

PLANNING & ZONING COMMISSION
July 10, 2012 – 7:00 P.M.

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

Present: Commission Members Mazur, Newberry and Bentley, Councilwoman Richmond, Mayor Drucker, Prosecutor Stolarsky, 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. Willow Street – PP# 956-39-056 – Robert Kucinic – Front yard setback variance

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:

2. SW corner of Miles Road and Neptune Drive – site plan review of new development: Mr. Mazur explained this item has been pending and under review by the Engineering Department.

Mrs. Welch said the Engineering Department has been working on the easement language for the sanitary sewer with the applicant's attorney and comments will be provided at the next meeting as well as preliminary plat approval.

Mr. Mazur said a public hearing is scheduled and comments will be heard.

Mr. Kertesz said the easement language is regarding the Cangemi property and the final language and comments are being reviewed.

Mr. Mazur said once this item is forwarded to the City Council, another public hearing will be required.

NEW:

5. 7604 Worlington Drive – Charlie Izzo – Decorative wall setback from residence, right-of-way and wall height variance: Mr. Domenic Lauria, Contractor, was present representing the applicant.

Mr. Mazur said the issue is with the easement on the property. It is necessary to ensure that the proposed structure will not be constructed over the easement and the applicant will be responsible if this should occur.

8. Highland Loch Subdivision – Highland Loch Homeowners II Association – plat modification for fencing and landscaping: Mr. Mazur said the proposal is to modify the plat to remove the fence requirement. The fence is in disrepair and the proposal is to remove it and have 90 days to review various alternatives.

9. 6585 Liberty Road – Alex Sprikaitis – accessory structure location variance, side yard and front yard setback variances: Mr. Mazur said the proposal is to construct a bus shelter for a handicapped child. He said an objection from the neighbor has been received.

10. 6477 SOM Center Road – GetGo/Giant Eagle – number of wall signs variance, free standing sign variance, total changeable copy area variance: Mr. Mazur said another variance has been identified by the Planning Department. A 16' setback between the GetGo and Sprint was previously approved and it has since been determined the setback is actually 15.06'.

12. 6687 Glenallen Avenue – Wayne Marok – accessory pavement setback from street and side yard setback variances, side yard setback variance for patio and cumulative minimum side yard setback variance: Mr. Mazur said the amount of pavement requested will be discussed during the meeting. A concern regarding the width increase from 3' to 5' for the sidewalk along the property line has been raised.

13. Solon Square Shopping Center – PP# 954-03-004 – Mid-America Management: side yard setback variance and site plan review for façade alterations: Mr. Mazur said this item will likely be tabled tonight. It has been determined by the Planning Department that the proposed doorway will encroach on private property as well as the canopy feature proposed. In addition, the color renditions require clarification. Mr. Mazur said parking lot modifications will be requested in August and it might be prudent to present the entire application at that time.

A representative from the architect's office was present and said she will still present the application tonight.

14. 29855 Solon Road – Clairmont Solon LLC – handicapped parking width variance and site plan review for parking and landscaping: Mr. Mazur said the handicapped parking space variance is no longer necessary.

Mr. Frankland said the applicant's proposal met the ADA compliancy but did not meet the City's code requirements. The applicant has since agreed to comply with the City's code requirements.

Mr. Newberry said comments and approval from the City's landscape architect were also received tonight.

15. 32450 Cannon Road – Kevin Shen – front setback from street for fencing variance : Mr. Mazur said he does not believe the type of fence requested, board-on-board is appropriate for this location.

Mrs. Welch said a utility easement is located on the property and the fence cannot be located within the easement.

Mr. Frankland said the proposed plan indicates the fence will be constructed along the right-of-way line which is within the easement.

Mr. Mazur said the application will have to be modified to be located 10' from the right-of-way line. Therefore, this will modify the setback variance from the side street.

Mr. Frankland said this modification will also eliminate the 2' fence setback from residence variance.

Mr. Mazur further explained to Mr. Shen the modifications that will be necessary because of the utility easement.

16. 34310 Aurora Road (southeast corner of SOM Center/Aurora Roads) Echo Solon, LLC/Giant Eagle – site plan review for façade alterations: Mr. Mazur said the seating area for employees along the SOM Center Road side and the café parking will also be reviewed.

Mr. Mazur asked if the Huntington Bank kiosk had been removed.

Mr. Bill Boron was present representing the applicant and said it has been removed.

Mr. Frankland said a memo was received from Kevin Westbrook approving the alterations and was distributed during the caucus. He said questions regarding the drive through area and outside employee seating should be directed to Fire Lieutenant Benedict.

Fire Lieutenant Benedict said he will review this item.

Mr. Boron said fencing and brick columns will be added to this location.

Mrs. Welch questioned if this item should be reviewed by the Safety and Public Properties Committee.

Mr. Frankland said it was determined it was unnecessary since the drive-through stacking exit was already reviewed and the two issues would be treated the same.

Mr. Frankland said he will present four minor alterations during the meeting.

The caucus ended at 7:22 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 Councilwoman Richmond, seconded by Mr. Bentley to approve the minutes of the June 12, 2012 meeting.

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

Nay: None

Abstain: Mazur

Motion Carried

PENDING:

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

Mrs. Welch said she spoke with Mr. Gerber from Forest City Land Group who said the attorney for the Homeowners' Association is on vacation. He assured her that progress is being made and they hope to attend the next meeting.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 1.

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

Nay: None

Motion Carried

2. SW Corner of Miles Road and Neptune Drive – 017-2012
PP#'s 951-04-016, 951-05-001, 002, 003, 004 and 005 –
Randy Kertesz
 - Site plan review for new sub-division

Mr. Mazur said there are no variances associated with the application at this time and any action taken by the Commission tonight will be contingent upon final comments and review by the Engineering Department.

Mrs. Welch said they are reviewing the preliminary plat and final recommendations will be submitted next week. She said they are currently reviewing the sanitary sewer easement on the adjacent Cangemi property with Mr. Kertesz's attorney.

