

PLANNING & ZONING COMMISSION
March 13, 2012 – 7:15 P.M.

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

Present: Commission Members Mazur, Newberry, Bentley, Councilwoman Richmond, Mayor Drucker (meeting only at 7:50 PM.), Law Department, Todd Cippollo, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict, Assistant City Engineer Welch

The following items remained on the Inactive Agenda:

- A. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District
- B. **Willow Street – PP# 956-39-056 – Robert Kucinic – Front yard setback variance**
- C. 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:

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus.)

Chairman Mazur presided.

NEW:

1. **5820 Dodsworth Lane - Phillip Siegel – Rear yard coverage and total amount of accessory pavement variance:** Mr. Mazur said upon reviewing the application, Mr. Frankland has identified three additional variances.

Mr. Mazur viewed the property and said the house was built in 1982 and the accessory structures; consisting of sheds, a gazebo and walkways were installed by previous owners. Mr. Mazur said one shed is used for lawn equipment and the other shed is used to store pool equipment. In addition, a neighbor expressed concern regarding water runoff and, after discussion with Mr. Siegel, has no objections to the variances.

Mrs. Welch said she spoke with **Mr. Siegel's neighbor** who expressed concern about the changes being made to the property and if they would negatively impact his

property.

Mr. Siegel said since he is located downhill from all of his neighbors, they should not be affected from water runoff.

Mr. Mazur said the garage will be painted the same color as the house.

2. **33675 Solon Road – 33675 Solon, LLC for Burntwood Tavern (former Max and Erma’s location) – various variances and site plan review for patio and landscaping:** Mr. Mazur said this item has been reviewed by the Safety & Public Properties Committee who recommended approval pursuant to Chief Viland’s recommendation for hard curbing and a right-in and right-out only drive.

Mr. Mazur said he will request further explanation regarding the roof material and the purpose of additional signage on the outdoor fireplace. He noted the word “tavern” has two letters reversed in the rendering and the applicant advised it was intentional.

Mr. Frankland said the roofing material requires a color variance. However, the applicant has alternative samples that are considered earth-tone colors.

3. **33175/33245 Aurora Road – Mark Gearhart for Huntington Bank – lot consolidation:** Mr. Mazur said a public hearing is scheduled.

PENDING:

4. **SW Corner of Miles Road and Neptune Drive – PP#’s 951-04-016, 951-05-001, 002, 003, 005 – Randy Kertesz - numerous variances and a preliminary plan review for a new subdivision:** Mr. Mazur said this item requires additional review and he will recommend it be moved to the Inactive Agenda.

Mr. Frankland said the applicant submitted a new plan which indicates the removal of setback variances per the recommendation of the Planning Commission.

5. **Thornbury Subdivision – Forest City Land Group:** Mrs. Welch said she speaks with the applicant on a weekly basis, however, thus far, they have been unable to get the necessary documentation from the Homeowners’ Association.

Mr. Frankland said there is 1 minor alteration to review.

The caucus ended at 7:25 P.M. and the meeting convened at 7:30 P.M.

Mr. Mazur presided.

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:

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the minutes of the February 14, 2012 meeting as presented.

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

Nay: None

Motion Carried

1. **5820 Dodsworth Lane – Phillip Siegel** 020-2012
 - 902 sq. ft. rear yard coverage variance
 - 240 sq. ft. total amount of accessory pavement variance

Mr. Mazur said 2 variances were initially identified, however, 3 additional variances have been identified by the Planning Department. They are; a total number of **accessory structures variance**, a **6 1/2' side yard setback variance** for accessory building #1 and a **1 1/2' side yard setback variance** for accessory building #2.

Mr. Mazur said the property was developed in 1982 and the structures were added prior to the changes in the Code and prior to **Mr. Siegel's purchasing the property in 2009**.

Mr. Phillip Siegel, was present. Mr. Siegel said he was made aware of the issues with his property when he sought a building permit to add a garage to his property. The walkways, pavement, and accessory buildings were existing long before he bought the property.

Mr. Siegel explained the necessity for the yard coverage variance occurred due to Phase 3 of the Pepperwood Sewer Project which goes through the middle of his backyard. His property is the lowest section in Pepperwood and the yard gets very wet. He explained that the previous owner installed walkways in a boardwalk style to walk around the heavily wooded property.

