

PLANNING & ZONING COMMISSION
April 24, 2012 – 7:15 P.M.

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

Present: Commission Members Mazur, Bentley and Newberry, Mayor Drucker, Prosecutor Stolarsky, Planning Director Frankland, Acting Secretary Letourneau

Absent: Councilwoman Richmond

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
- D. SW Corner of Miles Road and Neptune Drive – PP#'s 951-04-016, 951-05-001, 002, 003, 004 and 005 – Randy Kertesz – various setback variances and plan for subdivision

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. Thornbury Subdivision – Forest City Land Group – Phase 7 and 8 dedication plat: Mr. Mazur said a letter was received from Forest City Land Group explaining the issue is between the Homeowners' Association and the Army Corp of Engineers. He requested this item remain on the Active Agenda until resolved. Mr. Mazur recommended Prosecutor Stolarsky and Law Director Lobe send a letter to the Homeowner's Association requesting a resolution to this issue.

Mr. Stolarsky suggested a representative from the Thornbury Homeowners' Association be invited to attend the next meeting to discuss the issue.

Mayor Drucker made a minor change to page 7630 of the minutes of April 10th.

NEW:

3. 5020 Brainard Road – Comella Trust/Bar 50/20 Restaurant – Lot consolidation of PP#'s 951-02-009, 951-02-010, 959-02-011, 951-02-013 and 951-02-025, front yard setback variance, fence location variance and site plan approval for an outdoor dining area and parking lot expansion: Mr. Mazur said comments have been made regarding noise and possible loud music.

Mayor Drucker asked the applicant if there would be outdoor entertainment and was told there would be none. She said this will be added as a contingency to the motion.

4. 34085 Pettibone Road – Kelly Moran – swimming pool location variance: Mr. Mazur said Mr. Frankland has informed him that this variance is considered a technicality. Although it appears the pool is in the rear yard, by Code it is defined as the side yard.

Mr. Frankland said he has 4 minor alterations to present and gave a brief description of each.

Mr. Mazur suggested Item C be moved from the Inactive Agenda to the Active Agenda and have Mr. Frankland prepare a draft regarding the proposed modification to the C-5 Zoning District for the May 15th meeting with the intent to schedule a public hearing for May 29th. It is necessary to have this item reviewed by the Council and since the outcome will be determined by the electorate, it must be placed on the November ballot because it is a zoning code change.

Mr. Frankland said this item will require substantial preparation. He will be implementing the Master Plan for the area which recommends the zoning be modified so it is not specified that every use must serve the industrial area.

Mr. Newberry said if the item can be reviewed on May 15th and a public hearing held on May 29th, there will be time for the Council to review it prior to the deadline of July 29th to the Board of Elections.

The caucus ended at 7:28 P.M. and the meeting convened at 7:30 P.M.

Chairman 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 Mayor Drucker, seconded by Mr. Newberry to approve the minutes of the April 10, 2012 meeting as read.

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

Motion Carried

PENDING:

1. **Thornbury Subdivision – Forest City Land Group – tabled 11/29/05 pending Engineering approval & placed on Inactive Agenda – 12/14/09 applicant Request to remain on Inactive Agenda 2/28/12 placed on Active Agenda & tabled – 3/29 – tabled – 4/10 - NO NEW MATERIAL**
 - Phase 7 – Dedication plat
 - Phase 8 – Dedication plat

Mrs. Welch said she received a letter from Tom Gerber of Forest City Land Group **explaining the issues and that he is working with the Homeowners' Association to get the deed restrictions.**

Mr. Mazur said it appears the Homeowners' Association is looking for clarification from the Army Corp of Engineers regarding the requirements of the deed restrictions and have yet to be able to discuss it with them.

Mrs. Welch confirmed this to be correct.

Mr. Mazur said, as discussed during the Caucus, he is requesting Mr. Stolarsky and Mr. Lobe send a letter to **Forest City Land Group and the Thornbury Homeowners' Association expressing the City's interest in resolving the delay and completing the dedication.** He said the letter could also request a representative from the **homeowners' association to come to a meeting to address the Commission.**

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 1 and to have the Prosecutor and Law Director send a letter to the **Forest City Land Group and to the Thornbury Homeowners' Association.**

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

Motion Carried

2. **7414 Gauga Street – Elmer L. Kolm Rev. Living Trust - PP#'s 956-38-091, 956-38-092, 956-38-093** 030-2012
 - Lot consolidation

Ms. Kathleen Kolm was present as representative of the trust and requested the approval of the lot consolidation. She explained the lots are small and according to **the City's zoning code, are required to be consolidated.**

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.

Mayor Drucker said this is a standard consolidation which will bring the properties into compliance with City code for non-conforming lots.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 956-38-091, 956-38-092, 956-38-093.

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

Motion Carried

NEW:

3. 5020 Brainard Road – Comella Trust/Bar 50/20 Restaurant - 038-2012
PP#'s 951-02-009, 951-02-010, 951-02-011, 951-02-013,
951-02-025
- Lot consolidation
 - 66' front yard setback variance
 - Fence location variance
 - Site plan approval (outdoor dining area and parking lot expansion)

Mr. Jim Comella was present and displayed a map of the properties indicating the parcels for consolidation which is necessary in order to expand the parking.

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

Mr. David Smercina, 5045 Brainard Road, was present and asked why the address is Brainard Road instead of Miles Road.

Mr. Comella said the engineer made the determination.

Mr. Smercina has no concerns with the addition of tables and fencing in front of the Bar 50/20 Restaurant.

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

Mr. Newberry said he is happy this project is moving forward and it should help to improve the appearance of that corner.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the lot consolidation for PP#'s 951-02-009, 951-02-010, 951-02-011, 951-02-013, 951-02-025.