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

Mrs. Deborah Paskell, 5159 Hemington Boulevard, was present and said she is opposed to the development. She is especially concerned about flooding issues as her property is located at the bottom of North Park Estates which is adjacent to the new development. Mrs. Paskell said she has experienced flooding issues in the past and she is concerned that the improvements Mr. Kertesz intends on making will not resolve the issues. She has flooding issues all year long and although the City has assisted with them, they are still unresolved. Mrs. Paskell wished to state her concerns and does not feel her property will be protected and that this development will not be in her best interests. She asked for the Commission to prevent this from taking place.

Ms. Charlotte Adomaitis, 5053 Neptune Drive, was present and said she is concerned about the ponds located on the property for the proposed development. She said the ponds have been ruined by using them as retention basins. Ms. Adomaitis said they were both spring-fed lakes and now the smaller one spills over into the larger one because of the overflow that has been directed into it. She said, in the past, discussions have taken place with the Engineering Department but nothing was ever corrected.

Ms. Adomaitis said she is also concerned about the additional traffic the development will bring to the area. She said she has not viewed any plans for the development and thought they would be available for viewing. Ms. Adomaitis said many people enjoy walking in the area and she would like to know the details of the proposed plan. She said she has lived in the neighborhood since 1938 and knows much about its history. She said spring-fed bodies of water are very unusual and she would like to see these areas maintained.

Mr. Mazur said the plans for the development are readily available and can be viewed at City Hall or the Solon Public Library. He said this information is a public record and the applicant will discuss and display the plans again this evening.

Ms. Adomaitis said there was also a problem with water coming down from Hidden Creek. She said at one time the property was even but when Hidden Creek Subdivision was built, the height was increased and she had flooding problems. She spoke with her councilwoman, who looked into it. Ms. Adomaitis believes it has been taken care of; however, there has not been substantial rain since then.

Mr. Randy Kertesz, developer, and Mr. Dan Neff, Project Engineer, Neff & Associates, were present. Mr. Kertesz displayed the development plans and explained there are 13 lots to be developed with no variances requested. He indicated the location of the ponds which he intends to clean and hopes this will assist with their functioning. Mr. Kertesz indicated on the plan the location of the existing waterway the ponds discharge into. He indicated the area and noted the natural topography of the area causes the water to flow towards North Park Estates. Mr. Kertesz said it is his intention to add pipes that will divert the water from flowing towards the homes in North Park Estates.

Mr. Kertesz said all of the lots are one acre or larger and once the easement agreement is finalized, it will be presented to the City for acceptance. He said all of

the lots will enter off of Neptune Oval except one will enter off of Neptune Drive. The Engineering Department has said a sidewalk must be added and he believes this will assist those who walk in the area.

Mr. Kertesz said comments made when the plan was first introduced were taken into consideration. The biggest concern at that time was the water run-off and Mr. Neff will explain what is proposed from an Engineering perspective. Mr. Kertesz said there is an easement between the rear yards of the properties in North Park Estates and the new development. He explained that drains will be installed to carry the water to the detention basin. He believes the improvements he proposes will assist in lessening the burden the homeowners in North Park Estates currently have with water run-off.

Mr. Neff indicated the area of specific concern to the homeowners in North Park Estates and said the area is approximately 5 acres. The water from the area will be diverted into a basin and will then continue to a stream located near the highway. He believes this will take most of the water that is now getting into North Park Estates away from the property. Mr. Neff said this is a positive impact from this development. In addition, the lower large lake will be modified and the outlet structure will be modified to have more storage capacity.

Mr. Kertesz said maintenance of the lakes will be taken care of by a Homeowners' Association. A fund will be created that homeowners will have to pay into for maintenance of the public areas of the development and will be reinforced by a deed restriction on all of the properties.

In response to Mr. Mazur's question, Mrs. Welch said she believes the Code will soon be changed to ensure the Homeowners' Association will maintain and monitor the retention basins. She said the City will still inspect the areas and will ensure proper maintenance.

Mr. Kertesz said the proposal includes safeguards, whereby, if one retention basin fills, the topography of the property will direct it to the next storage facility and so on. This will alleviate the large amount of water that would currently end up in North Park Estates, especially during a catastrophic rain event.

Mayor Drucker asked about the deed restrictions that will be placed on homeowners for maintenance of the ponds and other public areas they will be financially responsible for through homeowners' dues. She said homeowners' associations contact the City on a regular basis expressing their frustration with struggling to collect dues and if it is not listed in the deed restrictions, it makes it difficult for the association to collect and continue to function. When the responsibilities and expenses are part of the deed restrictions, it makes a stronger case for the association to collect.

Mr. Kertesz emphasized it will be a matter of record to anyone purchasing property in the development as well as future resale of property that there are deed restrictions on the property that must be adhered to.

Mr. Mazur questioned the timeline for the development.

Mr. Kertesz said once all approvals are received, he would like to start development this year and, if that is not possible, then next spring. He said he is already getting phone calls from interested parties about the development. Mr. Kertesz said he believes the average house size will be approximately 3,000 sq. ft.

Mayor Drucker asked Mrs. Welch to comment on the movement of the stream and the outcome of the Public Works Committee review.

Mrs. Welch said the Boulder Creek project was discussed and research was conducted. The main difference with the Boulder Creek project was that it included 221 offsite acres with no storm water management which collected onto the Boulder Creek project as part of the drainage area. The Neptune Estates project consists of 28½ offsite acres with storm water management. She explained that this is a big difference between the two projects and there is no direct correlation.

Mr. Mazur said assuming the application is forwarded to the Council, it will be stipulated that all of the setbacks will be at 100' and dedicated on the plat. Mr. Kertesz agreed.

Councilwoman Meany was present and asked who would be responsible to maintain the drainage culverts. A site plan was displayed and the lots that include inlets in the rear of the property were indicated.

Mr. Neff said the culverts will be within an easement and it his understanding that they are part of the storm system which is maintained by the City. If this is not the case, it will be addressed in the homeowners' association rules and regulations. However, it is anticipated that they are accessible to the City through the easements on the plats for inspection purposes.

Councilwoman Meany understands there have been issues in other developments where the culverts are not maintained.

Mr. Kertesz said in the past, restrictions have been added to the sales contracts that the property owner must adhere to the master grading plan. Therefore, if a swale is on the property, the owner will not be permitted to fill in the swale.

Mrs. Welch said drainage easements are maintained by City services and will be labeled on the plat.

