

**PLANNING & ZONING COMMISSION  
November 13, 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
- B. 6235 Sharondale Drive – Richard Lascala – 4.5' cumulative side yard setback variance, 120 sq ft maximum storage building area variance, number of storage buildings variance to permit 2, 4" storage building height 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:**

4. 34182 Aurora Road – ECHO Solon, LLC (Starbucks) – Number of wall signs variance, sign location variance and number of ground signs variance: Mr. Jim Kennedy was present representing Starbucks.

Mr. Mazur asked that a copy of the recommendations from the Traffic Engineer be distributed to Mr. Kennedy for his review.

Mr. Frankland said the Traffic Engineer recommended that no free standing signs be approved, the sign for the drive through be located above the height bar and the wall signs will be determined by the Commission.

5. 34200 Aurora Road – ECHO Solon, LLC (Menchie's) – total green space variance and site plan for patio: Mr. Frankland said a meeting is scheduled for Thursday, therefore, this item should be tabled tonight.

**NEW:**

7. 5750 Harper Road – Nestle USA – Mr. Mazur said this item was removed from the agenda and will be heard as a minor alteration.

9. 33900 Country View Lane – Saeran St. Christopher – minimum fence setback from street right-of-way variance, maximum fence setback from residence variance and maximum fence height variance: Mr. Mazur said the applicant is out of the country, however, the fence contractor will present the requested variances for the new fence. It was determined that previous work was performed on the driveway without the required permits and he will request the applicant return in the spring to resolve the issue.

Mr. Stolarsky asked if the name of the contractor who performed the work on the driveway was known.

Mr. Frankland said he will ask the Building Department to follow up to determine the name of the contractor for the driveway.

Mr. Mazur said the applicant submitted an apologetic letter.

10. 29500 Solon Road – Crawford Fitting Company – variances and site plan approval for building addition: Mr. Mazur said there are chillers associated with this application and during the meeting he will ask the applicant to consider landscaping around them.

11. 29825 Solon Road – First Energy – parking lot setback from building variance and site plan modification: Mr. Mazur said there are two separate parcels involved in this application and the Commission will request the lots be consolidated.

Mr. Frankland said he will present 6 minor alterations and briefly reviewed them.

The caucus ended at 7:14 P.M. and the meeting convened at 7:30 P.M.

Chairman Mazur presided.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the minutes of the October 23, 2012 meeting.

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

Nay: None

Abstain: Richmond

Motion Carried

PENDING:

1. 35730 Bainbridge Road – Dale Barstow 090-2012
- 4.5% maximum front yard pavement coverage variance
  - 14' minimum distance between driveways variance

Mr. Mazur said he was informed that there will be no more driveway permits issued until spring.

Mrs. Welch confirmed this and said no new information regarding this application has been received.

Mr. Mazur requested the Clerk contact the applicant to inform him this item will be moved to the Inactive Agenda at 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. 33709 Linden Drive – PP#'s 954-06-254 & 255 – David and Kara Henderson 116-2012
- Lot consolidation

Mr. Frankland displayed an aerial view of the properties and indicated where one of the lot lines goes through the house. The applicant proposes consolidating the lots which will eliminate the need for variances if they make additions to the property in the future. Mr. Frankland said the consolidation will result in a .28 acre lot.

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 Mayor Drucker, seconded by Councilwoman Richmond to approve the lot consolidation for PP#'s 954-06-254 and 954-06-255.

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

Nay: None

Motion Carried`

3. 5200 Harper Road – Judith Wardley 117-2012
- Lot Split – PP# 951-15-003
  - 21' lot width variance – Lot #2
  - 21' lot width variance – Lot #3
  - 7.5' side yard driveway setback variance – Lot #1

Mr. Rick Dinallo, Dinallo & Wittrup and Ms. Judy Wardley were present. Mr. Dinallo displayed a plan of the proposed lots. He explained this is a large piece of property containing one home and the owner is proposing splitting it into three lots. The lot

containing the applicant's Century home is 142' wide, the other two lots are 119' and all of the lots are over an acre.

Mr. Dinallo said he assessed other lots in the area and the measurements are similar, therefore, the proposed lots would not be out of character for the neighborhood. In addition, many of the lots in nearby North Park Estates have similar measurements to the proposed lots.

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

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

Mayor Drucker said although she agrees that the proposed lots will not look out of character for the neighborhood, splitting the lot would conflict with the City's Growth Management Policy and the property was purchased after the plan went into effect.

Mayor Drucker said another concern is an 18-acre parcel for sale located down the street. She feels that the decision made for the proposed lots will impact any potential request for the 18-acre parcel. Mayor Drucker said she would support two lots for the property since no variances would be required, however, she is reluctant to support three lots.

