

PLANNING & ZONING COMMISSION
July 23, 2013 – 7:00 P.M.

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley, Mazur and Newberry, Mayor Drucker, Councilwoman Richmond, 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
- 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.

PENDING:

3. 32800 Solon Road – Creative Playrooms – Joan Wenk – site plan for bollards and railing: A response was received from the traffic engineer recommending the spacing between the bollards be less than 9 feet apart to prevent a car from going through the opening and also recommended the use of a material other than wood. The Clerk will provide the applicant with a copy of the recommendation and request that they meet with the Planning Department.

6. 36200 Pettibone Road – Annex Management, Inc. – site plan alteration for new lighting: Planning Director Frankland received a revised lighting plan, however there was insufficient time for review. Therefore, this item should be tabled.

NEW:

7. 28200 Miles Road – Brainard Miles Retail Development – site plan for drive-thru: This item was reviewed by the Safety and Public Properties Committee and referred to the Planning Commission with a conditional approval from a safety perspective.

Mayor Drucker said a letter objecting to the drive-thru was received based on the distance between the drive-thru and a residence and she questioned the actual distance. The applicant, Mr. Kertesz was present and indicated the distance between the residence and the drive-thru is well over 200 feet.

Mr. Frankland briefly reviewed minor applications.

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:

Mr. Alan Wolk, 34765 Sherwood Drive, objected to Item 4, an application for a fence with setback variances submitted by Sherwood Park Homeowners Association. Mr. Wolk believes the deed restrictions prohibit fences. He submitted a list of names of the neighbors that object to installation of a fence.

Mr. Wolk displayed photos of the view and current access to the lake from his property and explained how a 4' fence will be a detriment. He indicated that the property line is unknown and a survey has not been presented.

Mr. Wolk said at the last meeting, a representation was made by Sherwood Park's legal counsel that the homeowners association had the authority to erect the fence due to some provision in the by-laws. He explained that the deed restrictions were recorded in 1954 and the subdivision was recorded in 1956. Since that time, the property has operated as a lake and a park without the need for a fence. Mr. Wolk said the covenants in the restrictions are supposed to run with the land and are to be renewed every 10 years beginning in 1985. The next 10 year period ends in 2015. He said the bylaws state a majority of all the home owners that pay dues will vote regarding the restrictions, however, there has been no vote. Mr. Wolk said the homeowners association came to the last meeting outside the scope of their authority to ask for something they are not entitled to request. Mr. Wolk said he

has not seen dimensionally accurate information for him to form a basis of what may be granted. He finds no necessity or hardship for the variances except that someone may wander onto the Gullia property. He noted that the Gullias did not ask for the fence and, in fact, oppose it. Mr. Wolk asked that the application be denied until it is established that the homeowners association has good standing and accurate information to pursue the application.

Ms. Ann Gullia, 34785 Sherwood Drive, concurred with Mr. Wolk. She said her family is opposed to the proposed fence. Ms. Gullia said at some point, a former homeowner of her property established that there is access from her property to the lake and lake access is the reason she purchased the home. She is very happy with the new facility that was built at the lake and would welcome neighbors to gain access to the lake from her property. She said she was on the homeowners association board for many years and continually asked that the pathway on her property leading to the lake be maintained. Since the last meeting, she asked neighbors if they want the fence, however, found there is confusion as to why the fence is needed. She understood from the last meeting that the fence was requested to establish boundary lines. Ms. Gullia agreed with boundaries such as stepping stones or a pathway, however, she objects to a barrier. Ms. Gullia displayed photos of many neighbors using the park, the grounds, the lake and the pavilion simultaneously. She believes a fence will remove that possibility. Ms. Gullia said her neighbors are welcome to access the lake through her back yard for the purpose of recreational activities. She would only ask that the association provide notice for any association business as a common courtesy and requested the application be denied.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the minutes of the July 9, 2013 meeting.

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

Nay: None

Motion Carried

PENDING:

1. Cannon Road & SOM Center Road – PP#'s 951-39-006, 041-2013
952-09-001, 952-12-004 - Burton Insurance Agency, Inc./Mary Lambert
 - Lot split/consolidation

A public hearing was scheduled.

