

**SOLON PLANNING & ZONING COMMISSION
JULY 14, 2020 – 7:00 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 Letourneau

Absent: None

Also Present*: Director of IT Gibbs, Assistant City Engineer Lyndon, Inspector Eisenhuth

*Due to the COVID-19 health crisis all those present appeared via video connection.

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.

Due to the COVID-19 health emergency, the general public was not permitted to attend, however, were invited to phone-in to provide comments.

PENDING:

1. 6130 Kruse Drive – L & Y Properties-Solon, LLC - site plan: Councilman Bentley advised the Safety and Public Properties Committee provided its recommendations. He said any issues have been resolved.

NEW:

2. 34570 Aurora Road – Solon Medical LLC – Lot split/consolidation: Councilman Bentley said the applicant proposes to consolidate the lots and split them into two lots for two medical offices. A public hearing will be scheduled.

3. 5210 Ramblewood Court – Michael Grossberg – side yard pavement setback variance: Councilman Bentley advised the Engineering Department recommended an easement agreement to address an existing storm sewer on the south side of the property that connects to a drain.

In response to Mr. Mazur's questions regarding construction progress on the property and contractor registration, Mr. Lyndon said the contractor is registered and has only placed stone to outline the layout. Mr. Mazur questioned if he applied for a permit and Mr. Lyndon said he applied, however, there was miscommunication regarding permit approval. Further research determined a variance was necessary.

4. 33025 Aspen Glen Drive – Barry & Karen Freeman – plat modification: Councilman Bentley asked if an easement is necessary and it was determined it was not necessary and that a restriction is in place to prevent access from the rear of the properties to the greenbelt area.

5. 38155 Pettibone Road – David & Shari Spicer – accessory structure area and height variances: Mr. Stolarsky said correspondence was received from a neighbor indicating no objections. It was clarified by Mr. Lyndon that a final inspection will ensure drainage is properly maintained.

6. 33290 Bainbridge Road – PVAVC, LLC – wall sign area variance: Mr. Newberry requested clarification regarding which side of the building the wall sign will appear. Mr. Mazur said it will be located on the rear of the building and is visible, however, questioned if it will be illuminated.

Ms. Jacqueline Ward, KIM Group, LLC, was present representing the applicant and advised the sign will not be illuminated.

8. 35875 Michael Drive – Brian Glazen – rear yard setback variance: Councilman Bentley advised Mr. Glazen, who was present, that correspondence was received from Mr. Dan Holub, an adjacent neighbor regarding location of the property line.

Mr. Glazen explained he and Mr. Holub located one property pin, however, a plat map was used to determine the property line. Mr. Glazen said the construction is within the property line identified by Mr. Holub. Mr. Glazen said he also re-located a fire pit Mr. Holub said was over the property line.

Councilman Bentley believes it is important to identify the property line. He questioned if a survey is necessary.

Mr. Mazur questioned when the fire pit and fence was installed. Mr. Glazen said he installed the fire pit approximately three years ago and did not realize it was on the neighbor's property, however, it was re-located. Mr. Glazen believes the fence is on his property.

The need for a survey was discussed. Mr. Greenspan believes there is no issue if the two neighbors agree on a location for the property line.

Mr. Mazur suggested that as a contingency to approval, Mr. Glazen obtain a written agreement of the property line location from Mr. Holub to be provided to the Clerk of Council before the July 20th Council meeting.

The caucus ended at 7:27 P.M. and the meeting began at 7:28 P.M.

CHANGES TO THE AGENDA:

Councilman Bentley said there were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

Mr. Dan Holub, 7280 Liberty Road, phoned in comments regarding Item 8, a setback variance requested by Brian Glazen located at 35875 Michael Drive. Mr. Holub advised he sent a letter indicating he does not object to the variance, however, there is concern about the property boundary. He spoke with Mr. Glazen who assured Mr. Holub he will resolve the construction issues occurring on Mr. Holub's property. Mr. Holub asked for assurance of the property boundary considering the close proximity of the construction to his property.

Councilman Bentley said the Commission discussed the concerns in Caucus. He was told Mr. Glazen and Mr. Holub walked the property together and that Mr. Holub was satisfied with their determination of the property line location.

Mr. Holub said he made an assumption of the property boundary and questioned if the applicant needs to identify the property line. He would appreciate locating both property pins, as only one property pin was located. Mr. Holub viewed the property boundary on a GIS map and noted the location of a fire pit. He said the contractor used the County's mapping to obtain measurements from the structure of the house to determine the property line.

Mr. Stolarsky said any construction must occur on the applicant's property. He asked Mr. Holub if the applicant indicated the location of the construction. Mr. Holub said yes and the construction has begun for a pool. He wants to ensure the entire project will be on the applicant's property. He does not want to address an encroachment on his property should he decide to sell his property in the future.

Mr. Stolarsky believes either a survey or a more definitive showing of the property might be necessary.

Mr. Brian Glazen was present.

Mr. Glazen said one pin was found and he will use a metal detector to attempt to find the other pin. Mr. Holub agreed with the idea. Mr. Glazen said if he and Mr. Holub can identify the pin location and property line, would this be satisfactory to the Commission if Mr. Holub concurs.