Mr. Siegel said there were two existing sheds on the property when he purchased it and he uses one to house landscaping equipment and the other shed houses pool supplies. He would like them to remain on the property as well as everything else that was there when he purchased the property.

Mr. Siegel displayed a site plan indicating the location in the rear of his property for the proposed garage. He also indicated the location of the existing sheds, concrete areas, pool deck and walkways. He said upon totaling the square footage for the concrete apron necessary to access the new garage, the footprint of the garage and the existing walkways, the total exceeded the amount normally allowed by the Code by 902 sq ft.

Mr. Frankland said the proposed garage meets all of the setbacks, the height and the square footage as permitted by the Code.

In response to Mr. Mazur's question, Mr. Siegel said the garage will be painted the same color beige to match the house. In addition the style and siding of the garage will match the style and siding of the existing house.

Mr. Bentley asked if there is currently an attached garage. Mr. Siegel said yes which holds vehicles and bikes. However, he owns a couple of collectors' cars and this is his hobby.

Mr. Mazur asked if Mr. Siegel would be willing to remove one or both of the sheds on his property. Mr. Siegel said this would create a hardship for him and he would have to replace them, if allowed. He would have no place to store his landscaping or pool supplies, both tasks he maintains himself.

Mr. Mazur asked if the variances are granted for the sheds and Mr. Siegel, at a later date, decides to rebuild or replace them, are they now considered grandfathered or will he have to apply for a variance to rebuild or replace them.

Mr. Frankland said if the sheds were destroyed by a natural disaster, Mr. Siegel would have the right to rebuild them. However, if they were voluntarily removed, he would have to apply for variances to install them in the same location.

Mr. Siegel said it is his understanding that the sheds have been on the property for many years. He does use the sheds and will continue to use them.

Mr. Newberry said an alternative to the two accessory buildings might be to make the new garage larger to give the same storage capacity and remove the two sheds which would reduce the number of accessory structures.

Mr. Mazur said he has no objections, especially since the neighbor has no objections.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 6 1/2' side yard setback variance for accessory structure No. 1.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a 1 1/2' side yard setback variance for accessory structure No. 2.

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 902 sq ft rear yard coverage variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 240 sq ft total amount of accessory pavement variance.

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

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the number of accessory structures to permit 2.

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

Nay: None

Motion Carried

2. 33675 Solon Road – 33675 Solon, LLC for Burntwood Tavern 021-2012
(former Max and Erma’s location) 2/15 reviewed by Safety & Public

Properties - recommendation received

- 98’ street access drive setback variance
- Total number of wall signs variance to permit 1 additional sign
- Building color variance
- Site plan - new patio, façade and landscaping improvements

Mr. Brad Kershaw, Architect, was present and displayed a site plan. He said the major site changes will be the addition of a patio, a portion of which will be covered. In addition, a curb cut on Solon Road is proposed. Mr. Kershaw said the existing building is 7,000 sq ft and the proposed patio is 1,320 sq ft.

Mr. Kershaw said the existing parking area will remain minus 4 parking spaces. The loss of the 4 parking spaces is due to the curb cut on Solon Road, however, based on capacity calculations there will be ample parking.

Mr. Kershaw said landscaping will be added around the new patio which will consist of day lilies, dwarf burning bushes, cranberry bushes, etc. In addition a red maple tree will be planted by the new curb cut in a grassy area. He said in an effort to help control the rain water run-off, a rain garden will be installed located at the rear corner of the building adjacent to the proposed patio.

In response to Councilwoman Richmond’s question, Mr. Kershaw said a rain garden is basically a place for water to be re-introduced back into the earth naturally as opposed to running into ditches and storm sewers. He said it consists of plantings that absorb and thrive under wet conditions. Mr. Kershaw said it will be attractive and many of the plants are flowering plants.

(Mayor Drucker entered the meeting at 7:50 P.M.)

Mr. Kershaw said exterior alterations will also be made to the building which include the addition of a cupola to the roof, replacing the asphalt roofing with metal roofing, new light fixtures, and barn stone will be added to the front middle section of the building to match the proposed patio stone and the addition of a fireplace. Mr. Kershaw said the covered area of the patio will be constructed of heavy timbers and the bases will be made of tapered stone.

