

PLANNING & ZONING COMMISSION
August 14, 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, Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: Commission Member Bentley

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:

1. Thornbury Subdivision – Forest City Land Group - dedication plats: Mrs. Welch said progress has been made between Forest City Land Group and the Homeowners' Association; however, one item has yet to be reviewed. She suggested this item be tabled.
2. 6585 Liberty Road – Alex Spirikaitis – accessory structure location variance, side yard and front yard setback variances: Mr. Mazur said a revised plan was submitted and the structure has been reduced by 32 percent.

Mr. Frankland said the side yard setback variance is now 17'.

Mr. Mazur said he will request the applicant provide a time frame regarding removal of the bus shelter once it is no longer necessary.

Mayor Drucker feels it is inappropriate for the Commission to require a specific time frame for removal of a bus shelter for use by a handicapped person since it is an item of necessity.

4. 32450 Cannon Road – Kevin Shen – front setback from street for fencing variance: The applicant requested this item be withdrawn.

NEW:

7. **6340 Melbury Avenue – Solon VFW Post 1863 – Jack Tesmer – number of amusement devices variance:** Mr. Mazur said information was received from Mr. Stolarsky and Chief Viland today regarding the legality of the gaming devices.

Mr. Stolarsky explained that based on his research, he rendered the opinion that the machines are prohibited by Ohio law. He advised against granting a waiver for these types of machines. Mr. Stolarsky said he communicated with the Ohio Attorney General's office regarding the request who indicated the legality of these machines **is currently being reviewed**. Mr. Stolarsky's research indicates that although the machines are considered to be raffle machines and charities are allowed to conduct raffles, these machines do not fit the definition of a raffle machine and; technically, are considered to be slot machines.

Mr. Stolarsky said changes in legislation are being reviewed and will be necessary to make these types of raffle machines legal. However, it is unknown when this will take place.

Ms. Sue Doherty was present representing the Solon VFW Post 1863 and said it is her understanding that the machines are considered legal under House Bill 169 which permits Fraternal organizations to operate these types of raffle machines.

Mr. Stolarsky further explained he does not feel the machines fall within the parameters of what is considered allowable.

It was determined the item will be tabled to give the applicant additional time to submit further information. Mr. Mazur provided copies of the correspondence received from Mr. Stolarsky and Police Chief Viland to Ms. Doherty.

Mr. Frankland said since much of the information was received earlier today, he agreed the Commission should table the item to conduct further review.

Mayor Drucker suggested requesting a written opinion from the Cuyahoga County Prosecutor's office to determine if the machines are deemed legal or illegal.

Councilwoman Richmond is comfortable accepting Mr. Stolarsky's researched findings.

Ms. Doherty said the company's representative for the machines indicated to her that it is legal to have the machines located in the VFW Post. She would prefer to have the item tabled so she can request the legal representative for the machine company to attend the next meeting to answer the Commission's questions.

The Commission agreed to request an official decision from the Cuyahoga County Attorney General's office to determine the legality of the machines.

8. **7230 Castle Pines Drive – Ron & Vicky Siede – driveway setback variance:** Mr. Mazur said written approval will be required from the Homeowners' Association for

the pavers. He told Mr. Siede he will not approve the use of the pavers because he does not feel there is any practical difficulty unless Mr. Siede can explain a hardship during the meeting.

11. **30003 Bainbridge Road – Nestlé USA – site plan approval of sidewalks and benches:** Mr. Mazur said a recommendation to connect the sidewalks was received from the Engineering Department.

Mr. Gentile, representing Nestlé, said Nestlé has taken the recommendation under advisement and is considering the recommendation.

Mrs. Welch explained the Engineering Department's recommendation is for Nestlé to add another strip of sidewalk within the right-of-way to connect the two sidewalks.

Mr. Mazur said the Commission would concur with the recommendation of the Engineering Department and will table the application until Nestlé makes a decision regarding the recommendation.

Mayor Drucker said although the Engineering Department made a recommendation, **the City cannot make a private owner add a sidewalk to the City's right-of-way.** The applicant is assuming the risk if a member of the public uses that sidewalk since its primary use will be for employees. The Commission can only **recommend Nestlé make the sidewalk connection.**

Mr. Frankland advised Mr. Gentile to present his late submission for an identification station during the meeting rather than having it presented at the end of the meeting as a minor alteration.

