

PLANNING & ZONING COMMISSION
January 29, 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 Lascale – 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
- D. 34200 Aurora Road – ECHO Solon, LLC (Menchie's) – Total green space variance and site plan for patio

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:

2. PP# 951-41-011 - property located off of Woodall Road – Wurm Family – lot split, not parallel to street variance and setback variance: Mr. Stolarsky explained the application was submitted by Mr. Tom Wurm, however, the property is actually owned by five members of the Wurm family. Because Mr. Wurm unexpectedly passed away, it is necessary to obtain documentation regarding the executor of his estate. Although Mr. Wurm's son was present and advised that he is the appointed executor, Mr. Stolarsky said appropriate documentation is necessary before the Commission can proceed with the application.

Various options were discussed, however, it was determined the application should be tabled until the necessary documentation is received.

Mr. Frankland had 3 minor alterations to present and briefly reviewed them.

The caucus ended at 7:28 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. John Zronek, 5145 Harper Road, was present and referred to Item 2. He said the property is located behind his home and he has some concerns regarding the application. Mr. Zronek said his parents originally purchased the property in 1963 and he purchased it from them in 1999.

Mr. Zronek is concerned about drainage issues and how the proposed development of the property behind him will affect his property and the surrounding neighbors. He explained that water runoff from two of the adjacent properties currently collects in his yard and he is concerned about the effect of additional drainage on his property. Having lived in this area since 1963, he is well aware of the drainage issues on his property as well as the surrounding properties. Mr. Zronek said there is a sinkhole on his property and two sinkholes on the property proposed for development. As a young boy, he was told by his father to clean the debris from the sinkhole as often as possible in an effort to keep water from accumulating on the property when it rains, and as a result is aware of a broken clay pipe at the bottom of the sink hole which he believes may drain into a pond on Stillwater Drive.

Mr. Zronek said the property for the proposed development is at a higher elevation than his property which causes him concern that the runoff will flow onto his property. He said he is willing to walk the properties and show the City Engineer all of the problem areas he is aware of.

Mr. Zronek noted the Commission recently denied approval for a lot split at 5200 Harper Road which included less variances than this application. He asked that the Commission be prudent when making their judgment for this application and to help him protect the value of his property.

APPROVAL OF MINUTES:

Motion by Mr. Bentley, seconded by Mr. Newberry to approve the minutes of the January 15, 2013 meeting.

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

Motion Carried

PENDING:

1. 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. Joseph Ferencie was present and displayed an aerial view of the property involved in the lot split/consolidation. He and Ms. Macik wish to split the parcel they jointly own in half to consolidate equal portions to their individually owned parcels.

Mr. Ferencie said there have been numerous inquiries over the years regarding the possibility of building on the parcel, however, due to a large amount of wetlands located on the property, it actually serves better as a detention basin.

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 she is well aware of the problems associated with the parcel and commended Ms. Macik and Mr. Ferencie for purchasing the property.

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the lot split and consolidation for PP#'s 956-17-009, 956-17-010 and 956-17-011 for Constance Macik and Joseph Ferencie.

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

Motion Carried

NEW:

2. PP# 951-41-011 – (located off of Woodall Road) - Wurm Family 006-2013
 - Lot split
 - Frontage on an unimproved street variances – Parcels 1 & 2
 - 18' front yard setback variance – Parcel 1
 - 20' front yard setback variance – Parcel 2
 - 20' rear yard setback variances – Parcels 1 and 2
 - Not parallel to street variances - Parcels 1 and 2
 - 10' driveway side yard setback variances – Parcels 1 and 2

Mr. Mazur explained that Mr. Tom Wurm submitted the application on behalf of the Wurm family, however, Mr. Wurm unexpectedly passed away. He offered the Commission's condolences to the Wurm family on their loss and requested Mr. Stolarsky explain the legal requirements regarding the application.

As Mr. Wurm was one of five owners of the property, Mr. Stolarsky advised it is necessary to get authorization from the other four owners regarding the application, and in addition documentation from the probate court regarding the

executor of the Wurm estate is necessary before the Commission can proceed with the application.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to table consideration of Item 2.