Ms. Mary Lambert displayed a plan and indicated the parcels involved. Ms. Lambert said she has been working with the Metroparks and the conservancy to sell the entire property to the conservancy. However, the conservancy only wants to purchase a 30 acre portion indicated on the plan as Parcel A. She indicated Parcels B, C and D on the plan and noted Parcel B was originally intended to be an extension of Ridge Lane. She said Parcels C and D are less than 10 acres and small enough to market to individuals that may propose a family compound with fewer

homes which would keep the same current atmosphere of Birch Circle. Ms. Lambert said she is working with the Law Director and Planning Director to restrict buildings within a certain distance of the back of the homes on Birch Circle. She said Parcel B would extend the water and sanitary sewer. The existing drainage swales would remain.

Mr. Mazur asked how the property is currently configured. Ms. Lambert indicated the three existing parcels on the plan.

Mr. Stolarsky acknowledged there are ongoing discussions with the Law Director and Mr. Frankland to ensure there are deed restrictions.

Mrs. Lambert said because the conservancy only wants a portion of the property, the property is not marketable to large developers. Therefore, the density will be minimal to the remaining property to be marketed. She noted the sale to the conservancy contains a contingency that the lot split be approved.

Mr. Mazur opened the public hearing and asked for comments.

There were no comments from the public. It was the consensus of the Commission to continue the public hearing into the next meeting.

Mr. Mazur said the contingencies are not fully delineated and deed restrictions need to be placed on the lots, therefore, the public hearing will continue to the August 13th meeting.

Mr. Tim Kramer, 31710 Birch Circle, spoke with Ms. Lambert regarding the plan. He is concerned with new connections to existing utilities on Birch Circle and Ridge Lane. Mr. Kramer said sewer backups have been a problem in the past and the City installed a second storm sewer line which seemed to correct the problem. He is concerned that if more storm sewers tie into Ridge Lane, additional flooding problems may result. Mr. Kramer does not want to see the property developed and would like it to remain green space.

Mr. Newberry advised of a recent email from George Kambic to the Clerk of Council's office. Mr. Kambic suggested abutting property owners acquire part of the property at the cul-de-sac on Birch Lane. Ms. Lambert will be provided with a copy of the correspondence.

Ms. Lambert noted she had tried to sell the property to residents at the end of Birch Circle, however, there was no interest.

Mr. Newberry said a letter from the Metroparks was also received outlining the deed restrictions that are present on the two adjoining parcels.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 1.

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

Nay: None

Motion Carried

2. 34500 Dogwood Lane – Frank and Cheryl Radis 042-2013
▪ 1' minimum swimming pool fence height variance

Mr. Frank Radis explained his request to replace an existing 3 1/2' chain link fence around a pool with a 4' aluminum fence with self-closing latches to improve safety and appearance. He said Mr. Newberry previously suggested extending the fence to the back of the yard, however, Mr. Radis explained the topography of the property causes a practical difficulty and displayed a photo of the slope of the yard. Although the current fence is grandfathered, Mr. Radis is seeking approval for a 4' fence for safety purposes and to improve the aesthetics of the property. Mr. Radis said Councilman Mooney visited the site and agreed there is a practical difficulty based on the topography of the yard.

Mr. Mazur said he visited the site and also agreed there is a practical difficulty based on the topography. He finds a 4' fence with locking gates is a safety improvement.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 1' minimum swimming pool fence height variance.

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

Motion Carried

Councilwoman Richmond said she was reluctant to approve the variance, however, she based her decision on Mr. Mazur's comments.

Mr. Mazur said it is not his intention to set a precedent for future applications and that unique situations exist with this application.

3. 32800 Solon Road – Creative Playrooms – Joan Wenk - 046-2013
referred to Safety and Public Properties Committee
▪ Site plan for bollards and railing

The applicant was not present. Mr. Mazur said a recommendation was received from the Safety and Public Properties Committee and the traffic consultant to modify the plan to enhance the effectiveness of the proposal by increasing the number of bollards and revising the spacing and the use of an alternate stronger bollard material.

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 3 and request the clerk to contact the applicant and indicate the Commission's recommendation with a copy of the minutes of the Safety and Public Properties Committee meeting and the traffic engineer's recommendation and request that he meet with the Planning Department to discuss with new plans based upon the recommendations.

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

Motion Carried

4. Sherwood Park – Sherwood Park Homeowners' Association 048-2013
- 50' front yard setback variance
 - 47' side yard setback variance
 - Site plan for split rail fence

Mayor Drucker recused herself from consideration of this item.