12. **7130 SOM Center Road – AT&T – co-location of three additional antennas on existing CEI transmission tower:** Mr. Mazur said a public hearing is necessary.

Mr. Mazur feels it is time to review the section of the Code which requires multiple reviews and public hearings for transmission towers. He said a consultant is utilized to ensure proper installation and he believes the review is redundant.

COUNCIL REFERRAL:

15. 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. Mazur said the Master Plan Committee has reviewed the information and submitted their input. Although there is sufficient time to review the input prior to the May, 2013 election, he will recommend scheduling the public hearing.

Mr. Frankland said he will present 11 minor alterations during the meeting.

Mayor Drucker requested the review of one minor alteration during the Caucus

since the individual, Donna Heffernan, was present. Individuals requesting minor alterations do not routinely attend the meetings and she did not want Ms. Heffernan to have to wait until the end of the meeting for the result.

Mr. Frankland said the request is for a modification to the building located across from Swirl wine bar at 33290 Bainbridge Road purchased by Ms. Heffernan for her accounting business. It was previously approved with white as the building color; however, currently it is painted gray with primer paint. Upon seeing the building painted gray, Ms. Heffernan believes it looks better with the white window trim and she would prefer the building remain the color gray. Mr. Frankland said he viewed the building and also believes it will look fine if it remains gray.

It was the consensus of the Commission that the building looks attractive painted gray and can remain gray.

The caucus ended at 7:26 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 Mr. Newberry, seconded by Councilwoman Richmond to approve the minutes of the July 10, 2012 meeting.

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 the required agreement between Forest City Land Group and the Thornbury Homeowners' Association has been produced. However, there is one more requirement necessary, a report regarding a dam. Mrs. Welch said progress is continuing and she is hopeful the report will be available in time for the next meeting.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 1.
Roll Call: Aye: Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

2. **6585 Liberty Road – Alex Spirikaitis** 063-2012
- Accessory structure location variance
 - **17' side yard setback variance**
 - **97' front yard setback variance**

Mr. Todd Victor, Contractor, was present representing the applicant. He displayed the revised plan indicating the reduction of the bus shelter and the removal of the platform in the rear. At the previous meeting, the Commission requested moving the ramp to the side of the bus shelter, however, it was determined the ramp would interfere with the driveway and the width is necessary to accommodate emergency vehicles. Therefore, the ramp will remain in the rear of the bus shelter.

Mr. Mazur said he appreciates Mr. Victor making the effort to reduce the size of the bus shelter by 42 sq. ft. for a 32% reduction.

Mr. Newberry feels this is a better plan than the previous submission.

Motion by Mr. Newberry, seconded by Councilwoman Richmond to approve an accessory structure location variance.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 17' side yard setback variance.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 97' front yard setback variance.

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

Nay: None

Motion Carried

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

Mr. Mazur said correspondence was received from the applicant requesting this item be tabled.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 3.

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

Nay: None

Motion Carried

4. **32450 Cannon Road – Kevin Shen** 069-2012
- Fence type variance
 - **20' fence setback from side street variance**

- 2.5' fence height variance

Mr. Mazur said correspondence was received from the applicant requesting this item be withdrawn.

Motion by Mr. Mazur, seconded by Mr. Newberry to accept the applicant's withdrawal of Item 4.

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

Motion Carried

NEW:

5. 30775 Solon Industrial Parkway – Grandwood Company, LLC - 072-2012
PP#'s 953-23-007 and 953-23-004
- Lot consolidation

Mr. Frankland displayed an aerial view of the property indicating the lot line which cuts through the building. He said a building addition was recently approved by the Commission with the contingency that the lots would be consolidated.

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

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

Motion by Mr. Newberry, seconded by Mr. Mazur to approve the lot consolidation for PP#'s 953-23-007 and 953-23-004.

