

PLANNING & ZONING COMMISSION
September 11, 2012 – 7:00 P.M.

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

Present: Commission Members Bentley, Mazur and Newberry, 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:

1. Thornbury Subdivision – Forest City Land Group - dedication plats: Mr. Mazur said correspondence was just received from the Homeowners' Association president and asked Mrs. Welch if she had reviewed it.

Mrs. Welch said she has not yet reviewed the information, however, she believes that a representative from Forest City Land Group will be at the meeting.

Mr. James Martynowski, Forest City Land Group, was present and said he received the information from the Homeowners' Association attorney. He said it provides the last piece of necessary information to finalize the process. It is his hope that once the declaration is amended and a check is issued to the Association, the process will be completed by the next meeting on September 24th.

2. Solon Square Shopping Center – PP# 954-03-004 – Mid-America Management Corporation - side yard setback variance and site plan for façade alterations: Mr. Frankland said the applicant was unable to attend this meeting and is hoping to be present for the next meeting. He requested to be tabled this evening.

NEW:

8. 39935 Lochmoor Drive – Bruce Kowalski – minimum height variance for a swimming pool and maximum decorative wall height variance: Mr. Mazur said the work has already been completed and was performed without a permit. Correspondence was received from the Homeowners' Association indicating approval for the project.

Mr. Mazur said he viewed the property and believes the work performed has improved the property.

In response to Mr. Mazur's question, Mr. Kowalski said both of the contractors who worked on the pool are registered in the City of Solon.

Mr. Mazur said there are penalties for performing work without the proper permits.

9. 33290 Bainbridge Road – Bharat Khemsara – sign setback variance: Mr. Mazur asked if Fire Lieutenant Benedict determined if there were any line-of-sight issues.

Fire Lieutenant Benedict said he did not believe there were line-of-sight issues.

Mayor Drucker asked if installation of the sign will affect the neighbor's line-of-sight. She believes it is important to ensure that the sign does not create any line-of-sight issues for anyone.

Mr. Frankland suggested the Commission could table the item tonight or approve it contingent upon the applicant staking the location of the sign for review by Fire Lieutenant Benedict and the Planning Department prior to the Council meeting to ensure there are no line-of-sight issues.

Mayor Drucker said she would be more comfortable with Mr. Frankland's recommendation to have Fire Lieutenant Benedict and the Planning Department review the location.

Mr. Newberry asked if the Engineering Department had concerns about the sign being in the right-of-way.

Mrs. Welch said she spoke with the contractor and the sign will not be placed in the right-of-way.

12. 34186 Aurora Road – GNC – number of wall signs variance to permit 2 and a 2.25 sq ft wall sign area variance for the front wall: Mr. Mazur said he and Mr. Frankland discussed the possibility of continuity for the signage located in the rear of this parcel since it will consist of approximately 8 different businesses. He is concerned about the appearance of so many different signs in various colors and sizes and that it will look unattractive. Mr. Mazur would like to see the signs look professional and uniform.

Mayor Drucker said during the planning of the development, it was determined to make the rear of the building look as though it is the front of the building. She feels that making all of the signs in the rear of the building identical and the same size will create a band of names straight across the back. Although she is not opposed to some type of plan regarding the rear signage, she feels caution should be given to the decision since it is a high visibility area to SOM Center Road.

Mr. Frankland said much planning and thought went into creating the rear of the building to give the appearance of a front façade. It is anticipated that all of the businesses in this location will request a sign in the rear and it was previously discussed that variances will be supported. Mr. Frankland said the Planning Department determined that the request from GNC will completely fill the sign band.

Mayor Drucker said all of the businesses are different and have their own individual colors and she does not feel they should all have the same color sign.

The Commission further discussed the need for some type of conformity with the signs in the rear.

Mayor Drucker does not want to delay the applicant since many of the stores are hoping to open by the first week in October.

Mr. James Vacey was present representing the applicant. He distributed photographs of the rear of the building and indicated the GNC location. He indicated the sign bands which have been installed and are different sizes.

Mr. Frankland said the sign bands are proportionate to the size of the units and the Commission would like spacing from the edges of the sign band. He suggested a 10" spacing.

Mr. Newberry suggested the discussion continue during the meeting and believes an agreement in principle can be determined regarding the appropriate sizing for all of the units.