Mr. Stolarsky said it would be satisfactory if Mr. Holub's agreement was made in writing or in an email as a contingency to approval and provided to the Clerk of Council for the July 20th Council meeting.

Mr. Lyndon referred to the Engineering Department's memo for this item which included the original lot topography when the house was built. He questioned if a property pin on the western corner will be found without a survey as the original lot topography documents states a PK nail was set in a northerly root of a tree. He said if the tree still exists, the root may have encompassed the nail or might have fallen out, however, it may still be in the root.

Councilman Bentley recommended any agreement between Mr. Glazen and Mr. Holub regarding the property boundaries be provided to the Clerk of Council to be considered by the Council. Mr. Stolarsky requested the agreement be in written form.

MINUTES:

Motion by Mr. Newberry, seconded by Mayor Kraus to approve the minutes of the June 23, 2020 meeting as presented.

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

Motion Carried

PENDING:

1. 6130 Kruse Drive – L & Y Properties-Solon, LLC 026-2020 6
 - Site plan

Councilman Bentley said the applicant is requesting a drive through for the Panera Restaurant on Kruse Drive.

Mr. Darrell Young, Darrell A. Young Enterprises, LLC and Mr. Art Lawrence, Cleveland Commercial Group, were present representing the applicant. Mr. Young expressed appreciation for approval of the zoning issue permitting a drive through on his property. He thanked Mr. Frankland for his guidance.

Mr. Young referred to Exhibit K, the revised site plan, depicting improvements recommended by City departments involving improved graphics, pavement markings, signage, relocation of the existing trash enclosure and a clear depiction of the ordering system. Mr. Young said the Safety and Public Properties Committee recommended approval of the site plan contingent upon Panera's agreement to direct vehicles to parking areas in the rear or Panera team members to bring orders to the vehicles to improve traffic flow and avoid back up onto Kruse Drive. Mr. Young said he provided Panera's agreement from Mr. Robert Fiorino, CFO of Covelli Enterprises, to the Planning Director.

Mr. Young explained as a further improvement, Panera requested their architect to add a doorway directly from the drive through addition to provide team members efficient access to the vehicles to keep traffic moving. Mr. Young said Panera contacted him requesting to reserve two parking spaces for customers waiting for food in the parking area adjacent to the drive through to improve traffic flow. Mr. Young provided a data comparison of the proposed drive through to the existing Starbucks and Chick-fil-A drive throughs.

Mr. Mazur questioned the proposed door and said it is not on the drawing. Mr. Young said the door was proposed by Panera yesterday. Mr. Young identified the proposed location of the door as part of the addition and noted the intent is immediate access to waiting customers.

Mr. Lawrence advised the door was discussed by the Safety and Public Properties Committee and is intended for a significant back up of cars.

Mr. Mazur asked if the door will be located after the order board in the drive through and Mr. Lawrence said yes and an employee will designate vehicles to the two designated parking spaces. Mr. Young said the location has not been determined, but suggested either to the right of the drive through or at the rear of the building, which was suggested by the Safety and Public Properties Committee.

Mr. Lawrence said the committee did not suggest the two parking spaces, but rather moving them to the rear of the building. Mr. Mazur questioned how the employee will reach the rear lot and Mr. Lawrence said through an existing door. Mr. Mazur asked that any proposed door be included on the drawing to clarify the process.

Mr. Young said all doors will be included on plans that will be submitted for the permit.

Mr. Frankland said when a door is added, it can be presented to the Planning Commission as a minor alteration.

Councilman Bentley agrees with the addition of the door and believes the two designated parking spaces in the rear is appropriate as the rear lot is not often used.

Mayor Kraus supports the plan and thanked Solon voters for also supporting the plan. He commended the applicant for their presentation at the Safety and Public Properties Committee meeting.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the revised site plan contingent upon recommendations outlined in the July 9, 2020 memo from the Safety and Public Properties Committee.

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

Motion Carried

Mr. Young said he will provide the drawing with the additional door. Mr. Frankland said it will be presented as a minor alteration.

NEW:

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| 2. | 34570 Aurora Road – Solon Medical LLC
PP#'s 954-29-027, 954-29-029, 954-29-030, 954-29-031, 954-29-032
▪ Lot split/consolidation | 028-2020 | 6 |
|----|--|----------|---|

Mr. Leon Simpat, LS Architects, was present representing the applicant.

Motion by Councilman Newberry, seconded by Councilman Bentley to schedule a public hearing for July 28, 2020.

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

Motion Carried

3. 5210 Ramblewood Court – Michael Grossberg 029-2020 4
▪ 4' side yard pavement setback variance

Ms. Renee Milevoj and Mr. George Beros, Synchronous Construction, were present representing the applicant.

Ms. Milevoj explained the applicant is requesting to install a concrete pad to extend the driveway for additional parking. She explained an underground waterline was discovered and noted a similar variance was granted to a neighboring property due to a similar situation. Therefore, the applicant is requesting a variance to place the concrete pad closer to the property line.