Mr. Frankland said Section 1289.02 of the Zoning Code was amended several years ago and requires homeowners' associations to maintain all approved drainage provisions located on their property.

Mr. Newberry said this change took place after the storm of June, 2006 when many of the detention basins did not work.

Mrs. Paskell said based on the presentation just given, there is a great amount of water which affects her home. She indicated an area on the site plan that was previously developed and flooding occurred after development. Although she understands developers and engineers plan to the best of their ability to prevent problems with flooding, there is still no guarantee that her property will not be affected. Mrs. Paskell feels that placing so much of the responsibility for maintenance on the homeowners could create a hardship for her if the drainage areas are not properly maintained, whereby, the water will end up on her property or her neighbor's property.

Mrs. Paskell feels that depending on drawings and science will not guarantee this will work as planned. She said there is no guarantee that the homeowners in the new development will upkeep their property and pay their dues or that there will be no erosion and regular maintenance will be performed. Mrs. Paskell questioned the type of homes to be built in the new development and if they will be able to maintain the yards and drainage provisions. Mrs. Paskell believes this will be risky and previous neighbors have had flooding issues which the City tried unsuccessfully to correct. She urged the Commission to stop the development.

Mr. Kertesz said he understands the difficulty involved when flooding occurs. He referred to the site plan and indicated the area, based on the topography, where the water currently flows toward North Park Estates and is considered unmanaged. Mr. Kertesz said the changes and improvements he discussed previously will manage the water flow and it will be directed away from North Park Estates and diverted to a basin. He said there is no 100% guarantee for anything but he feels they have done everything possible to assist with preventing flooding issues. Mr. Kertesz said as a developer he must post maintenance and performance bonds and there is an insurance policy for approximately 5 years to ensure everything that was agreed upon and approved is completed.

Ms. Adomaitis said she is unaware of a river or a creek located in the area and believed only run-off into the lake was occurring. Mr. Kertesz said there is an existing creek.

Ms. Adomaitis said the people who live on Neptune Drive are being completely ignored. She said they are getting a sidewalk but will have no access to the lake and only people who pay homeowners' dues and live in the new development will have access to the lake. She feels concessions should be made for the people who have lived on Neptune Drive for many years who have used the lake and helped to maintain it. Ms. Adomaitis suggested the City take over the lake and turn it into a dog park for everyone to use. She understands there are costs involved with upkeeping the lake but it will be difficult to continue to live near the lake and not be able to have access to it.

Mr. Attila Balogh, 5043 Neptune Drive, was present and said he lives across the street from the large lake. He said the overflow from the smaller lake was diverted to bypass the large lake because the large lake is spring-fed. He heard Mr. Kertesz say they propose to enlarge the large lake and allow stream water into it which will contaminate it with yard chemicals. Mr. Balogh said there is wildlife living in the

lake now and he believes this would put an end to that. He asked if the lake could be kept as clean as it is now and not be contaminated with run-off water since it is an active spring-fed lake.

Mr. Neff said the smaller pond currently drains into the larger pond. The objective is to clean the smaller pond which is quite overgrown, silted and contains a lot of debris. Mr. Neff said they are not proposing enlarging the larger lake but improving the outlet structure so that it has the ability to store water during storm events so that the water does not go over as fast as it has been doing. Therefore, the plan is to manage the water and this will not effectively change the size of the lake. The main goal is to clean up the lakes. Mr. Neff said the lake is spring fed; however, they are taking on the responsibility of managing the water runoff from 28½ offsite acres.

Mr. Mazur asked if the lakes will maintain a rustic look.

Mr. Neff said the upper pond will not have any of its features changed other than ensuring the outlet structures are unobstructed and cleaned. The lower and larger pond will have the outlet structure replaced and improved to have the ability for storm water management. He explained most of the changes will be made to accommodate the runoff from the offsite acres. Mr. Neff said much of the current vegetation will remain.

Ms. Anne Hammond, 5091 Neptune Drive, was present and said the small pond is getting all of the chemical runoff from fertilizer and weed killer which contains toxins. The toxins can affect people, animals and plants. If the water from the small pond gets into the larger pond, it will contaminate that pond as well. If swimming takes place in the pond once it is cleaned up, they will be swimming in toxic water. Ms. Hammond said most of Ohio's waterways are contaminated by runoff, mainly from agricultural toxins which can be harmful to pets, children and unborn babies which produces more birth defects.

Mr. Kertesz said water runoff is already happening between the two lakes with some of it coming from Hidden Creek. He said the runoff is currently uncontrolled and once they get the lakes cleaned up and rebuilt, it will be a more controlled environment.

Mr. Balogh said the water coming from Hidden Creek does not get into the larger pond and the overflow from the smaller pond goes around the large pond and ends up in the creek. He said the larger pond is clean because it is spring-fed and the smaller pond is murky. If the two ponds are connected, then it will just become a water retention area.

Mr. Newberry said the exchange of opinions regarding the lakes could continue but it is up to the developer and the City to oversee that the environment is not degraded more than necessary to develop the sub-division. The developer should ensure that the lakes be maintained and if storm water management is necessary by using one of the ponds and it is the correct method, then it should be done. Mr. Newberry said this is not the forum to debate storm water management.

Mr. Mazur believes it is important to hear the neighbors' concerns and have them addressed and he thinks a fair exchange has taken place.

Mr. Newberry agreed it is appropriate to hear the concerns and for the City to be aware of them and to give the property owner the appropriate authority to develop their property in accordance with the Zoning Code. Mr. Newberry said all of the various departments are aware of all of the issues and the developer must work within the requirements.

Mr. Mazur said the purpose of a public hearing is to hear from the public. He agreed that all of the concerns have been heard and another public hearing will be held when the item is forwarded to the Council. Mr. Mazur asked if anyone had any different issues to discuss.

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

Mr. Newberry asked if the property contained wetlands.

Mr. Neff said the property does contain wetlands and the permit process has already been started and they are staying within their nationwide permit for impacts which is indicated on the plans. He said mitigation will be required and is currently being determined. Mr. Kertesz said deposits have already been issued to the mitigation banks.