Mayor Drucker asked Mr. Vacey if he has the authority to make a decision regarding the size of the lettering.

Mr. Vacey said he will suggest any changes with the applicant and it is understood that they are requesting a variance. Therefore, the City must determine what is allowed.

Mr. Frankland said it is difficult to determine a percentage when not working with specific calculations. Therefore, if a certain amount of spacing from the edges of the sign band is determined, it should be appropriate for all of the units.

There was further discussion about spacing issues between the Commission members.

Mayor Drucker said it is also important to be able to read the name of the business on the rear of the properties from SOM Center Road.

Mr. Mazur said it appears that the consensus of the Commission is that 10" from the edge of the band is the most appropriate spacing for signage on the rear of the properties. He said signage for each unit will be reviewed individually.

13. Nestlé Foods – Lot consolidation and various variances: Mr. Mazur said a public hearing must be scheduled but he feels they should make their presentation tonight and review the variances to give the Commission a general overview of their request. However, approval of the variances should be considered at the next meeting.

Mr. Newberry said the lot consolidation needs to be approved prior to consideration of the variances.

Mr. Mazur said, as a reminder, the next Planning Commission meeting will be held on Monday, September 24th.

The caucus ended at 7:25 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 Mr. Bentley to approve the minutes of the August 28, 2012 meeting.

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

Nay: None

Motion Carried

PENDING:

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

Mr. James Martynowski, Forest City Land Group, was present and said he received information today from the Homeowners' Association attorney. He reviewed the information and forwarded it to Forest City's legal representative. Mr. Martynowski said he hopes to have this issue resolved before the next Planning Commission meeting on September 24th and then return for the dedication.

Mr. Martynowski said the last few details are regarding a financial consideration and amendments to the document. He has approved the items and forwarded them to the Legal Department to make the necessary changes.

Mrs. Welch confirmed the two items discussed are the last items necessary to finalize this request.

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

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

Nay: None

Motion Carried

2. Solon Square Shopping Center – PP# 954-03-004 067-2012 6
Mid-America Management Corp.
- 15' side yard setback variance
 - Site plan – façade alterations

Mr. Frankland said no new information has been submitted, however, the applicant's consultants said they intend to be present at the next meeting.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 2.

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

Nay: None

Motion Carried

3. 6340 Melbury Avenue – Solon VFW Post 1863 – Jack Tesmer - 074-2012 6
▪ Waiver to allow 4 additional amusement devices

Mr. Mazur said correspondence was received from the applicant requesting withdrawal of the application.

Motion by Mr. Newberry, seconded by Mr. Bentley to accept the applicant's withdrawal of the application.

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

Nay: None

Motion Carried

Mr. Mazur stated as a matter of record that the Commission had no issues with the number of amusement devices requested but only with the type of gambling devices proposed, which is being reviewed by the State regarding the legality of the devices.

4. 6477 SOM Center Road – ECHO Solon, LLC 084-2012 6
- 1,187 sq ft minimum structure area variance – Redbox movie kiosk
 - Color variance – Redbox movie kiosk
 - 1,187 sq ft minimum structure area variance – ice vending machine
 - Color variance – ice vending machine
 - Accessory structure/equipment variance – ice vending machine
 - Outdoor display of merchandise variance – 3-tier merchandiser
 - Outdoor display of merchandise variance – (3) bulk merchandisers

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 4.

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

Nay: None

Motion Carried

NEW:

5. 34400 Aurora Road – ECHO Solon (Ohio Savings Bank) 088-2012 6
- Number of walls signs variance to permit 2
 - Color variance for two ATM machines

Mr. Richard Stump, Agnew Sign Co., was present representing the applicant. He displayed a rendering of signs and said in its current location at the south end of the shopping plaza, Ohio Savings Bank has two signs. The bank will be moved to the north end of the plaza and the request is for a second sign which will face Aurora Road.

Mr. Stump displayed a rendering of the illuminated ATM surround they are proposing. The requested colors are yellow and black which are Ohio Savings Bank's corporate colors. Mr. Stump said the request is for two ATM's, one for a drive-up ATM on the north wall and the second will be a walk-up ATM on the west wall.

Mr. Newberry asked to see an elevation diagram of the walk-up ATM.