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

Nay: None

Motion Carried

Mr. Mazur said once the necessary documents are received and a public hearing is scheduled, notification will be sent to adjacent and abutting property owners.

3. 33321 Aurora Road – Suite 150 - Earth Fare 007-2013
- 216 sq ft maximum wall sign area variance – revised sign rendering submitted

Ms. Valerie Cotner, Vice President, Cleveland Skye Group, was present representing Earth Fare. She displayed a rendering of the proposed sign and said Earth Fare will be utilizing a substantial portion of the former Stein Mart building. The variance is necessary because the requested signage is larger than permitted by the City's Code.

Ms. Cotner referred to the rendering and indicated where the fascia is proposed to be painted to create blocked images correlating to what has been done at other locations. She indicated the signage proposed for installation over the entrance.

Mr. Mazur said the Code permits one square foot of signage per each square foot of frontage, with a maximum of 100 square feet. He said Earth Fare's frontage is 164 square feet and they are requesting signage which is three times larger than permitted.

Mr. Newberry said he shares Mr. Mazur's concerns, however, understands the arguments made by Earth Fare with regards to visibility for their location. However, he is uncertain that the size of this sign is necessary for Earth Fare. He is also curious as to the outcome of the changes being made to the elevations and said he would like to see one entire package for the proposed changes to compare the sign in context with the façade, rather than reviewing one item at a time.

In response to Mr. Mazur's question, Mr. Frankland said Stein Mart had 207 square feet of store frontage and their sign was 232 square feet. Earth Fare will have 164 square feet of store frontage which is about 70 square feet less than Stein Mart, however, they are requesting a sign that would be approximately 25% larger at 316 square feet. Although Stein Mart was granted a variance for their signage, a proportional size sign by percentage for Earth Fare would be approximately 196 square feet.

Mr. Mazur said he viewed the site and had no issues with visibility for the other businesses with smaller signs. He would consider supporting a request for a

proportional size sign as recommended by Mr. Frankland.

Ms. Cotner said the difficulty for the tenant will be the ability to view the portion of the sign that says "the healthy supermarket" which is proposed in smaller letters but is critical to Earth Fare's marketing concept. She noted it is difficult to compare the signage to Stein Mart's which utilized all block letters and was easier to read. However, she will discuss the sign reduction with the tenant.

Mr. Mazur recommended the item be tabled until a revised plan is submitted. He asked if the blocks on either side of the sign will remain blank. Ms. Cotner said they will remain blank.

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

Councilwoman Richmond asked if reducing the size of the sign will require the "the healthy supermarket" lettering to also be reduced. She feels this is important to identify the type of market, especially for those who are unfamiliar with the name but are looking for a whole foods market.

Ms. Cotner said "the healthy supermarket" portion will be reduced and will make visibility more difficult. She said this is a prototypical trademark sign and is proportional to the rest of the sign. She noted the size of the tomato will also be reduced. Ms. Cotner explained that Earth Fare is a chain from the south, where the name is easily recognizable. The business has expanded into Ohio and recently opened stores in Fairlawn and in Fairview Park.

Councilwoman Richmond asked if the sign proposed for the Solon location is comparable in size to the signs on the Fairlawn and Fairview Park locations.

Ms. Cotner said the Fairlawn sign is smaller since there is no building fascia to have permitted a larger sign but the store is located adjacent to a main road. In Fairview Park, however, the store is located in a free-standing building where a variance was necessary to install two signs which substantially exceeded the permitted size.

Mayor Drucker questioned the square footage of the sign at the Fairlawn location.

Ms. Cotner was uncertain of the size of the sign, at the Fairlawn location, however, said the sign at the Fairview Park location is approximately 287 square feet.

Mayor Drucker said she understands the visibility issues with signage at the Solon location which was the justification for granting Stein Mart a signage variance. However, the Earth Fare variance request is very substantial. Although she is not opposed to granting a variance for a larger than permitted sign, she would like to see some compromise.

