

**PLANNING & ZONING COMMISSION**  
**October 29, 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 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.

PENDING:

1. 33000 Solon Road – AT&T (tower owner) – Sprint (replacement antennas) - site plan for new replacement antennas and equipment: Mr. Mazur said the parties involved with this application are in conflict over who should be attending the meeting and public hearing. He asked Mr. Stolarsky if it would be appropriate to close the public hearing and table the item.

Mr. Stolarsky said he believes the public hearing has remained open long enough for any public comment. He believes the issues are technical issues to be determined by the engineers.

Mr. Mazur feels the item should be moved to the Inactive Agenda.

In response to Mayor Drucker's comments, Mr. Stolarsky said in order to re-open the public hearing, the item would have to be re-published. Providing the issues are addressed, it might be unnecessary to do so.

Mr. Newberry asked if it is necessary to hold a public hearing once the item goes to the Council.

Clerk McConoughey said although it is not required to hold a public hearing because the tower is located on City property, one is usually scheduled.

4. 35800 Solon Road – Gerry Praizner – various variances: Fire Lieutenant Eisenhuth said he met with Mr. Praizner at his home and took measurements of the outdoor fireplace. It was determined that if the fire box was filled in and reduced in size, the Fire Department would consider this acceptable.

NEW:

5. 33330 Bainbridge Road – Roger VanNostran – fence location variance and site plan review: Mr. Mazur asked what material would be used for the fence.

Mr. VanNostran said a wood fence is planned.

6. 6630 Solon Blvd. & Duneden Ave. – PP#'s 954-05-189, 954-05-190 and PP#'s 954-05-196, 954-05-197 – Estate of Richard A. Long – Nancy Haas Burroughs, Executrix – variance to not combine non-conforming lots of record and two lot consolidations: Mr. Frankland said the need for an area variance has also been identified.

7. 32811 Aurora Road – Liberty Investment Group – various variances and site plan review: Mr. Frankland said the rear yard setback variance for the dumpster location will be withdrawn since it has been determined it will meet Code requirements.

8. 34310 Aurora Road – ECHO Solon, LLC – site plan for sidewalk installation: Mr. Mazur asked if the addition of another sidewalk to the north coming into the center from the crosswalk had been considered by the applicant.

Mr. Paul Colla was present and said he was just made aware of this recommendation and sketches are being prepared for further review.

9. 5163 Berrington Court – Sookram and Savitri Phalgoo – minimum front yard setback variance: Mr. Mazur said correspondence from two neighbors indicating they have no objection to the variance has been received.

10. 29000 Aurora Road – Aurora Commerce, LLC (Cleveland Clinic) – minimum parking aisle and space variances: Mr. Mazur said there are issues which are still being reviewed by the Engineering Department. In addition, a landscape plan has not yet been submitted.

Mrs. Welch said although she has received the storm water calculations, they have not been thoroughly reviewed. She visited the site and determined there are

additional issues that need to be addressed. The adjacent property owner has said there are issues with ponding water from the site which is very close to their property line that he would like to see addressed.

This item was approved last year and since it was less than one year, it was determined it could be placed on the agenda. However, no landscape plan or storm water retention plan has been submitted.

Mr. Mazur said it is the Planning Commission's policy not to forward items to the Council without all of the necessary information.

Mr. Frankland briefly reviewed 2 minor alterations.

The caucus ended at 7:16 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:

Ms. Geraldine Habbyshaw, President of the Solon Park Estates Condominium Association, spoke regarding Item 7 submitted by Liberty Ford. Ms. Habbyshaw said her concerns involve issues regarding lighting, delivery of vehicles and noise. She suggested a barrier be installed in front of the parked trucks and cars to reduce noise and lighting. She requested the tall lights in the rear of the lot be reduced in height or lighting. Ms. Habbyshaw was concerned with any potential signage that may be installed. She would like the dumpsters maintained with less noise and limit the number of times they are emptied. She explained when the dumpsters are emptied, they bang on the refuse truck. Ms. Habbyshaw advised that a tractor-trailer truck backed into the condominium development's driveway. She asked the commission for guidance in deterring the trucks from entering the development's property. She questioned if signs could be posted.

