

PLANNING & ZONING COMMISSION
September 10, 2013 – 7:15 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 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. 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:

7. 31250 Cannon Road – Chung Seong – accessory structure location variance: Mayor Drucker said there are many questions regarding this application and if the applicant is not present, she believes the item should be tabled.

9. 33321 Aurora Road – Earth Fare – Mid America Management – site plan modification for shopping cart corrals: Mr. Mazur said the cart corrals need to be properly secured so they do not move around. If the applicant is not present, he believes the item should be tabled.

Mr. Frankland briefly reviewed 2 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:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Councilwoman Richmond, seconded by Mr. Bentley to approve the minutes of the August 27, 2013 meeting.

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

PENDING:

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

Mr. Frankland said the applicant requested this item be tabled and he believes they will be attending the next meeting.

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

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

2. 6235 Sharondale Drive – Richard Lascala 098-2012
 - 4.8' minimum cumulative side yard setback variance

Mr. Mazur said correspondence was received from the applicant requesting to withdraw this item.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to accept the applicant's request to withdraw Item 2.

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

3. 37125 Aurora Road – Hattie Larlham
 - 2.5' maximum accessory structure height variance
 - 80.6 sq ft maximum accessory structure area variance

Mr. Bill Painter, Turner Construction, was present. He explained the construction of the pavilion is a service project for Hattie Larlham residents and will be

constructed on an existing concrete slab. The need for the 2.5' height variance is necessary due to the bottom and angle of the trusses.

Mr. Frankland said this is the same plan that was previously approved and the height issue was noted because of the trusses. The previously submitted square footage measurement only measured the inside dimension of the building. The 80.6 sq ft variance accounts for the outside of the building which reflects the correct measurement.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 2.5' maximum accessory structure height variance.

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

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an 80.6 sq ft maximum accessory structure area variance.

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

Motion Carried

NEW:

4. 33000 Solon Road – AT&T 064-2013
 ▪ Site plan for new replacement antennas and equipment

Motion by Mr. Newberry, seconded by Mr. Bentley to schedule a public hearing for September 24, 2013.

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

Motion Carried

5. 33311-33631 Aurora Road – Solon Square LLC – 065-2013
 PP#'s 954-03-004, 954-03-016 and 954-03-017
 ▪ Re-submittal of lot consolidation (correction to plat)

Mr. Mazur said this is a re-submittal of a previously approved lot consolidation which now includes corrected items.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to schedule a public hearing for September 24, 2013.

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

Motion Carried

6. 5163 Berrington Court – Dinallo & Wittrup Homes, Inc. 066-2013
 ▪ Not parallel to the street variance

Mr. Rick Dinallo, Dinallo & Wittrup Homes, was present. He displayed a plan indicating the location where construction of a new home is proposed. Mr. Dinallo said due to the topographical nature of the lot, a steep grade slanting down to a low area of the lot, it would be a challenge to build the home parallel to the street.

Mr. Dinallo said the home was designed to be as compact as possible for the lot. He displayed a lot plan with an outline of the proposed home and said the light-colored line designates the plan that is proposed and the dark-colored line designates the location of the home based on the guidelines of the City's code. Mr. Dinallo said their goal is to locate the home on the highest area of the lot, and if the home was situated according to the City code, it would be on the bottom of the downward slope.

Mr. Mazur said this is clearly considered a practical difficulty.

Mr. Newberry said this would not be a precedent in this sub-division. The adjacent lot was also approved for a not parallel to the street variance for similar reasons.

Motion by Councilwoman Richmond, seconded by Mayor Drucker to approve a not parallel to the street variance for 5163 Berrington Court.

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

Motion Carried

7. 31250 Cannon Road – Chung Seong 067-2013
▪ Accessory structure location variance

Mr. Mazur said the applicant is not present, therefore, this item should be tabled.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to table consideration of item 7.

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

Motion Carried

8. 6653 Duneden Avenue – Fred Vanderpeet 068-2013
▪ 9' minimum cumulative side yard setback variance

Mr. Fred Vanderpeet was present and displayed a site plan indicating the home and the location of the current 16' x 12' patio. The proposal is to expand the patio so it will be flush with the house edge and the new size will be 23 ½' x 15 ½'.

