

PLANNING & ZONING COMMISSION
November 15, 2011 – 7:15 P.M.

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

Present: Commission Members, Mazur, Newberry, Councilwoman Richmond, Mayor Drucker, Law Director Lobe, Planning Director Frankland, Secretary McConoughey

Absent: Commission Member Bentley

Also Present: Fire Lieutenant Benedict, Assistant City Engineer Welch, Councilwoman Meany

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
- D. Willow Street – PP# 956-39-056 – Robert Kucinic – Front yard setback variance
- E. Request from Davis Development Group, John Siragusa, Asset Management and Christine Burkholder, Kids Country, to modify the permitted uses in the C-5 Zoning District

NOTES OF CAUCUS DISCUSSION:

(Clerk's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during caucus. Agenda topics may not have been discussed in order, however, they have been placed in order for the convenience of this record.)

NEW:

1. 6025 Kruse Drive – DDR – site plan approval of storefront alterations: Mr. Frankland said the new information that was distributed refers to the layout and specific plantings for the planters as reviewed and approved by the City landscape architect.
2. 5386 SOM Center Road – John Busch/City of Solon (Nock property) – site plan review for driveway modification (involving easement on City-owned property): Mr. Mazur said Ms. Nock may be unable to attend the meeting, therefore, a representative from the City will review the item during the meeting.

Mr. Frankland said the Safety and Public Properties Committee approved the site plan modification and referred it to the Planning Commission.

Mr. Mazur asked if it is necessary to get approval from the Land Conservancy before it is approved by the Council.

Mr. Frankland said he believes the Engineering Department will notify the conservancy.

Mayor Drucker said she believed City Engineer Busch has been in contact with the conservancy.

Mr. Frankland suggested a contingency can be added that the conservancy be made aware of the modification.

3. **33175 & 33245 Aurora Road – Colton Enterprises** – request to vacate 20-foot drive: Mr. Mazur said this drive dates back to 1928 and Mr. Lobe determined a public hearing is unnecessary.

Mr. Frankland said the drive is located on property owned by the applicant and they will state this during the meeting.

4. **Request for input: Randy Kertesz – possible subdivision for property located at the corner of Miles Road and Neptune Drive:** Mr. Mazur said after Mr. Kertesz provides a brief presentation regarding a proposed subdivision, the Planning Commission will provide input.

Mr. Kertesz said he would like to get as much input and feedback as possible before making a more formal presentation.

Mr. Frankland said he has 4 minor alterations to review.

The Commission discussed the possibility of cancelling certain future meetings as only one new item has been submitted and the holiday season is approaching.

Mr. Frankland said one new item for a patio has been submitted for the November 29th meeting. He suggested scheduling one meeting in December and one in January to accommodate applicants.

Mr. Mazur said he will be unable to attend the meeting on November 29th.

It was agreed the Planning Department will contact the applicant to determine their timing requirements for the patio installation. If the applicant does not intend to install the patio until the spring, consideration will be given to cancelling the November 29th meeting.

The caucus ended at 7:27 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.

APPROVAL OF MINUTES:

Approval of the October 25th minutes was held until the next meeting.

NEW:

1. **6025 Kruse Drive – DDR** 081-2011
 - Site plan approval of storefront alterations

Mr. Fred Margulies, Herschman Architects, was present and displayed a site plan indicating the location of the former Borders establishment. The area will be divided into two separate locations for two new tenants. He said the store front **façade will be renovated** and the goal is to transform the entrances to match the materials currently being used.

Mr. Margulies displayed a rendering of the store fronts indicating the two new entries and the accent elements for the corner parcel. He said a set of man doors will be added to the rear of the properties for accessibility. Mr. Margulies said the curb patterns will match the existing curb patterns located within the shopping center.

Mr. Margulies displayed various drawings indicating the addition of canopies at the entrances and the elevations, including the Kruse Drive side of the building with the proposed modifications. He explained some of the external materials from the **former Borders will be utilized with modifications to create the new façades;** including, the cupola which will be lowered to an elevation that will be in scale with **the rest of the façade.**

Mr. Margulies said the materials will match the current materials and displayed a sample board of the bricks, metal coping, etc. The awning material will be a new color for tenant A and tenant B will have the same color awnings as the rest of the shopping center. Mr. Margulies said two additional planters will be added and they will match the planters currently located in the shopping center.

Mayor Drucker thanked DDR for their quick response in preparing the property for new tenants since Borders vacated the property only a short time ago. She is aware that a tenant has been found for tenant A and asked if there is a tenant B yet.

Mr. Margulies said tenant B is not yet leased.

