

**PLANNING & ZONING COMMISSION**  
**January 15, 2013 – 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, 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
- C. 35730 Bainbridge Road – Dale Barstow – maximum front yard pavement coverage variance and minimum distance between driveways 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. 34200 Aurora Road – ECHO Solon, LLC (Menchie's) – total green space variance and site plan for patio review: This item has been tabled since October. The applicant was notified this item would be moved to the Inactive Agenda unless additional information was submitted. Mr. Mazur said since no new information has been received, this item will be moved to the Inactive Agenda.
- 5. Briar Hill Lake – Briar Hill Lake Homeowners' Association – front yard setback variance and site plan review for storage building: Mr. Mazur said this item was tabled at the last meeting pending review of the location by the Planning Department. Upon review, a more suitable location for the new shed was determined and the applicant agreed to remove an existing vinyl shed.

Mr. Don Palmer, President, Briar Hill Lake Homeowners' Association was present and said the vinyl shed will be removed. He said their motivation was to have a more attractive shed at the location.

Mr. Mazur said it was also determined that a landscaping plan to screen the electrical box is necessary. Mr. Walters said they have been discussing the variety of vegetation for installation with the adjacent neighbor and a plan will be submitted for review.

NEW:

8. 33900 Country View Lane – Saeran St. Christopher – maximum accessory pavement variance and a minimum side yard accessory pavement setback variance:

In response to Mr. Mazur's question, Mr. Frankland said the contractor has been identified and upon discussion with Mr. Stolarsky, it was determined that either the homeowner or the contractor can be fined for work done on the property without a permit.

Mr. Stolarsky said no permits will be issued for additional work until the fines have been determined by the Chief Building Official and paid.

Mr. Frankland said the contractor has previously been registered in the City of Solon and should have been fully aware of the necessary procedures and permit requirements.

Mr. Mazur said the Homeowners' Association has submitted correspondence indicating their approval of the requested variances.

11. 32811 Aurora Road – Liberty Ford – Greg Bumbu – rezoning request from C-3 (Commercial) to C-4 (Motor Service Commercial) for re-development of the dealership: Mr. Mazur said he has questions regarding the parcels identified for the rezoning which can be addressed during the meeting. He wants to ensure all of the necessary information is available for the Council's review prior to forwarding this item to them.

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 December 11, 2012 meeting.

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

PENDING:

1. 34200 Aurora Road – ECHO Solon, LLC (Menchie's) 120-2012
  - Total green space variance
  - Site plan approval for patio

Mr. Mazur said there has been no activity since October for this application and now that winter weather has arrived, the item will be moved to the Inactive Agenda until further information is received from the applicant.

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

Mr. John Ockunzzi was present representing his mother, Janice Ockunzzi. He displayed an aerial of the property and indicated the house that was constructed on two 50' lots. Although the house was originally in compliance, the Code has since changed and 50' lots are no longer in compliance.

Mr. Ockunzzi said upon applying for a permit to construct a new back porch and deck, it was determined by the City that the parcels were not in compliance and in order to complete the project without variances, the lots should be consolidated.

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

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the lot consolidation for PP#'s 954-08-122 and 954-08-123.

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

3. 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 of the two parcels owned by the Klotzmans, one of which contains their home. He said although each is a buildable parcel, the applicant would like to consolidate them and possibly add an addition to their home in the future.

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

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the lot consolidation for PP#'s 955-01-029 and 955-01-030.

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

4. 6750 SOM Center Road – PP#'s 954-08-120 & 954-08-121 – 134-2012  
Jon & Cheryl Ockunzzi
- Lot consolidation

Mr. Jon Ockunzzi was present and displayed an aerial view of the two parcels he is seeking approval to consolidate. He is considering adding a storage shed in the rear yard and would like to consolidate the parcels to bring the property into compliance.

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

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the lot consolidation for PP#'s 954-08-120 and 954-08-121.

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

5. Briar Hill Lake – Briar Hill Lake Homeowners' Association 135-2012
- 92' front yard setback variance
  - Site plan approval for storage building

Mr. Mazur said a previously published side yard setback variance which is no longer necessary will also be addressed.

Mr. Don Palmer, President, Briar Hill Lake Homeowners' Association, 5840 Briarwood Lane and Mr. Walt Edwards, 5859 Briarhill Drive, were present.