Mr. Frankland said this item was reviewed as a minor alteration at a previous meeting. He displayed a rendering of the elevations for units at that location.

Mr. Stump indicated on the rendering the location for the walk-up ATM.

Mr. Frankland indicated the ATM location on the rendering, the canopy and the proximity to Aurora Road.

Councilwoman Richmond asked if there will be a vestibule with a door to house the ATM.

Mr. Stump said although there is an entrance vestibule area, it is unable to accommodate an ATM. Therefore, the walk-up ATM will not be located in a vestibule.

Councilwoman Richmond said she is concerned about debris from receipts and envelopes littering the area around the ATM.

Mr. Stump said although this was discussed with ECHO, it was believed that debris will not become a problem as most customers will not leave their receipts behind.

Mr. Newberry asked if it is possible to have a built-in trash receptacle in the wall adjacent to the ATM.

Mr. Stump believes it is possible to have this type of trash receptacle. However, he is only responsible for the signage.

Mr. Newberry said would it be possible to have a contingency on the motion that the applicant must install a built-in trash receptacle on wall.

Mr. Mazur said it is unknown if it is possible to install a built-in trash receptacle at the location.

Mayor Drucker said PNC Bank has a walk-up ATM and she has not heard any complaints about debris. She said new ATM's do not require the use of envelopes and you simply insert your check into the slot.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a number of wall signs variance to permit two for 34400 Aurora Road.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a color variance for the two ATM's to allow the colors of yellow and black illuminated bands to surround the ATM.

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

Motion Carried

6. 35001 Quartermane Circle – Grant Goodman
▪ 7" width variance for outdoor fireplace

089-2012 4

Mr. Grant Goodman was present.

Mr. Frankland displayed an aerial of the property and indicated the location of the fireplace which is in the rear yard at the end of a deck. He also displayed a drawing of the yard layout indicating the location for the fireplace which is 7" wider than Code regulations. Mr. Frankland said although the Planning Department requested the fireplace be reduced, it is a pre-fab fireplace and the next smaller size is too small for the area. Therefore, Mr. Goodman is requesting the variance to be able to install the fireplace that is 7" too wide.

Mr. Goodman reiterated the extra 7" is on the width only and not the height. He said the height is actually well under the Code regulations.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 7" width variance for an outdoor fireplace.

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

Motion Carried

7. 35730 Bainbridge Road – Dale Barstow 090-2012 6
- 4.5% maximum front yard pavement coverage variance
 - 14' minimum distance between driveways variance

Mr. Al Caserta, Tomaro Construction, was present representing the applicant. He explained the need for the variance is due to the Code regulation of not exceeding 25% coverage of any front yard area and the proposal is for 29%.

Mr. Mazur said he wished the applicant was present so he could suggest paving the turn-around and have only one driveway instead of two which would eliminate the need for both variances. He understands that the contractor cannot make this decision.

Mr. Newberry said as he understands the application, the driveway is currently made of gravel and the applicant is proposing to pave the driveway and add an extension out to Bainbridge Road. Mr. Mazur said he believes this to be correct.

Mr. Newberry agreed with Mr. Mazur and believes there are alternatives to the plan that would eliminate the variances.

Mr. Mazur said the aerial view of the property indicates other nearby properties have the driveway configuration he suggested.

Mr. Newberry said there is a uniqueness to this property, however, since the driveway is on the west side of the home where the garage once was and the garage has been moved to the east side of the home, the driveway was extended across the front of the property. He would be more likely to support a variance if there was an issue with having one driveway and is unsure if a second driveway 36' away from the primary driveway is appropriate.

Mr. Bentley said the applicant might also consider widening the driveway and making a turn-around.

The Commission determined without the presence of the applicant to answer questions and respond to suggestions, the item would be tabled.

Mr. Mazur requested the Planning Department contact the applicant to review alternative plans.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 7 and direct the Planning Department to contact the applicant to discuss alternative plans.