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

Motion Carried

4. 6025 Kruse Drive – II Uptown Solon, LLC (Rusty Bucket) 008-2013
- Total number of wall signs variance to permit 3

Ms. Becky Smith, General Manager, Rusty Bucket, was present. She displayed a rendering indicating their location and that of the adjacent suite, formerly American Commodore Tuxedo, which the Rusty Bucket will be utilizing to expand their business.

Ms. Smith said the current signage cannot be expanded into the newly acquired storefront because the elevation is different. Therefore, they are requesting signage on one store front indicating "*Rusty Bucket*" and a second sign on the other store front indicating "*Restaurant and Tavern.*"

In response to Mayor Drucker's question, Ms. Smith said there will only be one entrance. The current entrance to the restaurant will remain and the entrance to the newly acquired suite will be removed and matching glass will be installed.

Mr. Mazur clarified that the Commission is only considering signage at this time and is not reviewing door changes or awnings.

Mayor Drucker said the rendering indicates the "*Rusty Bucket*" sign will be on the newly acquired store front with no entrance and the second sign, "*Restaurant and Tavern*", will be on the current store front where the entrance is located. She thinks it might be a little confusing to patrons who might assume the entrance is under the "*Rusty Bucket*" sign. Mayor Drucker said they might want to consider switching the signs, however she has no objection to the placement.

Ms. Cotner said the new area will be a private dining area and that is why the entrance will remain at the current location.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve a total number of wall signs variance to permit 3 for the Rusty Bucket.

Mr. Mazur clarified that there is a sign on the back of the building as well as the current store front and with the acquisition of the new area, more signage is appropriate. Therefore, there will be a total of 3 signs.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 29750 Cannon Road – Chabad Pool House

Mr. Frankland displayed an aerial view of the home where the pool is located. He indicated the rear of the home where a second story deck has been removed. The request is to remove the door which is no longer of use and to add siding.

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

2. 30455 Solon Road – Paragon (former Wellness Works building)

Mr. Frankland displayed a previously approved parking lot layout for 174 parking spaces and displayed another layout with minor alterations which include slightly wider aisles and some repositioned spaces. He advised it is essentially the same plan which still meets the requirements of the original approval.

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

3. 6025 Kruse Drive – GS II Uptown Solon, LLC – Petco Animal Supplies

Mr. Frankland displayed a rendering of the building indicating the current location of the doors centered under the overhang. The request is to change the doors to sliding doors which will be off-center.

Mr. Mazur said the Commission would like the doors to be centered or Petco can submit an application for a variance review.

Although Mr. Newberry understands that sliding doors are easier to use when transporting animals, he feels if the doors are not centered, it will detract from the appearance of the building.

The Commission members did not approve of an off-center sliding door and required that Petco submit a variance application for a complete review if they wish to pursue the modification.

Motion by Mr. Mazur, seconded by Mayor Drucker to place Inactive Agenda Item D on the February 12, 2013 Agenda for review per the request of the applicant who is now ready to proceed with the application.

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

Nay: None

Motion Carried

COMMENTS FROM THE COMMISSION:

Mayor Drucker said Pile Dynamics and GRL Engineers, 30725 Aurora Road, became a LEED (Leadership in Energy and Environmental Design) certified facility today. A certification ceremony was held and it was conducted by Michelle Kilroy who is the LEED AP (Accredited Professional) of the Northeast Ohio Chapter of the United States Green Building Council. Mayor Drucker said this is the only LEED certified building in the City of Solon and there are only 120 buildings listed in northeast Ohio as being LEED certified. She offered her congratulations to Pile Dynamics and GRL Engineers and thanked Councilman Russo and Councilman Mooney, as well as newly elected congressman, David Joyce, for attending the ceremony.

Mayor Drucker said on Saturday, January 26th, the 5th Annual Solon Speech and Debate Tournament was held at Solon High School. She had the honor of presenting awards and noted Solon took first place in the tournament. Mayor Drucker also had the opportunity to watch the final rounds of "Original Oratory" and

commended all of the talented students. She congratulated the Solon Debate Team for their first place win.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mayor Drucker, seconded by Mr. Bentley to adjourn the meeting at 8:10 P.M.

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

Motion Carried

Chairman

Secretary