Mr. Kershaw said all of the existing trim and woodwork will be painted a bronze color and the brackets will be made of cedar to blend with the natural wood. He said barn wood siding will be added to the wall on the patio side and to the walls of the covered patio area. Mr. Kershaw displayed samples of some of the

materials. He explained the beams and heavy timbers are wood from a barn that was torn down in Pennsylvania and the hardware is rusted iron. He displayed a bronze paint sample for the trim. Mr. Kershaw said the front doors will be painted a custom color called "burntwood green" and he displayed a sample explaining it has an antique finish. He also displayed a sample of the barn siding and a sample of blown glass which will be used for the light fixtures under the covered patio. The fixtures will be pendant style with blown glass shades.

Mr. Kershaw said the roofing is galvanized corrugated roofing. He believes it fits in with the natural finishes selected and is less fabricated than standard roofing. Mr. Kershaw said the same material was used on the Chagrin Falls location and will only be used on the new patio roofing and the awnings.

Mr. Mazur said the rendering gives the impression of a two-tone look of silver and gray, however, the actual sample does not indicate this look. Mr. Kershaw explained it is corrugated with a galvanized finish. He understands there were concerns about the glare that it might produce. However, the roof is a low-pitch roof at less than 20 percent slope and, therefore, only a small portion of the roof will be visible from the street.

Mayor Drucker asked how the roofing material will weather. Mr. Kershaw said it is **galvanized steel and will not rust**. He said the City's architect liked the galvanized steel roofing as a contrast to the rest of the finishes.

Mr. Newberry asked if the roofing will develop a softer, patina finish over time. Mr. Kershaw said it will dull over time.

Mr. Newberry said he has concerns regarding glare due to the way the building is situated and the manner in which traffic moves on Solon Road. He feels there is the possibility of glare and reflection from the roof at certain times of the afternoon with vehicles traveling west along Solon Road. Although he likes the look of the Chagrin Falls location, he would like to see the roofing material toned down for the Solon location.

Mr. Kershaw said the galvanized steel has somewhat of a matte finish and passed the sample to each of the Commission members. He explained that the appearance will change over time as it ages due to natural sediments

Mr. Bentley agreed with Mr. Newberry and would prefer a finish that is less shiny.

Mr. Kershaw said they prefer to stay with a natural metal, however, they will try to find a finish that is more matte and less shiny.

Mr. Mazur said he liked the striped look of the roofing on the rendering, however, upon viewing the sample, the contrast is not present. Mr. Kershaw said the rendering is a 3D model and the corrugation picks up shadows which gave it that appearance.

Councilwoman Richmond said she is unaware of any issues with glare from the

roofing at the Chagrin Falls location.

Mr. Newberry said the Chagrin Falls location is on the north side of East Washington Street facing south and is set far enough back from the road making it difficult for glare to distract a person driving. He believed the Solon location is closer to the road than the building in Chagrin Falls.

Mr. Kershaw said the building in Chagrin Falls is closer to the road at approximately 80' and the Solon location is 99' from the road.

Mr. Kershaw said the number 3 that is proposed for the fireplace is representative of this being the third location for Burntwood Tavern. He understands that it is being considered as signage, however, that was not their intent. It was their intent that this be considered artwork made of a rusted, steel piece that would eventually age and blend in with the other elements used in constructing the fireplace.

Mr. Mazur said he would be more receptive to the number 3 being part of the stone in the fireplace.

Mr. Newberry said the number 3 really stands out in the rendering and suggested the possibility of incorporating the number 3 abstractly in a brace to support the chimney to the wall. He said by definition of the City's Code, it is considered signage.

Mr. Mazur said if it important to have the number 3 on the building, maybe it can be incorporated on the monument sign.

Mr. Kershaw believes if the number 3 cannot be used on the fireplace then it will not be used at all. He asked if it would still be considered a sign if used as a piece of artwork and just rested it on the mantle instead of the TAVERN sign as shown in the rendering.

Mr. Mazur said in the rendering, the R and N in the word tavern are reversed and asked if this was done intentionally. Mr. Kershaw said this is intentional and they have this same sign at the Chagrin Falls location.

Councilwoman Richmond has no problem with the letters being reversed.

Mr. Mazur has no problem with the letters being reversed but objected to the number 3 on the fireplace.

