

PLANNING & ZONING COMMISSION
September 27, 2011 – 7:00 P.M.

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

Present: Commission Members, Mazur, Newberry, Bentley (entered at 7:10 P.M.), Councilwoman Richmond, Mayor Drucker, Todd Cipollo - Law Department, Planning Director Frankland, Secretary McConoughey

Absent: Law Director Lobe

Also Present: Fire Lieutenant Benedict, City Engineer Busch, Assistant City Engineer Welch

The following items remained on the Inactive Agenda:

- A. Thornbury Subdivision – Forest City Land Group – Dedication Plat for phases 7 and 8
- B. 34050 Aurora Road – BP America – Number of signs variance (to permit 16)
- C. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District

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 Mazur presided.

PENDING:

1. 29605 Aurora Road – 322 & 91 Properties, LLC – Jon Sines – site plan modification to previously approved landscape plan: Mr. Mazur said a revised landscape plan was submitted which included curbing. Upon reviewing further information regarding the sign, two additional variances have been identified; minimum letter height and the number of changeable copy colors.

Mr. Mazur said during a review of the sign information, he recommended to the applicant the base of the sign be changed to look like a traditional monument sign. Mr. Brian Intihar agreed to fill the base of the sign and paint it the same color gray as the building.

Mr. Newberry asked if the applicant submitted an application for the sign variances.

Mr. Frankland said the Commission has the authority to add any additional variances that are determined necessary during the application procedure. He said

the sign was always a part of the original application and the variances are very minimal.

Mr. Mazur said in an effort to expedite the original application, the Commission will move forward with the variances.

2. 33175/33245 Aurora Road – Colton Enterprises (Huntington Bank) – various variances and site plan review: Mr. Mazur said the applicant agreed to the addition of the island at the Safety & Public Properties Committee meeting.

Mr. Mazur asked if Mr. Frankland has reviewed the photometric plan.

Mr. Frankland was unsure if a photometric plan had yet been submitted but he can review the basic information to determine if it meets code standards and the application can still be approved contingent upon approval of the photometric plan by the Planning Department.

The applicant clarified a photometric plan had been submitted.

Mr. Mazur questioned the use of the word exit twice on the same sign and the applicant said it will be corrected. Mr. Frankland suggested an additional contingency requiring the directional signage be approved by the City Traffic Engineer.

3. Appeal to the decision of the Chief Building Official filed by S. Michael Lear on behalf of Mitchell Leventhal, 6630 Cummings Drive: Mr. Mazur said Mr. Leventhal's attorney requested that this item be postponed until October 11th.

4. Willow Street – PP# 956-39-056 – Robert Kucinic – front yard setback variance for new construction: Mr. Mazur said this item will be moved to the Inactive Agenda since it cannot move forward until information from the Army Corp of Engineers is received and reviewed by the Engineering Department.

4a. 33275 Aurora Road – KeyBank – building color variance: Mr. Mazur said KeyBank has agreed to modify the plan and use the same paint color that was previously approved for the awnings. He said it will be appropriate to accept the withdrawal of the original variance and accept the site plan with the modified paint color.

Mr. Frankland said information was received regarding lighting. However, a photometric plan has not yet been reviewed. He suggested the Commission can approve the application with the contingency that the photometric plan be reviewed and approved by the Planning Department.

NEW:

6. 34165 Sherwood Drive – Stephen and Jennifer Sheargold – total amount of accessory pavement variance: Mr. Mazur said the Engineering Department has determined that a grading plan is necessary for this application.

Mr. Stephen Sheargold was present and said his contractor will contact the City to determine what he must submit.

7. Corner of SOM Center Road and Portz Parkway – lot split/consolidation for PP#'s 954-34-015, 954-34-012, 954-34-010, 954-34-011 and 954-35-007 – City of Solon (Solon Library): Mr. Mazur said there have been meetings to assist with determining the location of the lot lines.

Mr. Frankland said he spoke with City Engineer Busch who said the lot line runs through the center of the current house.

Mr. Frankland briefly explained the 4 minor alterations.

The caucus ended at 7:20 P.M. and the meeting convened at 7:30 P.M.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

PENDING:

1. 29605 Aurora Road – 322 & 91 Properties, LLC – Jon Sines 037-2011
 - Site plan modification to previously approved landscape plan

Mr. Brian Intihar was present and said although it has taken some time, he believes they have finally determined the site plan that will be appropriate for both the City and the business owner for the SunMart. He displayed a site plan and indicated the area of the curb cuts and said this will improve the safety issues with the intersection and will still allow the business to operate, especially for diesel fuel. He indicated the location for the new curb cuts and said there will be a means of egress and ingress at the southeast corner of the parcel which will only be utilized to accommodate truck traffic to the diesel island.