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

Motion Carried

8. 39935 Lochmoor Drive – Bruce Kowalski 091-2012 3
- 1' minimum fence height variance for swimming pool
 - 2' maximum decorative wall height variance

Mr. Kowalski was present and said he recently purchased the property at 39935 Lochmoor Drive and has initiated significant upgrades to the home and landscaping which was in disrepair due to the home remaining vacant for a considerable amount of time. He advised that a registered contractor replaced some of the existing fencing which was in disrepair and installed additional fencing in various areas with fencing found in a storage shed. Although he questioned the contractor regarding required permits, the contractor believed additional permits were not necessary because the existing 4' fence was just being replaced.

Mr. Kowalski displayed a picture which indicated the pool equipment had been installed in the front of the property and was unsightly and exposed. He said it was not attractive to look at so he installed a stone wall to surround it which matches the stone on the home. In addition, he moved the fence around the pool out approximately 17' to create more yard space.

Mr. Kowalski displayed a photo of the property indicating how inaccessible it is due to the steepness of the grade on one side, the proximity of route 422 on another side and the rear of the property which is adjacent to the Bainbridge Township water treatment facility.

Mr. Mazur asked what the State requirement is for fencing around swimming pools.

Mr. Frankland said the City's preference is for a 5' fence surrounding swimming pools, however, when this house was originally built, the City requirement was 4'. However, at issue is when the fence was moved, the non-conforming status was lost and the 5' requirement of 2005 was in effect.

Mr. Mazur wanted to know if the City would be exposed to any legal ramifications if it approved a 4' fence surrounding a pool.

Mr. Stolarsky said he does not believe the City would bear any legal responsibility.

Mr. Mazur said he wants to be certain that the City is in compliance with Ohio law. He viewed the property and commended Mr. Kowalski for the stonework done around the pool equipment and said it matches the house perfectly. However, because the work was completed without permits, there will be penalties assessed.

Mr. Mazur said he is concerned that this is a registered contractor in the City who did not know he had to apply for permits. He said a letter will be sent to the contractor from the appropriate City authority regarding the issue.

Mr. Frankland said performing work in the City without the proper permits by a registered contractor in the City of Solon is grounds for revoking their registration.

Mr. Kowalski asked the contractor about permits and would have been happy to get the necessary permits for the projects. He feels the contractor believed that since they were only installing the same fence that had been there previously that permits were unnecessary. The property had been through numerous changes and owners in the past.

Mr. Mazur said the Homeowners' Association President, Craig Novak, submitted correspondence indicating approval of the fencing installation.

Mr. Bentley said it happens too frequently that contractors are hired by homeowners to perform a service and do not apply for the necessary permits and the homeowner assumes all of the appropriate conditions have been met. He sees no issues with the work that was performed.

Councilwoman Richmond agreed with Mr. Bentley and feels he utilized and installed what was already on the property and does not feel it would be appropriate to have Mr. Kowalski buy new fencing just to meet the 5' requirement. She finds the property very attractive.

Mr. Newberry said although he appreciates Mr. Kowalski purchasing the home and making upgrades to it, it has been his practice to not vote in favor of instances where forgiveness is requested rather than permission. Therefore, he will not support the variance.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 1' minimum fence height variance for a swimming pool.

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

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 2' maximum decorative wall height variance with the contingency that the Chief Building Official sends a letter to the contractors involved.

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

Motion Carried

9. 33290 Bainbridge Road – Bharat Khemsara
▪ 10' sign setback variance

092-2012 6

Mr. Angelo Amato, Ang's Construction, was present representing the applicant. He is installing the sign for "Furry Friends," an animal clinic and displayed a hand-drawn diagram of the area. He indicated the location for the sign which will be located 15' off of the road. Mr. Amato said the Planning Department said the sign will be on the easement and, if necessary, it can be moved back 3' into the green space and still be visible for patrons.

Mr. Mazur said there was discussion during the caucus of having the sign staked out prior to making a motion.

Mayor Drucker believed it was determined that the motion would go forward with the contingency that Mr. Frankland and Fire Lieutenant Benedict would go to the site and view the area for placement and, if they approve, would inform the Council so as to not hold up the application.

Mr. Amato said he will move the sign back to ensure it is not in anyone's line-of-sight.

Mr. Mazur said the contingency is to stake out the sign for review from a safety perspective.

Mayor Drucker said it is important to stake the sign in accordance with the request that was reviewed, and if the officials determine it is unsafe, they will suggest the appropriate location.

Mr. Amato asked for clarification of the variance. He said the sign is to be located 15' off of the road and asked why there is a 10' variance.

Mr. Frankland said the variance is for a zero setback at the property line. The right-of-way line will be a few feet off of the road so the plan indicates that the sign is up to the right-of-way line and by Code, it is supposed to be 10' off of the right-of-way line. This is how the 10' variance was determined. Mr. Frankland said it is suggested that the sign be staked where it was proposed and once it is reviewed, providing it is appropriate and there are no safety hazards, it will be recommended for approval to the Council.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve a 10' sign setback variance with the contingency that the sign will be staked by the applicant for review by the Planning Department and the Safety Forces.

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

Motion Carried

10. 6931 Elmwood Drive – Geraldine Boscarello – PP#'s 955-33-172, 093-2012 3
173, 184, 185

- Lot consolidation

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing to consolidate PP#'s 955-33-172, 955-33-173, 955-33-184 and 955-33-185 for Monday, September 24th.

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

Motion Carried

11. 29605 Aurora Road – Circle K Great Lakes 094-2012 6

- 15' minimum distance between structures variance
- Site plan for storage building

Ms. Susan Moore, Arkinetics, was present representing Circle K Great Lakes. The applicant requested to install a storage shed in the rear of the property and behind the existing dumpster enclosure. She displayed a site plan and indicated the location for the shed. Ms. Moore also displayed a photograph of a shed installed at another location and said this is similar to the shed proposed for installation. Ms. Moore said the purpose of the shed is to store paper goods and it will be painted to match the building.

Mr. Mazur said he has no issues with the proposal, however, would like to see the additional landscaping to shield the structures approved by the Planning Department.

Ms. Moore said there is ample green space and she believes the applicant will have no issues with adding landscaping.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 15' minimum distance between structures variance.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a site plan for a storage building with the contingency that landscaping approved by the Planning Department be added.

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

Motion Carried

12. 34186 Aurora Road – GNC

095-2012 6

- Number of wall signs variance to permit 2
- 2.25 sq ft wall sign area variance (front wall)

Mr. James Vacey, Signature Sign Co., was present representing the applicant. He displayed a rendering of the proposed sign for the front of the building and said they are requesting a variance for 2.25 sq ft.

Mr. Vacey displayed a rendering of the sign for the rear of the building.

Mr. Mazur said during the Caucus, the signage for the rear of this building was discussed. It was the consensus of the Commission that the width of the sign not take up the entire sign band and the recommendation of the Planning Director was that a 10" border be maintained within the sign band. Mr. Mazur said this is the guide the Commission will use for requests for signage for future tenants.

Mr. Mazur said during the Caucus there was discussion about making the signage more uniform and it was determined that the size of the individual units varies and the band is proportionate to the size of the unit. Therefore, it is difficult to determine a percentage usage. Mr. Mazur said it was determined during the Caucus that each tenant who applies for a sign variance will be reviewed individually.

Mr. Bentley asked if there will be customer access from the rear of the building and Mr. Vacey said there will not.

Mr. Bentley said he believes the signs on the rear of the building are for identification purposes to those driving on SOM Center Road.

Mr. Newberry said there will only be service entrances in the rear of the building. He explained that during the planning stages of the shopping center, it was

determined that it would be more attractive to make the rear of the building look similar to the building front.

Mr. Vacey displayed a photograph of the rear of the building indicating the location of the GNC store.

Mr. Newberry said this photograph illustrates very well the difference in the widths and heights of the sign bands. However, it will make it difficult for the Commission to determine the appropriate size sign for the bands. Therefore, he feels the concept of leaving a 10" border within the sign band is an appropriate guide.

Mr. Newberry said the proposed lettering for GNC seems to have maxed out the sign band and it will be a challenge to determine an appropriate compromise.

Mr. Vacey discussed methods of making the letters fit more appropriately on the sign band to allow for the 10" border.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the number of wall signs variance to permit 2 with the contingency that the sign lettering for the rear of the building be reduced to allow for a 10" border.

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Bentley to approve a 2.25 sq ft wall sign area variance for the front wall.