Mr. John Marquart, DDR, was present and said Ulta Cosmetics will be leasing as tenant A and they are in serious discussion with a company for tenant B, although unable to disclose the name at this time.

Mr. Mazur commended DDR for the manner in which the shopping center is maintained and said it always looks clean and attractive.

In response to Mr. Newberry's question regarding the color "Tuscan Orange" for the new canopy for tenant A, Mr. Frankland said it is considered an earth-tone color.

Mr. Margulies said once all the necessary approvals are received, construction will begin as soon as possible.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the site plan for storefront alterations for 6025 Kruse Drive.

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

Motion Carried

2. **5386 SOM Center Road – John Busch/City of Solon** 082-2011
 ▪ Site plan review for driveway modification (involving easement on City-owned property)

Mr. Frankland presented the application and displayed an aerial view of the property owned by Katie Nock. He explained **there is a section of Ms. Nock's** driveway that is located on City-owned property which has an easement attached to it. Mr. Frankland indicated the location of the current driveway which has been determined unsafe by the Safety & Public Properties Committee because of the angle for exiting.

Mr. Frankland displayed a drawing indicating where the proposed driveway will be located which will make it safer to exit the property. He indicated another area where Ms. Nock proposes additional pavement to expand a basketball court which is not under consideration at this time and will require a variance and review in the future. At this time, the consideration is only for a modification to the driveway layout.

Mr. Frankland said upon review by the Fire Department, the following conditions are **required to make the modifications to the driveway: increase the drive width to 14'** due to the tight turning radius, install the drive to support a 25 ton fire truck and install an automatic fire detection/alarm system per NFPA 72 Chapter 2 (household fire warning equipment) with approved central station alarm monitoring.

Mr. Mazur asked if Ms. Nock was made aware of the conditions and if they have been agreed to.

Mr. Frankland said Ms. Nock did receive a copy of the memorandum stating the necessary conditions.

Mr. Mazur said he viewed the property and said it is difficult to exit the property due to the angle of the driveway. He said the conservancy needs to be made aware that additional concrete will be added to the property.

Mr. Frankland said he believes this information has been given to the Conservancy by the City Engineer, however, it can be added as a contingency to the motion.

In response to Mayor Drucker's question regarding maintenance issues of the driveway since part of the property is City-owned, Mr. Lobe said it can be stated in the motion that the City has no responsibility for maintaining the driveway.

Mr. Newberry said this was considered a condition of the original easement when the property was developed.

Councilwoman Richmond asked if it has been verified with Ms. Nock that the information from the Fire Department was received.

Mr. Frankland said the only conversation held with Ms. Nock was that they might be unable to attend the meeting tonight. He said nothing was verified regarding the Fire Department information.

Lieutenant Benedict said the information was sent by email to Ms. Nock and he did not receive a response.

Mr. Frankland said he will inform Ms. Nock that she is required to attend the November 21st Council meeting.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the site plan for a driveway modification at 5386 SOM Center Road with the following contingencies:

- the Administration confirms that the Chagrin Land Conservancy is advised of the modifications to the driveway;
- Ms. Nock must adhere to the conditions stipulated in the Fire Department correspondence dated November 8, 2011;
- Ms. Nock must maintain the driveway located on City-owned property;
- the approval is for the driveway and not for the additional pavement for a basketball court.

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

Motion Carried

3. **33175 & 33245 Aurora Road – Colton Enterprises**
▪ Petition to vacate 20 foot drive request

083-2011

Mr. Matt McCracken, Attorney, Chernett Wasserman, LLC, was present. He displayed a site plan of the property currently owned by Colton Enterprises and explained Huntington Bank is proposing to purchase the property to construct a Huntington Branch.

Mr. McCracken indicated a 20' drive located along the rear of the property and said it exists on paper only. He said it was established in 1928 and has never been

dedicated or improved and has no public use. Mr. McCracken indicated and explained all of the sub-lots located around the drive. He displayed a plan and said **many 20' drives appear on the plat from 1928 and were added to the original deeds** since the property was originally going to be a residential subdivision.

Mr. McCracken said the deed restrictions state the drives would be dedicated, however, the property was never improved or dedicated. In addition, the deed restrictions expired in 1975 and the property was never developed as residential. **The Solon Shopping Plaza was developed on the property in the 1950's and many** of the drives were vacated at that time, however, the drive in question was never vacated and is considered an artifact which exists only on paper. Nevertheless, it prevents Huntington from acquiring a clear title to the property and it is necessary to address prior to construction of the new facility.

Mr. Frankland said the map has been carefully reviewed and the drive is definitely **on the applicant's property and the applicant is testifying to that.**

Mr. McCracken said the surveyor of the property has also prepared the legal documents for the vacation of the drive.