Mr. Dinallo said it would not be difficult to conform to the zoning requirements of an 18-acre parcel and, as a developer, he would not request variances. However, this application is for a much smaller parcel which makes it more limited.

Mr. Mazur said although the proposed lots are one acre, the Master Plan Committee developed a program which included a variance policy to be strictly enforced. He read the section regarding this policy. Additionally, the property was purchased less than four years ago.

Mrs. Wardley said her husband and herself owned horses when the property was purchased and their plan was to use the existing barn and add a pasture for their horses. However, shortly after purchasing the property, her husband became very ill and they could not keep the horses. Therefore, they no longer need as much property. Mrs. Wardley explained the layout of the property and believes splitting it into three lots will fit into the look of the neighborhood.

Mr. Mazur empathizes with Mrs. Wardley, however, will not support the request.

Mr. Newberry said he is well aware of the Growth Management Policy, however, he believes that if a lot split or consolidation fits into the neighborhood, an additional house or two in the City will not make a big difference. He said the Growth Management Policy was put into effect when Solon was growing quite rapidly to have some control. However, now that the City is essentially built-out and there is no more large scale development, he feels requests for small lot splits will not be detrimental.

Motion by Mr. Mazur, seconded by Mr. Bentley to approve the lot split for PP# 951-15-003 into three lots.

Roll Call: Aye: Newberry, Richmond

Nay: Bentley, Drucker, Mazur

Motion Failed

Mr. Stolarsky said it is unnecessary to consider the variances since the lot split failed.

Motion by Mr. Newberry, seconded by Mr. Bentley to remove the lot width variances for Lot #2 and Lot #3 and the side yard setback variance from the agenda.

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

Nay: None

Motion Carried

Mr. Mazur said Mrs. Wardley has the right to appeal to the Council and the Clerk will provide information regarding the appeal process.

4. 34182 Aurora Road – ECHO Solon, LLC (Starbucks) 118-2012
- Number of signs variance to permit (5)
  - Sign location variance
  - Number of ground signs variance to permit (2) additional signs

Mr. Jim Kennedy, Construction Manager for Starbucks, was present. He said based on information received from the City's Traffic Engineer, the ground signs variances will be withdrawn, including the drive through boxes on the building and only two additional wall signs will be requested. Mr. Kennedy displayed the various elevations and indicated where signs will be located.

Mr. Frankland clarified the locations of the permitted signs.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve the number of signs variance to permit an additional two signs.

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

Nay: None

Motion Carried

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a sign location variance for the north elevation.

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

Nay: None

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to accept the withdrawal of the ground signs variance to permit two additional signs.

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

Nay: None

Motion Carried

5. 34200 Aurora Road – ECHO Solon, LLC (Menchie's) 120-2012
- Total green space variance
  - Site plan approval for patio

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 5.  
Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond  
Nay: None  
Motion Carried

NEW:

6. 6110 SOM Center Road – Jeff Davis – Davis Automotive 123-2012 6
- Sign location variance
  - 4 inch sign width variance

Mr. Jeff Davis, President, Davis Auto Group and Mr. Al Wangenheim, Davis Auto Group, were present. Mr. Davis displayed a site plan of the property they previously acquired with the intention of constructing a new BMW dealership. Mr. Davis said it was important to acquire the parcel containing an easement which extends from SOM Center Road back to the dealership. This will allow access to customers coming from the north, east and west, off of the highway. Mr. Davis said this will alleviate some of the traffic onto Solon Road to access the dealership.

Mr. Davis said a sign containing the dealership information and Bob Evans' information was always planned for this location. He displayed a rendering of the proposed sign which will be located quite far from the roadway because of State owned property and a sewer easement.

Mr. Bentley believes the sign is a good idea and said he did not realize the dealership could be accessed from SOM Center Road.

Mr. Mazur said in the event the property is ever sold and no longer under common ownership, the variances would have to be reviewed.

In response to Mr. Bentley's question, Mr. Davis said trucks will also use this driveway for access to the dealership when coming from the highway.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a sign location variance for 6110 SOM Center Road.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 4 inch sign width variance with the contingency that in the event the properties are no longer under common ownership, the variances will be reviewed.

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

7. This item was removed from the agenda and heard as a minor alteration.

8. 39839 Alsace Court – Archana and Sachin Nayar 125-2012 3
- 2.5' accessory pavement setback variance

Archana and Sachin Nayar were present. Mrs. Nayar displayed a view of their property indicating the location of the house. She also displayed a survey of the property indicating the location for the proposed 18' x 22' parking pad.

Mr. Frankland said perpetual open space is adjacent to the property.

Mrs. Nayar submitted an email from the Thornbury Homeowners' Association indicating they have no issues with the request.

Motion by Mayor Drucker, seconded by Mr. Bentley to approve a 2.5' accessory pavement setback variance for 39839 Alsace Court.

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

Motion Carried

9. 33900 Country View Lane – Saeran St. Christopher 126-2012 4
- 25' minimum fence setback from street right-of-way variance
  - 16' maximum fence setback from residence variance
  - 1' maximum fence height variance

Mr. Randy Anderson, Above Par Restoration and Repairs, Chesterland, OH, was present representing the applicant. He displayed a plan of the property indicating where fencing belonging to the adjacent neighbor is located. Mr. Anderson said the applicant proposes installing the same type of split rail fencing along the rest of her property with some breaks in the fencing to accommodate large elm trees.

Mr. Anderson displayed a photograph of the fencing indicating where the height variance and setback variances are necessary to mirror the image of the fence currently installed by the neighbor.

Mr. Mazur viewed the property and said it appears there will be no line-of-sight issues associated with the fence installation. He will support the variances.

Mr. Newberry said he would have concerns if there was a utility easement against the right-of-way, however, he does not believe this development has that issue.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 25' minimum fence setback from street right-of-way variance for 33900 Country View Lane.

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

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 16' maximum fence setback from residence variance for 33900 Country View Lane.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 1' maximum fence height variance with the contingency that the Clerk contact the applicant and request they return to the Commission no later than April 1, 2013 to address work performed on the property without the proper permits and required variances.

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

Motion Carried

10. 29500 Solon Road – Crawford Fitting Company 127-2012 7
- 21' side street setback variance (building addition)
  - 51' side street setback variance (chiller units)
  - Fence location variances
  - Variance to allow a non-hard surface drive
  - Site plan – building addition/equipment

Mr. Ben DiSante, Swagelok and Mr. Jim Neville, Neville Architecture, were present. Mr. Neville displayed a photograph of the existing electrical service area. He explained that this project is being generated by First Energy and Swagelok as a required upgrade to the power system for continuing reliability for the plant and other surrounding businesses. Mr. Neville said it is an existing 33,000 volt service and will remain as such, but with expanded services.

Mr. Neville displayed a site plan indicating the current configuration of the buildings and the location where two chillers and a cooling tower are located. First Energy has defined what is necessary to complete the upgrade to the system which will be an overhead service consisting of four different poles. Each pole will have a specific purpose, spacing between the poles is generated by specific Code requirements and each pole will contain required specific protective devices. Mr. Neville explained the existing service will remain in place while the new service is being installed.

Mr. Neville indicated an area on the site plan where a new electrical switch gear room will be constructed consisting of approximately 1,400 square feet. Currently, this location houses two chillers which will have to be relocated. Mr. Neville indicated an area to the north and said a new pad will be installed for the two chillers which will be screened off as suggested by the floor plan. He said the plan has been reviewed and approved by the Fire Department to ensure required accessibility to all required services.

Mr. Neville indicated an area on the site plan which contains two existing transformers and switch gear associated with them. He said the new service will require two additional transformers along with new switch gear. Mr. Neville said this will be totally enclosed with fencing.

Mr. Neville indicated on the site plan where the new building will be located and will not project any further than the existing building. He displayed the various elevations of the building and said screening will be provided. The material for the bottom portion of the building will include a range of three different types of brick.

Mr. Neville said since the brick on the existing building is no longer available, a concealed fastener metal siding is proposed in different colors with the basic pattern of the current siding being mimicked. He displayed a photograph of the existing siding and said custom colors will be applied to achieve the same range of colors. Mr. Neville displayed samples of the color choices.



In response to Mr. Mazur's question, Mr. Neville said approximately 42½' of the new building will face the road which will be partially obscured with fencing. He also explained the new poles will have cross arms on them.

Mr. Frankland said the existing equipment area to the south is being extended and there will be a gravel access drive installed for servicing equipment.

Mr. Neville indicated the area on the site plan where the gravel drive will be located.

Mr. Mazur said the Engineering Department has indicated that further additions to the location might require storm water management review and the addition may also require additional tap-in fees.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 21' side street setback variance (building addition).

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 51' side street setback variance (chiller units).

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the fence location variances.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a variance to allow a non-hard surface drive.

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

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve a site plan for the building addition and equipment with the contingency that the colors to be used are the ones presented tonight and that the applicant review with the Planning Director screening for the chiller units.

Mr. Neville said evergreen trees will be added to the areas where there is no hard surface.

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

11. 29825 Solon Road – First Energy

128-2012 6

- 10' parking lot setback from building variance

- Site plan modification

Mr. Joe Steines, GPD Group, was present representing the applicant. He displayed a plan of the property and said the Commission previously approved the removal of an open-air canopy for the First Energy fleet vehicles to be replaced with a closed garage. Mr. Steines said the work has begun on the project and it was determined that an additional two bays are required.

Mr. Steines displayed a site plan indicating the location for the additional two bays. He indicated the garage which was previously approved and indicated where the additional 30' x 70' proposed garage would be located. Mr. Steines noted the dotted line designation for the turning radius for Fire Department vehicles. He indicated the parking area which exceeds the number required.

Mr. Mazur said First Energy will need to verify that the addition will not exceed 60% of the value of the existing building. In addition, the two lots will need to be consolidated in the near future to prevent parking variance considerations.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 10' parking lot setback from building variance for 29825 Solon Road.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve the site plan modification with the contingency that the applicant provide documentation that the value of the addition does not exceed 60% of the existing building and that a lot consolidation be submitted in the near future and the Engineering Department has noted that there might be an additional tap-in-fee.

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

Nay: None

Motion Carried

#### COUNCIL REFERRAL:

12. Ordinance No. 2012-255 amending Chapter 1257 of the Planning and Zoning Code, Comprehensive Storm Water Management 122-2012

Mrs. Welch said the Engineering Department has been working with the Chagrin River Watershed partners to update the City's Storm Water Management Policy. This update will maintain the City's compliance with the Ohio EPA and PDES general permit. She said the majority of the proposed changes are mandated by the EPA and the major change is implementing an inspection and maintenance agreement for storm water detention basins.

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

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

Mr. Newberry commended the Engineering Department for being proactive and updating the Code.

Mr. Stolarsky said on the last page of the document under section Penalty A, the violation is a misdemeanor of the first degree, not the third degree. He recommended this correction be made.

Motion by Mr. Newberry, seconded by Mr. Bentley to recommend approval of the document and forward to the Council for their review and to correct the Penalty A violation to indicate a first degree misdemeanor, not a third degree misdemeanor.

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

Nay: None

Motion Carried

#### MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 29825 Solon Road – First Energy

Mr. Frankland displayed an aerial of the property and indicated the elevation where an additional garage door is proposed.

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

2. 33321 Aurora Road – Earth Fare

Mr. Frankland displayed a site plan and said changes to the front façade are proposed. He explained the original approval was for windows to extend to the ground and the request is to now have a brick base on the bottom which will match the rest of the building and to add a man door.

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

3. 5750 Harper Road – Nestlé USA

Mr. Frankland displayed an aerial view of the main facility and said the proposal is to replace a guard house located on the south side of the building. He displayed a photograph and said the guard rail will be removed and the bollards will remain and be covered with a prominent color. Mr. Frankland said the new building will be approximately the same size with the same setback.

Mr. Frankland said, in addition, the sidewalk will be extended along the location of the guard house to connect with the sidewalk along the front of the building.

Mr. Frankland indicated a corner area of the building and said a garage door is located there and the proposal is to install temporary paving in order to get equipment in and out of the building. This would be temporarily paved from November through August of 2013. In addition, a large area of the parking lot will be fenced off and if the Commission approves of the proposal, it should be contingent upon the Fire Department approving access to the building.

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

4. 30455 Solon Road – Paragon Building (former Wellness Works)

Mr. Frankland displayed an aerial view of the building and said the entire building will be utilized by an attorney's office. The proposal is to add windows and remove an existing deck to be replaced with a stone patio. Mr. Frankland said the Engineering Department has noted that this will be included in future storm water calculations if another addition is approved.

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

5. 6875 Parkland Boulevard – Permatex

Mr. Frankland displayed an aerial view of the property and indicated where a man door is located. The proposal is to move the man door over 5' and extend the sidewalk.

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

6. 29500 Fountain Parkway – Tecktron Systems

Mr. Frankland displayed an aerial view and indicated where a man door is proposed on the west elevation..

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said on Friday, November 16<sup>th</sup>, the Solon Center for the Arts will be hosting the opening reception for the Solon Senior Project. Judy Takacs, a local artist from Solon, will be displaying her work.

Mayor Drucker said the annual Holiday Lighting will take place on Wednesday, November 21<sup>st</sup> and music of the season will be provided by the Solon High School band starting at 6:30 P.M. Festivities will follow the lighting at the Solon Center for the Arts.

Mayor Drucker said City Hall will be closed for the Thanksgiving holiday on Thursday, November 22<sup>nd</sup> and Friday, November 23<sup>rd</sup>. She wished everyone a Happy Thanksgiving.

Councilwoman Richmond encouraged people to attend the art show for the Solon Senior Project. She is familiar with the artist's work and said it is great.

Mr. Newberry congratulated the Solon High School fall sports teams, especially the girls' soccer team who went further in the State tournament than they have ever gone before.

Mr. Bentley said the Solon High School Drama Club is performing "Any Number Can Die" from November 15<sup>th</sup> through November 18<sup>th</sup>. He encouraged everyone to support them.

Mr. Mazur also wished everyone a Happy Thanksgiving.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to adjourn the meeting at 8:30 P.M.

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

Motion Carried

---

Chairman

---

Secretary