

PLANNING & ZONING COMMISSION
May 29, 2012 – 7:00 P.M.

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

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

Absent: Mr. Bentley

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. 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 commended Mrs. Welch for her efforts in getting this item resolved. Mr. Gerber from Forest City Land Group sent an email stating they are very close to a final resolution with the Thornbury Home Owner's Association and hope to finalize the issue at the next meeting.
- 2. 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: Mr. Frankland said in the list of permitted uses, the retail lists jewelry stores or one-use stores. He asked if general merchandise stores or department stores should be added to the uses.

It was the consensus of the Commission to leave the list as it is since the list includes prohibited uses as well.

NEW:

4. 6875 Parkland Boulevard – Permatex Inc. – parking lot curbing variance and a landscape screening variance:

Lieutenant Benedict said the Fire Department will not use that area since they do not know what material was used and he does not believe it was designed to support the weight of a truck.

In response to Mr. Mazur's question regarding landscape screening, Mr. Frankland said the row of burning bushes will be extended.

Mr. Newberry said there will be three motions made now and a revised site plan is necessary.

5. 38355 Flanders Drive – Scott and Liz Rumizen – accessory use exceeds 25% of rear yard coverage variance: Mayor Drucker said Mr. Stolarsky requested the variance be considered as a 207 sq ft rear yard coverage variance rather than a variance to exceed 25% of the rear yard.

Mr. Lobe said this is an unusual situation because of the attached patio and it is a technical violation. He said based on the footprint of the building, a variance would not be necessary but because of the interpretation of the Code, it is necessary to request a variance.

Mr. Mazur said the Engineering Department identified other issues as well; including, the swale and the pool are required to be off the easement.

7. 33400 Aurora Road – PNC Bank – front yard building setback variance, building color variance and site plan for expansion and drive-through lane modifications: Mr. Ben Gingrich was present representing PNC Bank.

Mr. Frankland said the side yard setback variance has been removed. He said there is an issue with lighting on the photometrics plan and it exceeds 0 at the property line.

Mr. Gingrich displayed the photometrics plan and said they are adding building lights and removing one pole light. Although the majority of the perimeter lighting has not changed, there has been a minor change in the lighting with .02 to .03 at the property line.

Mr. Frankland said the photometrics change should be included as a variance.

Mr. Mazur asked if this can be reduced.

Mr. Gingrich stated shields will be added to the lights which may reduce the light spillage. With the 1,372 sq ft addition, the existing setback line will be matched.

8. 6795 Solon Boulevard – Solon City Schools – 25' drive/aisle parking setback variance, setback variance, drive aisle width variances and site plan modifications:

A letter from the Traffic Engineer was distributed to Commission members. Questions were raised about the curbing adjacent to the parking area.

Mr. Rich Ziegman was present representing Solon City Schools. He said Phase 2 of the plan, the parking lot addition, will not be constructed this year. He said only Phase 1, the drop off and pick-up drive in the front of the building, will be completed this year. However, he would like the Commission to consider the parking lot addition at this meeting. This is primarily a safety situation and will prevent drivers from having to back up. Installing curbs will defeat the whole purpose of the plan. He also said he did not fully understand the variances that were identified and asked for clarification.

Mr. Frankland provided him with an explanation of the variances.

9. Ordinance No. 2012-150 imposing a temporary moratorium on development of parcels 954-29-027, 028, 029, 030, 031 and 032:

Mayor Drucker said the moratorium has been completed and extended by the Council for 9 months. The request is for input from the Planning Commission and the Master Plan Committee regarding a recommendation for the appropriate zoning for this area.

The Commission further discussed the possible zoning changes and the effects on the re-development of the shopping center.

Mr. Mazur said if the Council cancels their meeting of July 2nd, the Planning Commission will likely cancel their meeting of June 26th.

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

The caucus ended at 7:27 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 May 15, 2012 meeting as presented.