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

Motion Carried

6. 30455 Solon Road – 30455 Solon Road, LLC – PP#'s 953-35-001 073-2012
And 953-35-002
- Lot consolidation

Mr. Frankland displayed an aerial view of the property indicating the lot line which cuts through the building. He said additional parking was recently approved by the Commission with the contingency that the lots would be consolidated.

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

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

Motion by Councilwoman Richmond, seconded by Mayor Drucker to approve the lot consolidation for PP#'s 953-35-001 and 953-35-002.

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

Motion Carried

7. 6340 Melbury Avenue – Solon VFW Post 1863- Jack Tesmer 074-2012

- Waiver to allow 4 additional amusement devices

Mr. Mazur said during the Caucus, discussion took place regarding the technical issues and legality of the requested machines. The Commission determined to request an official written rendering regarding the legality of the machines.

Mr. Stolarsky said his research indicates that charitable organizations can conduct raffles under Ohio law. However, raffles are very specifically defined; e.g., typically you buy a raffle ticket and put the stub in a bin. Mr. Stolarsky said he **spoke to a representative from the Ohio Attorney General's office and received literature about the machines.** It appears the machines, although clearly marked on the front as electronic raffle machines, are not, in his opinion, technically considered raffles within the meaning of Ohio law. He believes the machines more clearly fit the definition of a slot machine being defined as an electronic device capable of accepting something of value to conduct bingo. Mr. Stolarsky said all raffles within the Ohio definition are considered bingo. Therefore, it is his opinion based upon his research that the machines are inconsistent with Ohio law.

Mr. Mazur said correspondence was also received from the Chief of Police expressing his concerns with the legal definitions of raffle machines.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 7 and request **the City's legal personnel** send correspondence to the appropriate agency requesting authorization that these machines can be legally operated in the City of Solon.

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

Motion Carried

8. **7230 Castle Pines Drive – Ron & Vicky Seide** 075-2012
- **2' side yard pavement setback variance**
 - **Driveway material variance**

Mr. Ron Seide was present and displayed a rendering of the driveway area. He indicated the driveway configuration and said he has determined the driveway is not wide enough or long enough to allow for regular access into the garage. He explained that trying to turn into one of the garage bays creates a situation where the car goes off the driveway and creates a rut on the edge of the driveway or it smashes into something. Mr. Seide said their cars have approximately a dozen different scrapes and dings on them because of the driveway configuration and since he has four sons who have recently started driving, he anticipates the problems will continue. Mr. Seide said he believes a solution to the problem is to **increase the width of the driveway by 2' and increase the length of the driveway as well.**

Mr. Seide explained in an effort to make the additional area less conspicuous, they are requesting the use of hard concrete permeable pavers. He displayed a photograph of the pavers he would like to use. The use of this style paver still allows grass to grow and water easily drains with little run off. He believes the pavers are a solution to the problem while minimizing many of the issues

associated with traditional concrete paving.

In response to Councilwoman Richmond's question regarding maintenance, Mr. Seide explained the grass is mowed right over the pavers. Mr. Seide said he had these types of pavers when he lived in California and ultimately the pavers are not visible once the grass grows in.

Mr. Mazur asked what prevents the pavers from sinking into the ground. Mr. Seide said a solid base is installed prior to placing the pavers.

Mr. Mazur asked **Mr. Frankland how pavers are addressed in the City's Code.**

Mr. Frankland said it is an extension of the driveway so it is treated as such. The Code states a hard surface is to be installed and is written to prevent driveways being made of gravel. Mr. Frankland said the Engineering Department and Planning Department believe the material is in compliance with the Code but the variance is necessary because of the proximity to the property line.

Mr. Seide said none of his neighbors have issues with the material. However, he **understands that he is required to have written approval from the Homeowners' Association to install the pavers.**

Councilwoman Richmond believes the pavers sound like a better alternative than concrete.

Mr. Mazur said that snow might be a concern and pavers might have to be replaced from the plow blades. Mr. Seide said he believes this is true for any type of hard surface installed.

Mr. Newberry said the key to a successful installation is to ensure there is enough gravel underneath the pavers to accommodate the rain and snow melt so there is no heaving of the pavers. He emphasized the importance of following the **manufacturer's recommended installation procedures.**

Mr. Frankland said the driveway material variance as determined by the Planning Department is unnecessary.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to remove the driveway material variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a 2' side yard pavement setback variance with the contingency that written approval from the Homeowners' Association be received prior to the Council meeting.