Mayor Drucker said any posted sign would need to be enforced, therefore, she will discuss the issue with the Police Chief for his opinion.

Ms. Habbyshaw believes the limited parking between vehicles on the Ford lot may have contributed to the truck having to turn around in the condominium development's driveway. She asked if delivering vehicles in the front can be restricted.

Ms. Habbyshaw asked that the bay doors be located at the back of the property. She noted that the car wash has a sign that says "body shop."

APPROVAL OF MINUTES:

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

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

Motion Carried

PENDING:

1. 33000 Solon Road – AT&T (tower owner) and Sprint (replacement antennas) 064-2013
  - Site plan for new replacement antennas and equipment

The public hearing was continued from the previous meeting.

Mr. Mazur said Mr. Frankland requested the applicant attend tonight's meeting. He advised that the applicant replied there is continuing controversy as to the ongoing plans.

Mr. Mazur opened the public hearing and asked for comments. There were no comments from the public, therefore, the public hearing was closed.

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

Mr. Mazur requested the Clerk send a letter to the applicant advising that their application is on the Inactive Agenda.

2. Stonecreek Estates – Cannon Road – Rick Dinallo - 081-2013  
PP#'s 951-37-006, 951-37-007, 951-37-008, 951-37-017, 951-37-018
  - Plat modification and lot split/consolidation

The public hearing was continued from the previous meeting and Mr. Mazur opened the public hearing and asked for comments.

Mr. Rick Dinallo, Stone Creek Development Corporation, explained the plan is to adjust and add property to the Stone Creek neighborhood. A very old home in disrepair will be removed and the retention basin will be placed on the parcel. Mr. Dinallo said the purchase of the property was necessary to increase the capacity and water quality of the retention basin, which is a required standard of the City. Mr. Dinallo said the property lines of Sublots 1 and 2 will be adjusted and the rest of the plan remains the same. Mr. Dinallo said the grades of Sublots 1 and 2 will be addressed by the retention basin and the slope.

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

Mr. Mazur asked Mrs. Welch for the Engineering Department's status of the project. Mrs. Welch said final comments still need to be made on storm water calculations, which have been submitted.

Mr. Dinallo displayed a landscaping plan for the retention basin and said the grades have been changed. The plan indicates evergreen and deciduous trees at the perimeter of the property.

It was determined there was no comment from an abutting neighbor and that it was unnecessary for the city landscape architect to review the plan.

Mr. Mazur supports the plan.

Mr. Newberry indicated a change on the plat is the addition of two lots in the former location of the retention basin creating a total of 24 lots. Mr. Mazur said it is a gain of one property considering the older home will be removed.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve the plat modification and the lot split/consolidation contingent upon the Engineering Department's final review.

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

Nay: None

Motion Carried

3. 5131 Lake Vista Drive – Katherine Okrez – PP#'s 951-05-033, 080-2013  
951-05-034
- Lot consolidation

Mr. Frankland displayed an aerial view and said the proposal is to consolidate the properties and bring them into compliance with the Zoning Code. He indicated where the lot line crosses through the house and said by combining them into one lot, it now becomes 120' wide and .46 of an acre. Mr. Frankland said a variance would be required to keep the lots separate.

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 951-05-033 and 951-05-034 at 5131 Lake Vista Drive.

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

Nay: None

Motion Carried

4. 35800 Solon Road – Gerry Praizner 083-2013
- 7' minimum side yard setback variance
  - Location variance for outdoor fireplace
  - 8' minimum side yard setback variance – (outdoor fireplace)
  - 3' maximum width variance – (outdoor fireplace)

- 10" maximum depth variance – (outdoor fireplace)
- 2.5' minimum setback from building variance – (outdoor fireplace)

Mr. Gerry Praizner was present and said Fire Lieutenant Eisenhuth came to his home and viewed the work that has been completed thus far on the outdoor fireplace. It was determined if the firebox was made smaller, it would be safer and the measurement from the house to the flame was re-calculated and it was found to be within 1' of the zoning code minimum.