The applicant was not present.

Motion by Mr. Newberry, seconded by Mr. Bentley to table consideration of Item 4 and request the clerk contact the applicant and request the status of the application.

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

Nay: None

Abstain: Drucker

Motion Carried

5. 33800 Miles Road – Aaron Salomon 049-2013
- 7' minimum side yard setback variance

Mr. Salomon was present and explained his request to install a 5' x 60' stamped concrete pathway from the driveway to the back yard. He explained the yard is shaded, therefore, grass will not grow in this area. He is requesting a 5' width to accommodate a lawn mower as the area is muddy.

A site plan was displayed. Mr. Newberry questioned a location on the plan and Mr. Salomon advised there is a garage and dog run/fence in the location.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 7' minimum side yard setback variance.

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

Nay: None

Motion Carried

6. 36200 Pettibone Road – Annex Management, Inc. 053-2013
- Site plan alteration for new lighting

Mr. Mazur said a lighting plan was submitted, however, there was insufficient time for review and the applicant was not present.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 6 and request the clerk contact the applicant to request representation at the next meeting.

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

Nay: None

Motion Carried

NEW:

7. 28200 Miles Road – Brainard Miles Retail Development 055-2013
- Site plan for drive-thru

Mr. Kertesz displayed the plan and indicated the location of the proposed drive-thru which will be located in the same building as KeyBank on the west side of the building where there is existing pavement. However, pavement modifications will be made to comply with drainage requirements. Mr. Kertesz said there is room for stacking, with one car at the drive-thru and four cars behind. He displayed the elevations in which a new window will accommodate the drive-thru. He indicated the existing grade and noted additional drains will be added as required by the Engineering Department.

Mr. Kertesz displayed a plan of the area including the surrounding area and indicated the location of Mr. David Smercina's residence. Mr. Kertesz said Mr. Smercina is concerned with the proximity of the drive-thru to his residence. Mr. Kertesz advised when the shopping center was approved, a variance for a solid fence with no openings was granted to block lighting to the Smercina property. He displayed photos of the fence.

At Mayor Drucker's request, Mr. Kertesz indicated the location of the speaker for the drive-thru on the plan between two existing windows, which will remain. Mr. Kertesz advised the lease will not be signed unless the drive-thru is approved.

Mr. Kertesz displayed photos of an employee's car parked against the fence. He said the photos show the headlights are well blocked by the solid fence. He displayed a photo from the same position of Mr. Smercina's home and said the back of the house is about 15' lower and that the house would have to be much higher for lights to show through the windows.

Mayor Drucker asked the hours of operation for the coffee shop and Mr. Kertesz said the hours will comply with the code.

Mr. Kertesz added that the pine trees that were initially planted have grown well above the fence and that the Smercina property contains many trees. He finds that the fence will protect Mr. Smercina from existing traffic and future traffic. Mr. Kertesz said his traffic consultant advised that 50% to 60% of the traffic that would go to the coffee shop is traffic that currently travels on Miles Road. He requested approval and anticipates finalizing the lease.

Mr. Mazur asked if a free-standing menu board will be installed or increased lighting will be needed. Mr. Kertesz explained there will be a small board on the side of the building for the menu and no new lighting will be installed with the exception of lighting of the menu board.

Mr. Mazur said he wanted to clarify that the commission is not approving a free-standing sign or additional lighting. Mr. Kertesz said they are not asking for any additional signage at this time.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve the site plan for a drive-thru to be located at 28200 Miles Road with the recommendations of the Safety and Public Properties being noted.

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

Nay: None

Motion Carried

8. 33650 Baldwin Road – PP#'s 954-06-236 and 954-06-237 056-2013
Kim Dyckes
▪ Lot consolidation

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for the August 13, 2013 meeting.

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

Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 6701 Cochran Road – Brennan Industries

Mr. Frankland displayed an aerial view and explained the applicant is requesting easier access to the front door for mobility purposes. He indicated where a parking space will be added, however, as it is located in the front yard, front yard landscaping is required. A landscaping plan was displayed indicating parking and landscaping. Mr. Frankland displayed an elevation view indicating where an existing hedge is located that could be considered front yard landscaping. The applicant advised they would include the additional paving in any future expansion as required by the Engineering Department.