Mr. Intihar said they also have a new landscape plan which will work to enhance the corner as well as the other improvements that have been made to the building. There will be new trees planted on the east side of the property and the north corner of the property and beds on either side of the islands.

Mr. Intihar said there are two signs on the property that were utilized by the previous owner which will be removed and one new sign will be installed. He displayed a rendering of the new signage which will be a monument sign on the corner.

Mr. Mazur asked if the new curb cuts would be in compliance with ODOT standards for 6" rolled curbs.

Mr. Intihar believes they will be standing curbs made of concrete and appropriate to deter traffic.

Mr. Mazur said he wished to confirm the landscaped areas and islands will be grass and trees, rather than the mulch that is currently there.

Mr. Intihar said he has not had the opportunity to review the landscape plan since the landscape architect was involved with the changes to the plan in accordance with the City's requirements. He said it appears there will be landscape beds on the western property line and a combination of lawn and plantings on the corner bed.

Mayor Drucker thanked Mr. Intihar for working with the City and improving the corner.

Motion by Mr. Mazur, seconded by Mayor Drucker to reject the original SunMart plan presented at the June 14, 2011 meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

Mr. Mazur said the applicant agreed during the Caucus to have the sign fully enclosed on the bottom with a gray base similar to the building color and making it a true monument sign. He said if the sign is approved, there are two variances associated with it. One variance is a minimum letter height, as the Code requires a minimum of 4" tall letters and the "Java Lane" coffee sign is less than 4 inches.

Mr. Frankland said although the exact measurements are not known, it is a smaller sign plate which is set into the changeable copy sign.

Mr. Intihar displayed a rendering of the proposed sign.

Mr. Frankland said it appears the sign letter height would be approximately 2 inches and it is a sign within a changeable copy sign. He does not believe it is a significant violation of the ordinance.

The second variance is for the number of changeable copy colors.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a minimum letter height variance for the sign.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a variance for the number of changeable copy colors.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

Mr. Intihar displayed a rendering of the sign.

Mr. Mazur said the proposed red and white background are permitted, however, the "Java Lane" portion of the sign contains additional colors. He advised the Commission has the right to address additional variances associated with site plan and application approvals.

Mr. Intihar said it is his belief that the sign and landscaping will be completed by the end of October. The plan also includes the enclosure of the trash receptacle.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan submitted on September 27, 2011 with the following stipulations:

- The landscape island will be surrounded by ODOT-Type 6 concrete curb which is typical standing curb
- All landscape islands and green space areas will consist of a grass lawn unless otherwise specified and approved on the landscape plan
- The directional signage and striping will be installed as recommended by the City's Traffic Engineer
- The final proof and modification of the sign will be approved by the Planning Director

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

2. 33175/33245 Aurora Road – Colton Enterprises - 058-2011
(Huntington Bank)
- 27.9' front yard building setback variance
 - 8' drive aisle width variance – south elevation
 - 8' drive aisle width variance – west elevation
 - 8' drive aisle width variance – north elevation
 - 10' parking lot/drive aisle setback from building variance
 - 25' drive aisle/street access drive setback variance from rear property line
 - Building color variance
 - Number of wall signs variance (to permit four (4) signs)
 - Building material variance
 - Site plan for new building

Mr. Brad Schneider, Architect, Professional Design Group and Mr. Michael Kendall, Consulting Engineer, GBC Design were present.

Mr. Schneider said they presented the application to the Safety and Public Properties Committee and have received their approval for the project.

Mr. Schneider displayed a rendering of the proposed new building and indicated the various elevations.

Mr. Mazur said as a point of reference, this will be on the former Quinn's Restaurant site which has been vacant for several years. He asked Mr. Schneider to explain the driveway access areas as the Commission had concerns.

Mr. Schneider displayed a site plan and said they agreed to add a right-in and right-out sign for the driveway to Aurora Road. He indicated the location on the site plan.

Mr. Mazur said the Traffic Engineer recommended a cross access agreement with the property owner to the north. However, Mr. Schneider said although they tried to engage the owner, they were unable to reach an agreement.