Fire Lieutenant Eisenhuth said making the firebox significantly smaller should eliminate hazards associated with the use of wood if the fireplace is ever used to burn wood in the future. Although Mr. Praizner intends to use natural gas, if the home is ever sold in the future, there is less concern about the possible use of wood. In addition, the firebox is located further away from the house than originally calculated. Lieutenant Eisenhuth said with these changes, the fireplace is now considered safe and is acceptable to the Fire Department.

Mr. Mazur asked Mr. Frankland if any of the variances have now changed.

Mr. Frankland said the variances remain the same.

Mr. Newberry said since he has not seen a new plan, he is unclear as to what changes are being made.

Mr. Praizner displayed a rendering indicating the front view of the firebox which was 16" wide and has been reduced by 8" side-to-side and front-to-back. Mr. Praizner said he will only be using natural gas.

Mayor Drucker said she would not have been able to consider this application based on the memo from the Fire Department received at the previous meeting where they recommended this item not be approved. She appreciates Mr. Praizner and Fire Lieutenant Eisenhuth taking the time to review this item and reaching a compromise that is approved by the Fire Department and Mr. Praizner and is considered to be a safe solution. Mayor Drucker no longer has any objections to the variances.

Mr. Mazur said if the plan had been presented to the Commission before the work had started, he would have approved some of the variances but not all of them, as he believes many of the variances might have been omitted since they are considered minor. Therefore, he will only support the variances he would have approved if the application had been presented to the Planning Commission prior to the work being started.

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

Mr. Mazur reiterated he would have approved this variance if the application had been presented prior to the work starting since he feels it is a legitimate variance.

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

Motion by Mr. Bentley, seconded Mr. Mazur to approve a location variance for the outdoor fireplace.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to approve an 8' minimum side yard setback variance for an outdoor fireplace.

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 3' maximum width variance for an outdoor fireplace.

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 10" maximum depth variance for an outdoor fireplace.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 2.5' minimum setback from building variance for an outdoor fireplace.

Mr. Stolarsky recommended an amendment to the motion making approval conditional upon compliance with the Fire Department's requirements.

Mr. Newberry said he will not support the variance, therefore, will not accept an amendment to the motion and withdrew his motion.

Motion by Mr. Bentley, seconded by Councilwoman Richmond to amend the motion for approval to be conditional upon compliance with the Fire Department's requirements and the applicant's agreement that only natural gas will be used.

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

Roll call on the motion as amended: Aye: Bentley, Drucker, Richmond  
Nay: Mazur, Newberry Motion Carried

Mr. Mazur noted this project was started without the proper permits, therefore, the Chief Building Official has the option of assessing a penalty in accordance with Section 1424.99 of the Building and Housing Code.

NEW:

5. 33330 Bainbridge Road – Roger VanNostran 086-2013 6
- Fence location variance
  - Site plan for fence

Mr. and Mrs. VanNostran were present. Mr. VanNostran displayed a photograph indicating the two small dogs they own and said an electric fence does not work for them. The dogs run through the electric fence which is why he wants to install a wooden fence. Mr. VanNostran displayed a rendering of the fence he proposes to install.

Mr. Frankland displayed an aerial view of the property, noting the property is on a corner lot. The proposed fence was outlined on the aerial view to denote its location. Mr. Frankland said due to the property being located on such a unique corner, there is no side yard or rear yard to install the fence and the only yard is in the front of the house.

In response to Mr. Bentley's question, Mr. VanNostran indicated the location of the front door. He also indicated where two gates will be installed.