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

2. 30500 Bainbridge Road – Nestle

Mr. Frankland said the applicant requests to change the dimensions of a small entry canopy that was previously approved. The canopy was approved to extend 14' from the building and the request is to extend the canopy 17' from the building.

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

3. 33400 Aurora Road – PNC Bank

Mr. Frankland displayed the plan and indicated where a sidewalk was removed that was deemed unnecessary. The sidewalk will be replaced with landscaping as depicted on the landscaping plan and will be reviewed and approved by the landscape architect.

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

4. Solon Village Shopping Center – Giant Eagle

Mr. Frankland displayed a photo of the café in which columns and a fence are located on the side of the building. Since there is a potential for the consumption of alcoholic beverages outside on the plaza, State law requires that the area be more clearly delineated. The request is to extend the fence around the front of the building. Although columns were recommended, it was determined to be cost prohibitive and disruptive at this stage of the development. Therefore, rather than even spaced columns, in certain locations fencing will be installed in between the columns.

Mr. Newberry asked if the fence will connect to the building and Mr. Frankland said yes, however, it will contain openings.

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

5. 29300 Cannon Road – Nestle

Mr. Frankland displayed the approved elevation and advised of the changes for vents and doorways. He explained the main glass entry way to the building will be modified to include decorative metal mullions between the glass.

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

6. Solon Village Shopping Center – Office Max

Mr. Frankland displayed a plan and said the drawing indicated that the top half of the building would be horizontal cement siding and the portion under the canopy would be brick. The request is to have horizontal siding above and below the canopy.

Mr. Mazur said as discussed in Caucus, the Commission decided the application may proceed with the approval of the City architect.

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

7. 31501 and 31711 Solon Road – Zircoa

Mr. Frankland said the proposal for landscaping was approved last year but did not proceed and is being presented for re-approval as approval has expired.

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

8. 6150 SOM Center Road - Panini's

Mr. Frankland displayed a landscaping plan in which additional landscaping was added at the Panini's location.

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

9. 30013 Solon Industrial Parkway - Amresco

Mr. Frankland said the request is to add a transformer and supporting mechanical equipment. He indicated on the plan where supporting mechanical equipment will be installed and will not be visible. A generator will be added that would eliminate a parking space and may need a variance, however, the equipment is the only request at this point.

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

COMMENTS FROM THE COMMISSION:

Mayor Drucker announced the Saaj Restaurant is now open and she encouraged residents to patronize Solon restaurants.

Mayor Drucker announced Home Days will take place from Thursday, July 25th through Sunday, July 28th beginning with a Pasta Dinner at the Solon Community Center hosted by the Senior Center and the Solon Italian Club. On Saturday, July 27th, the Kiwanis Breakfast will be held from 8:00 A.M. to 12:00 P.M. at the Community Park under the big tent. The parade will take place on Sunday, July 28th at 1:00 P.M. as well as the fireworks display at dusk.

Mayor Drucker said due to inclement weather, the Rock-n-Roll Capitol Street Machines Charity Cruise was rescheduled to Tuesday, July 30th from 4:00 P.M. to 9:00 P.M. behind the movie theater. Donations will go to the Greater Cleveland Fisher House.

Mayor Drucker said the tentative schedule for closing the existing Giant Eagle will be Wednesday, August 7th at 3:00 P.M. The Giant Eagle Market District store will hold their grand opening on August 8th with a ribbon cutting at approximately 8:00 A.M. or 9:00 A.M. Demolition of the old store will begin on August 12th. She is appreciative that Giant Eagle is keeping the old store open as long as possible for residents.

Councilwoman Richmond looks forward to seeing residents at Home Days.

Mr. Newberry looks forward to seeing residents at Home Days and at the charity car cruise.

Mr. Bentley encouraged residents to attend Home Days.

Mr. Stolarsky cautioned residents who hire contractors and suggested they call the City to ensure the contractor is registered and obtains a permit.

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for a lot split/consolidation for 29300 Cannon Road submitted by Nestle.

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

Motion Carried

Mr. Mazur encouraged residents to support the Solon Benevolent Fund's raffle and silent auction at Home Days.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mr. Newberry to adjourn the meeting at 8:45 P.M.

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

Motion Carried

Chairman

Secretary