

**SOLON PLANNING & ZONING COMMISSION**  
**August 10, 2021 – 7:30 P.M.**

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

Present: Commission Members Greenspan, Mazur, Newberry, Councilman Bentley, Mayor Kraus (entered at 7:41 P.M.), Assistant Law Director Stolarsky, Planning Director Holloway, Secretary Letourneau

Absent: None

Also Present: Fire Inspector Eisenhuth, Director of Senior Services Frankel, Assistant City Engineer Lyndon, Director of Recreation Parker

**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. He explained to the applicants the procedures that take place during the meeting when they present their applications. Councilman Bentley also explained that if their application includes a memo from the Engineering Department, they will be asked to agree to the requirements of that memo prior to the Commission voting.

Due to Mayor Kraus' absence, Mr. Stolarsky explained in order for an application to be approved, it will need the affirmative vote of three of the four voting members. Therefore, if an applicant believes they would benefit from a full Commission, they may choose to table their item until the next meeting.

**NEW:**

3. 31385 Elm Hill Drive – Mickhal Garrett – number of accessory structures variance (to permit 2) and a driveway material variance: Councilman Bentley noted that the applicant was not present. He explained that the Code does not permit businesses to be operated out of garages.

6. 7550 Liberty Road – Evan and Stefanie Finley – fence height variance and uniform aggregate fence opening variance: Councilman Bentley said the Code requires a 25% aggregate fence opening in order to see behind a fence in an emergency situation for the City's safety forces. He said he agrees with the Police Chief in matters like this and will likely vote no.

Mr. Mazur said a variance for this type of fence was recently granted because it did not surround and enclose the property so the yard was still accessible. He reviewed a photograph of the requested fence. Mr. Mazur said he will consider this fence since it is only a straight line fence and is not surrounding anything.

7. 33275 Aurora Road – KeyBank NA – building color variance: Councilman Bentley explained the applicant wants to add an illuminated red striping around the ATM/tellers canopy.

Councilman Bentley said the variance is necessary because the Code requires earth tone colors and red is not considered an earth tone color.

Mr. Stolarsky said red is KeyBank's corporate color.

Councilman Bentley has issues with this request because it is red and it will be illuminated. He does not want to set a precedent with approving colors that are not permitted in the Zoning Code. He is concerned that it will not blend with the other earth tones throughout the City. He questioned if the color could be toned down to give more of a brick/brown color.

Mr. Bob Kunzen, Brilliant Sign, was present representing the applicant and explained this is KeyBank's corporate color and used throughout the country.

Mr. Greenspan said he sees the color red on many other buildings in Solon such as on awnings, signs, etc.

Mr. Newberry has no issues with the request as he agrees with Mr. Greenspan that there are many items in the color red elsewhere in Solon. He feels this is an effort to update a building in need of updating.

8. 5680 Janet Boulevard – George L. Berry – accessory structure location variance: Councilman Bentley explained this project was started by a contractor without permits and then the contractor abandoned the job and never finished the project.

Mr. Newberry said the applicant is also requesting relief from any penalty associated with the project for beginning work without permits. He feels penalty relief is directed by the Mayor and the Building Department.

Mr. Lyndon said the Engineering Department has also been involved with penalty relief situations. He will discuss this with the applicant and bring it to the attention of the Mayor.

The caucus ended at 7:24 P.M. and the meeting began at 7:34 P.M.

Councilman Bentley welcomed Mr. Ashley Holloway, the new Director of Planning and Community Development.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE REGARDING AGENDA ITEMS:

There were no comments from the audience.

MINUTES:

Motion by Mr. Mazur, seconded by Mr. Greenspan to approve the minutes of the July 27, 2021 meeting as presented.

Roll Call: Aye: Bentley, Mazur, Newberry

Nay: None

Abstain: Greenspan

Motion Carried

Although Mayor Kraus was expected to attend the meeting later, Mr. Stolarsky explained in order for an application to be approved, it will need the affirmative vote of three of the four voting members until the Mayor's arrival. Therefore, if an applicant believes they would benefit from a full Commission, they may choose to wait until the Mayor arrives or table their item until the next meeting.

PENDING:

1. 6020 Enterprise Parkway – WOMOB Fresenius Solon, LLC  
PCPC 2021-00147 0 Ward 6
  - 10' front yard setback variance
  - Color variance

Mr. Rory Haessly, Hill Street Construction, was present representing the applicant. Mr. Haessly explained the request to add blue awnings to the building to provide shelter to patients at the front entrance. He noted many patients have mobility issues. He said two other awnings are proposed at the employee entrance and the delivery entrance.

A site plan was displayed. Councilman Bentley explained the setback variance is necessary because the awning will not meet the required setback and the color variance is needed because blue is not an earth tone color.

Mr. Mazur questioned if signage will be on the awning. Mr. Haessly said a logo will be on the front of the awning and that blue is a corporate color.

Mr. Mazur asked if the Ohio Renal Care sign will be changed. Mr. Haessly said no.

Mr. Mazur asked why only one bollard is shown and Mr. Haessly said it is the flow of traffic.