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

Motion Carried

PENDING:

1. Thornbury Subdivision – Forest City Land Group
 - Phase 7 – Dedication plat
 - Phase 8 – Dedication plat

Mrs. Welch said she received an email from Tom Gerber of Forest City which said they have met with the Thornbury Home Owner's Association and are making great progress. Although they were unable to attend tonight's meeting, they are hoping to have all of the issues resolved by the next meeting.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to table consideration of Item 1.

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

Motion Carried

2. 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.

Mr. Frankland said he was asked to prepare an amendment to remove the requirement that uses in that district serve the industrial district, which was arbitrary. The change will better define the permitted uses. At the request of the Planning Commission, banquet centers and a definition was added.

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.

Mr. Newberry said he believes changing this area of the zoning code will resolve many of the issues that have occurred during the last twenty years.

Motion by Mr. Newberry, seconded by Councilwoman Richmond to refer this item to the Council and recommend approval of the amended C-5 uses.

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

Motion Carried

3. 7010 Arlington Boulevard – PP#'s 955-33-190 & 955-33-191 - Tim & Carolyn Galish
 - Lot consolidation

041-2012

Mr. Tim Galish was present and displayed a site plan indicating the location of the paver patio and said they would like to replace it with a cement slab. However, they were informed that this could not be done until the properties were consolidated. Mr. Galish expressed concern about being able to have his patio installed soon and how long it might take the county to approve the consolidation.

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.

Mr. Frankland said a permit can be issued right away. He explained that a lot consolidation for the two parcels was approved in 2004, however, the consolidation was never filed with the county. He believes there are two issues here; the patio and the lot consolidation.

Mr. Newberry said providing the lots conform to the recording standards, it should not take the county long to approve and record it.

Mr. Lobe said since the mylar was prepared in 2004, he recommended Mr. Galish get an updated mylar to present to the county to avoid potential issues.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a lot consolidation for PP#'s 955-33-190 and 955-33-191.

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

Motion Carried

4. 6875 Parkland Boulevard – Permatex Inc. 048-2012
- Parking lot curbing variance
 - Landscape screening variance

As no representative was present, Mr. Mazur suggested this item be tabled.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 4.

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

Motion Carried

5. 38355 Flanders Drive – Scott and Liz Rumizen 049-2012
- Variance – accessory use exceeds 25% rear yard coverage

Mr. Scott Rumizen was present and said when the permit to install the pool was applied for, it was determined that the accessory use would exceed 25% of the rear yard coverage as specified in the Code. It was determined by the Engineering Department that the plan exceeded the Code by 207 sq. ft. Therefore, he is requesting a 207 sq. ft. variance.

Mr. Rumizen displayed an aerial of the property indicating the location of the proposed pool.

Motion by Councilwoman Richmond, seconded by Mr. Mazur to approve a 207 sq. ft. rear yard coverage variance with the contingency that the applicant will adhere to the Engineering Department's position regarding the swale and nothing will be placed in the easement.

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

Motion Carried

6. 6445 SOM Center Road – Fifth Third Bank 050-2012
- 1.5' building setback from parking lot variance
 - Site plan for addition

Mr. Gerald Weber was present representing Fifth Third Bank. He explained that the initial plan was for an interior renovation, however, it became a small addition. The business has grown and the addition will include 4 offices.

Mr. Weber displayed a site plan indicating the south side of the building where the addition is proposed. This addition will cause them to lose 5 parking spaces, including ADA spaces. However, the ADA spaces will be relocated to the front of the building which will make them closer to the entrance. The removal of the pavement will increase the amount of green space and the number of parking spaces will still be greater than the amount required by the Code. He said it was determined that a 1.5' setback variance for the parking lot will be necessary.

Mr. Mazur said the Engineering Department submitted a memo after having completed a site visit to the property and determined that the detention basin is not being adequately maintained and debris free. Mr. Mazur requested a commitment from Mr. Weber that the detention basin will be properly maintained in the future.