Mr. Mazur feels the comments made by neighbors were enlightening and legitimate concerns were expressed. He feels the applicant has done his due diligence to mitigate the existing problems. This Commission does not have the authority to prevent the development of privately owned property. Although he understands not everyone is totally satisfied with the proposed development, all of the experts have determined it can move forward. He will support the application and recommend it be forwarded to the Council.

Mr. Bentley agreed with Mr. Mazur and will also support the application, especially considering there are no variances required.

Mr. Frankland set the setback is shown at 100' on the plat but some of the houses are shown exceeding the 100' setback. He said it is important that the houses meet the 100' setback. Mr. Neff agreed.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the preliminary plans for the Neptune Oval project with the contingencies that there will be no variances, the Engineering Department's comments regarding the sanitary sewer easement with the Cangemi property and the preliminary plat will be incorporated and deed restrictions to include homeowner membership for maintenance, etc., will be attached to the properties.

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

Motion Carried

3. 6845 SOM Center Road – Solon City Schools 057-2012
- Building material variance
 - Site plan – press box and concrete pad

Mr. Frankland displayed an aerial of the property indicating the location of the current press box. He explained that the school proposes replacing the press box which is currently 16' x 6' with a similarly designed 16' x 12' press box that will be placed on a 36' x 22' concrete pad.

Mr. Frankland displayed pictures of the proposed press box. A building material variance is necessary since vinyl siding is proposed for the press box and the Code requires that non-residential uses within residential zoning districts be constructed of brick, stone, or solid wood siding. Mr. Frankland said no color was specified for the vinyl siding, therefore, a contingency should be added to the motion that the vinyl siding will be an earth tone color.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the building material variance contingent upon color approval by the Planning Department.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the site plan for the press box and concrete pad.

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

Motion Carried

4. 6717 Glenallen Avenue – William Russell 058-2012
- 15' accessory pavement setback from street variance
 - 4' accessory pavement setback from side lot line variance
 - 4.8' total cumulative side yard setback variance
 - 4' side yard setback variance

Mr. William Russell was present and explained he is trying to improve the appearance of his property. He explained that the existing parking area was gravel when he moved in. He has tried to maintain it and has added limestone to it over the years to help prevent weeds. Although the limestone helped, maintenance issues are ongoing. Mr. Russell said he decided to concrete the area, hired a contractor, and when the contractor attempted to get the necessary permits, he was told he would be required to apply for variances.

Mr. Russell said his neighbor submitted a letter of approval for the project. He displayed a diagram and indicated the location of his neighbor's property and the area he is proposing to concrete. He feels the concrete will improve the appearance of his property and the neighborhood and will also resolve his maintenance issues.

Mr. Newberry said this has been an existing issue and might be in violation of the current code requirements, but is considered "grandfathered." The applicant would

like to make improvements to the property and he understands the justification. He has no issues with the request.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 15' accessory pavement setback from street variance.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 4' accessory pavement setback from side lot line variance.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 4.8' total cumulative side yard setback variance.

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 4' side yard setback variance.

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

5. 7604 Worlington Drive – Charlie Izzo 059-2012

- 17' 8¼" decorative wall setback from right of way variance – north wall
- 12' 6" decorative wall setback from right of way variance – south pillar
- 51' decorative wall setback from the residence variance– north wall
- 59' decorative wall setback from the residence variance – south pillar
- 2' 8" decorative wall height variance – north column
- 2' 8" decorative wall height variance – south column

Mr. Domenic Lauria, Vizmeg Landscape, was present representing the applicant. He displayed a rendering of pillars and walls that are proposed for the front entrance to the property. The structures will be constructed behind the 12' utility easement. He explained the columns and walls have been designed to be in proportion with the magnitude of the house.

Mr. Mazur said variances for this type of structure have been approved in the past.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 17' 8¼" decorative wall setback from right of way variance for the north wall.

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 12' 6" decorative wall setback from the right of way variance from the south pillar.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 51' decorative wall setback from the residence variance for the north wall.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 59' decorative wall setback from the residence variance for the south pillar.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 2' 8" decorative wall height variance for the north column with the contingency that it will not be located within the 12' easement.

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

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 2' 8" decorative wall height variance for the south column with the contingency that it will not be located within the 12' easement.

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

Motion Carried

6. 34875 Lakeview Drive – Elizabeth and Paul Riley 060-2012
▪ 9' side yard pavement setback variance

Mrs. Elizabeth Riley was present and displayed a site plan indicating the proposal to extend the garage to the rear of the property. She said the current garage has a rear yard entry and indicated the area. Mrs. Riley explained extending the garage will also give additional privacy to the patio. She displayed another rendering noting where the extension is necessary to get into the new area of the rear entry garage.

Mr. Mazur said an objection from an adjacent neighbor who feels the project could be better designed, was received. Mr. Mazur viewed the property and feels it is a necessary improvement for their property since currently they are required to back out of the driveway which has a significant drop off and is unsafe. He said the property of the neighbor who objected to the variance will not be affected and he will support the variance.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve a 9' side yard pavement setback variance.

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

Motion Carried

7. 35575 Pettibone Road – Deborah Kearney 061-2012
▪ 21' front yard setback variance

Mr. Dan Leising, Ohio Access Products, was present representing the applicant. He explained that the proposal is for the installation of a wheelchair lift for the

applicant's son. It is necessary to construct an 8' x 8' deck over the existing stoop to the front door. Mr. Leising said the front door is the only door that is wide enough to accommodate the wheelchair. The newly constructed deck would be located approximately 70' from the City sidewalk. He displayed a photograph of the type of lift that is proposed and said it would have a gate at the top for safety when the lift is down.

Mr. Mazur said the Code requires a 90' setback and the deck will be located 69' from the sidewalk, so the variance is for a 21' setback.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 21' front yard setback variance.

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

Nay: None

Motion Carried

8. Highland Loch Subdivision – Highland Loch Homeowners II Association 062-2012
- Plat modification (fence/landscaping)

Mr. John Scott, 36845 Aberdeen Lane, a member of the Board of Trustees for the Highland Loch Homeowners II Association, was present. Mr. Scott displayed a plan of the development and said the request is for a modification to the plat. He explained in 1995 when the plan for the development was presented, there was concern expressed by the homeowners of Chagrin Highlands regarding the types of homes to be built, drainage, etc. A provision was made to the plat to include fencing along Chagrin Highlands Drive. Mr. Scott said the fence was installed and is now in disrepair.

