

PLANNING & ZONING COMMISSION
April 9, 2013 – 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, Acting Secretary Letourneau

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
- D. PP# 951-41-011 (located off of Woodall Road) – Wurm Family – Lot split, frontage on unimproved street variances, front yard setback variances, rear yard setback variance, not parallel to street variances and driveway side yard setback variances

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:

1. 37125 Aurora Road – Hattie Larlham Center – accessory structure area variances: Mr. Frankland said the variance for a number of accessory structures to permit 2 is no longer necessary. The accessory structure currently located on the property is considered a garage because it has an 8' door and is capable of storing a vehicle. The Code states one garage and one accessory structure is permitted.

Mr. Frankland said the applicant was asked to supply a photograph of the garage, however, has not yet done so. He asked that the photograph be submitted for the Council meeting on April 15th.

3. PP# 954-26-016, west of 7440 SOM Center Road and PP# 954-26-017, 7440 SOM Center Road – Susan Hinchon – minimum lot area variances for both parcels: Mayor Drucker said when she was the Councilwoman for Ward 1, she recalls Ms. Hinchon’s mother, who was the owner of the property at that time, had to give up a substantial amount of the property to the city for various road projects. Therefore, the city created the need for the variances.

4. 6579 Hyllwynd Circle – Dinallo and Wittrup – rear yard setback variance: Mr. Mazur asked if it was known how high the step will be off of the ground entrance.

Mr. Rick Dinallo was present and said approximately 60” off the ground from the railing and 45’ away from the foundation on the subplot to the left.

COUNCIL REFERRAL:

6. Proposed amendment to permit the manufacture, assembly, restoration or remanufacture of automobiles in the I-2 Zoning District: Mr. Frankland said he will give a brief summary about the amendment, however, it is necessary to schedule a public hearing.

Mr. Frankland said he has 3 minor alterations to present and briefly reviewed them.

The caucus ended at 7:20 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 March 27, 2013 meeting.

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

Nay: None

Abstain: Bentley

Motion Carried

NEW:

1. 37125 Aurora Road – Hattie Larlham Center 021-2013

▪ ~~Number of accessory structures variance – to permit (2)~~

▪ 408 sq ft maximum accessory structure area variance

Mr. Adam Zaleha and Mr. Bill Painter, Turner Construction Company, were present. Mr. Zaleha displayed an aerial view of the property indicating the location of an existing concrete pad. The proposal includes extending the existing pad to construct a pole barn structure where it will also be necessary to install footers to support the structure.

Mr. Painter referred to an aerial view indicating the rear yard where wheelchair accessible walkways and pavilions are located. He displayed a picture of the proposed structure and said the amount received through their fundraising efforts will determine if the structure will be semi-enclosed or fully enclosed. Mr. Painter said the residents will be able to use the structure all year long.

Mr. Mazur said the variance to permit two accessory structures has been withdrawn by the applicant since it was determined that the current structure is considered a garage and, by Code, a garage and an accessory structure are permitted.

Motion by Mr. Mazur, seconded by Mr. Bentley to withdraw the number of accessory structures variance to permit (2).

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

Motion Carried

Mr. Newberry referred to the picture of the proposed structure and said this is an opportunity for anyone wishing to support Hattie Larlham's fundraising efforts by making a contribution. This structure will allow the residents to have better access to enjoy the outdoors in a protected environment.

Motion by Mayor Drucker, seconded by Mr. Bentley to approve a 408 sq ft maximum accessory structure area variance.

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

Motion Carried

Mr. Mazur asked the applicant to bring photographs of the garage to the Council meeting on April 15th.

2. 5030 Everton Avenue – Andrew Myers
 - 12' rear yard setback variance
 - Swimming pool location variance

022-2013

Mr. Mark Mazzurco, H&M Landscaping and Mr. Andrew Myers were present. Mr. Mazzurco displayed a site plan of the property indicating the location for the proposed pool and patio addition.

Mayor Drucker said this variance is a minor technicality regarding rear yards based upon the Code requirements.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 12' rear yard setback variance.

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

Motion Carried

In response to Mr. Newberry's inquiry, Mr. Mazzurco said he is aware of the Engineering Department's notation regarding adding a swale in the rear yard and this will be completed. In addition, he will add a catch basin to assist with drainage.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve the swimming pool location variance.