Mr. Schneider said entrances will be from the Shopping Center for access to the front entrance or to access the drive-thru lanes and exit by either turning right on Aurora Road or circle the building to get back on Solon Boulevard or through the back driveway.

Mr. Bentley agreed with the right-turn only onto Aurora Road from a safety perspective.

Mr. Mazur said he appreciated the applicant's cooperation with the City regarding the exiting patterns. In addition, he asked that the sign package be modified and reviewed by the Traffic Engineer.

Mr. Schneider agreed and said this will be completed by the time they apply for the necessary permits.

Mr. Newberry asked for clarification regarding the pavement width variances. He said the code states 20 feet of width is required in a parking lot, however, the applicant is requesting 12 feet in some locations.

Mr. Kendall said the location where 12 feet is requested has only one-way traffic and the requirement for 20 feet is for two-way traffic.

Fire Lieutenant Benedict has no objections due to the proximity to the road.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 27.9' front yard building setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the 8' drive aisle width variance for the south elevation.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the 8' drive aisle width variance for the west elevation.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the 8' drive aisle width variance for the north elevation.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the 10' parking lot/drive aisle setback from building variance (for the drive-thru).

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the 25' drive aisle/street access drive setback from rear property line variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a building color variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the number of wall signs variance (to permit 4 signs).

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Mr. Mazur said this is due to signs for the ATM machine on the Melbury Street side of the building.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the building material variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the site plan for the new building with the contingency that the signage will be approved by the Traffic Engineer and the lot consolidation is completed once the property is transferred to the applicant.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None Motion Carried

Mayor Drucker said the Safety and Public Properties Committee also requested 24-hour lighting for the rear of the property.

Mr. Schneider said the parking lot lighting will be on all night and especially around the drive-thru for the ATM.

3. Appeal to the decision of the Chief Building Official filed by S. Michael Lear on behalf of Mitchell Leventhal, 6630 Cummings Drive

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

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

4. Willow Street – PP# 956-039-56 – Robert Kucinic 066-2011
 ▪ 45' front yard setback variance

Mr. Mazur said due to the nature of the property and that Willow Street is considered an unimproved street and the Engineering Department determined that the Army Corp of Engineers must submit information regarding wetlands mitigation, this item should be moved to the Inactive Agenda.

Motion by Mr. Mazur, seconded by Mr. Bentley to move Item 4 to the Inactive Agenda.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

- 4a. 33275 Aurora Road – KeyBank 067-2011
 ▪ Building color variance

Mr. Major Harrison, Brilliant Electric, was present and said the Commission determined at the last meeting they would prefer to see the color of the gable match the awnings which is considered an earth-tone red. He discussed this with the applicant who agreed to the change. Therefore, he wished to withdraw the variance request. A revised site plan indicating the preferred color was submitted on September 22, 2011.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal for the request for a color variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

Mr. Frankland said, in addition to a revised site plan, the applicant has submitted information regarding the lighting. He feels it is sufficient for the Commission to add the contingency of a photometric plan as required by the Code.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the color modification to the site plan to change the color of the paint to be identical or very similar to the awnings and approved by the Planning Department and the photometric plan be reviewed and approved by the Planning Department.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

5. 5075 Harper Road – PP#'s 951-42-005 and 951-42-006 - 069-2011
 Eloise Frost
 ▪ Lot consolidation

Mr. Frankland displayed an aerial indicating where the lot line runs through the center of the house. He said a patio is being considered for the rear of the house

and will require variances if the lot line is not eliminated. Mr. Frankland said the lot line can be eliminated by consolidating the properties which is a requirement of the City Zoning Code.

A public hearing was scheduled. Mr. Mazur opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the lot consolidation for PP#'s 951-42-005 and 951-42-006.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

NEW:

6. 34615 Sherwood Drive – Stephen and Jennifer Sheargold 068-2011
▪ 690 sq ft total amount of accessory pavement variance

Mr. Stephen Sheargold was present and said they would like to add an extension to their driveway which will access the rear of the house for the purpose of assisting elderly handicapped parents. He displayed photos of the current driveway and indicated where there is restricted access for entering the home due to the stairs. Mr. Sheargold said there are stairs in the rear of the property, however, they have a sharp right-angle. Mr. Sheargold displayed a photo indicating the current driveway and where he proposed bringing it around to the rear and extending the stairs to make it handicapped accessible.

Mr. Mazur said the Engineering Department requires a grading plan from the contractor.