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

Motion Carried

Mr. Mazur read the remaining variances requested for this item.

Mr. Comella displayed a site plan for the Bar 50/20 Restaurant indicating the existing parking and where an additional 15 parking spaces are proposed. He indicated the 600' patio area where the front yard setback variance is required and

the location of the proposed fence.

Mr. Comella displayed a rendering of the proposed fence, which is 42" high and is made of decorative aluminum.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 66' front yard setback variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a fence location variance.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the site plan for an outdoor dining area with the contingency that there will be no outdoor entertainment and to approve a parking lot expansion.

Mr. Smercina asked if anything could be done to prevent drivers from cutting through the parking lot in the morning to avoid the light.

Mayor Drucker said this is considered private property and, therefore, it is the property owner's responsibility to determine how to prevent drivers from cutting through the parking lot. She said selective enforcement is generally not used for this situation since cut-through traffic will not occur if a police vehicle is parked in the lot.

Mr. Comella said he would not be opposed to adding balusters to prevent this from happening.

Mayor Drucker said it is Mr. Comella's decision.

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

Motion Carried

4. 34085 Pettibone Road – Kelly Moran 039-2012
- Swimming pool location variance

Ms. Kelly Moran was present and displayed various photos of her yard. She is caregiver to her father and step-mother, who are incapacitated. She explained, to assist in caring for them, there are cameras on all 4 sides of the house to monitor them. However, she is unable to see or hear them when she is in the backyard.

Ms. Moran displayed a photo indicating where the pool would be located at 201' 6" from the back of the deck and said she would be unable to hear the monitor from this location. She displayed a photo indicating where she proposes installing the pool which is adjacent to the addition where she could quickly gain access to care for her father and step-mother in case of emergency. She said the monitor does

not work well in the back yard.

Mr. Mazur said it appears that based on the orientation of the home, the location Ms. Moran is proposing for the pool is the most practical location.

Mr. Bentley agreed with Mr. Mazur.

Mayor Drucker said the Commission is considering this application based on the layout and the way this house is structured, the pool would technically be in the back yard. She said the Code deems it to be a side yard variance but the pool will actually be located in the back of the home and the pool will not be viewable from the front of the house.

Ms. Moran was concerned about receiving special treatment because she is caring for her parents.

Mayor Drucker said this is not about receiving special treatment because Ms. Moran cares for her parents, the variance is being granted because it is a technicality.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a swimming pool location variance.

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

Motion Carried

Mr. Mazur suggested Item C on the Inactive Agenda, a request to modify the permitted uses in the C-5 Zoning District, be moved from the Inactive Agenda to the Active Agenda. The purpose of this would be to have the Planning Director prepare information outlining changes to the C-5 Zoning Code. Mr. Mazur requested this information be prepared for the meeting of May 15th and then a public hearing will be scheduled for May 29th.

Mr. Mazur said it will then be necessary for the Council to review this information prior to the ballot language being submitted to the Board of Elections. All Zoning Code changes are required to go to the electorate and must be received by the Board of Elections by July 29th to be placed on the November ballot.

Motion by Mr. Mazur, seconded by Mr. Bentley to move Item C from the Inactive Agenda to the Active Agenda.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6161 Cochran Road – Overhead Door Corp.

Mr. Frankland displayed an aerial photograph of the location and said the proposal is to add a truck ramp on one side of the building. He indicated an 8' x 8' garage door and said the proposal is to enlarge it to 12' x 12'. He indicated the north side of the building, which is the main entry, and said the proposal is to remove some

windows and replace them with a door. Mr. Frankland displayed a photograph of the current windows.

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

2. **30600 Solon Industrial Parkway – Gosigar**

Mr. Frankland displayed an aerial photograph of the property indicating the stucco building. The proposal is to paint the entire building beige. Mr. Frankland displayed a sample of the paint color.

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

3. **30455 Solon Road – owned by GEIS (the former Wellness Works building)**

Mr. Frankland displayed a current photograph of the building and said the owner would like to transition the building into an office building. He said in order to accomplish this, the removal of a small addition to the building is necessary and approval of the Commission regarding the treatment of the wall is required. Mr. Frankland said some of the metal siding will be salvaged from the removal of the addition and the remaining wall will be covered with that metal siding.

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

4. **33675 Solon Road – Burntwood Tavern**

Mr. Frankland displayed a sample of the metal roofing originally proposed for the Burntwood Tavern. The Commission had requested a less shiny metal roof material be explored. Mr. Frankland displayed another metal roofing sample with an acid wash finish which was less shiny and reflective and had a rustic look that is being proposed.

The Commission approved of the new sample material and thanked the Burntwood Tavern management for their cooperation.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker congratulated Director, Kris Ferencie and Production Designer, Joe Ferencie and the entire cast, crew and orchestra who performed **Les Misérables** over the weekend for a wonderful performance. Mayor Drucker said the Solon High School Drama Club continues to impress each year with incredible talent.

Mayor Drucker said the City of Solon will host Earth Day on Sunday, April 29th from 8:30 A.M. to 1:00 P.M. at Solon Community Park. Programs will include: free tree seedlings, mulch will be available for sale, shredding will be available, E-Scrap Recycling will be accepting old computers to be dropped off and recycled safely, the "Touch a Truck" program will be available and information on how to care for

landscaping and trees will be available. She hopes many people will attend and that the weather cooperates.

Mr. Newberry also congratulated the Solon High School Drama Club on a wonderful performance of *Les Misérables* over the weekend.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:00 P.M.

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

Motion Carried

Chairman

Secretary