Mr. Mazur said although correspondence was received from area neighbors objecting to the right-turn only in and out, it was reviewed and approved by the Safety and Public Properties Committee. Police Chief Viland and the Traffic Engineer reviewed it and said providing it is a hard curb, they also supported it. Therefore, he is prepared to also support the request.

Mr. Mazur said, in general, he approves of the changes proposed to the site. He only has concerns about the roofing color and the number 3 on the fireplace.

Mr. Kershaw displayed another roofing sample in brown aluminum and said this is their second choice. He said the silver is preferred and they are willing to use a different finish that would make it less shiny.

It was the consensus of the Commission that the silver in a toned-down version with a different finish would be more appropriate.

Mr. Newberry said the galvanized roofing is a good choice, providing the finish can be toned down with a patina finish or acid wash to make it grayer and less silver which would not require a variance as it will fit within the definition of earth tones.

Mr. Kershaw said they would prefer to use the galvanized steel and will find a way to matte it and tone it down.

Mr. Brad Adams, the Principle of Burntwood Tavern, was present. He said he **appreciated the Commission's attention to detail and said they are excited about** the prospects of opening a location in the City of Solon. Mr. Adams said they are willing to work with the City and make changes as necessary. He explained it is important for them to maintain the organic, earthy tone to the materials being used. Mr. Adams said the designer is a great artist and all design standards will have the utmost integrity. He said the location is a highly visible one as an entranceway to the City and they intend to represent the location in a positive manner.

In response to Mr. Mazur's question regarding timing for the project, Mr. Adams said if they had all of the necessary approvals, they would have started the project a few weeks ago. He believes the patio they intend to create will be unprecedented in the Solon community and they wish to take advantage of the upcoming season.

Mr. Mazur asked if it would be satisfactory to add a condition in the motion that Mr. Frankland will give the final approval on the roofing material.

Mr. Frankland said that would be fine or he could return to the Commission and present it as a minor alteration. He said providing the roofing is gray and considered an earth tone, no variances are required. Mr. Frankland said the issue is the reflectivity of the roof which is a violation of the Zoning Code.

Mr. Mazur is comfortable with Mr. Frankland approving the final color of the roofing. He does not wish to prevent the applicant from moving forward with their project.

Mayor Drucker said she is excited about the project moving forward. She feels the building is going to look tremendous and will be a great contribution to the City and a wonderful upgrade. Mayor Drucker said residents have already indicated to her their excitement about the project.

Mr. Mazur asked what will become of the number 3 on the fireplace. Mr. Adams said they will find a location on the inside of the restaurant to incorporate the number 3.

Councilwoman Richmond said she has no issues with the number 3 on the fireplace or the roofing as it was presented. She feels that over time the roof will develop a natural patina and will not cause substantial glare to passing motorists. Councilwoman Richmond believes it will make an interesting contrast to the architectural style of the building.

Mr. Mazur asked if tap-in fees for additional seating have been determined. Mr. Adams said it has been discussed and there will actually be less seating.

In response to Councilwoman Richmond's question, Mr. Kershaw said there will be a fireplace inside the restaurant.

Councilwoman Richmond asked if the door would be like the rustic door at the Chagrin Falls location. Mr. Kershaw said they will refinish the existing door with a green antique finish. Mr. Adams said the rustic door is unique to the Chagrin Falls location and is from the stall of a barn that was torn down for that project. Mr. Adams said the barn that was torn down for the Solon project was in Pennsylvania. **He said that barn was made of a species of wood called "wormy chestnut" which is now extinct.** He said although there is no stall door, the wood is gorgeous and each location has its own unique aspect.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 98' street access drive setback variance for the new drive which will be right-turn in and right-turn out only and will be hard curbing.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Newberry to remove the request for the total number of wall signs variance to permit 1 additional sign.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to remove the building color variance with the understanding that the applicant will tone down the color.

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 a new patio, façade and landscaping improvements.

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

Motion Carried

3. 33175/33245 Aurora Road - Mark Gearhart for
Huntington Bank (formerly owned by Colton Enterprises)
PP#'s 954-03-014, 954-03-015, 954-03-046, 954-03-047
and 954-03-048
 - Lot consolidation

022-2012

Mr. Frankland displayed an aerial and said the lot consolidation was a condition for site plan approval for Huntington Bank's plan to combine the lots that comprised the former Marathon property and the former Quinn's property. A 1.34 acre property will result from the consolidation and there are no variances associated with it.