Mr. Sheargold said he notified the contractor that a grading plan was necessary and he will contact the Engineering Department to obtain clarification.

Mr. Mazur said the contractor is licensed in the City of Solon.

In response to Mr. Bentley's question regarding drainage, Mr. Mazur said the proposed driveway will go over a swale so the Engineering Department needs to review the grading plan.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to approve a 690 sq ft total amount of accessory pavement variance for 34615 Sherwood Drive with the contingency that the Engineering Department review and approve the grading plan prior to receiving a permit.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

7. Corner of SOM Center Rd. and Portz Parkway – 070-2011
PP#'s 954-34-015, 954-34-012, 954-34-010, 954-34-011

- & 954-35-007 – City of Solon (Solon Library)
- Lot split/consolidation

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for a lot split/consolidation on October 11, 2011.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

COUNCIL REFERRAL:

8. Proposed amendment to Section 1261 "Definitions," of the Zoning Code, to clarify the definition of "Garage." 071-2011

A public hearing was scheduled. Mr. Mazur opened the public hearing and asked for comments.

There were no comments, therefore, the public hearing was closed.

Mr. Newberry asked what brought about this change to the definition of a garage.

Mr. Frankland said this definition will clarify that a garage has to be designed and intended for the storage of vehicles and the vehicles are intended to be automobiles. Mr. Frankland said there have been attempts to say that a bicycle or a lawnmower is a vehicle. This is important is because two types of buildings are allowed. One is a storage building which is 168 sq ft and a garage can potentially be 900 sq ft. Therefore, somebody might want to put lawnmowers in a building which would typically be a storage building stating they need a 900 sq ft building.

Mr. Frankland said this amendment would simply state that it is specifically designed for the storage of automobiles, large vehicles as defined in the Code as; large boats and trailers, etc., and anything that is similar.

Mr. Mazur said as proposed by Mr. Frankland, the definition of a large vehicle in Section 1287.1a is any vehicle that is 20' or greater in length and/or 8' greater in width and/or 8' greater in height. Therefore, the amendment defines a large vehicle.

Motion by Mr. Newberry, seconded by Mr. Mazur to recommend approval of the amendment to the zoning code and forward to the Council for their approval.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6180 Cochran Road – Carlisle Brake and Friction

Mr. Frankland displayed an aerial view of the property which is located on the west side of Cochran Road and is situated very far off of the road. He indicated an area of the property where an overhang is located and said they are proposing to install

an outdoor cooler and freezer under it which would be located in the front of the building. However, due to the location of the property and the many buildings located in front of it, the cooler and freezer would not be visible from the road.

The Commission members agreed no further review of this item was necessary.

2. 6197 and 6199 SOM Center Road – Carter Lumber

Mr. Frankland displayed a site plan of the property and said Carter Lumber is proposing to add green space beyond the approved plan. He indicated the area where more green space will be added which will more than double the green space.

Mr. Frankland said the upgrades to the buildings have enhanced their appearance and the addition of the green space will enhance the appearance further.

Mr. Mazur complimented Carter Lumber on the improvements made to the property.

The Commission members agreed no further review of this item was necessary.

3. 33325 Bainbridge Road – Swirl Wine Bar

Mr. Frankland displayed a picture of the building indicating the front door. He said when the application was originally approved, the door color was blue. They propose painting the door a burgundy or merlot color, which is considered an earth tone.

The Commission members agreed no further review of this item was necessary.

4. 30500 Bainbridge Road - Nestlé (former Keithley building)

Mr. Frankland displayed an aerial of the property and indicated the rear of the building where changes are proposed. Nestlé proposes installing a generator, roof access stairs to provide immediate access to the roof for emergency issues and the entire area would be surrounded by an 8' tall fence. Mr. Frankland said located just outside of the fence would be a small smoking shelter. He displayed a rendering of the shelter.

Mr. Frankland indicated another area further in the rear of the building and said Nestlé is proposing to add a half court basketball court and some modest outdoor exercise equipment.

Mr. Frankland said Nestlé's philosophy is to allow their employees time to go outside and walk, exercise, etc. The fencing will be a chain-link type of fence.

The Commission members agreed no further review of this item was necessary.

COMMENTS FROM THE COMMISSION:

Mayor Drucker welcomed Keri Welch, the new Assistant City Engineer. She also wished all of the Jewish residents a Happy New Year.

In turn, Commission members welcomed Keri Welch.

COMMENTS FROM THE AUDIENCE:

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:10 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Chairman

Secretary