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

Motion Carried

3. PP# 954-26-016, west of 7440 SOM Center Road and 023-2013
PP# 954-26-017, 7440 SOM Center Road - Susan Hinchon
- 940 sq ft minimum lot area variance (Parcel A – PP# 954-26-016)
 - 1,200 sq ft minimum lot area variance (Parcel B – PP# 954-26-017)

Mr. Frankland displayed an aerial view indicating the two parcels. He said the necessity for the variances has been created by the City. In 2004, variances were granted for the two lots to be smaller than required by the Code. Mr. Frankland indicated the lots; one of which is vacant and the adjacent lot containing a home. The variances were granted because they were of similar size to other lots in the area. Mr. Frankland said subsequent to the granting of the variances, Pettibone Road was widened and 10' was taken from both properties, thereby, creating the need for the variances.

Mr. Newberry asked if the driveway turnaround on the parcel with the home still encroaches on the vacant lot property.

Mayor Drucker said Ms. Hinchon removed the turnaround.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 940 sq ft minimum lot area variance for PP# 954-26-016 (Parcel A).

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 1,200 sq ft minimum lot area variance for PP# 954-26-017 (Parcel B).

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

Motion Carried

4. 6579 Hyllwynd Circle – Dinallo and Wittrup 024-2013
- 5' rear yard setback variance

Mr. Rick Dinallo, Dinallo and Wittrup, was present. He displayed a lot plan indicating the parcel for the proposed development. Mr. Dinallo indicated other lots where similar variances were requested and approved. He said the home will be similar in design to many of the other homes that have already been built.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 5' rear yard setback variance.

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

Motion Carried

5. 30175 Solon Industrial Parkway – Amresco, LLC 025-2013
▪ Site plan - cooler addition

Mr. Steve Malerick, Amresco, LLC, was present. He displayed a site plan of the facility and indicated where the applicant proposes the addition of a cooler and a freezer in the rear of the facility. Mr. Malerick said it is necessary to install a 50' x 50' concrete pad to build the cooler adjacent to the building and have the entrance to the cooler from inside of the building. He noted the applicant also requests to move an existing exit door at the rear of the facility over by approximately 5'.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to approve the site plan for the cooler addition for Amresco, LLC.

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

Motion Carried

COUNCIL REFERRAL:

6. Proposed amendment to permit the manufacture, assembly, restoration or remanufacture of automobiles in the I-2 Zoning District.

Mr. Frankland said the concept of the ordinance will allow kit car assembly and comprehensive auto restoration and similar activities within the industrial district, however, general auto repair will not be available to the general public. Mr. Frankland read the proposed amendment.

Mr. Mazur asked what is considered to be off-site sales.

Mr. Frankland said the off-site sales language was recommended by Mr. Stolarsky. He said off-site sales will be for vehicles that are modified or built but not being built for on-site sales distribution.

Mr. Mazur said this item will be scheduled for a public hearing and if approved by the Planning Commission and the Council, will be placed on the November ballot.

Mr. Mazur questioned the existing business located on Davis Industrial Parkway. Mr. Dale Markowitz, Attorney, and Mr. Larry Woo, R&H Automotive, were present to answer questions. Mr. Markowitz also invited Commission members to tour the facility.

Mr. Mazur asked for clarity regarding a statement about consignment sales posted on their website.

Mr. Woo indicated consignment sales was an option used at their former location and was never removed from their website. However, very few consignment sales

are completed in their new location since most of the vehicles in their warehouse are owned by them. Mr. Woo further explained that occasionally they are asked to assist a customer with selling a vehicle but since the vehicles are specialized, this rarely happens.

In response to Mr. Mazur's question, Mr. Woo said typically they have 70 to 80 cars in their facility.

Mr. Markowitz added there is no showroom on the premises.

Councilwoman Richmond asked for clarification of the amendment with regards to prohibiting glass repair, upholstery repair, car painting, etc., since she wondered how it was possible to manufacture the specialty cars without permitting these types of activities.

Mr. Markowitz said during discussions with Mr. Frankland, it was determined that if it is considered incidental to the car being manufactured, then it is permitted. He said the difference is these types of services cannot be provided to the general public. Typically, the services provided are specialized or custom work.