Mayor Kraus entered the meeting at 7:41 P.M.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 10' front yard setback variance.

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

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

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

NEW:

2. 6590 SOM Center Road - Cathy Lawrence  
PCPC-2021-00163 - Ward 7
  - 1,530 sq ft accessory pavement area variance
  - 5' side yard setback variance

The applicant was not present.

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

3. 31385 Elm Hill Drive - Mickhal Garrett  
PCPC-2021-00164 - Ward 5
  - Number of accessory structures variance (to permit 2)
  - Driveway material variance

The applicant was not present.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 3.

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

4. 5465 SOM Center Road - Karim Aouadi  
PCPC-2021-00165 - Ward 4
  - 72 sq ft accessory structure area variance

Mr. Aouadi was present. He explained his current shed cannot accommodate the equipment necessary for his large yard, therefore, he requests a larger shed. He said it will be screened by trees and will not be visible.

The site plan was displayed.

Mr. Mazur asked if Mr. Aouadi read the memo from the Engineering Department and if he agreed to the requirements listed in the memo. Mr. Aouadi said yes.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 72 sq ft accessory structure area variance contingent upon requirements listed in the August 5, 2021 Engineering Department memo.

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

Motion Carried

As neighbors were in attendance for Item 3, they were advised to return for the next meeting to make comments.

5. 37710 Flanders Drive - Timur Azhibekov  
PCPC-2021-00166 - Ward 3
- Accessory structure location variance
  - 20' rear yard setback variance

Mr. Azhibekov was present and displayed the site plan. Mr. Azhibekov explained the request to expand an existing patio to the left by adding a pergola and wood burning fireplace and to replace pavement. He said the expansion will abut a wooded area.

Mr. Mazur asked if Mr. Azhibekov read the memo from the Engineering Department regarding drainage around the patio and if he agreed to the requirements listed in the memo. Mr. Azhibekov said yes.

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

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

Motion Carried

Motion by Mayor Kraus, seconded by Mr. Greenspan to approve a 20' rear yard setback variance contingent upon requirements listed in the August 5, 2021 Engineering Department memo.

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

Motion Carried

6. 7550 Liberty Road - Evan and Stefanie Finley  
PCPC-2021-00167 - Ward 1
- 2' fence height variance
  - Uniform aggregate fence opening variance

Ms. Stefanie Finley was present and displayed the site plan. She explained the request for a partial fence to screen the back yard from the neighbor's yard and control her dogs from barking. She said the fence is 6' high with 2' of lattice on top.

Mr. Stolarsky said a letter was received from the most affected neighbor and that the lattice by definition is part of the fence height.

Councilman Bentley said the required aggregate fence opening is to allow visibility for the Police Department. He said he spoke with Chief Tonelli who does not approve of the fence with no opening, therefore, Councilman Bentley will not support the variance.

Mr. Newberry said this fence is linear and is for a small portion of the yard. He said the police will be able to get around the fence, therefore, he supports the variance.

Commission members Greenspan and Mazur and Mayor Kraus indicated they will support the variance as it is a partial fence.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 2' fence height variance.

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

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

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

7. 33275 Aurora Road - KeyBank NA  
PCPC-2021-00168 - Ward 6
  - Building color variance

Mr. Bob Kunzen, Brilliant Sign, was present representing the applicant. Mr. Kunzen explained the request to install a red illuminated accent band to highlight the drive-thru and ATM for the bank.

Mr. Mazur asked if the color will be the same on the parapet. Mr. Kunzen said yes but may change a little when illuminated.

Councilman Bentley questioned the illuminated red color and when it will be illuminated. Mr. Kunzen said it will be face lit similar to a channel letter sign. He was unsure if it will be illuminated 24 hours per day, but will add security in the evening.

Councilman Bentley does not agree with the illumination. He believes the Code should be followed and that a precedent could be set. He questioned if the applicant would consider darkening the red closer to a brick color. Mr. Kunzen said discussion is a possibility but does not follow the colors of KeyBank. He said the bands are 6" tall and are a small percentage of the building.

It was noted the red color has been approved prior.

Mr. Greenspan asked if the material will be painted and not reflective. Mr. Kunzen said it will be face-lit red when illuminated.

Mr. Newberry advised the channel, face and LEDs are red. He understands setting a precedent, but finds it is minor for the building and fits the corporate identity. He believes it will not be intrusive or counter to the intent of the Code.

Mr. Greenspan agreed.

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

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

Motion Carried

8. 5680 Janet Boulevard - George L. Berry  
PCPC-2021-00169 - Ward 5
  - Accessory structure location variance

Mr. George Berry was present and explained the request to install a second structure. He said a contractor was paid to pour a concrete pad in the rear yard, however, Mr. Berry lost contact with the contractor and the project was never completed. Mr. Berry said the site is prepared but the concrete was not poured.

Councilman Bentley said an existing shed is on the property, therefore, a variance is necessary.

Mr. Berry said a penalty was given for beginning the project without applying for a permit and asked if it could be waived. He added that he has since applied for the permit.