Mayor Drucker pointed out the aerial view is very deceiving as it appears the yard is quite large, however, the house is compactly located on the property due to its extreme curves. She said the lot is very unusual in shape.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a fence location variance for 33330 Bainbridge Road.

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

Motion Carried

Mr. Stolarsky said the site plan motion should note that a white fence is consistent with the historical nature of the neighborhood.

Mr. VanNostran said it is pre-treated wood and although he was not planning on painting the fence, if the Commission prefers the fence to be white, he will paint it.

Mr. Frankland said although he would prefer to see a white fence in that area, it is difficult to maintain a painted pre-treated wood fence.

Mr. Newberry said the pre-treated wood fence will eventually turn gray.

It was determined that it was unnecessary for Mr. VanNostram to paint the fence and it could be left in its natural state.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve the site plan for the fence.

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

Motion Carried



6. 6630 Solon Blvd. & Duneden Ave. – PP#'s 954-05-189, 954-05-190 & PP#'s 954-05-196, 954-05-197 – Estate of Richard A. Long - Nancy Haas Burroughs, Executrix 087-2013 7
- Variance to not combine non-conforming lots of record
  - Lot consolidation of two parcels on Duneden Ave. - PP#'s 954-05-189 and 190 (to form one parcel)
  - Lot consolidation of two parcels on Solon Blvd. – PP#'s 954-05-196 and 197 (to form one parcel)

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing for November 12, 2013.

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

Motion Carried

7. 32811 Aurora Road – Liberty Investment Group 088-2013 6
- 5.75% total green space variance
  - 12' building front yard setback variance
  - Building color variance
  - Building material variance
  - 20' parking lot front yard setback variance
  - 10' parking lot aisle width variance
  - 7 ¼" street access drive width variance
  - Parking lot spaces without interruption by green space variance
  - 10' parking lot setback from building variance
  - 7.5' site lighting at the property line variance
  - Number of wall signs variance (to permit 6)
  - 35' rear yard setback variance for dumpster
  - Lot consolidation
  - Site plan – building addition

Mr. Rich Siegfried, RSA Architects, and Mr. Greg Bumbu, Liberty Ford, were present. Mr. Siegfried displayed a site plan of the proposed project. He indicated the location of the existing dealership and said the current showroom encroaches on the front yard setback. He indicated on the plan where the new dealership and showroom is proposed which conforms to the new setback, except for the entry feature where a 12' front yard setback variance is necessary. Mr. Siegfried indicated where a drive-up service bay will be located which is typical of car dealerships. He indicated where six other service bays with three garage doors will be located for quick services; such as, tire rotations, oil changes, etc.

Mr. Siegfried said the showroom area from the current building will be removed and indicated where the parts area will be located with details added to the brick wall for aesthetics as well as landscaping. Mr. Siegfried said additional service and body shop bays will be added to the rear of the building and the existing car wash will remain but a new façade will be added to match the new construction.

Mr. Siegfried said the new site plan will modify the circulation around the building to conform to the Fire Department regulations. This should assist with alleviating some of the previously mentioned issues with noise from deliveries since there will be more room on site for trucks to maneuver and off load the vehicles.

Mr. Siegfried indicated the rear portion of the site plan and said one additional dumpster will be added. He said a dumpster enclosure will also be added. Mr. Siegfried said the water retention basin will also be revised in cooperation with the City of Solon and that the legal aspects of this agreement are almost completed.

Mr. Siegfried said although the list of variances seems long, it will become clear that improvements are being made over the existing conditions at the current dealership. This has been made possible by Liberty Ford purchasing the office building located to the southeast which has been demolished. Mr. Siegfried said this area will now become additional parking and green space.

Mr. Siegfried displayed a rendering of the floor plan of the new facility.

Mr. Mazur asked about access to the area labeled, Parts Mezzanine.

Mr. Siegfried said access will be reached by two stairways and there will be no elevator. The Parts Mezzanine currently exists and also contains an employee lounge.