A public hearing was scheduled and 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 Huntington Bank consisting of PP#'s 954-03-014, 954-03-015, 954-03-046, 954-03-047 and 954-03-048.

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

Motion Carried

PENDING:

4. SW Corner of Miles Road and Neptune Drive – PP#'s 951-04-016, 017-2012 951-05-001, 002, 003, 004 and 005 – Randy Kertesz
 - Not parallel to street variance – Lot #8
 - Not parallel to street variance – Lot #9
 - Not parallel to street variance – Lot #10
 - 25' front yard setback variance – Lot #1
 - 25' front yard setback variance – Lot #2
 - 25' front yard setback variance – Lot #11
 - 25' front yard setback variance – Lot #12
 - Preliminary plan for subdivision

Mr. Mazur said a new plan was submitted with the removal of some of the setback variances as requested by the Commission. However, this item has been referred to different committees and they are awaiting information from the Army Corp of Engineers regarding wetlands delineation review. Therefore, Mr. Mazur recommended this item be moved to the Inactive Agenda.

Mr. Mazur said residents wishing to speak regarding this item now or at upcoming meetings are welcome to do so.

Mayor Drucker said the moving of streams within the development has been discussed and Mrs. Welch confirmed this is something that might be done. Mayor Drucker asked that the Public Works Committee review this item with specific attention being paid to this detail. She was made aware by some residents of an issue several years ago at Boulder Creek in North Hill when a stream was moved. The problem occurred when the stream followed its natural path back and the City became involved with major stream restoration due to erosion. She, therefore, requested that the history of the North Hill stream restoration be sent to the Public Works Committee prior to reviewing this application.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to place Item 5 on the Inactive Agenda.

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

Motion Carried

5. Thornbury Subdivision – Forest City Land Group – tabled 11/29/05 pending Engineering approval and placed on Inactive Agenda – 12/14/09 applicant request to remain on Inactive Agenda – 2/28/12 placed on Active Agenda and tabled – NO NEW MATERIAL
 - Phase 7 – Dedication plat
 - Phase 8 – Dedication plat

Mrs. Welch said the Engineering Department has not received the sign-off for the deed restrictions placed by the Army Corp of Engineers from Forest City Land Group and, therefore, would like to continue to keep this item on the pending agenda until the issue is resolved.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 5.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing on March 29, 2012, for Solar Center Ltd & Percap Realty, Ltd at SOM Center and Aurora Roads for PP#'s 954-29-026, 954-29-027, 954-29-034 and 954-34-043 for a lot split/consolidation.

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilwoman Richmond to schedule a public hearing on March 29, 2012, for ECHO Solon, LLC (Solar Center Redevelopment) for PP#'s 954-34-001, 954-34-002, 954-34-003, 954-34-004, 954-34-005, 954-34-020, 954-34-021 and 954-34-022 to create four parcels.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 31200 Bainbridge Road – Gardiner Trane Service Co.

Mr. Frankland displayed a picture of the door and said the proposal is to remove the door at this facility and brick over the area with similar material.

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

Mr. Mazur said it has been determined that 3 members of the Commission will be absent for the next meeting scheduled for Tuesday, March 27th. Therefore, since it is necessary to have a quorum, the meeting will be rescheduled.

Motion by Mr. Mazur, seconded by Mr. Bentley to reschedule the Planning Commission meeting from Tuesday, March 27th to Thursday, March 29th.

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

Nay: None

Motion Carried

COMMENTS FROM THE COMMISSION:

Mayor Drucker said on Sunday, March 18th, the Solon Kiwanis Breakfast will be held from 8:00 A.M. to 12:30 P.M. at the Recreation Center.

Councilwoman Richmond reminded everyone that the Solon Philharmonic Series begins this Sunday, March 18th with "Bach to Rock."

Mr. Newberry congratulated Linda Crombie in the Planning Department and husband, Rick, on the birth of their son.

Mr. Bentley wished everyone a happy and safe spring break.

Mr. Mazur wished everyone a Happy St. Patrick's Day and requested good weather for the parade.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Councilwoman Richmond, seconded by Mr. Bentley to adjourn the meeting at 8:30 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary