

OLON PLANNING & ZONING COMMISSION
January 12, 2021 – 7:15 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 Information Technology Gibbs, Assistant City Engineer Lyndon, Councilman Pelunis, Fire 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.

COUNCIL REFERRALS:

1. Proposed amendment to Section 634.10 of the General Offenses Code, Power Equipment and Hand Tool Limits (Noise Regulations): A public hearing is scheduled.

PENDING:

3. 5730 Elm Hill Drive – Mary Shuman - 25% uniform fence opening variance: An email was received from the applicant indicating they will change the fence, therefore, the variance is no longer necessary.

Mr. Samuel Crea, GFC & Supply, Inc. dba Jackson Fence Company, was present representing the applicant and explained they will install semi-privacy fencing around the yard.

The Commission agreed a 25% opening is necessary. Mr. Stolarsky said the Commission may accept the applicant's withdrawal during the meeting.

4. 6722 Ayleshire Drive – Jaskirat and Jasdeep Sohi - 25% uniform fence opening variance: Mr. Sohi was present. Mr. Bentley said as with Item 1, he will only support a 25% opening. Mayor Kraus believes this application differs from Item 1.

5. 32317 South Roundhead Drive – John and Nadine Otterman – accessory pavement setback variance: Ms. Otterman was present and acknowledged an agreement has been reached with the neighbor.

NEW:

8. 5305/5315 Fairfield Oval – 951-40-004 & 951-40-005 – Susanne Svette - Estate of Robert Sundheim – lot consolidation and accessory structure variances: A public hearing will need to be scheduled and variances will be discussed at that time.

Mr. Richard Chandler, 5315 Fairfield Oval, was present representing the applicant. Mr. Chandler referred to a memo from the Planning Department indicating an approximately 2,000 sq. ft. accessory structure area variance. He said the structure is less than 600 sq. ft. and requested clarification of the calculation. Mr. Stolarsky requested Mr. Chandler contact Mr. Parks in the Planning Department. Mr. Chandler left the meeting.

9. 38600 Bainbridge Road – CEI/First Energy/AT&T - site plan (cell tower modification): A public hearing will be scheduled.

12. 6030 Enterprise Parkway – KFC Taco Bell – Mitra QSR KNE, LLC - Solon West, LLC - color variance, number of wall signs variance (to permit 1 additional) and site plan: Mr. Mazur questioned if the work being done at the site is complete.

Ms. Ashley Wasson, Mark D. McCluggage, AIA, CCA, was present representing the applicant. Ms. Wasson said the work is not complete yet, however, as there are separate permits, work on the interior portion continues.

Mr. Mazur believes the outside appearance has changed. Ms. Watson was unsure and said she was not on site.

Mr. Frankland reported the permit currently issued was for interior work only.

Mr. Mazur said the copula has been removed and the building has been painted.

The caucus ended at 7:32 P.M. and the meeting began at 7:32 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments regarding agenda items.

COUNCIL REFERRAL:

1. Proposed amendment to Section 634.10 of the General Offenses Code, Power Equipment and Hand Tool Limits (Noise Regulations)

A public hearing was scheduled.

Councilman Bentley opened the public hearing and asked for comments.

Mr. Frankland explained the proposed amendment identifies a potential loophole in Section 634.10 of the General Offenses Code regarding noise limitations. He said there are currently noise limitations that address playing music, commercial construction work and other items. He said noise disturbances for small residential machines and power tools in residential areas are not addressed.

Councilman Bentley was contacted by Councilman Zelwin who provided the example of needing to snowplow a driveway at 6:00 A.M. before going to work. Mr. Frankland advised emergency issues can be considered and added to the amendment. He said limitations could be added for weekdays and weekends.

Mr. Stolarsky cautioned against verbiage that could be unenforceable. He suggested the Commission reconsider the proposed penalty. Mr. Frankland said the penalty applies to the current list of tools in the section.

Councilman Bentley believes the 8:00 A.M. start time is appropriate and asked for suggestions for an end time. Mr. Newberry agreed with a 9:00 P.M. end time. Mr. Greenspan referred to summer hours and noted residents like to begin early in the morning due to warmer temperatures.

Mr. Frankland said currently commercial construction projects are limited from 7:00 A.M. to 7:00 P.M.

Mr. Greenspan said in regard to commercial and residential, Section B references 634.08, indicating 7:00 A.M to 7:00 P.M. He said the City projects also occur in residential zoning districts and are addressed in Section 634.08.

Mr. Newberry asked if the issues concern home remodeling or private use of tools and equipment, could it be addressed in the ordinance to distinguish between residential and commercial construction.

Mr. Mazur asked if there will be conflict for other ordinances such as rubbish collection. Mr. Frankland said it is for private property and would not affect City projects. Mr. Frankland said the main issues concern noise from lawn mowers, chain saws, tools, etc.

Mr. Mazur supports an 8:00 A.M. start time and a 9:00 P.M. end time.