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

Motion Carried

9. **5165 Brainard Road – Linde Collingwood** 076-2012
- Number of accessory buildings variance (to permit 2)
 - 832 sq. ft. accessory structure 1 size variance
 - 832 sq. ft. accessory structure 2 size variance

Mr. and Mrs. Collingwood were present. Mrs. Collingwood said they started a small market garden called Collingwood Farm this year. She explained that they attended a market garden training class offered by the Cuyahoga County Extension Office. Mrs. Collingwood said through this program, they became eligible for Federal funding for the high tunnels for which they are requesting approval. She displayed photographs of the high tunnel and said it will be constructed of metal hoops covered with plastic. Mrs. Collingwood said its purpose is to extend the growing season.

Mrs. Collingwood displayed a rendering indicating the location of the home and the current growing area directly behind the home. She indicated the area directly behind the home where the USDA originally requested they install one large structure. However, Mrs. Collingwood received approval to install two smaller high tunnels and place them further away from the home. She indicated this area on the rendering and said three sides will be completely surrounded by trees and the remaining side will be partially obscured. Ms. Collingwood said her immediate neighbors have indicated they have no issues with the structures.

Mayor Drucker asked Mrs. Collingwood to clarify if the structures would be temporary or permanent since temporary implies the structures would only be up for a specified amount of time.

Mrs. Collingwood said she referred to them as temporary structures since there is no foundation involved and they can be removed fairly easily. However, they would maintain them year-around so they would consider them to be permanent structures.

Mr. Mazur said this business can be defined as a home-based business. He asked how they intend to sell their products.

Mrs. Collingwood said currently they primarily sell through community supported agriculture. This is when people invest in the farm and give them money up front so they can buy the seed and soil and in return they are guaranteed a certain number of weeks of fresh produce. Mrs. Collingwood said they delivered to their investors. She said next year they will continue to sell in this manner as well as sell **at local farmer's markets.** She said there is no actual business taking place on the property.

Mr. Mazur said this was one of the concerns he wished to have addressed and did not want to see a vegetable stand go up on their property. Mrs. Collingwood agreed.

Mr. Mazur said he will stipulate that the cover to the structure must be maintained.

Mrs. Collingwood said the USDA requires that the structure must be maintained for the next three years. However, they will also be making an investment in this and intend to maintain it and keep it functional.

Mr. Mazur said locating the structure further from the home and closer to the wooded area is a better location.

Mr. Newberry said the aerial view of the property indicated a large shaded area and asked if pine trees were in that area.

Mrs. Collingwood said they do have a pine tree but indicated another area where a black walnut tree is located. She explained that nothing can be planted near the black walnut tree because it gives off a toxin from the roots.

Mr. Newberry asked if shares are being sold in their business or are they taking work and trade.

Mrs. Collingwood said they have not done work and trade and since they only had a few customers, they only sold shares. They hope to coordinate with some of the local organic grocery stores next year.

Mr. Newberry feels it is a great concept, however, if they ever do start work and trade it might bring additional traffic to their home and that would concern him.

Mr. Mazur said they need to be aware of the home-based businesses section in the **City's Code**.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the number of accessory structures variance (to permit 2).

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve an 832 sq. ft. accessory structure 1 size variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Mazur to approve an 832 sq. ft. accessory structure 2 size variance.

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

Motion Carried

10. **33321 Aurora Road – Mid-American Management Corp.** 077-2012
 ▪ Site plan review of façade alterations (former Stein Mart location)

Mr. Matt Majeed, MCG Architecture, and Stephen Fein, Mid-America Management Corp. were present. He displayed a site plan indicating the former Stein Mart building. Mr. Majeed said Earth Fare, an organic grocery store from North Carolina

will be leasing the space. He said Earth Fare will be taking over most of the former Stein Mart space except for approximately 6,400 sq. ft.