Mr. Siegfried displayed a rendering of the landscape plan and noted it conforms to the new streetscape requirements that have been adopted by the City of Solon Master Plan. He displayed another rendering indicating the enlarged detention basin.

Mr. Siegfried displayed a rendering of how the facility will appear upon completion. He explained that the showroom is a prototypical showroom for Ford with modifications made based on the requirements of Solon. Mr. Siegfried said typically the large front brand wall would be entirely made of a stainless steel material. However, based on the Solon requirements, it will be made of a limestone-like material. In addition, window mullions have been added to the glass front which is not typical to the standard Ford design. The former showroom area will have a brick front with limestone details to match the new building and to give it more of a Western Reserve façade. Although it is not depicted on the rendering, and to assist with breaking up the look of a long continuous brick wall, Adirondack Crabapple trees will be well placed to create a vertical element.

Mr. Siegfried referred to the signage variances and said based on the amount of frontage the new facility will have, it is not believed that the request for 6 signs is excessive. Per Mr. Mazur's request, Mr. Siegfried identified and indicated on the rendering the proposed locations for the signs.

In response to Mr. Mazur's question regarding the previously mentioned sign "Body Shop" near the car wash building, Mr. Bumbu said the sign says "Body Shop"

Office.” Mr. Bumbu explained this is the office of the Manager of the Body Shop who meets with insurance adjusters.

Mr. Siegfried said the body shop is located in the back of the building but the office is located near the car wash for convenience. There is parking in the front and it is a cleaner environment for customers.

Mr. Siegfried displayed additional renderings of the new facility, which included, elevations and brief descriptions of the functions that would take place in different areas.

Mr. Mazur said he would have preferred to see the landscaping included in the renderings. He is not pleased with the look of the long continuous brick wall and would have liked to see spandrel glass inserted to break it up.

In response to Mr. Mazur’s question, Mr. Frankland said the City landscape architect has reviewed and approved the landscape plan.

Mr. Siegfried said the brick wall was thoroughly reviewed and it was determined that based on the parts and service function of this part of the building, spandrel glass would not be appropriate. He said it is believed that the Adirondack Crabapple trees will assist with breaking up the look of the continuous brick wall.

In response to Mayor Drucker’s question, Mr. Siegfried said 10’ to 12’ trees will be planted.

Mr. Mazur still believes that spandrel glass would look better in that area.

Mr. Frankland said the full brick wall was a compromise reached during the planning stages, whereby additional features were added to the building. Although the Adirondack Crabapple trees are deciduous, the City landscape architect believes they are appropriate for that location.

Mr. Siegfried displayed the photometric plan which he said was very difficult to read. The variance shown as 75’ site lighting at the property line is actually a 7.5’ variance. Mr. Siegfried said there will not be much light spillage.

Mr. Siegfried displayed a materials board and explained the various items to be used. He indicated a fiberglass panel that will be used to simulate the limestone used on the base. Mr. Siegfried said this is a very good product which costs more than the aluminum panel that is typically used. He said it is a very durable custom-made product and it will work well on the brand wall to simulate limestone.

Mr. Siegfried indicated the brick sample and explained it has a sand finish and gives the appearance of a used brick with color and variations to make it look aged. He said it is believed that all of the materials will work well together.

Mr. Mazur asked for clarification regarding the finishing on the building that houses the car wash.

Mr. Siegfried said the car wash is currently a stucco finish and will be painted to match the limestone color.

Mr. Mazur said the rendition shows it in a gray color.

Mr. Siegfried showed it in another rendering where it appears to be much lighter than gray.

Mr. Mazur thinks it looks odd with such a light color and asked if brown was considered.

Mr. Newberry referred to another rendering and said the side of the car wash is painted red in this rendering. He asked Mr. Siegfried if he knew which color is planned for the side of the car wash.

Mr. Siegfried said it could be either color. He apologized for giving such a vague answer and said if he had to make a decision right now, he would have it painted red to match the brick.