Mr. Scott said in an effort to remedy the situation, the Board is considering 3 options:

1. Replace the fence with the same style; but a better quality fence
2. Take the fence down and leave it down; but add extensive landscaping
3. Replace the fence with a similar style that already exists on Chagrin Highlands Drive

Mr. Scott said they are requesting a plat modification to remove the fencing and will review and study the options for a period of 90 days. Once the Board has voted and made a decision, they would like the request to be viewed by the Planning Department as a minor alteration.

Councilwoman Richmond said she favors option 3.

Mr. Mazur said there is a significant drop off and mounding in the area, however, there may be an issue with sound barriers.

Mr. Newberry said the idea of extensive landscaping appeals to him.

Mr. Scott said that is why they are requesting the 90 days to have time to review the options. He has started to research the options and ODOT says the landscaping is the best way to deflect noise from the highway.

In response to Councilwoman Richmond's comments regarding the difficulty to grow trees in the area, Mr. Scott said research indicates specific varieties will grow when planted in the proper location.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve the request to permanently remove the requirement for a fence along the Highland Loch Subdivision with the contingency that the Board of Directors will be granted 90 days to submit a recommendation to the Planning Department which will be reviewed as a minor alteration.

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

Motion Carried

9. 6585 Liberty Road – Alex Spirikaitis 063-2012
- Accessory structure location variance
 - 15.7' side yard setback variance
 - 97' front yard setback variance

Mr. Todd Victor, Contractor, representative for the applicant, displayed a plan and explained the proposal for a bus shelter to be built at the end of the driveway for the applicant's handicapped child who is confined to a wheelchair. The materials proposed will match the new home and are cedar siding and decking and dimensional shingles. Mr. Victor said the house is situated 450' off of the road and the applicant feels the shelter is necessary for the child to be protected from the elements while waiting for the school bus.

Mr. Mazur said correspondence from the neighbors to the north was received objecting to the location of the shelter. They are concerned it will interfere with their line of sight and noted other issues.

Mr. Victor said the proposed shelter would be located 17' from the edge of the road and most vehicles are 15' in length or less, therefore, he does not believe this would be an issue. He said there are two telephone poles located right off of the road and the shelter would be constructed approximately 3' behind them. In addition, there is existing substantial brush and vegetation measuring approximately 6' high along the property line.

Mayor Drucker requested Mr. Victor indicate the area for the proposed shelter on the plan and said she attempted to view the area a few times but it was difficult to visualize with all of the construction equipment and activity going on.

Mr. Michael Price, grandfather to the Spirikaitis children, was present and explained that if you are looking at the driveway from the street and look to the north side where the two telephone poles are located, the bus shelter would be located behind the poles. Therefore, the shelter is not more of an obstruction when looking northbound than the telephone poles are.

Mr. Price said his handicapped grandson will likely be living there longer than the usual projected high school years. The necessity for the shelter is because the bus will not come down the 450' driveway to pick him up at the house. Mr. Price said regardless of inclement weather, his grandson wants to maintain his independence and be able to get in his wheelchair and bring himself to the bus shelter to wait for the bus.

Mr. Price was offended by the neighbor's objection correspondence where the shelter was referred to as a roadside market building or playhouse. He said the shelter will be made of cedar and will cost approximately \$12,000.

Mr. Mazur said he frequently drives on Liberty Road and agreed with Mr. Price that the telephone poles and shrubbery and brush are a substantial obstruction. He is concerned, however, about the size of the shelter and feels it is unnecessary to have a 130 sq. ft. bus shelter.

Mr. Price said the shelter will accommodate his grandson in the wheelchair and his brother. It is necessary to have extra room to maneuver the wheelchair.

Mr. Mazur said he might consider a 10' shelter but feels the current request for a 15' shelter is excessive and considers it too big for its proposed use. Although he agrees there is a need for the shelter, which he supports, he feels the proposed shelter is just too large.

Mr. Victor said the shelter measures 11' x 8'.

Mr. Newberry said the additional platform measures 5' x 4'. If this is removed, it will reduce the overall size and the ramp can be added to the side of the covered porch.

Mr. Mazur recommended the applicant return with a revised plan.

Mr. Bentley agreed and feels if the overall size is reduced and the location of the ramp is changed, the plan for a bus shelter will be more acceptable.

Mr. Price asked if the Commission would be more willing to approve the plan if the size is reduced.

Mr. Newberry said variances will still be necessary for the application. However, it is understood that there is a legitimate physical need for the shelter in that location. Mr. Newberry said compromise will assist with potential approval, especially since there has been an objection from one of the neighbors. Although he believes a bus shelter is necessary, it is not necessary for it to be so elaborate.

Mayor Drucker asked if moving the ramp will create a greater slope to maneuver the wheelchair up the ramp. Mr. Victor said it will create a greater slope. Mayor Drucker said this should be taken into consideration as well.

Mr. Mazur asked if the shelter could be removed once the handicapped student was out of high school.

Mr. Price said the need for a wheelchair will always be there and although high school may end, buses for other reasons might exist in the future. He said a bus will never be able to navigate the driveway. Mr. Price said he does not want to have a specific date the shelter must be removed and it will not be turned into a farm market or a playhouse.

Mr. Mazur asked if the shelter can be removed once it is no longer necessary. He is not requesting a specific date.

Mr. Price said the shelter will be removed when it is no longer needed.

Mayor Drucker asked what the applicant's timeframe for the shelter is.

Mr. Price said they are hoping to be in the house by October 1st. Since the family currently lives on Sunnywood Drive, the children will be starting school in Solon. The construction of the shelter being delayed will not prevent them from attending school.

Mr. Mazur said if the Council cancels the August 6th meeting, the Planning Commission will cancel the July 24th meeting. Therefore, the next Planning Commission meeting will be held on August 14th and approved items will be forwarded to the Council for the August 20th meeting.