Mr. Mazur asked if it is necessary to hold a public hearing regarding the application.

Mr. Lobe said it is described as a right-of-way in the legal description and this does not necessitate the need for a public hearing. Additionally, there was an expiration date attached to the easement document. Therefore, there is no need for a public hearing.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the petition to vacate **the 20' drive.**

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

Motion Carried

4. Request for input: **Randy Kertesz** – possible subdivision for 084-2011
property located at the corner of Miles Road and Neptune Drive

Mr. Randy Kertesz and Mr. Dan Neff, Neff & Associates, were present. Mr. Kertesz displayed a site plan of the proposed subdivision. He said at this time they are looking for comments and input from the Commission. Mr. Kertesz indicated the property stating it is located at the northwest corner of Neptune Drive and Miles Road and abuts Woodall Drive.

Mr. Kertesz said thus far, they have met with Mr. Frankland, Councilwoman Meany, Mr. Busch and the Mayor. At the suggestion of Mr. Busch, who was not in favor of another street off of Miles Road, the plan utilizes a cul-de-sac off of Woodall to access the lots where substantial landscape screening on the Miles Road side would be installed to shield the rear of the homes. Mr. Kertesz said it would be similar to the subdivision located across the street in Orange Village which he also developed.

Mr. Kertesz indicated two small ponds located on the property and an area where

sanitary sewers are located adjacent to the Miles Market property. He said he has contacted Mr. Cangemi, the owner of Miles Market, to determine if an easement might be negotiated to cross his property to access the sanitary sewers. Mr. Kertesz said if an easement is not able to be negotiated, a pump station would be installed. He said the water necessary for this would be determined with the Engineering Department and the City of Cleveland. Mr. Kertesz said water retention would be handled on the property site.

Mr. Kertesz said he is attempting to get as much feedback as possible prior to making a formal submission to assist in expediting the entire process.

Mr. Dan Neff said for simplicity purposes, the topography was removed from the plan. He indicated the area where the lakes are located and said it might become a park area for the residents of the subdivision and possibly neighboring residents. He said it is understood there are wetland issues associated with some areas of the property and these issues will be addressed properly.

Mr. Kertesz said Cynthia Paschke of Foresight Engineering has been hired to review the wetland issues and her input will be taken into account when Mr. Neff prepares the documentation for the formal submission.

Mr. Lobe asked if the possibility of a pump station was discussed with City Engineer Busch.

Mr. Kertesz said it was mentioned to Mr. Busch that due to the topography, which rolls downhill, if they are unable to acquire an easement in the rear of the property to access the sanitary sewers, they would have to install a pump station in the front. He said it is called an Environment 1 System and Mr. Busch was not receptive to this proposal. Mr. Kertesz said, however, if they are unable to negotiate an easement, this is the only alternative.

Mr. Mazur said it appears there will be issues with certain lots and their accessibility and items such as wetlands and flood planes and parallel to the street variances will be necessary.

Mr. Kertesz questioned the variances as they relate to a curved street such as a cul-de-sac.

Mr. Frankland said the Engineering Department would get involved in determining parallel to the street variances on a cul-de-sac.

Mr. Neff said the normal procedure in determining this issue on a cul-de-sac would be parallel to the tangent of the curve. Mr. Frankland said the Engineering Department would have to determine the calculations.

Mr. Neff said he can be more detailed in his formal presentation as it relates to parallel on a curved street.

Mr. Newberry said he believes some of the houses will require setback variances.

Mr. Neff said all of the lots are over one acre and more detail per lot will be given to the house location and direction for the formal presentation.

Mr. Kertesz said their goal is to request as few variances as possible. He said he could have accommodated more buildable lots on the parcel but did not want to crowd in too many homes to keep it simple. Mr. Kertesz said he does not intend to build extremely large homes. He believes the latest trend is for smaller homes and other projects he is involved in indicate the most interest is for 2,000 to 3,000 sq ft homes.

Mr. Neff said most of the homes will include walk-outs or partial walk-outs based on the topography. He said he realizes some of the development will be challenging, however, they will have a better indication as to what is necessary for those lots once the delineation information is received.

Mr. Kertesz said at a meeting with Mayor Drucker, he offered to donate the land with the lakes on it to the City as park land. If this does not happen, it will be maintained by the development.

Mayor Drucker said her initial response is that the City will not be interested in taking over the maintenance of retention basins.

In response to Mr. Newberry's question, Mr. Neff said he believes the parcel is 17 to 18 acres.

Mr. Mazur said the issue of storm water management will be very important for the Engineering Department to review once a formal plan is submitted.

Councilwoman Meany believes there will be issues of concern for those people who currently live on Neptune Drive which is a mature and established street. She asked about the street at the bottom of the parcel, which is North Park Estates, and said she is concerned about potential flooding for the residents living there.