Councilman Bentley referred to the Engineering Department memo regarding a survey for an existing storm sewer that connects a drain in the rear and a neighboring property owner's driveway expansion. Ms. Milevoj and Mr. Beros advised they are aware of the memo. Ms. Milevoj said a survey was completed last week and the information will be forwarded to the City.

Mr. Lyndon acknowledged the survey was completed. The City obtained an easement from the neighboring property when they expanded their driveway and a variance was granted. He said he spoke with this property owner about obtaining an easement and they agreed. An easement document will be prepared and signatures obtained by the property owner. The document will be recorded to allow the City to maintain the existing storm sewer in the back yard. Mr. Lyndon requested the easement be a contingency as part of the approval.

Mr. Beros advised the applicant indicated his support.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve the 4' side yard pavement setback variance contingent upon an executed easement agreement as recommended by the Engineering Department.

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

Motion Carried

4. 33025 Aspen Glen Drive – Barry & Karen Freeman 030-2020 4
▪ Plat modification (fence in green belt)

Mr. Barry Freeman was present and explained the request to complete a fence built in 2005 for privacy. He said the property to the rear was developed and trees were removed. Mr. Freeman referred to the drawing and explained a possible modification to the fence to avoid the greenspace.

Mr. Newberry believes the modification would not change the request, as part of the fence will still be within the easement.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the plat modification for a fence in a green belt easement.

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

Motion Carried

5. 38155 Pettibone Road – David & Shari Spicer 031-2020 3
- 360 sq ft accessory structure area variance
 - 2' 6" accessory structure height variance

Mr. David Spicer was present.

Councilman Bentley said the request is to install a shed in the rear yard. He advised correspondence was received from a neighbor indicating their support.

Mr. Spicer said the request is to place the shed closer to the property line to maintain the view of the back yard due to the height and noted that the shed is larger than Code permits.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 360 sq ft accessory structure area variance.

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

Motion by Mr. Greenspan, seconded by Mr. Newberry to approve a 2' 6" accessory structure height variance.

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

6. 33290 Bainbridge Road – PVAVC, LLC 032-2020 6
- 28 sq ft wall sign area variance

Ms. Jacqueline Ward, KIM Group, LLC, was present representing the applicant and explained the request to install a non-illuminated sign facing Station Street for visibility.

Mr. Newberry questioned the accuracy of the location of the sign being located on the rear side of the building facing Solon Road based on his review of the plan. Ms. Ward clarified that is the correct location request for the sign.

Mr. Newberry questioned if the request is an additional sign. Mr. Frankland explained one wall sign and one ground sign is permitted. He said the wall sign can be located on the front of the building or over a main entrance. It was clarified there is an existing monument sign on Bainbridge Road.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 28 sq ft wall sign area variance.

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

7. 5823 Richmond Road – Mike McDermott 033-2020 5
- 220 sq ft detached garage area variance
 - 2' 6" detached garage height variance
 - Detached garage location variance

Mr. Mike McDermott and Ms. Diane Bija, New Creation Builders, were present. Ms. Bija explained the plan to build a 40' x 28' accessory building and the need for a garage height and garage area variance.

Mr. Stolarsky explained the location area variance is necessary for placement in the front of the property.

Councilman Bentley noted the property is a flag lot and is difficult to improve. He added that a letter of support was received from a neighbor.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 220 sq ft detached garage area variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 2' 6" detached garage height variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a detached garage location variance.

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

Motion Carried

8. 35875 Michael Drive – Brian Glazen 034-2020 1
- 11' ~~13'~~ rear yard setback variance

Mr. Brian Glazen was present.

Councilman Bentley said this item was discussed at length in caucus. He said the applicant's neighbor, Mr. Holub, phoned in comments earlier in the meeting. It was determined to modify the rear yard variance from 13' to 11'. In addition, Mr. Glazen and Mr. Holub will attempt to locate a second property pin to confirm the property line location, and if they are in agreement, Mr. Holub will provide his written agreement to the Clerk of Council for the July 20th Council meeting.

Mr. Glazen agreed.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve an 11' rear yard setback variance contingent upon agreement of the property line location by Mr. Glazen and Mr. Holub and Mr. Holub's written agreement of the property line location be provided to the Clerk of Council.

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

Motion Carried

9. 36460 Churchill Drive – Khaled Hemdanie 035-2020 4
- 442 sq ft accessory pavement area variance

Mr. Khaled Hemdanie was present. Councilman Bentley explained the plan to extend an existing driveway for additional parking area.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 442 sq ft accessory pavement area variance.

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

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no phone-in comments.

COMMENTS FROM THE COMMISSION:

Mr. Newberry urged everyone to follow recommended safety guidelines.

Councilman Bentley agreed.

Mayor Kraus thanked everyone for their efforts with this evening's lengthy Planning Commission agenda.

Mayor Kraus urged everyone to take necessary safety precautions.

Motion by Mr. Newberry, seconded by Mr. Mazur to adjourn the meeting at 8:34 P.M.

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

Motion Carried

Chairman

Secretary