Mr. Palmer displayed a site plan of the lake area and said a new shed is necessary for storage. He indicated the current location of the shed in which the adjacent neighbor expressed concerns. Mr. Palmer then indicated the location determined by the Planning Department as the most appropriate which the adjacent neighbor has agreed to.

Mayor Drucker explained at the Commission's previous meeting, the adjacent neighbor expressed concerns about the location of the shed and the item was tabled until the proposal and location of the shed could be thoroughly reviewed. She thanked Mr. Palmer and Mr. Edwards and the Briar Hill Lake Homeowners' Association for their cooperation towards achieving a mutually beneficial compromise for all those involved.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 92' front yard setback variance.

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

Motion Carried

Mr. Newberry said the previous agenda listed another variance for a 40' side yard setback. However, since the shed will now be moved further from the side yard, the variance is no longer necessary. Therefore, the applicant has agreed to withdraw the variance.

Motion by Mr. Newberry, seconded Mr. Mazur to accept the applicant's request to withdraw the request for a 40' side yard setback variance.

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 for the storage building with the contingency that the existing vinyl storage building will be removed and that the Homeowners' Association will submit a landscaping plan to screen the electrical facilities in the spring, to be approved by the Planning Director.

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

Motion Carried

NEW:

6. 6706 SOM Center Road – PP#'s 954-08-130 & 954-08-131 - 136-2012  
Michael and Jill Milkovich
- Lot consolidation

Mr. Frankland displayed an aerial view of the property indicating the parcels to be consolidated which will result in a .23 acre parcel.

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 954-08-130 and 954-08-131.

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

Motion Carried

7. 34196 Aurora Road – ECHO Solon, LLC (Antonio's Pizza) 001-2013
- Total number of wall signs variance (to permit 2)

Mr. Jim Briola, North Coast Sign & Lighting, was present. He displayed a rendering of the proposed 17.92 sq ft sign for the rear of the building.

Mr. Mazur said this is typical signage which has previously been approved for other businesses located in this new outparcel building.

Mr. Newberry requested the elevation rendering be displayed to clarify which unit Antonio's Pizza will occupy. Mr. Briola displayed the rendering and indicated the correct unit.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the total number of wall signs variance (to permit 2) for Antonio's Pizza with the stipulation that the sign base area is not to exceed 17.92 sq. ft.

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

Nay: None

Motion Carried

8. 33900 Country View Lane – Saeran St. Christopher 003-2013
- 715 sq ft maximum accessory pavement variance
  - 7' minimum side yard accessory pavement setback variance

Ms. Saeran St. Christopher was present and displayed a map of her property indicating the driveway where additional pavement has been installed. She hired a contractor who she believed had followed all of the City's permit guidelines and was unaware that the work was performed without a permit.

Ms. St. Christopher explained she recently moved into the home and the driveway was in disrepair as well as narrow, making it difficult to gain entry to the garage. She hired a landscape designer for the entire yard and the new and additional pavement, including the turnaround area, was added as part of that project.

In response to Mr. Mazur's question, Mr. Frankland said the City knows the contractor was previously registered in the City and was aware of the permit process.

Mr. Mazur said there will be a penalty for performing work without a permit and asked who is responsible for the penalty.

Mr. Stolarsky said Section 1424.99 of the Code states that the Chief Building Official is responsible for assessing the penalty, either against the homeowner and/or the contractor. In addition, no further permits will be issued until the penalty is paid.

Mr. Mazur believes the penalty should be assessed to the contractor since he is familiar with the City's policies. However, he understands this is the decision of the Chief Building Official.

Ms. St. Christopher said since this has occurred, she asked the contractor about the permit and was told that he has been working in Solon for 30 years and has never pulled a permit.

Mr. Bentley empathizes with Ms. St. Christopher and agreed with Mr. Mazur that the contractor should be responsible for the assessed penalty.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 715 sq ft maximum accessory pavement variance.

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

Motion Carried

Mr. Newberry said he will not support the 7' minimum side yard accessory pavement setback variance. Although he empathizes with Ms. St. Christopher, it is and has been his policy not to support requests for variances where forgiveness rather than permission is requested.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 7' minimum side yard accessory pavement setback variance.

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

Motion Carried

9. 35940 Pettibone Road – PP#'s 956-17-009, 956-17-010 and 004-2013  
956-17-011 – Constance M. Macik and Joseph J. Ferencie
- Lot split/consolidation

Mr. Frankland displayed an aerial view indicating the 3 parcels to be consolidated. One is owned by Ms. Macik and one is owned by Mr. Ferencie. The third parcel has been the subject of numerous inquiries regarding its buildability. Ms. Macik and Mr. Ferencie have decided to buy the parcel and split it, with each owning half and adding it to their current parcel. Mr. Frankland said this is a great resolution for this parcel.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for PP#'s 956-17-009, 956-17-010 and 956-17-011 on Tuesday, January 29<sup>th</sup>.

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

Motion Carried

10. 6025 Kruse Drive – GS II Uptown Solon, LLC – Petco Animal 005-2013  
Supplies
- Total number of wall signs variance (to permit 2)
  - Sign location variance

Mr. Eric Hudson, Anchor Sign, Charleston, SC, was present. He displayed an aerial of the location and indicated the wall for the proposed sign which belongs to a neighboring tenant. The neighboring tenant, Ulta, has granted them permission to hang the Petco sign on their wall and the landlord of the complex has given their approval as well.

Mr. Hudson said the sign is being requested because anyone traveling westbound on Kruse Drive cannot view the main sign until after passing the Petco location. In addition, there are no multi-tenant signs located in the shopping center and this presents visibility issues for the store.

Mr. Mazur said initially he did not have concerns with the request but upon further review, he is concerned that if Petco is allowed to install a sign on Ulta's wall, all the other businesses in the shopping center may make the same request. He does not want to create a precedent and, therefore, will not support the request.

Mr. Newberry is also concerned about approving the request. Although there have been variances granted for second signs for some of the other businesses in the shopping center, they are located on the freeway side of the building. This request was never previously made because Borders was located at the end of the building and utilized the two spaces now being used for Ulta and Petco and was permitted to advertise on the side and front of the building.

Mr. Newberry said he is not opposed to the request but feels the sign proposed is too large and would prefer it to match the size of the Ulta sign. He also had concerns about the logo added to the sign, however, upon researching Petco, determined this is part of the corporate identification.

Mr. Mazur asked if there were any ground signs that list the tenants located at the shopping center.

Mr. Frankland said there are no ground signs, however, based on the Zoning Code, one wall sign is permitted and if street view is necessary, a free standing sign is allowed. The decision to install a free standing sign would be the decision of the owner of the shopping center. Although sign location variances have been granted in the past for this shopping center, the signs were to be located on the wall of the requesting unit.

Mr. Mazur said he would be receptive to the shopping center owner installing a monument sign, however, that request would have to come from Petco. He is a proponent of helping local businesses succeed but does not feel this is an appropriate location for a second sign.

Mayor Drucker asked if Petco has given any consideration to a multi-tenant sign.

Mr. Hudson said he is not involved with any discussions between Petco and the landlord.

The Commission discussed the signage on the rear of the building facing State Route 422 and suggested Mr. Hudson speak to the landlord and Petco about possibly adding signage to that area.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve a total number of wall signs variance (to permit 2).

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a sign location variance.

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

COUNCIL REFERRAL:

11. From Greg Bumbu, Liberty Ford, requesting the rezoning of 002-2013 property located at 32811 Aurora Road and 32915 Aurora Road from the C-3 (Commercial) zoning to the C-4 (Motor Service Commercial) zoning for re-development of the dealership.

Mr. Greg Bumbu, Liberty Auto Dealership, and Mr. Rick Siegfried, RSA Architects, were present.

Mr. Siegfried displayed a rendering of the property indicating parcels adjacent to the dealership that have been recently acquired. He indicated the current dealership and explained the proposal calls for the showroom portion to be demolished and replaced with additional parking. Currently, the building is encroaching on the front yard setback and this will bring the building into compliance with the Zoning Code.

Mr. Siegfried indicated a location on the rendering and said the new showroom will be located further west on the site and the service area will double in size. He said the building will be a beautiful addition to Solon and increase the volume of their business which will increase the number of employees needed. Mr. Siegfried said green space will also be added by 8% or 23,000 sq. ft. which will be located primarily around the perimeter of the business. Mr. Siegfried explained the amount of parking will be reduced and paved surface decreased by 3,000 sq. ft.