Mr. Majeed said the alterations consist of replacing the entrance vestibule since the existing entrance does not meet current ADA requirements. He indicated on the plan a blank wall where Earth Fare would like to add glazing to create a more open element to the area where the produce is likely to be located. Mr. Majeed said they would also like to create an outside eating area to encourage patrons to purchase prepared food items and have a place to sit and eat.

Mr. Majeed said they would also like to have the cart corrals located on the exterior. He said Earth Fare is agreeable to screening the corrals. Mr. Majeed said the **proposal is for a 54" high masonry screen wall to match the adjacent brick of the building.**

Mr. Majeed said other general items might also be necessary; such as, interior layouts tend to change when new tenants move in and although there are existing exterior exits, there is potential that an exit may need to be moved or another exit might need to be added depending on Building Code requirements. They will also meet **whatever the City's requires** for metal or concrete steps and adhere to the limited space in the rear of the building to create a landing and accessible steps.

Mr. Majeed said the addition of an exterior door and steps will be necessary in the rear for what will become the vacant tenant space.

Mr. Fein said a new store front will be necessary for the vacant tenant space and Mid-America Management will be submitting an application in the future.

Mr. Mazur referred to the site plan and asked about the staging area for the shopping carts and questioned the location of the door on the north side.

Mr. Majeed said it is believed locating it in the front would crowd the space too much and a side exit would require approximately 12' feet to accommodate entering and exiting with shopping carts. Mr. Majeed noted because this is considered a specialty store, the majority of patrons will use baskets for shopping.

Mr. Fein said the shopping carts are much smaller than the typical carts used by large grocery stores.

Mr. Majeed said examples of the outside cart corral storage can be seen at the store in Fairlawn or at Westgate.

Mr. Mazur said the Engineering Department reviewed the application and determined Earth Fare might be subject to a tap-in fee for the increased seating.

Mrs. Welch said they would receive credit for the original use but the exterior seating would be considered additional use. Once the seating number is known, the fee will be determined.

Fire Lieutenant Benedict said according to the plan, the exterior tables will be bolted down which is typical to other businesses they have approved in the past. Providing ADA egress is maintained in the front, they have no issues with the plan.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the site plan for **façade alterations** to the former Stein Mart location for Mid-America Management Corporation.

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

Motion Carried

11. **30003 Bainbridge Road – Nestlé USA**

078-2012

- Site plan review of sidewalks and benches

Mr. David Gentile, Applebrook Design was present representing Nestlé USA. He displayed a site plan of the lake area around the Nestlé USA property which is where the employees walk for exercise. The proposal is to remove the existing patio pavers, replace them with concrete and re-use the patio pavers to create a seating area surrounded by landscaping. In addition, a new sidewalk is proposed to connect the east side of the building along Bainbridge Road, across the front driveway and connect to the sidewalk by the lake area.

Mr. Gentile said based on review of the plan by the Fire Department and the Engineering Department, it was recommended that the sidewalk should be straight and not rounded as originally proposed. **He said he has given Nestlé this information and they are considering the recommendation.**

Mr. Mazur said if the recommendation is unacceptable to Nestlé, they must assume the risk of directing pedestrians onto private property.

Mr. Gentile said Nestlé is also proposing the installation of a couple of “mustering” stations. The stations are used in case of a fire or emergency when employees exit the building. Mr. Gentile said there is a designated location for employees to meet where they will scan their badges and a few designated people with laptops would verify the employees are accounted for. They are proposing three employee scanning stations and one visitor station with WiFi network to be able to access the records from their laptops.

Mr. Gentile displayed a plan indicating the roof of the penthouse and said Nestlé intends to re-roof the penthouse area and the next room below it which is the fifth floor. **He said Chapter 3 of the Mechanical Code states having equipment within 10’ of the edge of the roof requires the use of safety rails.** Therefore, the proposal is to add a railing to the north side of the roof where the majority of the rooftop exhaust equipment is located facing State Route 422 and on the east side of the roof which is on the backside of the rooftop. **Mr. Gentile said the railing will be 42” high above the roof deck and is a typical black safety railing.** He said there is a patio located on the 5th floor with an existing railing that is also black.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the site plan for the sidewalks and benches.