Motion by Mr. Bentley, seconded by Mr. Newberry to approve a 9' minimum cumulative side yard setback variance for 6653 Duneden Avenue.

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

Motion Carried

In response to Mayor Drucker's question, Mr. Vanderpeet said he is aware that he must apply for a permit to begin the project once the variance is approved by the Council.

9. 33321 Aurora Road – Earth Fare – Mid America Management 069-2013
▪ Site plan modification for shopping cart corrals

Mr. Mazur said the applicant is not present, therefore, this item should be tabled.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to table consideration of Item 9.

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

Motion Carried

10. 30285 Solon Industrial Parkway – Rhm Properties 070-2013
 ▪ 2,000 sq ft minimum business area variance

Mr. Tim Stacey was present and displayed an aerial view of the building and a site plan with the layout of how space will be utilized.

Mr. Mazur said the 2,000 sq ft variance is necessary because by Code, 8,000 sq ft is required for this use and the applicant will be utilizing 6,000 sq ft.

Mr. Stacey said the facility is a private baseball academy. He chose this space for the facility because there is potential to expand the facility in the future. Mr. Stacey said he hopes to open by October.

Councilwoman Richmond and Mr. Mazur said Councilman Russo indicated his support for the project.

In response to Mr. Newberry's question regarding batting cages, Mr. Stacey said there will be three netted batting tunnels with Astro Turf flooring for pitching and hitting instruction. Mr. Stacey indicated on the plan where the batting tunnels will be located. He said there will be adequate room for infield practice since all of the netting can be opened for increased space.

Mr. Frankland said there is no parking variance associated with this application.

Mr. Mazur asked what age group will be eligible to attend the facility.

Mr. Stacey said ages 10 to 18 are eligible to attend the facility, however, it is only for private instruction. He explained that the facility will be used mainly for team training and teaching.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 2,000 sq ft minimum business area variance.

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

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 36200 Pettibone Road – Annex Management, Inc.

Mr. Frankland displayed an aerial view indicating the rear of the property where giant arborvitae bushes were previously approved adjacent to the retention pond as

part of the landscape plan. However, since there is not much land between the retention pond and the parking lot, this created a problem. The applicant is proposing a new landscape plan that includes Norway spruce which has been approved by the adjacent neighbor, in writing, as well as the City's landscape architect.

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

2. 5750 Harper Road – Nestlé

Mr. Frankland displayed an aerial view of the property indicating the rear of the building. He displayed a lot plan and indicated the rear of the building where two man doors and a new landing are proposed. In addition, a glass entry door will be replaced with an opaque door. He indicated where a temporary roll-up garage door is proposed since changes are being made to the assembly line area. Once construction is completed, this area will be bricked over.

Mr. Frankland indicated where there is an existing 3' wide man door with a 4' wide landing. The proposal is to change to a 4' wide man door with a 7' wide landing. He noted the location of another existing man door which is to be filled in.

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

COMMENTS FROM THE COMMISSION:

Mr. Mazur welcomed Fire Lieutenant Joe Eisenhuth as the new Fire Prevention Bureau Representative to the Planning Commission.

Mr. Mazur said safety concerns have been raised about the Menchies patio area and requested Fire Lieutenant Eisenhuth review the area and determine if the installation of bollards would be appropriate.

Motion by Mr. Mazur, seconded by Mr. Newberry to request Fire Lieutenant Eisenhuth to review the safety concerns with the patio at Menchies and determine if bollards should be installed and report back to the Commission at the next meeting.

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

Nay: None

Motion Carried

Mayor Drucker also welcomed Fire Lieutenant Eisenhuth to the Planning Commission.

Mayor Drucker congratulated the Solon High School Marching Band for hosting the 7th annual Band Bash this past weekend with over 1000 musicians from 10 different schools who showcased their talents. She said all of the Solon High School Marching Band events ensure entertaining performances.

In turn, the rest of the Commission members welcomed Fire Lieutenant Eisenhuth to the Planning Commission.

Mr. Bentley thanked the Kent State University architectural students for choosing the City of Solon's Planning Commission meeting as an informational forum to complete an assignment.

COMMENTS FROM THE AUDIENCE:

Motion by Mayor Drucker, seconded by Mr. Newberry to adjourn the meeting at 8:00 P.M.

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

Motion Carried

Chairman

Secretary