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

Motion Carried

13. Nestle Foods - PP#'s 951-28-014, 951-28-019, 951-28-020, 951-28-021, 951-28-023, 951-28-024 and 951-28-025 096-2012 5
- Lot consolidation
 - 70' minimum side street building setback variance (from Route 422)
 - 40' minimum side street drive aisle setback variance
 - 488 minimum total parking space variance
 - 12' maximum access drive width variance
 - 5' minimum drive aisle width variance
 - Maximum lighting level variance
 - Grass height variance
 - Site plan – new building

Mr. Rudy Verner, Chief Engineer for Research and Development, Nestlé, Mr. Thomas Zarfoss, Landscape Architect, Behnke Associates, Inc., Cleveland, and Mr. John Friscas, Senior Project Design Manager, Stellar Group, Jacksonville, FL, were present representing Nestlé Foods.

A rendering of the proposed building for Nestlé and the surrounding landscaping was displayed. Mr. Verner indicated where the various roads were located around the site for orientation purposes. He also indicated the area where the current Nestlé factory is located and said the parcels will be consolidated.

Mr. Verner indicated on the rendering where all truck traffic will enter and exit the new facility which will be through the existing driveway at the Nestlé factory off of Harper Road. This driveway will be gated in two places to prevent unauthorized access and only emergency vehicles will have access to circle the new facility. Mr. Verner indicated a driveway off of Cannon Road which will be used for employees of the new facility.

Mr. Verner indicated the area adjacent to the Metroparks and said their agreement with them was to install an 80' buffer of trees between the properties. He explained that buffer will continue onto Cannon Road and lead up to Route 422.

Mr. Verner said they have shifted the facility as close to Route 422 as feasible. He indicated the location of the new facility and its proximity to Route 422 on the rendering. He reviewed the street variances and explained that the lighting for the entrance to the driveway on Cannon Road can be adjusted as necessary, along with consideration for safety concerns.

Mayor Drucker said in a letter she wrote with Councilwoman Meany to Ward 5 residents prior to the election regarding the new facility, certain assurances were made to residents which were confirmed by Nestlé representatives. She said one of the stipulations was that there would be zero spillover of light onto residents of Cannon Road and the Metroparks. Therefore, she will not support any lighting variances for these areas. Mayor Drucker said she committed to the statements in the letter she signed and believes that Nestlé should commit to this as well. Mr. Verner confirmed this is Nestlé's intention.

Mayor Drucker said the letter also stated that all of the existing trees within 200 feet of Hawthorn Parkway would be preserved. Therefore, as she understands it, 200 feet of trees will be preserved in addition to the 80 foot buffer of trees that will be added. Mr. Verner confirmed this as accurate.

Mayor Drucker said the mounding and landscaping along Cannon Road was discussed at great lengths and was a huge concern of residents prior to the election. She said based on the rendering, there appears to be a single line of trees along Cannon Road and this will not screen the facility from the neighbors. Mayor Drucker said a substantial amount will have to be added for better screening.

Mayor Drucker said the items she discussed were the items in her letter to residents and she is asking for reaffirmation from Nestlé that they will be completed. Mr. Verner said they will comply with all of the items listed and there will be zero light spillover onto Cannon Road and they will modify the rendering with additional landscaping along Cannon Road.

Mr. Mazur is pleased with the plans presented. Although it was a little difficult to see everything because of the size of the plan, he believes it is coming together well.

Mr. Mazur said the two major variances are associated with the proximity to Route 422 and he has no concerns regarding those issues. He approved of the entrance boulevard off of Cannon Road. Mr. Mazur said a public hearing will be scheduled for the next meeting and he hopes that Nestlé will distribute the lighting photometric plan and the changes to the landscaping plan along Cannon Road to the Planning Department for their review prior to that meeting.

Mayor Drucker clarified the parking variance and said this area will remain as green space which will enhance the area and is considered banked parking which may or may not be used in the future.

Mr. Mazur said the parking requirement was based on the Zoning Code for an office requirement. Since this will not actually be an office but a research and development center, the large amount of parking will likely be unnecessary.

Mr. Verner said there will be approximately 120 employees.

Mayor Drucker clarified that 120 employees is considered as the growth point.

Mr. Newberry said it will be helpful to review the variances with further detail at the next meeting as it relates to the initial construction as well as after the expansion takes place.

Mr. Newberry said he would like further information regarding the grass height variance. He said this sounded unusual and would like an explanation from the landscape architect.