Mr. Weber agreed to properly maintaining the detention basin.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 1.5' building setback from parking lot variance.

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

Motion Carried

In response to Mr. Mazur's question, Mr. Weber said he believes 6" curbing will be installed.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve the site plan for the addition with the condition that the detention basin will be maintained, the new curbing will be 6" and the materials used will match the current materials.

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

Motion Carried

7. 33400 Aurora Road – PNC Bank 051-2012
- 9' front yard building setback variance
 - Building color variance
 - Site plan for expansion & drive-through lane modifications

Mr. Ben Gingrich, HSB Architects, was present representing PNC Bank. He displayed a site plan of the existing 2,504 sq. ft. building and said a 1,372 sq. ft. addition is proposed. The addition will conform to the same setback on the existing building, however, a 9' variance is necessary. Mr. Gingrich said the color variance is to match the current white trim and the current white sash windows.

Mr. Gingrich said the City Landscape Architect has reviewed and approved the landscape plan and the green space will actually be increased. During the caucus, concern regarding light spillage from the new lights was discussed and outside shields will be added to the light fixtures to reduce the amount of light spillage onto the adjacent properties.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 9' front yard building setback variance.

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

Motion Carried

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

Mr. Mazur noted this color variance is being approved since the building already has white trim and it would be an unnecessary burden for the applicant to have to re-paint.

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the site plan for expansion and drive-through lane modifications with the contingency that outside shields be added to the lights.

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

Motion Carried

8. 6795 Solon Boulevard – Solon City Schools 052-2012
- 25' drive aisle/parking setback variance
 - 13' setback variance – short term parking area
 - 4' drive aisle width variance (two-way aisle in front)
 - 8' drive aisle width variance (one-way aisle – short term parking area)
 - Site plan modifications

Mr. Rick Ziegman, Site Consultants, was present representing Solon City Schools' Roxbury School site modification. He explained the proposal is to remove the existing student pick-up and drop-off aisle and replace it with an expanded pick-up and drop-off aisle located further away from the road. The purpose is to relieve some of the congestion and to improve the safety of the drive.

Mr. Ziegman displayed a site plan and said the project would be completed in two parts. The first part would be the installation of the new pick-up and drop-off drive

to be completed this year. The second part would be the addition of parking along the south driveway to be completed at a later date. However, he would like the approval for the second part at this time.

Mr. Ziegman said he understands there have been some concerns over the circulation pattern for the parking. The purpose is to provide additional off-street parking to be used for an expansion of the pick-up and drop-off area. It is designed so that vehicles can pull in and around to the back of the area and their vehicles will be facing the front entrance of the school which will make students visible. Because of this layout, there will be no need to back-out of spaces. Any addition of curbing or wheel stops would defeat the purpose of the parking spaces.

Mr. Ziegman said this is essentially the same plan that was presented and approved in 2010 but this plan has the pick-up and drop-off drive located closer to the building and further away from the road. He said the new drive will still encroach on the right-of-way, however, the existing drive is completely in the right-of-way which creates the need for the variances.

Mr. Ziegman said the pick-up and drop-off lane will be a two-lane, one way drive, 20' wide and will provide ample room for students to safely get around vehicles. Although they can request that there be no pick-ups from the second lane, it is known from experience that this will happen. He said this is an effort to get as many vehicles off of the street as possible to prevent the back-up that occurs during pick-up and drop-off times during the school day.

In response to Mr. Mazur's question, Mr. Ziegman said the current pick-up and drop-off drive is approximately 17' wide and it is considered two lanes, however, it is very tight to be considered two lanes. He explained that cones are used to block off the second lane because it is so tight. Consequently, once a vehicle is in line, it cannot move until the vehicle in front moves. This is one of the reasons why a two-lane drive is proposed.

Mr. Mazur asked if creating a two-lane drive will prevent the back up on the street.