Mr. Stolarsky explained the Administration will address the penalty.

Councilman Bentley said the Engineering Department will request a waiver of penalty.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an accessory structure location variance contingent upon compliance with requirements listed in the August 5, 2021 Engineering Department memo.

Mr. Mazur asked Mr. Berry if he acknowledges the requirement in the Engineering Department memo and Mr. Berry said yes.

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

Motion Carried

9. 5467 Brainard Road - Matthew Adornetto  
PCPC-2021-00170 - Ward 5
  - 1,200 sq ft accessory pavement area variance
  - Driveway material variance

Mr. Adornetto was present and explained the request for a driveway extension. He displayed the site plan and indicated the location for the extension.

A retaining wall was discussed and it was explained the retaining wall does not need a variance but needs to be approved by a professional engineer.

Councilman Bentley clarified gravel is requested and Mr. Adornetto said there is existing gravel and he wants to continue with the gravel material.

Mr. Newberry said an Engineering Department memo indicated that a driveway permit must be applied for and a professional engineer needs to approve the retaining wall and that the requirements must be satisfied before a permit is issued.

Mr. Adornetto agreed.

Motion by Mr. Newberry, seconded by Mr. Greenspan to approve a 1,200 sq ft accessory pavement area variance.

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

Motion by Mr. Greenspan, seconded by Mayor Kraus to approve a driveway material variance contingent upon compliance with requirements listed in the August 5, 2021 Engineering Department memo.

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

10. Aurora Road - PP#'s 953-02-001 and 953-06-001 - Hawthorne Golf Estates LLC  
PCPC-2021-00171 - Ward 5
- Subdivision plat

Councilman Bentley said information received is not complete and the plat will be referred to committees.

Mr. Stolarsky said a memo from the Engineering Department dated August 5, 2021 requests additional items from the applicant.

Motion by Mr. Newberry, seconded by Mr. Mazur to refer Item 10 to the Safety and Public Properties Committee and Public Works Committee for review.

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

Motion by Mr. Mazur, seconded by Mr. Newberry to place Item 10 on the Inactive Agenda.

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

11. 29500 Solon Road - Swagelok Company  
PCPC-2021-00172 - Ward 7
- Number of ground signs variance

Mr. Michael Nilson, Vocon Partners, LLC, was present representing the applicant. Mr. Nilson explained the request to install an additional ground sign at the main entrance to the property for safety purposes to prevent truck traffic from entering. Trucks will be directed from Cochran Road to F.A. Lennon Drive. Mr. Nilson



explained the proposed sign will match other approved vehicular direction signs, however, is a little shorter as it would be closer to the street to address site line issues, the proposed road widening and proposed trail installation. He said the 10' setback is from the new right-of-way and installation will be delayed until it is completed.

Councilman Bentley asked Mr. Nilson if he agrees to the requirements listed in the Engineering Department memo. Mr. Nilson said yes.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a number of ground signs variance contingent upon compliance with requirements listed in the August 5, 2021 Engineering Department memo.

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

Motion Carried

12. 35000 Portz Parkway - City of Solon  
PCPC-2021-00173 - Ward 6
- Site plan

Recreation Department Director Parker was present and explained the request to construct a covered 20' x 60' permanent structure to replace an existing temporary tent. He said it will serve the programming needs of both the Recreation and Senior Services Departments. Mr. Parker said due to the long-lasting effects of the pandemic, it will allow for outside programs while receiving protection from the elements. He added it will enhance the ability to rent the banquet area for the same reasons. Mr. Parker said the location will be in the rear of the building and not visible from the entrances. He identified the location on the plan displayed.

Motion by Mr. Greenspan, seconded by Mr. Mazur to approve the site plan for 35000 Portz Parkway.

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

Motion Carried

COUNCIL REFERRAL:

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

No new material was received.

Mr. Stolarsky said a meeting was held and he has had contact with Mr. Myers. He believes there will be new information at the next meeting.

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

REFERRAL:

14. Adoption of Zoning Code numbering system only. All code wording remains the same as previously voted upon and approved by City Council.

Councilman Bentley advised the numbering was modified in the Zoning Code.

Motion by Mr. Newberry, seconded by Mr. Mazur to accept the new numbering system in the Zoning Code and refer it to Council for approval.

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:

In turn, members of the Commission welcomed Mr. Holloway and expressed best wishes to Mr. Frankland in his retirement.

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for cell tower modification at 5250 Naiman Parkway.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to schedule a public hearing for cell tower modification at 6801 Cochran Road.

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

Motion Carried

Mayor Kraus welcomed Mr. Holloway and thanked Mr. Frankland for all of his assistance. He said Mr. Frankland will be missed and expressed appreciation for his guidance throughout the years.

Mayor Kraus wished students good luck as they return to school in person. He looks forward to the start of fall sports.

Mayor Kraus encouraged everyone to attend "Shakespeare in the Park" at the Community Park on August 14<sup>th</sup> and 15<sup>th</sup> at 5:30 P.M., held in partnership with Chagrin Arts.

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

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

Motion Carried

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Chairman

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Secretary