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

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

Nay: None

Motion Carried

10. 6477 SOM Center Road – GetGo/Giant Eagle 064-2012
- Total number of wall signs variance (to allow 2 signs)
 - Free standing sign for an individual business unit variance
 - 1' free standing sign width variance
 - .625 sq. ft. total changeable copy area variance
 - Variance to allow a distance of 15.06' between buildings (added during Caucus)

Mr. George Dragon, Cicogna Electric and Sign Co, was present representing GetGo and Giant Eagle. He displayed a rendering of the new GetGo and indicated the locations for the two proposed 4' X 8' illuminated wall signs. One sign will be over the entrance and the other sign facing SOM Center Road. In addition, there would be a monument sign with the LED gas pricing and the GetGo logo.

Mr. Stolarsky said the .625 sq. ft. total changeable copy area variance should be considered as a 3% variance. Since the requirement is based upon a percentage of 50% changeable copy area requirement, the 3% is a more appropriate form of measurement.

Mr. Mazur said this variance is necessary because the City requested that the part of the structure which faces SOM Center Road look like an entrance to a building and a finished product and not just look like a wall.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a total number of wall signs variance to allow 2 signs.

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a free standing sign for an individual business unit variance.

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 1' free standing sign width variance.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 3% total changeable copy area variance.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a variance to allow a distance of 15.06' between buildings.

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

11. 32840 Linden Drive – Nino & Rose Giallanza 065-2012
▪ 3' front yard setback variance

Mr. Nino Giallanza was present and displayed a rendering of the proposed front porch. The old porch is in disrepair and the foundation is broken in several areas which allowed skunks to get under the porch and use it for their home. The new porch is proposed on a slab with a curved step to enter the front door.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 3' front yard setback variance.

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

12. 6687 Glenallen Avenue – Wayne Marok 066-2012
▪ 15' accessory pavement setback from street variance
▪ 2' accessory pavement side yard setback variance
▪ 2' side yard setback variance – patio
▪ 4' cumulative side yard setback variance

Mr. Wayne Marok displayed photographs of the garage and explained that the property slopes. He indicated the cracks in the sidewalks and garage floor and the steps which are sinking because of the sloping property. He is asking for variances so he can correct the problems. Mr. Marok said this problem existed when he bought the house and believes it is because the previous owners did not have gutters on the house.

Mr. Marok displayed a photograph of the side of his property indicating the current sidewalk where he proposes adding 2' to the width. He said that both of his parents are in wheelchairs and he uses the rear steps to bring them into the house because there are fewer steps than the front of his property. Mr. Marok said this is especially difficult during the winter since the wheelchair is as wide as the sidewalk. He prefers doing this rather than adding a ramp to the front of his home. The variances will also allow him to level the sidewalk and the back patio.

Mr. Bentley said when he first looked at the application he questioned the necessity for the additional 2' to the sidewalk. However, upon hearing Mr. Marok's explanation, he now understands the necessity and supports the variance for the sidewalks and the other variances.

Mr. Mazur said he has no issues with the driveway extension. However, the extension dead ends into a non-existing apron and he asked Mr. Marok to consider tapering the driveway on both sides. Mr. Marok agreed.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 15' accessory pavement setback from street variance.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 2' accessory pavement side yard setback variance.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 2' side yard setback variance for the patio.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 4' cumulative side yard setback variance with the contingency that the applicant tapers both sides of the driveway with the 6' wide driveway extension.

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

13. Solon Square Shopping Center – PP# 954-03-004 067-2012
Mid-America Management Corp.
- 15' side yard setback variance
 - Site plan – façade alterations

Mr. Matt Majeed, MCG Architecture, and Stephen Fein, Mid-America Management Corp. were present.

Mr. Majeed displayed a rendering of the former SteinMart location in the Solon Square Shopping Center. He explained that ever since Tops vacated the building, a portion of it has not been used and now that SteinMart has closed and the building is vacant again, Mid-America would like turn the one large space into 3 spaces for individual tenants.

Mr. Majeed indicated the area on the rendering and said the proposed plan is to add more glass and open up the buildings. One of the issues is that the south side of the building is on the property line. The Code requires a man door on the south side of the building for egress. In addition, a new corridor will be made along the rear of the property for egress for the new tenants. Mr. Majeed said the south side of the building will be glazed and an awning will be added to make the corner more attractive from the main road. This was recommended by Mr. Frankland and the City's landscape architect.

Mr. Majeed said the man door and the awning are infringing on the adjacent property. Mid-America Management and the adjacent property owner, Huntington Bank, are finalizing the review of a cross-access agreement to allow the infringement. Mr. Majeed said this agreement will also be reviewed by the State under the Ohio Basic Building Code.

Mr. Majeed referred to the rendering and said it gives a two dimensional elevation of the property. He explained the original design is dated and the intent of the new design is to modernize and make it more visible. Mr. Majeed said they will try to match the existing brick and as an accent, will use a lighter color brick.

Mr. Majeed said there are limitations as to what updates can be accomplished. An attempt to create a more interesting front will be achieved by varying the height with the cornices.

Mr. Mazur said he would like to see where the awning and the man door will fall on the Huntington property.

Mr. Majeed indicated the location on the rendering and said currently the area is an approximate 10' wide grass area with curbing. He said the grass area will become a 5' sidewalk which is necessary for ADA requirements and will be located on Huntington's property.

Mr. Newberry asked if the truck well will remain on the property for deliveries of future tenants. Mr. Fein said the truck well will remain.

In response to Mr. Mazur's question about changes to the parking lot, Mr. Majeed said changes are planned and are currently under review by the Planning Department. Mr. Majeed said due to the current grading, the floor in the building is approximately 2' below the outside frame. He referred to a rendering and said in

order to achieve the level look, substantial cutting and grading and reworking the drainage to allow for the continuous sidewalk is necessary.

Mr. Frankland said the application for the parking changes will be submitted in August.

Mr. Newberry said although he has no objections to the application, he feels it is necessary to have the approved cross-access agreement completed and the State adjudication approval.

Mr. Majeed said the adjudication process cannot be initiated until the building permit is issued and the building permit cannot be issued until this application is approved.

Mr. Newberry feels in order to make a decision on the current application, it will be necessary to see the overall site plan as to what changes will be made to the parking lot. He said it would not make sense to make any of the improvements reviewed this evening without changing the parking lot. Therefore, he feels it is necessary to review the parking lot improvements application before approving this application.