Mr. Ziegman said it is believed this will greatly reduce the number of vehicles backing up into the street but it is unknown if it will eliminate it entirely.

Mr. Mazur said there are still concerns regarding the parking area. He explained that a project must be started within one year of approval of the variances. Therefore, because Phase II will be delayed, he advised Mr. Ziegman that it might be prudent to remove the variances regarding the parking to see how the new drive functions. Mr. Mazur said it might be determined that the parking area is unnecessary if the new drive is sufficient.

Mr. Ziegman agreed with Mr. Mazur and said he would withdraw the parking variances and site plan approval at this time.

Mr. Newberry feels there are concerns and possible safety issues associated with the proposed parking configuration.

Mr. Ziegman said during discussions regarding the proposal, concerns were raised, however, it was hoped that through the cooperation of drivers, the added parking spaces would be effective.

Mr. Mazur said with the extended pick-up and drop-off area, the back-up on the road should be alleviated. In addition, based upon the information he has read in the newspaper, the School Board is predicting a decrease in the number of students attending Solon schools which should reduce the amount of traffic congestion.

Mr. Mazur said the withdrawal of the parking area portion of the application at this time, will reduce the number of variances requested.

Motion by Mr. Newberry, seconded by Mr. Mazur to accept the withdrawal of the 13' setback variance for the short-term parking area.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to accept the withdrawal of the 8' drive aisle width variance for the one-way aisle for the short-term parking area.

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

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the 25' drive aisle/parking setback variance.

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the 4' drive aisle width variance for the two-way aisle in front.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the modified site plan, not including the parking area.

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

Motion Carried

COUNCIL REFERRAL:

9. Ordinance No. 2012-150 imposing a temporary moratorium on development of parcels 954-29-027, 028, 029, 030, 031 and 032 – request for recommendation regarding appropriate zoning.

Mr. Frankland said this is a referral from the Council to consider the appropriate zoning of the 2.5 acres directly to the east of the former Solar Shopping Center (Giant Eagle), now called Solon Village. This land, originally zoned office, was part of the original development agreement, considered essential to the project at that time and was approved by the electorate to be rezoned to C-3-A.

Mr. Frankland said the 2.5 acres is not part of the current re-development site with ECHO and there is no longer a development agreement attached to the property.

Mayor Drucker said this issue has also been referred to the Master Plan Committee. During the caucus, it was determined that the Planning Commission would wait until a recommendation from the Master Plan Committee was received before any public hearings are scheduled and a decision is made.

Mr. Frankland believes the Master Plan Committee will meet sometime in July.

Mr. Mazur recommended this item remain on the Active Agenda.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to table consideration of Item 9.

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

Motion Carried

Mr. Frankland requested reconsideration be given to Item 4, Permatex, Inc. Although the applicant is not present, he will review the item for the Commission.

Mr. Mazur believes this should be reconsidered and presented by Mr. Frankland, especially since the June 26th meeting might be cancelled. He said if the Commission approves it and refers it to the Council, then a contingency will be added that a representative from Permatex is required to attend the June 4th Council meeting.

Motion by Mayor Drucker, seconded by Mr. Newberry to reconsider Item 4, Permatex Inc., 6875 Parkland Boulevard and have Mr. Frankland present the proposal.

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

Motion Carried

Mr. Frankland displayed an aerial view of the property indicating the parking area located in the front of the building. The proposal is to add an additional 10 parking spaces by extending the north side of the parking lot, however, variances will be necessary. Mr. Frankland said the existing parking lot is uncurbed and the applicant does not want to add curbing for the additional 10 parking spaces, therefore, a variance is required. In addition, front yard parking lots are required to be screened by mounding and four-season evergreen trees. However, the current front yard parking lot was installed before this was required by Code. Currently, a row of burning bushes screen the parking lot and the applicant proposes extending the row by 50' to serve as screening for the newly added parking spaces.