Mr. Mazur and Mr. Newberry agreed that the color red would be more appropriate.

Mayor Drucker addressed the concerns noted by Ms. Habbyshaw at the beginning of the meeting. She strongly feels that trucks should not be using private property driveways to back up or turn around in and would also like the issue with the dumpsters discussed.

Mr. Bumbu agreed with Mayor Drucker about the trucks using driveways on private property. He said Liberty Ford always tries to comply with all of the zoning and code requirements. Mr. Bumbu said he cannot control what an outside trucking company does on a road as busy as Route 43. He said Liberty Ford is located in a commercial district with residences across the street. Mr. Bumbu said not all of the noise being heard by the residents is coming from Liberty Ford. Additionally, Liberty Ford documents the time the trash is picked up so they can verify that it was done at the appropriate time. Mr. Bumbu said if the trash company empties the dumpsters at an unapproved time, this would be a problem for the trash company.

In response to Mr. Newberry's question, Mr. Siegfried indicated on the rendering where the dumpsters are currently located, behind the car wash. In addition, a recycle container is located there for recycling metal used in the body shop. However, the recycling container does not get dumped since it is a roll-off. He said the noise is most likely being made by the lids when they are emptied and is generated from every business along Aurora Road.

Mr. Siegfried said the new light poles are 20' tall and shorter than the existing poles. This will assist with reducing the lighting and conforming to the City's code requirements.

Mr. Mazur asked if the foot candles located at the property line could be reduced to zero since they are so low.

Mr. Siegfried said they might be able to reduce the foot candles to zero at the property line. The lighting at the property line abuts the street and does not abut residential property which is located across the street where street lights are located. Mr. Siegfried said they are not adding any light on the residential side of the street.

Mr. Frankland said the average foot candle is permitted to be 2.5'.

Mr. Siegfried said 2.5' candles is a typical number for a parking lot for a big retail establishment. However, this is an automotive dealership and the foot candles average in the display area will be between 30' and 40' until 11:00 PM and then will be reduced to safety lighting. He said this is typical of what other dealerships in Solon have as well.

In response to Mayor Drucker's question about timing for the lighting, Mr. Bumbu said he believes this is the procedure they are currently following, however, the light poles are taller with older fixtures.

Mr. Bumbu said this project will be a vast improvement to the site as well as a huge endeavor for Liberty Ford who has been in Solon since 2000. He said Liberty Investment Group has removed an old office building that was an eyesore in the City and has also updated the Enterprise Building. Mr. Bumbu said Liberty Investment Group is making a substantial investment in the City of Solon which will make an improvement to the area and will hopefully serve as a catalyst to spur other development. He explained the efforts that went into the project by Liberty Ford and the City and all of the experts are here tonight to respond to any questions. Mr. Bumbu said it is important for them to move forward, break ground and proceed with the project.

Mr. Mazur asked for clarification about the roadway between the car wash and the building.

Mr. Siegfried said it is a drive aisle for cars only and trucks are not permitted. It will remain as it is with the new development.

In response to Mr. Mazur's question, Mr. Siegfried said the 7 ¼" street access drive width variance will be withdrawn and the drive will be reconfigured to be 24.'

Mr. Mazur asked if there were any variances associated with the 6 signs requested.

Mr. Siegfried said they will return at a future meeting with a complete sign package.

Mr. Frankland said the 35' rear yard setback variance for the dumpster will also be withdrawn since it has been determined the dumpster location will meet the rear yard setback requirements.

In response to Mr. Mazur's question regarding the lot consolidation, Mr. Mark Smoley, PE, The Mannik & Smith Group, Beachwood, OH, said as the project moves forward, part of the approval process will include a lot consolidation. He said there are numerous parcels involved and buildings are straddling parcel lines. Mr. Smoley said in order to complete the lot consolidation, additional survey work needs to be completed. Providing there is a favorable outcome tonight and his firm receives the consolidation contract, he hopes to have the consolidation plan ready to submit in approximately one month.