Mr. Mazur agreed and would also like to see the cross-access easement agreement completed. He is also concerned about the color modifications and how it will look after completion in comparison to the rest of the shopping center and asked if there are future plans to modify the rest of the center.

Mr. Majeed believes the colors appear different on the rendering and their intent is to have them match the rest of the center. The top panels will be lighter to add accents to the building. Mr. Majeed said the color can continue to be reviewed.

Mr. Bentley expressed concern about the brick color on the rendering and said it does not appear to match and looks like an afterthought. He asked if this façade would eventually be added to the entire shopping center.

Mr. Fein said currently there are no plans to change the entire façade. As leasing opportunities present themselves, review will take place accordingly.

Mr. Majeed said when trying to upgrade and renovate an existing building, especially an end-cap, it is challenging to create an identical match. They have attempted to have the renovations compliment the rest of the center. He explained the center is over 30 years old and based on discussions with City representatives, the presentation tonight is the best compromise.

Mr. Majeed said the application for the building renovation was submitted prior to the parking lot improvements because they are trying to get this project started since adjudication is necessary and time consuming. He said the ideal situation would have been to have the parking lot site plan with this application but because of the adjudication process they are hoping to get approval on the current application pending the items mentioned.

Mr. Stolarsky agreed with Mr. Newberry and said from a legal perspective, he wants to see an approved cross-access easement agreement as well.

Mr. Mazur expressed his concern regarding the brick colors depicted in the rendering. He feels this application should be tabled tonight.

Mr. Majeed reiterated for clarification that the main concerns are with the cross-access agreement and the brick color depiction on the sample boards.

Mr. Newberry said there are no objections to what was presented but the application is not complete enough for the Commission to approve or disapprove.

Motion by Mr. Newberry, seconded by Mr. Bentley to table consideration of Item 13.

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

Nay: None

Motion Carried

14. 29855 Solon Road – Clairmont Solon LLC

068-2012

- 1' handicapped parking space width variance
- Site plan – front yard parking and landscaping

Mr. Ted Manfrass, Architect, was present representing the applicant. He explained that the property is being improved for a future tenant. He said the major problem is that most of the parking is located east of the building which is 8' below the elevation of the office. Mr. Manfrass displayed a rendering indicating the location of the stairs and retaining wall which are in disrepair. They are proposing to remove the stairs and retaining wall and add 10 parking spaces to the front of the building with 2 handicapped spaces. In addition, they propose removing a window from the front of the building and moving the entrance to the building from the east end to the front of the building. Mr. Manfrass said the door would go in the place where the window is removed and a sidewalk would be added from the door to the parking area.

Mr. Manfrass said the interior of the building is being gutted and once a tenant is determined, the interior will be completed. He said the building is currently under renovation and a major investment is being made. In addition, a landscape plan was also submitted.

Mr. Jeff Statz, co-partner of Clairmont, was present and said there are safety issues involved with the current parking on the east side of the building. This is the same area where the truck docking is located. Moving the parking to the front would make parking safer.

Mr. Mazur said it makes more sense to have the parking relocated to the front of the building especially to access the office.

Mr. Newberry said the comments from the landscape architect noted approval and recommended enhancements around the corners of the building near the entrance.

Mr. Manfrass said another landscape plan will be submitted to landscape 60' in front of the building and around the new entrance. The current vegetation will be pruned and the area cleaned.

Motion by Mr. Mazur, seconded by Mayor Drucker to accept the withdrawal of the 1' handicapped parking space width variance since it will not be 9' wide.

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

Motion Carried

Mayor Drucker thanked the applicant for the substantial improvements being made to the building.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the site plan which includes the front yard parking and landscaping.

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

Motion Carried

15. 32450 Cannon Road – Kevin Shen

069-2012

- Fence type variance
- 30' fence setback from side street variance
- 2' fence setback from residence variance
- 2.5' fence height variance

Mr. Mazur said the 30' fence setback from side street variance has been modified to 20' and the 2' fence setback from residence variance has been removed. He explained that there is an easement and the fence has to be moved further from the street.

Mr. Kevin Shen was present and explained their home is on a corner lot which leaves it exposed and they would like to install a fence. He displayed a rendering and indicated where the fence is proposed.

Mr. Shen said he received a letter from the City which said he had to install the fence 30' from the street and would like to get approval for a variance.

Mr. Mazur said the City code requires 31' from the sidewalk, however, there is a utility easement near the sidewalk. Therefore, the proposed fence must be moved in another 11' from the sidewalk for a variance of 20'.

Mr. Shen displayed a photograph of a board-on-board fence located elsewhere in his neighborhood and said this is the type of fence he would like to install.

Mr. Mazur does not feel the board-on-board fence is appropriate.

Mr. Newberry said the reason the board-on-board fence was approved for the location Mr. Shen indicated was due to the steep topography of the property. One of the issues with this type of fence is the Police and Fire Department want a percentage of openings in fences to assist in preventing someone from hiding. There were no objections from the safety forces with this type of fence on this

property because the steep topography allowed them to see over the fence. Mr. Newberry said the Code requires a 25% net opening area.

Mr. Newberry said a board fence with a 6" wide board then 2" of space would be acceptable but would still require a variance. He explained that by Code, only a split-rail fence is allowed.

Mr. Mazur asked Mr. Shen if a split-rail fence had been considered. Mr. Shen said he did not want to install a split-rail fence.

Mr. Frankland said the problem with the board-on-board fence with 6" wide board then 2" of space is not permitted for a 6' high fence. The only approved 6' high fences are picket fences and split-rail fences. This was a deliberate decision made in 2005 when the Zoning Code was re-written due to much discussion and it was determined to leave side yards between streets clear and open. An approved fence would be picket or split-rail that would not block the view and that is why a variance is being requested since the fence is closer to the street than is the house. This is not allowed by Code except for specific circumstances that this property does not meet.

Mayor Drucker said she would like to ensure that Mr. Shen understands what type of fence is required.

Mr. Shen said he understands the application he submitted with the picture of the board-on-board fence is not permitted and he is required to have a 25% opening.

Mr. Mazur suggested the item be tabled so Mr. Shen can meet with the Planning Director to determine what options are available to him since there have been so many changes made to the fence location and fence type. He believes there are fences that the Commission would approve and still accomplish Mr. Shen's goals.