Mr. Frankland said although this is a simple project, the Engineering Department required some items be considered with the approval.

Fire Lieutenant Benedict said he had no concerns with the additional parking spaces.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a parking lot curbing variance and to recognize that there will be no curbing for the additional spaces.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the landscape screening variance contingent upon the Planning Director's final approval and that the applicant agrees to be present at the June 4th Council meeting.

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

Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the site plan for the 10 additional parking spaces.

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

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. Solon High School – 33600 Inwood Road

Mr. Frankland displayed an aerial of the property indicating the location of a small greenhouse in the rear of the building on the second floor. It is in poor condition and the proposal is to remove the greenhouse. Since it is on the second floor, the floor of the greenhouse will be roofing material and the side wall will be sided with metal siding to match the rest of the building.

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

2. 5260 Naiman Parkway – Cardinal Health Care

Mr. Frankland displayed an aerial indicating the location on the side of the building where a 12' x 24' concrete pad is proposed for the addition of three condenser units. This is an area made up entirely of impervious surface. Mr. Frankland displayed a drawing of the three condenser units which will attach to the building and be surrounded by an 8' high fence with barbed wire on the top. He said it is the Commission's decision to determine if screening is necessary.

Mr. Mazur believes this will be located far enough from the road that screening will be unnecessary.

Mr. Newberry said there is also mounding in the front of the building and any ability to view the condensers from the road would be brief.

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

3. 29855 Solon Road – Clairmont Solon LLC

Mr. Frankland displayed an aerial and indicated the rear of the building and the side of the building. He said the proposal is to eliminate the garage doors on the rear of the building and side it with metal siding. Mr. Frankland displayed a plan indicating the side elevation of the building where a number of garage doors are located. He said the proposal is to remove 7 of the 17 garage doors, refurbish a dock area and add a new 12' x 14' door.

In response to Mr. Mazur's question, Mr. Frankland said the materials will not be the same because currently there is metal siding with face brick underneath the garage doors. He said the face brick is falling apart, therefore, the siding will be metal and the face brick will not be replaced.

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

4. 31100 Solon Road – MFS Supply

Mr. Frankland displayed an aerial indicating a location towards the front of the building where the proposal is to replace doors. He displayed a photograph of the current door which is a solid 2-door man door and a photograph of the proposed door which is a glass storefront type to allow light into the building. He also indicated an overhead garage door with plywood paneling in need of repair which will be replaced with a new overhead garage door.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said Memorial Day Services were celebrated yesterday. She thanked all of the organizations and City departments that participated and helped to ensure a successful ceremony. She said despite the possibility of inclement weather, there was a great turnout which is wonderful that people honor our fallen soldiers.

Mayor Drucker congratulated and welcomed Mr. John Heckman, who was in the audience, the newest member of the Solon School Board. She said Mr. Heckman was a member of the Civil Service Commission and she has accepted his resignation. Mayor Drucker said she knows Mr. Heckman will do a wonderful job and the Solon schools are fortunate to have him.

In turn, Commission members congratulated Mr. Heckman.

Mr. Mazur said the Solon Chamber of Commerce is sponsoring a "cash mob." Anyone wishing to participate should meet at the former Stein Mart parking lot in Solon Square Shopping Center, 33321 Aurora Road at 5:00 P.M. Wednesday, June 20th. At that time, the name of the lucky business will be announced and the group will proceed to the establishment. Participants are asked to spend a minimum of \$20 at the location. Help support our local economy and join in the fun!

In response to Councilwoman Richmond's question, Mr. Mazur explained that a "cash mob" is similar to a "flash mob" which is a group of people who get together at a coordinated time and place and all sing and/or dance. However a "cash mob" is when a group of people gather at a coordinated time and place for a local retailer and buy products to help support the store. The store is notified in advance so they are prepared.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:25 P.M.

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

Motion Carried

Chairman

Secretary