Mr. Newberry said it is known that there is a large storm sewer that runs under the showroom and he asked if there was a plan to correct this issue.

Mr. Smoley displayed the site plan and indicated the location of the existing storm sewer that runs through the site and would run through the new showroom. He said elevation data has been completed that indicates the storm sewer can be relocated and function properly and this agreement is still under review by the legal departments.

Mr. Mazur asked for clarification about the 10' parking lot aisle width variance.

Mr. Siegfried indicated the location of the 14' aisle on the site plan. Mr. Frankland said most of the aisles will measure close to 24' wide.

Mr. Mazur listed the variances and requested Mr. Siegfried further explain them.

Mr. Siegfried said with regard to the green space variance, the existing green space is approximately 11% and the new amount is 19.25%. Therefore, green space is being increased by approximately 8% but did not reach the required 25%.

Mr. Siegfried displayed the site plan and indicated where the 20' parking lot front yard setback variance is required along the road area. He said the new plan will actually improve the setback. He also reviewed the driveway entrances and curb cuts on the site.

Mr. Siegfried indicated where the 12' building front yard setback variance is necessary for the front entrance of the new showroom.

Mr. Siegfried indicated where the parking lot spaces without interruption by green space variance is necessary. This area is in the rear of the building where as much parking as possible is needed and is not really accessed by the public.

Mr. Siegfried reviewed the lighting at the property line variance and said it can be reduced. There was further discussion among the Commission and it was determined even if it is 0' candles at the property line, there will still be reflective lighting from the surrounding area.

Mr. Mazur said the lot consolidation is not under consideration tonight, however, will be necessary prior to occupancy.

Mayor Drucker asked for clarification regarding the garage doors that face Aurora Road since this was an item discussed by Ms. Habbyshaw.

Mr. Siegfried indicated on the site plan where the current doors exist and where new doors will be added and briefly explained their function.

Mr. Mazur said he will add the following contingencies for approval of the site plan: the car wash walls will be painted to match the brick, the trees to be planted in front of the long brick building portion will be at least 12' tall and the height of the lights will be no taller than 20'.

Mrs. Welch said the sight plan does not, at this time, indicate where handicapped parking will be located.

Mr. Frankland said this will be determined when a building permit is granted.

In response to Mr. Bumbu's comments stating he had no control over outside vendor's actions, Mr. Stolarsky said as a good neighbor and employer of the outside vendor, a certain amount of control can be exercised.

Mr. Bumbu said it is the intention of Liberty Ford to be a good neighbor and the new garage doors will be ultra-light and much quieter than the current ones.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a 5.75% total green space variance.

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

Motion Carried

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

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a building color variance.

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

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a building material variance.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 20' parking lot front 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 a 10' parking lot aisle width variance between the car wash and the building.

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to accept the applicant's withdrawal of the 7 ¼" street access drive width variance.

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a parking lot spaces without interruption by green space variance.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 10' parking lot setback from building variance.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 7.5' site lighting at the property line variance with the contingency of 0.0' candles at the curb.

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

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of the number of wall signs variance\* (to permit 6) until a later date.

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

\*(This variance will be considered at a future meeting when all required information is submitted.)

Mr. Frankland recommended a variance be added regarding exceeding the 2.5' candle average.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a variance to not require a 2.5' overall average foot candle on the property but will not be allowed after 11:00 P.M. or before 7:00 A.M.



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

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to accept the applicant's withdrawal of the 35' rear yard setback variance for the dumpster.

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

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to table consideration of the lot consolidation.\*

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

Motion Carried

\*(The lot consolidation will be considered at a future meeting when all required information is submitted.)

