chairman

Secretary