In response to Mr. Mazur's question, Mr. Woo said he has been in business for 9 years and employs approximately 10 people.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to schedule a public hearing on Tuesday, April 23, 2013.

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

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 33321 Aurora Road – Earth Fare

Mr. Frankland displayed an aerial view of the property indicating the location of the roof-mounted equipment and a photograph indicating the visibility of the equipment. Mr. Frankland said the proposal is to screen the equipment with a metal surround which will be the same color as the building. The City landscape architect said the metal surround will provide a better appearance than the view of the equipment. Mr. Frankland referred to the aerial view and said although the applicant's intention was to screen the south elevation, he will also recommend extending the screening to prevent viewing the equipment from the north elevation on Station Street.

The Commission members agreed that the equipment should be fully screened and no further review of this item was necessary.

2. 33321 Aurora Road – Earth Fare

Mr. Frankland displayed an aerial view of the property indicating Melbury Street, which is located very close to the building. Typically, the right-of-way is located 30'

from the building, however, in this area the right-of-way line is at the back of the building. In order for any business to have a dumpster at this location, the dumpster will have to be located in the right-of-way. Mr. Frankland indicated where the previous tenant's dumpster was located which was angled and located within the right-of-way. The current proposal is to turn the dumpster and make it parallel with the building which is a requirement of their waste removal service.

Mr. Frankland said, during the Caucus, there was discussion as to whether this request should be reviewed by the Safety and Public Properties Committee which meets tomorrow night.

Mr. Mazur feels although the Planning Commission members do not believe there are any concerns, he feels the Safety and Public Properties Committee should review the item and if they have no concerns with the proposal, the applicant can move forward with the plan.

During the Caucus, Mr. Frankland indicated this item was reviewed by the law director, however, Mr. Frankland agreed that the item should be reviewed at the Safety and Public Properties Committee meeting of April 10th.

3. 34310 Aurora Road – Huntington Bank at Giant Eagle

Mr. Frankland displayed a site plan of the new Giant Eagle, indicating the vestibule location. He said a Redbox will be located in the vestibule which required no variance because it was considered within the store. Mr. Frankland said Huntington Bank is proposing the addition of a night deposit box also located within the vestibule of the Giant Eagle store. He displayed a photograph of a similar night deposit box.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker said on Tuesday, April 23rd, the Solon Historical Society will host Cookie Night with The Civil War Letters and Diary of Private Alfred Weedon. The event begins at 7:30 P.M. at the Historical Society and will also include the presentation of historical artifacts from the Civil War.

Mayor Drucker said on Saturday, April 27th, "Operation Medicine Cabinet" will be held at the Solon Senior Center from 10:00 A.M. to 2:00 P.M. This is an opportunity to safely dispose of any old or unused prescriptions and is managed by the Cuyahoga County Sheriff's Department.

Mayor Drucker said, Congressman David Joyce has recorded a segment of "Solon Speaks" which will soon be aired on Channel 20.

Mayor Drucker said there will be a collection for "Habitat for Humanity ReStore" on June 1st at the Solon Community Park from 9:00 A.M. to 3:00 P.M. The collection is

for any items used for renovation and/or construction purposes; such as, vanities, kitchen cabinets, doors, electrical and plumbing fixtures, furniture, appliances, sinks, countertops, toilets, etc.

Mayor Drucker said the "Healthy Solon 5K Run for Wellness" will be held Sunday, April 14th at the Solon Community Center. It will consist of a 5K run beginning at 9:15 A.M. or the one mile walk beginning at 8:45 A.M. This is also sponsored by the Cleveland Clinic, the Solon Family Health Center, South Pointe Hospital and Hillcrest Hospital.

Mayor Drucker said on Friday, April 12th, the 8th annual Focus event will be held at the Solon Center for the Arts from 6:00 P.M. to 8:00 P.M. This is a photography competition that brings several communities together and is sponsored by the Solon Center for the Arts and the Beck Center for the Arts. It is held in conjunction with Aurora Parks and Recreation, Twinsburg Parks and Recreation and Streetsboro Parks and Recreation.

In turn, Commission members congratulated Mr. Bentley for coaching his son's hockey team and winning the 2013 National Youth Hockey Championship.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:07 P.M.

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

Motion Carried

Chairman

Acting Secretary