Mr. Verner said the facility is being designed to LEED Silver Certification. Therefore, some of the landscape plans are directly related to LEED Certification.

Mr. Stolarsky said regarding the height of the grass and discussion with Mr. Frankland about the possibility of this being a request for a use variance. He said based on Chapter 1289, the Code differentiates between prohibitive uses and prohibitive conditions and this is interpreted as a prohibitive condition. Therefore, the Commission, if it wishes, can grant a variance with regard to that issue.

Mr. Zarfoss explained they are using several different seed mixes. They are using what is called a low mow seed mix which is drought tolerant and slow growing. It will be used along the front of Cannon Roads to cover the mounds and will be used along the driveway and the parking, however, will still be a relatively manicured area.

Mr. Zarfoss indicated other area on the rendering which will not be in public view, will have a native meadow mix which includes 20 to 25 different plants. This is essentially a wild flower mix and will not grow too high but will be colorful and attractive. He said there will be another mix around the detention ponds and slopes.

Mr. Zarfoss said more businesses are installing this type of landscaping which alleviates the necessity of mowing every week. He said it takes time to get this type of landscaping established but it is a very good strategy.

Mr. Newberry said the Code stipulates that grass cannot be higher than 8" in the front or side yards or anywhere visible from the street. This is a unique application and a special occurrence and many of the areas will be hidden from public view. Mr. Newberry said this type of landscaping helps the land absorb more of the rainfall and there will be less water runoff which creates a low impact development.

Mr. Frisco displayed a rendering of the elevations for the new facility. He indicated the top elevation and said this is the view when driving on Route 422. Mr. Frisco indicated the office facility which is made of an aluminum glass store front consisting of glass through to the office space. He continued to indicate where various areas of the new facilities will be located within the elevations and noted there will be much natural light.

Mr. Mazur said it should also be noted that the Engineering Department submitted correspondence stating that a tap-in fee will be necessary and a requirement for a sidewalk along Cannon Road. In addition, a memo from the Fire Department was submitted regarding the operation of the gates. Mr. Mazur recommended this correspondence be reviewed by Nestlé and if there are questions, they should contact the appropriate department.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing on Monday, September 24th for a lot consolidation for PP#'s 951-28-014, 951-28-019, 951-28-020, 951-28-021, 951-28-023, 951-28-024 and 951-28-025 for Nestlé Foods.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of the variances for Item 13 until the meeting scheduled for Monday, September 24th.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations to present.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said as a reminder, the City Council meeting scheduled for Monday, September 17th has been rescheduled to Wednesday, September 19th due to the Rosh Hashanah Holiday. She wished those who celebrate a Happy Rosh Hashanah.

Mayor Drucker said the Historical Society is having Cupcake Night – "Singing Ohio History" on September 25th at 7:30 P.M. at the Historical Society. Foster Brown, Naturalist/Historical Interpreter at Cleveland Metro Parks will entertain the audience

through Folk Music, both traditional and original and various instruments. He sings and captures the past including eras of canals, lake seafarers, farmers, railroads, Civil War, and industrial revolution.

Mayor Drucker said the Solon Center for the Arts is performing La Traviata on Friday, September 28th, Sunday, September 30th and Saturday, October 6th and tickets are available at the Solon Center for the Arts.

Mr. Newberry also wished everyone a Happy Rosh Hashanah.

Mr. Bentley encouraged supporting Solon High School events.

COMMENTS FROM THE AUDIENCE:

Mr. Gary Boron, 27925 Cannon Road, was present and spoke regarding Item 13, Nestlé Foods. He said when this project was originally proposed, only 30 additional employees would be added. He said that now they are requesting 488 parking spaces.

Mr. Frankland clarified the total amount of parking spaces is 256 with approximately one-half being banked parking.

Mr. Boron said the original proposal was for 32 employees and he asked how it had grown to so many. He said this is what was voted on and indicated there is enough traffic on Cannon Road making it difficult to exit his driveway. He said so eventually there might be 400 people working there and this is not what he voted on.

Mayor Drucker said 400 people will not be working there. She explained this is a variance request to not require installation of 488 parking spaces.

Mr. Boron said this proposal is getting more confusing with all of the variance requests. He said he would like to see a drawing with measurements that is understandable.