In regard to Mr. Newberry's comments, Mr. Stolarsky said some ordinances address time limits using a half hour before sunrise and a half hour after sunset.

Mr. Frankland will speak with Mr. Stolarsky to discuss the items considered at this meeting.

There were no additional comments, however, Councilman Bentley said the public hearing will remain open.

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 1.

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

Motion Carried

2. Proposed amendment to Section 1288.04(3)(d) entitled "Non-Commercial Opinion Signs" of the Zoning Code

Councilman Bentley said this item is still under review by outside legal counsel.

Motion by Mr. Newberry, seconded by Mr. Greenspan to table consideration of Item 2.

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

Motion Carried

PENDING:

3. 5730 Elm Hill Drive – Mary Shuman 2020-00066 5
 - 25% uniform fence opening variance

The applicant requested this item be withdrawn as a new plan was determined that conforms to the Code.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of Item 3.

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

Motion Carried

4. 6722 Ayleshire Drive – Jaskirat and Jasdeep Sohi 2020-00067 6
 - 25% uniform fence opening variance

Mr. Sohi was present and explained the request to install a privacy fence to screen his rear yard from the view of the cul-de-sac for safety and privacy reasons. Mr. Sohi indicated the location of the fence on the plan and indicated the existing trees provide little privacy, particularly in winter.

Councilman Bentley prefers a 25% opening as there are trees to aid in privacy.

Mayor Kraus supports the variance to provide privacy from the sidewalk and as the fence does not encompass the entire yard, the police will have access to the other side of the fence. Mayor Kraus said the homeowners association approved the request.

Mr. Mazur asked what color fence is requested. Mr. Sohi said white. Mr. Mazur suggested a less contrasting color such as brown. Mr. Sohi indicated he will look into another color. Mr. Mazur asked about the current screening. Mr. Sohi said he erected a temporary fence that he can remove.

Mr. Mazur prefers a 25% opening to accommodate the Police Department.

Mr. Greenspan does not object to the variance and said it is similar to past approvals.

Mr. Newberry said there was a coniferous barrier years ago, however, that has changed over the years. Mr. Newberry supports the variance.

Mr. Stolarsky asked Mr. Lyndon if the easement issue in the Engineering Department's memo was addressed. Mr. Lyndon spoke with the applicant regarding the location of the easement in which the applicant was advised that the utility companies have rights to remove the fence if needed.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 25% uniform fence opening variance.

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

Motion Carried

5. 32317 South Roundhead Drive – John and Nadine Otterman 2020-00070 2
 ▪ 15' accessory pavement setback variance

Ms. Nadine Otterman was present. Councilman Bentley is pleased an agreement was reached with the neighbor. Ms. Otterman indicated the location of the variance on the plan. In regard to the neighbor's objection, the concerns of the neighbor have been alleviated as noted with the information received from Councilman Pelunis.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve a 15' accessory pavement setback variance.

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

Motion Carried

NEW:

6. 33790 Bainbridge Road – T-Smile Orthodontics 2020-00073 6
 ▪ 15.74 sq ft sign area variance

Mr. Bob Kunzen, Brilliant Sign Electric Company, was present representing the applicant. Mr. Kunzen explained the applicant's request to install a 35.74 sq. ft. sign and said the Code requires 20 sq. ft. He said the additional space will accommodate the logo and if reduced to meet the requirements, the logo would appear odd and not serve its purpose.

Councilman Bentley said the building is set back from SOM Center Road and Bainbridge Road.

Mr. Newberry said he supports the variance.

Mr. Mazur asked if there is signage in the windows. Mr. Kunzen said there is some window signage with 10% coverage. Mr. Mazur asked if the window signage is calculated as part of the request. Mr. Frankland said signage is permitted to cover 25% of each window.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 15.74 sq ft sign area variance.

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

Motion Carried

7. 6130 Kruse Drive – L&Y Properties – Solon, LLC (Panera) 2020-00074 6
▪ Number of walls signs variance (to permit 3 additional)

Mr. Jerry Helsel, CESCO Imaging, was present and explained Panera will be adding a drive-through. They are proposing three identical six sq. ft. illuminated wall signs. One will be located on the front of the existing store frontage, one will be located on the side elevation of the proposed addition and one will be located on the rear south elevation of the addition. Mr. Helsel said it is vital to display the drive through service and conform to the standard national brand six foot drive through sign.

Mr. Mazur questioned the rear sign and asked if it will be confusing for a vehicle entering the drive-through the wrong way. Mr. Helsel said the leaves on the signs are part of the logo and are part of the national brand and may appear as arrows. Mr. Helsel believes the window and drive through elements will be visible to direct vehicles. Mr. Mazur suggested a sign indicating no entry may eliminate any confusion. Mr. Helsel said Panera does have directional signage as part of the site plan.

Mr. Helsel estimated the opening of the drive through in about four weeks.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a number of walls signs variance (to permit 3 additional).