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

Motion Carried

12. **7130 SOM Center Road – AT&T**

079-2012

- Height variance
- Co-location of three additional antennas on existing CEI transmission tower

Motion by Mr. Mazur, seconded by Councilwoman Richmond to schedule a public hearing for August 28, 2012.

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

Motion Carried

13. **6025 Kruse Drive – GS II Uptown Solon, LLC**

080-2012

- Number of wall signs variance (to permit 2)

Mr. Fred Span, Advanced Sign and Lighting, was present representing the applicant. He displayed a rendering of the signs requested for "Jenny Craig." He said one sign has already been approved and the request is for a second sign which is typically approved for this location. Mr. Span displayed photographs depicting the type of signage he is proposing and explained the colors will be similar.

Mayor Drucker said second signs are typically approved for this location since the rear of the buildings face State Route 422.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a number of wall signs variance (to permit 2).

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

Motion

Carried

14. **33400 Aurora Road – PNC Bank**

081-2012

- 32' front yard setback variance
- Building color variance (for trim only)
- Site plan review for addition

Mr. Ben Gingrich, HSB Architects, was present representing the applicant. He displayed a site plan and said previously, an addition was approved for this location. However, the project has been downsized and the new proposal is to renovate the current building. He indicated on the site plan where the proposal is to add a vestibule where the existing covered ATM machine is located.

Mr. Gingrich said there will no major site work necessary, other than re-working the entranceway and a portion of the sidewalk. The manner in which the sidewalks will be re-worked will add 36 sq. ft. of green space.

Mr. Gingrich said the building currently has white trim which required a variance and they would like to match this color with the renovation trim work, therefore, the variance is necessary again.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 32' front yard setback variance for 33400 Aurora Road.

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 (for trim only).

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 the addition.

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

Motion Carried

COUNCIL REFERRAL:

15. Ordinance No. 2012-150 imposing a temporary moratorium on development of parcels 954-29-027, 028, 029, 030, 031 and 032 – Input received from the Master Plan Committee.

Mr. Mazur explained that upon review of this item, the Master Plan Committee has recommended the zoning for these parcels be changed from C-3-A (Retail Shopping) back to O-1 (General Office). This change would have to be approved by the electorate at the May, 2013 election. He said the Master Plan Committee discussed it in great detail and he recommended a public hearing be scheduled for further review by the Commission and the public.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing for August 28, 2012.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. **6477 SOM Center Road – GetGo**

Mr. Frankland displayed a site plan of the GetGo location and indicated the very narrow setback between the GetGo building and the Sprint building. He indicated on the site plan where an access ladder is proposed and will project out a couple of feet from the wall and will not be very visible.

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

2. **34370 Aurora Road – Pet Supplies Plus**

Mr. Frankland displayed a rendering of the elevations for the shopping area that will remain with a new façade in the Giant Eagle shopping center. He indicated the door

location for one of the double buildings and said the tenant would like to move the doors which will assist in an easier transition for ECHO if the building is ever divided for two tenants. Mr. Frankland said ECHO is requesting approval to modify the elevations. As previously discussed, changes might be necessary throughout the project and it will be common to review changes to the plans.

Mr. Frankland referred to the rendering indicating the rear of the building and said **the proposal is to install an overhead 8' garage door rather than a .5' wide door.** They also wish to add a new man door and eliminate another man door.

Mr. Frankland said the new tenant would also like to add a scissor lift in the rear of the building and indicated the location. This is used for unloading merchandise and will be flush to the ground when not in use. Mr. Frankland displayed a photograph of a scissor lift. He said bollards will be added for safety.

In response to Mr. Mazur's question, Mr. Frankland said the majority of the rear of the building will get a new façade but approximately one quarter of it will not and this request is for a section that will not get a new façade. Mr. Frankland recommended the Safety forces review the plan.

Mr. Mazur said providing the Safety forces review the plan and ensure there will be no blocking of emergency vehicles, he has no objection to the request.

Mr. Newberry would also like assurance that no other tenant will be blocked.

Mayor Drucker said the Safety forces and Mr. Frankland can review the plan to ensure the appropriate location for installation.