Mayor Drucker said at the public hearing next week, Nestlé will explain each variance more thoroughly. Tonight was just a brief presentation and summary.

Mr. Mazur said upon review of the variances, he believes they are all reasonable and some are just technicalities. He feels comfortable with the proposal and the major variances are along Route 422 because of the setback which moved the project further away from residents of Cannon Road. Mr. Mazur said they have made a very successful effort to move the building as far back as possible from Cannon Road.

Mayor Drucker said the variances regarding Route 422 are necessary because the City asked Nestlé to move the facility as far away from Cannon Road and Hawthorn Parkway as possible.

Mr. Boron said it is difficult to understand everything being discussed because the rendering is so small.

Mr. Mazur agreed with Mr. Boron and said the drawings are small and difficult to see. He feels it is important that the mounding and screening plan and no light spillover onto Cannon Road be thoroughly reviewed and is acceptable to the residents and the City. Mr. Mazur wants to know what the caliper of the trees will be since he feels they need to be large enough to start screening immediately.

Mrs. Wendy Davis, 29205 Cannon Road, was present and spoke regarding Item 13, Nestlé Foods. She said she lives across the street from Nestlé and she is very concerned about the lighting and the screening. Mrs. Davis said it appears from looking at the plan that the trees will be small and when she looks out her window she will view small trees, a big parking lot and a huge driveway. She believes her home will be the most affected by the decisions made regarding the new facility. Mrs. Davis said she is also concerned about the safety of her children since they wait for the bus at the end of the driveway and there will be more traffic. She asked that all these factors be taken into consideration when decisions are made.

Mrs. Davis asked if the driveway will be gated since it appears that way on the plan. Mr. Mazur said the gate will be in the rear of the facility.

Mrs. Davis asked if the Safety Committee will review the plan.

Mr. Mazur said the driveway will not be an item on the Safety Committee agenda. He said technically the driveway will be a boulevard. This means there will be a street for entering and a street for exiting with a mounding of trees in the center. Although he understands Mrs. Davis' concern, the revised plans will be thoroughly reviewed and the Commission will know how many trees will be planted, the height of the trees, the caliper size, etc.

Mr. Frankland said the goal is for screening to be provided immediately and not take years of growing to become effective screening.

Mrs. Davis asked if there will be a sign in the front of the driveway.

Mr. Mazur said he believes there will be a monument sign in the boulevard area but this has not yet been reviewed.

Ms. Roz O'Hearn, Nestlé, was present and told Mrs. Davis that the plan is to install the driveway as far away as possible from her driveway. She also said that they will be happy to review the plan with Mrs. Davis.

Ms. O'Hearn said Nestlé has taken into account all of the concerns that local residents have expressed and they are attempting to be as sensitive as possible and have altered the plans to reflect those concerns.

Mr. Gary Boron referred to the rendering and indicated the Davis property and the main entrance to the new facility and the emergency access drive that runs

adjacent to Route 422. He asked if the driveway could be moved up and indicated where he feels would be a good location. He believes it would move the driveway away from the Davis property and would be less noticeable from Cannon Road.

Mr. Mazur said Nestlé can address this at the next meeting.

Ms. Jessica Fugate, 29000 Cannon Road, spoke regarding Item 13, Nestlé Foods. She asked if any consideration has been given to allowing a right turn only when exiting the new facility to force traffic back towards Route 422 and not down Cannon Road. This would also assist with safety for the Davis children when they are getting off the bus. She also proposed that Nestlé present visuals of the view of the new facility from Hawthorn Parkway at the next meeting. Ms. Fugate believes this might give everyone a better understanding of what the facility is going to look like when completed.

Mr. Mazur said he previously asked about the right turn only when exiting the new facility and he was told that if a person wants to head towards Bedford, they are going to make the right turn and then turn around in one of the driveways along Cannon Road anyway.

Ms. Fugate said that happens now.

Councilwoman Meany said she has been involved with this project since it started and she requested they have all of the employees enter the new facility off of Harper Road and not off of Cannon Road. She believes this would resolve many of the issues. Councilwoman Meany said visitors could still come in off of Cannon Road. She asked that Nestlé consider this option.

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to adjourn the meeting at 8:55 P.M.

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

Motion Carried

Chairman

Secretary