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

Motion Carried

8. 5305/5315 Fairfield Oval – 951-40-004 & 951-40-005 2020-00075 5
Susanne Svette - Estate of Robert Sundheim
▪ Lot consolidation
▪ 2,709 sq ft accessory structure area variance
▪ Accessory structure location variance
▪ 1' accessory structure height variance

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for January 26, 2021.

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

Motion Carried

9. 38600 Bainbridge Road – CEI/First Energy/AT&T 2020-00076 3
 ▪ Site plan (cell tower modification)

Motion by Mr. Newberry, seconded by Mr. Greenspan to schedule a public hearing for January 26, 2021.

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

Motion Carried

10. 33695 Bainbridge Road – KMC Real Estate Holdings LLC/
 Philip Bomeli 2020-00077 6
 ▪ 23 sq ft sign area variance (Solon Orthodontics)
 ▪ 18 sq ft sign area variance (Solon Family Dental)

Mr. Dustin James, Advanced Installation and Sign, was present representing the applicant.

Exhibit C was displayed and Mr. James explained the applicant's request to install signage on the side of the building. He said the property is located in the historic district and the proposed signs do not meet Code requirements of 20 sq. ft. He said the applicant believed the 20 sq. ft. requirement did not meet the visibility they desire. Mr. James noted two businesses are located in the building.

Councilman Bentley said the building is perpendicular to the road.

Mr. James said there is no signage on the front of the building. The signs will provide visibility for those traveling westbound on Bainbridge Road. He said the monument sign may be obscured by an abutting wooded area.

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve a 23 sq ft sign area variance (Solon Orthodontics).

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

Motion Carried

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve an 18 sq ft sign area variance (Solon Family Dental).

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

Motion Carried

11. 36920 Bainbridge Road – Ronald White 2020-00078 3
 ▪ Accessory structure location variance
 ▪ 22 sq ft accessory structure area variance
 ▪ 20' side yard setback variance

Mr. Ron White was present and explained the request to install a shed in the rear yard for storage purposes. He explained the proposed location is due to a heavily wooded yard and sloped topography.

Councilman Bentley said the proposed size of the shed is 11'x17'.

Exhibit H was displayed. Mr. Newberry prefers the shed be positioned more to the west and as far south as possible. Councilman Bentley did not agree as it will then be located in the front yard. Mr. Newberry said he would like the front of the shed as close to the front of the garage as possible. Mr. White said he spoke with the neighbors and they agreed the proposed location is the best location.

Mr. Mazur asked the color of the proposed shed. Mr. White responded it is bluish-grey in an effort to match the house.

Mr. Mazur suggested adding landscape screening to hide the shed from the street as much as possible. Mr. White agreed.

Motion by Mayor Kraus, seconded by Mr. Mazur to approve an accessory structure location variance.

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

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a 22 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 20' side yard setback variance.

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

12. 6030 Enterprise Parkway – KFC Taco Bell – Mitra QSR KNE, LLC 2020-00079 6
Solon West, LLC
- Color variance
 - Number of wall signs variance (to permit 1 additional)
 - Site plan

Ms. Ashley Wasson, Mark D. McCluggage, AIA, CCS, was present representing the applicant.

Exhibit K, the elevations plan, was displayed. The color of the awning is proposed as red and an additional sign is proposed for Taco Bell on the drive through to follow prototype standards.

As discussed in Caucus, Mr. Mazur said much exterior work has been completed on the building prior to site plan approval. Ms. Wasson spoke with the construction manager who indicated paint and demolition were started to be completed by spring. She said modifications can be made.

Mr. Mazur questioned if a permit was issued for the exterior work. Mr. Frankland said a permit was issued, however, for interior work only.

Mr. Mazur understood the circumstances, however, the exterior work should be inspected. Mr. Frankland said the Building Department will do the inspection. Mr. Mazur believes the new rendering is more aesthetically pleasing.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a color variance.

Mr. Frankland clarified the color variance is for anything on the building that is not earth tone, which are the purple band and red awnings.

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

Motion by Mayor Kraus, seconded by Mr. Newberry to approve a number of wall signs variance (to permit 1 additional).

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

Motion by Mr. Mazur, seconded Mr. Greenspan to approve the site plan.

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

BOARD OF ZONING APPEALS:

13. Appeal from Attorney Brian Bonham, representing Liberty Investment Group, 32811 Aurora Road, regarding issuance of a zoning violations letter for prohibited property conditions

Motion by Mr. Newberry, seconded by Mr. Mazur to table consideration of Item 13.

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:

In turn, members of the Commission and Administration wished everyone Happy New Year.

Mayor Kraus wished everyone Happy New Year.

Mayor Kraus said the Administration has been working with the Cuyahoga County Board of Health to roll out the COVID-19 vaccine distribution. He said it is a long process and many on the safety forces who are in Phase 1A have received the inoculation. He will continue to update everyone and asked residents to be patient.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at
9:02 P.M.

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

Motion Carried

Chairman

Secretary