Mr. Siegfried said the re-development of the dealership will be a significant upgrade and will bring it up-to-date with the Ford Trustmark concept that Ford has been marketing for a few years. He said Liberty Ford is a great dealership but needs to modernize and upgrade their facilities.

Mr. Siegfried referred to the rendering and said the plan is somewhat different than the typical layout of a Ford dealership. However, they had to work within the site constraints which include a large amount of street frontage. In addition, based on review of the proposal with members of the Planning Department, some of the typical colors for a Ford building have been changed to accommodate the City's preference and the Zoning Code. For example, the building will have red brick siding and a traditional style of architecture not typically seen on a Ford dealership which will achieve a better blend with the overall architecture found elsewhere in the City. Mr. Siegfried displayed renderings indicating the view of the business from all of the different elevations and said the views will be attractive from any direction.

Mr. Mazur said the current dealership is located in a C-3 location which has been grandfathered since the business was built. He said Liberty Ford recently purchased adjacent parcels for re-development of the dealership. However, the newly acquired parcels are also located in the C-3 zone but are not grandfathered. These parcels are necessary for the re-development and changing the zoning from C-3 to C-4 will permit the expansion of the dealership.

Mr. Mazur said this zoning change will have to be placed on the ballot for the May, 2013 election and be approved City-wide and in Ward 6. This item will be reviewed by the Planning Commission and a public hearing has been scheduled this evening. If the Commission approves the item, it will be forwarded to the Council for their review and, if determined appropriate, will be forwarded to the Board of Elections for the May, 2013 ballot.

Mr. Mazur requested clarification regarding the parcel numbers listed on the proposal. Mr. Siegfried said they will ensure an accurate exhibit is provided.

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 said the Cuyahoga County Auditor's website indicates the four new parcels listed on the exhibit are still under the ownership of another party. He asked for an update on the status of the purchase.

Mr. Bumbu said the parcels have been purchased from the Cuyahoga County Sheriff because the property was in foreclosure and it is in the process of being changed into the name of the Liberty Auto Group.

Mr. Mazur said there is a "non-dedicated street" listed on the exhibit and asked for clarification.

Mr. Frankland explained this is an easement which the Engineering Department should address.

Mrs. Welch said this is a sewer line which runs through the property that would be located beneath the building, however, it will be re-routed as part of the project.

Mayor Drucker said she endorses the project and appreciates the Liberty Group's efforts with incorporating the architecture seen elsewhere in the City. She believes the redevelopment of Liberty Ford will add to the recent enhancements; referring to Huntington Bank and a new restaurant, happening on Aurora Road. Mayor Drucker said whenever redevelopment takes place, it is always hoped it will spur additional redevelopment in other areas.

Mayor Drucker said Liberty Ford is considered a destination business and feels this redevelopment will advance their business. Although green space is limited due to the location, Liberty Ford will be adding to their green space which is always

something the Master Plan seeks. She feels the redevelopment will be a great improvement.

Motion by Mr. Newberry, seconded by Mr. Bentley to forward this item to the Council with an updated rendering of the parcels and recommend it be considered for rezoning from C-3 to C-4.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

Mr. Frankland said there were no minor alterations to present.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said City Hall will be closed on Monday, January 21<sup>st</sup> in observance of Martin Luther King, Jr. Day.

Mayor Drucker said on Tuesday, January 22 at 7:30 P.M. the Solon Historical Society will present Mr. Dan Ruminski, author of "Cleveland's Gilded Age: A Walk Down Millionaires' Row." Through tales and vintage photos, Mr. Ruminski will take you on a stroll down Euclid Avenue past the beautiful mansions owned in the early 20<sup>th</sup> century by industrialists and entrepreneurs.

Mr. Stolarsky stressed that the City does take matters such as the contractor who neglected to apply for a permit to perform work on a resident's property, very seriously. The Code provides a penalty provision for the Chief Building Official to revoke the registration of any contractor who proceeds to perform work without the necessary permits.

Mr. Frankland said the inspectors in the City are always out doing their jobs and if work is attempted without the necessary permits, it is likely one will be caught and penalized.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Bentley to adjourn the meeting at 8:22 P.M.

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

Motion Carried

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Chairman

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Secretary