Motion by Mr. Mazur, seconded by Mr. Bentley to table consideration of Item 15.

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

Nay: None

Motion Carried

16. 34310 Aurora Road (southeast corner of SOM Center/Aurora Roads) Echo Solon, LLC/Giant Eagle 070-2012
- Site plan - façade alterations

Mr. Bill Boron, Atwell, and Rhonda Ansol, DLA Architecture and Interior Design, were present representing Echo and Giant Eagle. Mr. Boron displayed a site plan and said the format of the Giant Eagle has been upgraded to a Market District. He indicated the outside team seating area which has been enlarged and which changed the drive through area and shifted some of the landscaping.

Mr. Mazur said the outside café seating area has also been expanded.

Mr. Boron indicated the area for the drive through pharmacy. Mr. Mazur expressed safety concerns upon exiting for those seated outside.

Mr. Boron said a picket fence will be installed and a 2' wide reinforced concrete post.

Ms. Ansol indicated where 2' x 3' tall masonry posts will be located and in between, metal fencing will be installed. She indicated on the plan where the curb is raised in this location and believes all of the safety issues have been addressed. Ms. Ansol said the same details will be used for café dining and team member seating.

Fire Lieutenant Benedict said he believes there is adequate protection based on the proposed detail and the size of the masonry posts.

Mr. Mazur said as he understands the proposal, green space has been increased to compensate for what was removed.

Mr. Boron said the overall green space has gone up slightly.

Ms. Ansol displayed a rendering depicting the change in the main entrance façade to portray the new marketing concept for the Market District. She indicated the entry and ensured the Commission that all of the previously approved materials will be used.

In response to Mr. Mazur's question, Ms. Ansol indicated an area and said details are being refined for the mezzanine plan and the door in question is a fire exit which is missing from this elevation. Ms. Ansol said office space and staff break areas will be located on the mezzanine and a portion of the public café dining will be two-story. She displayed a site plan and indicated the area of the store where the café will be located and noted an exit for eating outside or upstairs to the mezzanine which will overlook the store. She said there will be no food preparation upstairs on the mezzanine.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve the site plan and façade alterations.

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

Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Newberry to approve the revised site plan with the façade alterations.

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

Nay: None

Motion Carried

17. 29605 Aurora Road – Mac's Convenience Stores, LLC/Circle K 071-2012
- Number of wall signs variance
 - Site plan - façade and canopy alterations

Mr. Rick Self, Circle K was present. He displayed photographs of the former Sun Mart building and explained Circle K has purchased the building and is proposing changes. Mr. Self displayed renderings of the building with Circle K logos and color samples. He said none of the architecture will be changed. The changes will

include adding the Circle K logo to existing signage, identifying the canopy over the gas pumps by adding a red stripe and the Circle K logo on three sides and red striping on the gas pumps.

Mr. Self said the store might undergo a renovation in the future where a small addition for storage might be requested in the rear of the building, additional landscaping might be added. He said any future changes will be brought to the attention of the Planning Department. Mr. Self assured the Commission that he has worked as an agent for Circle K for many years and they operate within the requirements of individual locations. They are hoping to become number one in the convenience store market.

Mr. Mazur clarified that the Circle K logo is considered a sign and, two signs are allowed for the area and, therefore, the variance will be for two additional signs.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the number of wall signs variance to permit 4.

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

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the site plan for the façade and canopy alterations with the contingency that the color samples submitted and shown will be the colors used for the alterations.

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

Motion Carried

COUNCIL REFERRAL:

18. 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.

This item will be discussed at the next Master Plan Committee meeting and the Commission will wait to review their input.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to table consideration of Item 18.

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 for a lot consolidation for 30775 Solon Industrial Parkway for PP#'s 953-23-007 and 953-23-004 for the next scheduled Planning Commission meeting.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for a lot consolidation for 30455 Solon Road for PP#'s 953-35-001 and 954-35-002 for the next scheduled Planning Commission meeting.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 30600 Solon Industrial Parkway – Gosiger Building

Mr. Frankland displayed a rendering and said the proposal is to paint the building. The brick on the front of the building will be stained and the block on the side of the building will be painted with a textured paint in the color beige.

Mr. Frankland indicated where the applicant proposes removing a door with an awning over it and replacing it with a window and will also replace the doors in the front of the building.

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

2. 5370 Naiman Parkway – Cardinal Health

Mr. Frankland displayed an aerial of the property and indicated where a transformer is located. They are requesting approval to add an air conditioning unit temporarily for the summer.

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

3. 30400 Bruce Industrial Parkway – Flynn's of Ohio

Mr. Frankland displayed an aerial and said the proposal is to add a man door along the front elevation and a generator along the side elevation of the building which will be in an enclosed equipment area.

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

4. 33567 Aurora Road – Solon Square Shopping Center

Mr. Frankland displayed a site plan of the former Alvin Jewelers and said the proposal is for a modification to the storefront by removing the single door and adding double doors.

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

Motion by Mr. Newberry, seconded by Mayor Drucker to cancel the July 24th Planning Commission meeting if the Council cancels their meeting scheduled for August 6th.

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

Motion Carried

COMMENTS FROM THE COMMISSION:

Mayor Drucker said she would like to remind everyone of 3 upcoming events:

1. On Saturday, July 21st, the Friends of the Solon Center for the Arts and The Ohio Craft Brewers Association will host Rhythm & Brews, a festival of music and art. It will be held from 1:00 P.M. to 6:00 P.M. at the Solon Community Park and will feature 15 breweries as well as wine tasting.
2. On Sunday, July 22nd, the Solon Rotary Club will be hosting The Backyard Games which is an all-day event lasting until 8:30 P.M. and will be held at Solon Community Park. This is a fund raising event where teams compete to support various causes.
3. On Sunday, July 22nd, the Solon Historical Society will dedicate the first Ohio historical marker in Solon at 1:00 P.M. and will be held at the Historical Society Museum.

Mr. Newberry commended Tri Mor Corporation for the manner in which they are conducting themselves while repairing roads.

Mr. Mazur said the Solon Benevolent Association is once again selling raffle tickets for this year's Solon Home Days celebration.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Bentley to adjourn the meeting at 10:30 P.M.

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

Motion Carried

Chairman

Secretary