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

3. 34400 Aurora Road – Ohio Savings Bank

Mr. Frankland displayed a rendering of the elevations for the shopping area that will **remain with a new façade in the Giant Eagle shopping center.** He indicated the area for the Ohio Savings Bank and the location where an awning will be added and an ATM window adjacent to the drive-up window. Mr. Frankland said a walk-up ATM will be added to the front of the building.

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

4. 34182 Aurora Road – Starbucks

Mr. Frankland displayed a site plan of the new 16,000 sq. ft. building located behind D.O. Summers. He said this is located on the north elevation of the building and the original drawing depicted a window in the center of the building. The new plan depicts two windows which is the actual layout of the drive-through. The proposal is to add a green and white striped awning over the drive-through window and standing seam metal for the balance. This is the area facing Aurora Road.

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

5. **34200 Aurora Road – Menchies**

Mr. Frankland displayed a site plan of the new 16,000 sq. ft. building located behind D.O. Summers. He indicated the area where Menchies will be located on the south side of the building. The original plan had a blue awning and the tenant wants to change to a red awning.

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

6. **34340 Aurora Road – Malley’s**

Mr. Frankland displayed a rendering of the elevations for the shopping area that will remain with a new façade in the Giant Eagle shopping center. He indicated the area where Malley’s will be located. The original plan had a yellow striped awning and the tenant wants to change to a green awning.

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

7. **29201 Aurora Road – Demag**

Mr. Frankland displayed an aerial view of the property and indicated an area where new equipment is proposed. He said this is quite far from the road and displayed a map indicating where outdoor air units will be added for a painting booth located inside. The units are large and measure 29’ tall X 16’ wide and project out from the building by 10’. Mr. Frankland said the equipment is essential for the business. In addition, there are exhaust stacks that need to be installed in the same area which project a couple of feet above the building but are still within Code and will be painted to match the building.

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

8. **33240 Bainbridge Road**

Mr. Frankland displayed photographs of the building located in the historic business district which is being renovated. The renovation was previously approved for the building to be painted white. However, once the gray base coat was applied, the owner preferred the appearance and would like to paint the building gray. Mr. Frankland believes the gray building with the white trim looks very attractive. The Commission members agreed.

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

9. **33519 Solon Road – MP Star Financial**

Mr. Frankland displayed an aerial view of the property and said it is located in the historic district on Solon Road. He said changes were made to the previously approved plan which improved the property. The changes included installation of a

paver walkway and a larger landscaped area.

Mr. Frankland displayed the side view of the building from the parking area where the roof angle is slightly offset. The previous plan approved tall arborvitae to be planted along the side, however, a different planting was installed which will grow to approximately 5'.

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

10. 30625 Solon Road, Unit C – Be Well Solutions

Mr. Frankland displayed an aerial view of the property and indicated where an additional window is proposed.

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

11. 6130 SOM Center Road – AT&T

Mr. Frankland displayed an aerial view of the property and indicated where exhaust exits from the side of the building and it is necessary to install an **approximate 6'** tall protective metal shield located between two buildings which will not be visible.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said there were many recent exciting and successful events in the City. The Veterans Memorial Moving Wall was a spectacular display at the Solon VFW which many people came to view.

Mayor Drucker said the Car Show was another huge success, despite the threat of inclement weather. She thanked the Rock and Roll Capital Street Machines for all their help partnering with the City to bring this venue to Solon's Home Days event.

Mayor Drucker said the annual Solon Home Days was another great event and even with wet weather it was still a great success.

Mayor Drucker reminded everyone that school begins next week and all of the school zones for traffic will be in effect so please use caution.

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

Mr. Frankland commended the Master Plan Committee for their diligence and attention to detail while reviewing City matters.

Motion by Mr. Mazur, seconded by Mayor Drucker to request the Planning Director to review Section 1286.05 of the Zoning Code regarding wireless communication

antennas. In as much as communication towers are no longer uncommon and it is believed the process for granting variances is unnecessarily redundant, it would be appropriate to have the process streamlined. He requested a recommendation to amend the Zoning Code be provided to the Council for review.

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

Nay: None

Motion Carried

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:45 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary