

PLANNING & ZONING COMMISSION
December 11, 2012 – 7:15 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, Acting Secretary Letourneau

Absent: None

Also Present: Fire Safety Inspector Eisenhuth, 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.

NEW:

5. 29200 Fountain Parkway – Valtronic Technologies (USA) Inc. – wall sign location variance: Mr. Frankland said if this item is considered this evening, it should be with the condition that the sign being displayed is the only permitted sign.

6. 33003 Aurora Road – William El Biri – site plan review for façade alterations and front yard setback variances: Mr. Mazur said there are two phases to the application. Phase two includes the patio, fencing and landscaping. Mr. Mazur would like to add a time limit as to when the submissions for this phase are to be made. He suggested March 1, 2013.

Mr. Frankland said if the applicant opts to not complete Phase 2, then a landscape plan will be required.

9. Briar Hill Lake – Briar Hill Lake Homeowners' Association – site plan approval for storage building, front yard and side yard setback variances: Mr. Frankland said a neighbor who lives adjacent to the location of the storage building is present.

Mr. Mazur said anyone wishing to speak about an agenda item should speak during the Comments From the Audience section at the beginning of the meeting.

Mr. Mazur said the meeting scheduled for December 25th will be cancelled.

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

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:

Mr. Wayne Vereb, 5843 Briar Hill Drive, was present and spoke regarding Item 9. He explained that his home is located on two acres on the east side of Briar Lake. Mr. Vereb said he has lived there for over 30 years and when the property was purchased, it consisted of half woods and half grass.

Mr. Vereb said five years ago the State of Ohio determined Briar Lake was unsafe and removed approximately 100 trees and installed 800 cubic yards of concrete. He was compensated financially and was assured that the property would be made attractive again. Mr. Vereb said the project is almost completed, however, the view from his home is no longer attractive.

Mr. Vereb said the Briar Lake Homeowners' Association installed a storage building very close to his property line to replace a similar structure which was removed during construction. The previous structure was also too close to his property line and was built without the proper permits or his approval. He did not take issue with it because it was mostly blocked by the trees. However, the trees are no longer there to block the new structure which is unattractive and larger than the previous one and was also installed without permits or approval.

Mr. Vereb said the City has building standards and rules to protect residents from structures being located too close to their property lines. He is requesting the Commission not approve the variance to allow the structure to remain in its current location and he also requests that it be removed in a timely fashion.

APPROVAL OF MINUTES:

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the minutes of the November 13, 2012 meeting.

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

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 the work on the driveway will not proceed until Spring of 2013 and the applicant agreed to have the item moved to the Inactive Agenda.

Motion by Mr. Mazur, seconded by Mayor Drucker to move Item 1 to the Inactive Agenda.

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

Motion Carried

2. 34200 Aurora Road – ECHO Solon, LLC (Menchie's) 120-2012
- Total green space variance
 - Site plan approval for patio

Mr. Mazur said although discussions between the applicant and the Planning Department have taken place, the issues have not yet been resolved and with the onset of winter weather, outdoor projects have stopped.

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 Mr. Bentley to table consideration of Item 2.

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

Motion Carried

NEW:

3. 6740 SOM Center Road – PP#'s 954-08-122 & 954-08-123 129-2012
Janice Ockunzzi
- Lot consolidation

Mr. Frankland displayed an aerial view of the property and indicated where the property line divides the house. The need for the consolidation was determined during the review of a permit application for a proposed deck. Mr. Frankland said the consolidation will create a conforming lot.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to schedule a public hearing for a lot consolidation of PP#'s 954-08-122 and 954-08-123 on January 15, 2013.

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

Motion Carried

4. 37167/37169 Landings Drive – PP#'s 955-01-029 & 955-01-030 130-2012
Ruth and Bruce Klotzman
- Lot consolidation

Mr. Frankland displayed an aerial view and indicated the two parcels, one of which includes the Klotzman home. The second parcel is a buildable parcel owned by the Klotzmans who wish to consolidate the properties into one parcel.

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for a lot consolidation for PP#'s 955-01-029 and 955-01-030 on January 15, 2013.

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

Nay: None

Motion Carried

5. 29200 Fountain Parkway – Valtronic Technologies (USA) Inc. 131-2012
- Wall sign location variance

Mr. Ed Davis, Fastsigns, and Mr. Jon Wimer, Valtronic, were present. Mr. Davis displayed a rendering of the sign as it would appear on the east side of the building, which will make it more visible, after relocating it from the north side of the building.

Mr. Mazur said it appears this is appropriate sign relocation, however, it must be understood that this is the one sign which is permitted on the building.

Mr. Newberry asked Mr. Frankland where the sign should be located according to the Code.

Mr. Frankland said the permitted location is either facing the street or over a main entrance. This sign would be on the side of the building which is visible from Cochran Road but is several hundred feet from the road with a lot in between and it is not fronting on the road.

Mr. Newberry said he understands the request to move the sign but does not feel there is any practical difficulty for having the sign at that location. The other businesses in the area are satisfied with a monument sign at the street and/or a wall sign on the face of the building.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a wall sign location variance for Valtronic Technologies.

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

Nay: Newberry

Motion Carried

Mr. Mazur asked Mr. Wimer what type of business Valtronic Technologies performs.

Mr. Wimer said they are a high tech electronics contract manufacturer and build retinal implants for the blind and cochlear implants for the deaf as well as other implantables. He said they manufacture mostly high tech medical products.

6. 33003 Aurora Road – William El Biri 132-2012
- 57' front yard setback variance
 - Site plan – façade alterations and patio addition

Mr. William El Biri was present for Saaj Bar & Grill, a Lebanese restaurant. He displayed a photo indicating the current appearance of the restaurant (formerly Pacific East). He said the storefront will be changed and the inside will be updated. Mr. El Biri displayed another photo depicting the proposed changes. Mr. El Biri explained the glass front will be changed, the trim and roof will be changed and a patio will be added to the front to accommodate 38 seats.

Mr. El Biri said Phase 1 of the project consists of updating the inside of the restaurant. Although Phase 2 consists of the outdoor items, including installation of the patio, he would like both phases to be considered this evening. Mr. El Biri explained that, weather permitting, work will proceed on the outside when possible.

Mr. Frankland believed the landscaping plan had been approved, however, if the application moves forward tonight, a contingency should be added ensuring this as well as an approved lighting plan.

Mayor Drucker believes the proposed renovations will greatly improve the dated appearance of the building and generate more interest from patrons. She wished Mr. El Biri much success.

Mr. Mazur explained that the additional seating outside might result in additional tap-in fees.

Mr. El Biri said he has already met with the Engineering Department and it was determined the tap-in fee will be paid once Phase 2 begins.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to recommend approval of a site plan for façade alterations and a patio addition.

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve a 57' front yard setback variance with the contingency that the landscape plan is approved prior to the Council meeting on December 17th and a lighting plan is approved prior to a building permit being issued.

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

Motion Carried

Mr. Mazur asked Mr. El Biri for information about the restaurant.

Mr. El Biri said he has worked with Aladdin's Restaurant, a Lebanese restaurant, for 16 years and will use his experience to bring traditional Lebanese food, as well as vegetarian selections, to Solon in his new restaurant, Saaj.

7. 34310 Aurora Road – Echo Solon, LLC (Giant Eagle
(Market District)

133-2012

- 204 sq ft maximum wall sign area variance
- Number of wall signs variance (to permit a total of 15)
- Sign location variance for drive-thru pharmacy

- Sign location variance to permit 2 signs on a wall not occupied by the business unit
- Building color variance

Mr. Pat Avolio, Director of Real Estate Development, Giant Eagle, and Mr. George Dragon, Cicogna Signs, were present. He said one change to the request is to install silver lights on the building instead of white lights, however, the building color variance is still necessary. It is believed that the silver lighting will complement the rest of the building.

Mr. Avolio displayed a rendering indicating the different sign elevations and said, if necessary, some of them can be centered differently within the sign bands. He explained that because this is a Market District store, there are stores within the stores which require signage for identification purposes with separate entrances for customers.

Mr. Avolio said he was made aware of concerns the Commission had with the drive-thru pharmacy sign which is for directional purposes. He said it was determined that this would be a better alternative than locating directional signs to the pharmacy in the parking lot which do not require a variance. However, they are willing to work with the Commission to determine the best solution. Mr. Avolio said illuminated signage will also be located on the canopy, in both directions, for the drive-thru pharmacy.

Mr. Mazur said he is concerned about the signage on the building for the drive-thru pharmacy. Another applicant recently requested this type of signage and it was not approved. Therefore, he will not support that variance and requested an alternative be determined.

Mr. Avolio said the alternative will be the directional signage located within the parking lot.

In response to Mayor Drucker's question, Mr. Mazur said he is referring to Item G only on the rendering. Mr. Mazur said the requested variance can be modified to 14 signs.

Mr. Newberry said initially, he did have concerns about the number of sign variances for this application. However, after hearing the purpose and intent of the signs, he is now mainly concerned with the drive-thru pharmacy sign (with the arrow) and shares Mr. Mazur's concerns.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 204 sq ft maximum wall sign area variance (Giant Eagle Market District).

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

Nay: None

Motion Carried

Mr. Avolio asked for a motion to approve the variance for the drive-thru pharmacy sign (with arrow) on the building and not include it in the motion to approve a

variance for a total of 15 wall signs. He explained in order to pursue the alternative plan, he would need to present the denial of the variance.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a variance for a drive-thru pharmacy sign (with arrow) on the building.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Richmond Motion Failed

Motion by Mayor Drucker, seconded by Mr. Newberry to approve a number of wall signs variance (to permit a total of 14).

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

Nay: None Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a sign location variance for drive-thru pharmacy (on west canopy).

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

Nay: None Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a sign location variance to permit 2 signs on a wall not occupied by the business units, specifically the state agency sign and the bank sign.

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

Nay: None Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a building color variance to permit silver lights on the building.

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

Nay: None Motion Carried

8. 6750 SOM Center Road – PP#'s 954-08-120 & 954-08-121 – 134-2012
Jon & Cheryl Ockunzzi
- Lot consolidation

Mr. Frankland displayed an aerial view of the property indicating where the property line divides the house.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for a lot consolidation for PP#'s 954-08-120 and 954-08-121 on January 15, 2013.

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

Nay: None Motion Carried

9. Briar Hill Lake – Briar Hill Lake Homeowners' Association 135-2012
- 30' front yard setback variance
 - 40' side yard setback variance
 - Site plan approval for storage building

Mr. Walter Edwards, 5859 Briar Hill Drive and Mr. Adam Fair, 5846 Briar Hill Drive, were present. Mr. Fair said he was unaware that a variance was necessary to replace the existing shed with a new shed. He displayed a set of plans that was

used during the dam project indicating where it is written that the storage shed would remain. Mr. Fair indicated the location of the lake, the dam, where the storage shed is located and Mr. Vereb's property line. He said the new shed replaced the old shed with the same footprint. Mr. Fair said the old shed was makeshift with many parts that did not match.

Mr. Fair displayed an overview of the old shed indicating where trees were removed because of the project and said Mr. Vereb was involved in the tree removal decisions. Mr. Fair displayed a picture of the newly constructed shed indicating the three trees located behind it. He also indicated an area adjacent to the Vereb property where \$50,000 worth of trees have been planted for screening purposes. Mr. Fair explained that the new shed was not constructed on site but delivered already constructed with the same siding and style to match the newly constructed pavilion.

Mr. Fair said the new shed simply replaced the existing shed. Mr. Vereb has been involved in the decisions made throughout this process and requested additional trees be planted and that request was granted. He was also compensated financially for the disturbance from the construction activity in his backyard and Mr. Fair believes the view from his back yard has been improved.

Mr. Mazur asked if installation of a shed without an application or permits is permitted when replacing one.

Mr. Stolarsky said replacing a shed with another is not considered grandfathered.

Mr. Frankland said once the shed or a non-conforming structure is voluntarily removed, the process must begin again.

Mr. Fair said the shed was removed as part of the overall project.

Mr. Mazur said he still has concerns about the new shed being installed without permits and if it is on the property line.

Mr. Fair displayed a drawing from the City for the project which indicates the shed is located 10' from Mr. Vereb's property line and the new shed was located in the exact location.

Mr. Edwards said the plan was previously approved with the existing structure.

Mr. Mazur said when he drives by the location, since the trees have been removed, the new shed resembles an outhouse sitting on a hill. He will not support the variances and believes there are other locations on the property where the shed could be located and be less prominent.

Mr. Bentley said the application and permit process was not followed. He said when the application was presented for the pavilion, there was much discussion and the shed could have been discussed during that time, however, was not mentioned. Mr. Bentley agreed with Mr. Mazur that there are other locations on the property for

the shed which could have been discussed prior to its installation. He will not support the variances.

Mr. Newberry said his usual rule of asking for forgiveness over permission will be followed and he will not support the variances.

Mayor Drucker asked if it was possible to move the shed since it was considered portable.

Mr. Fair said it can be moved since it was brought in on a skid. However, he is unsure of what might be considered a good location.

Mr. Mazur said one of the drawings listed an alternate site for the shed.

Mr. Edwards said there is an alternate location listed.

Mr. Mazur believes an alternate location which does not require variances should be found.

Mayor Drucker said she understands the needs for a storage unit, however, also understands Mr. Vereb's concerns about the unsightliness of the structure so close to his property. She suggested the item be tabled to allow Mr. Frankland to view the area to determine an alternative location and try to reach a compromise where the needs of all parties are met.

Mr. Don Palmer, 5840 Briarwood Lane, was present and indicated on the plan a possible location for the shed which is along the beach area. He asked if this location would be too close or in the right-of-way.

Mayor Drucker believes it is difficult to judge when viewing something on paper and feels a better understanding will be reached if the site is viewed in person by Mr. Frankland. Mayor Drucker said if it is determined that variances are still necessary for a new location, and if all the parties involved have reached a satisfactory compromise, then the Commission would be more willing to approve them.

Mr. Mazur strongly feels the shed needs to be moved from its current location. He prefers to deny the variance and have the applicant re-apply for the new location.

Mr. Frankland said a new location will also require a variance. He feels that the item should be tabled and another location chosen. Mr. Frankland believes a location can be found where Mr. Vereb does not have to view it which is the best outcome.

Mr. Mazur agreed to the item being tabled with the stipulation that the item be reviewed at the next meeting of January 15, 2013.

Mayor Drucker said she would also like Mr. Vereb to be involved with the new site selection.

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

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

Motion Carried

Motion by Mr. Mazur, seconded by Councilwoman Richmond to cancel the Planning Commission meeting scheduled for December 25, 2012, due to the Christmas holiday.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. Solon Square Shopping Center – Earth Fare

Mr. Frankland displayed a rendition of the building indicating where spandrel glass was originally proposed but the applicant is now requesting the use of clear vision glass which will greatly improve the appearance of the building.

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

2. Solon Park Apartments – Park East Drive

Mr. Frankland displayed an aerial view of the property indicating the location of the pool. The proposal is to reduce the size of the swimming pool from 30' x 75' to 30' x 67' and maintain the existing concrete surround.

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

3. Solon Village at Aurora Road entrance

Mr. Frankland displayed a site plan indicating the Aurora Road entrance where a multi-tenant sign will be located. It was previously approved with landscaping and a decorative fence, however, there is concern with line-of-site issues and the proposal is to move the fence back and install the shrubbery behind it.

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

4. 6100 SOM Center Road – Bob Evans

Mr. Frankland displayed a current rendering of the Bob Evans restaurant indicating the decorative trim and coping on the building. The proposal is to update the building by removing the top railing, changing the trim to make it more subtle and moving the vestibule out by 3'. Mr. Frankland displayed a rendering of the proposed changes to the restaurant and said it will be painted the same color.

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

Mr. Mazur said it is necessary to schedule a public hearing for an application.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for Michael and Jill Milkovich at 6706 SOM Center Road for a lot consolidation for PP#'s 954-08-130 and 954-08-131 on January 15, 2013.

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

Motion Carried

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Solon Chabad will be hosting the lighting of the menorah on Wednesday, December 12th at 5:30 P.M. and extended an invitation to all. She wished all those who celebrate, a Happy Hanukkah.

Councilwoman Richmond also wished those who celebrate, a Happy Hanukkah. She also commended the Service Department for the wonderful lighting display in front of City Hall.

Mr. Newberry wished everyone a Happy Hanukkah, a Merry Christmas and a Happy New Year.

In turn, the rest of the Commission also wished everyone a Happy Hanukkah and Happy Holidays.

Mr. Mazur said he was informed that Liberty Ford will be submitting an application for an expansion. This would require a re-zoning and in order to expedite the process, a public hearing is required. Therefore, providing the City Council forwards this item to the Commission at its meeting of December 17th, a public hearing should be scheduled.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing on January 15, 2013, for the re-zoning of property owned by Liberty Ford from C-3 to C-4 contingent upon the City Council forwarding this item to the Planning Commission at their meeting of December 17th.

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

Motion Carried

Mr. Newberry said the Planning Commission had a very busy year. He said 135 items were reviewed and over 323 motions were made which is more than any other year since he became a member of the Commission in 2000. He commended everyone involved with preparing the items for review and moving them efficiently through the process.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Newberry, seconded by Mayor Drucker to adjourn the meeting at 8:30 P.M.

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

Nay: None

Motion Carried

Chairman

Secretary