Mr. Neff said currently the water does drain towards North Park Estates. Mr. Neff said that Mr. Busch indicated rear yard drainage will be required for each lot that is developed.

Mr. Kertesz said he is unsure at this time what will happen to the lakes. It appears the City is not interested in them and, therefore, they will be maintained by the subdivision association. He wants to ensure the area is properly maintained and not kept unsightly with debris.

Mr. Mazur said all of the appropriate City departments will very carefully review this proposal.

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 34600 Erico Drive - Erico

Mr. Frankland said Erico is proposing the installation of 3 lightening rods on the top of their building. He displayed an aerial view indicating the locations for the proposed lightening rods. Mr. Frankland also displayed photographs of the lightening rods and explained their size and height relative to the different roof elevations. The rods are being installed for safety purposes.

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

2. 33625 Aurora Road – former Imperial Wok location

Mr. Frankland displayed a photograph and said the applicant is proposing to remove the rounded door entrance from this address and intends to install a traditional-style glass storefront.

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

3. 33629 & 33631 Aurora Road – former D.O. Summers and Allure locations

Mr. Frankland displayed an aerial drawing and indicated the south side elevation of the former D.O. Summers building. He displayed photographs of the area from different angles and indicated the side that borders Aurora Road where trees are located. The applicant is proposing to remove the gas equipment currently located next to the tree and relocating it to an area that would be built of brick on that side of the building located behind the tree.

Mr. Frankland displayed a rendering of a landscape plan which would assist in screening the side of the building. The landscape plan has been reviewed and approved by the City landscape architect. He indicated a fence on the landscape plan which has not been reviewed. Mr. Frankland said in order to install the fence, a variance would be necessary, requiring the submission of an application. Therefore, the fence is not being considered this evening.

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

Mr. Frankland displayed photographs for the north side elevation of the same building and indicated an area on the side of the building where the applicant proposes replacing the brick to match the brick on the front columns. The rest of that side of the building would be stained to match the same color as the new brick. Mr. Frankland said a similar change was approved on the building earlier in the year.

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

4. 32001 Cannon Road – Church of the Resurrection

Mr. Frankland displayed an aerial drawing and explained the applicant is proposing to replace four existing pole lights with seven new lights. He indicated their locations on the aerial. He said the pole lights are dated and it is difficult to find replacement parts for them. Mr. Frankland indicated where the new lights would be located. **Mr. Frankland displayed a picture of the new lights and said they are 14' high, which is shorter than the current lights.** He said a lighting photometric plan was supplied and the lighting will be in compliance with the Code for the area.

Mr. Newberry said he believes the new lights will produce less glare than the current lights.

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

COMMENTS FROM THE COMMISSION:

Mr. Mazur commented on a letter received from one of the property owners adjacent to the Liberty Ford property. At a recent meeting, an application from Liberty Ford was reviewed and denied. However, water retention issues were **discussed and the adjacent property owner's property is affected with water runoff** from Liberty Ford. They are requesting Liberty Ford review the situation and Mr. Mazur requested the Engineering Department also review it and assist in alleviating the issues.

Mayor Drucker said two former Solon government officials passed away this past week. She said Vince Marek held many different roles for the City of Solon including, Recreation Commission member, Ward 2 Councilman and member of the school board.

Mayor Drucker said former Mayor Charles Smercina served the City in different capacities including Ward 5 Councilman, Civil Service Commission member and also **served as the City's first Tax Administrator.**

Mayor Drucker expressed her sadness and offered condolences to the families of Mr. Marek and Mr. Smercina and said both men will be greatly missed.

Councilwoman Richmond congratulated the Solon Center for the Arts for being the recipient of one of only five municipality grants awarded by Cuyahoga Arts and Culture.

Mr. Newberry congratulated the Solon High School athletes for another successful fall season where many categories went to State tournaments.

Mr. Newberry wished everyone a happy and healthy Thanksgiving.

Although the next meeting of the Planning Commission is scheduled for November 29, 2011 at 7:00 P.M., because there is only one application involving a patio on the agenda, the Planning Department will contact the applicant to determine their timing needs. If it is determined the applicant will not be delayed, the meeting will be cancelled. The next meeting will be held on Tuesday, December 13th.

In addition, the December 27th meeting will be cancelled.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to cancel the December 27, 2011 Planning Commission meeting.

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

Motion Carried

Mr. Mazur offered his condolences to the Marek and Smercina families.

Mr. Mazur commended the City for the service held at the Veteran's Memorial Park on November 11th.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:30 P.M.

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

Motion Carried

Chairman

Secretary