Motion by Mr. Newberry, seconded by Mr. Bentley to approve the site plan for the building addition with the following contingencies: the lot consolidation plan will be submitted and approved by this Commission prior to the issuance of a Certificate of Occupancy, the side elevations of the existing car wash building will be toned to match the brick on the rest of the façade, the trees in the spaces on the front elevation of the building will be planted at 12' or more in height and accessible parking spaces in accordance with the Americans with Disabilities Act regulations will be included in the site plan and the light poles will be no more than 20' tall.

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

Motion Carried

8. 34310 Aurora Road – ECHO Solon, LLC  
▪ Site plan for sidewalk installation

089-2013

6

Mr. Paul Colla, ECHO Solon, LLC, was present. Mr. Colla displayed a site plan and said when the project was originally submitted, it was indicated that the parking lot would be connected to the sidewalk on SOM Center Road. He indicated the location on the site plan where a straight sidewalk was intended, however, a grade change of about 2.97' was not taken into consideration. Therefore, when the time came to install the sidewalk, it was determined that in order to meet ADA standards, the ramp would have to be reconfigured.

Mr. Colla displayed another site plan with the new reconfiguration where the ADA slope requirements would be met and connect the sidewalk from SOM Center Road to the parking lot.

Mr. Mazur asked if the ADA would permit steps to be added, along with the ramp, off of the sidewalk.

Mr. Colla said steps were not considered at the time the plan was made, however, they could be.

Mr. Mazur said people walking from the north will have to cross the entire ramp to access the sidewalk and asked if it might be possible to add steps parallel to the existing sidewalk if permitted by the ADA.

Mrs. Welch said as long as the ramp is installed, then ADA requirements are being met. The steps would be an addition that the property owner would have to consider and agree to.

Mr. Colla said he could discuss it with management. Mr. Colla asked for clarification as to where the Commission would like the steps installed.

Mr. Newberry referred to the site plan indicating the location to be considered for steps. He asked Mr. Colla why the ramp is not turned in the other direction on the site plan.

Mr. Colla said turning the ramp the other way was considered, however, there is a grade differential of approximately 8" which could cause potential problems; such as, the ramp would have to be made longer and trees would have to be relocated, etc. It was determined that this location would be the most appropriate for the grading of the area.

In response to Mr. Mazur's question, Mr. Colla said during meetings with the Planning Department, a shorter ramp was considered but hand rails would have been necessary. It was determined that omitting hand rails would bring less attention to the ramp and it would blend into the surroundings in a more subtle manner.

Mr. Newberry and Mr. Mazur requested the addition of stairs be considered.

Mr. Colla said he will discuss it with the management team.

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the site plan for sidewalk installation.

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

Motion Carried

9. 5163 Berrington Court – Sookram and Savitri Phalgoo 090-2013 5  
 ▪ 14.7' minimum front yard setback variance

Mr. Rick Dinallo, Dinallo and Wittrup Homes, was present. Mr. Dinallo displayed a plan and explained the proposal to locate the home closer to the street to increase the distance of the foundation from a ravine, which will create a 60' setback. Mr. Dinallo said two other properties in the development have the same setback. He noted 23 lots in the neighborhood have a 70' setback. Mr. Dinallo received letters from an abutting neighbor and a neighbor across the street indicating no objections. Mr. Dinallo believes the variance will improve the homeowners' situation to maintain their back yard and their side yard.

Mr. Newberry supports the variance. He believes the variance is minimal and will improve the situation for the homeowner.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 14.7' minimum front yard setback variance.

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

Nay: None

Motion Carried

10. 29000 Aurora Road – Aurora Commerce, LLC (Cleveland Clinic) 091-2013 5
- 0.4' minimum parking aisle width variance (west side parking lot)
  - 0.7' minimum parking space depth variance (west side parking lot)
  - 1.2' minimum parking aisle width variance (east side parking lot)
  - 0.05' minimum parking space depth variance (east side parking lot)

Mr. Mazur advised the applicant was not present, a landscape plan has not been reviewed or approved and the Engineering Department has indicated there are still unresolved issues.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to table consideration of Item 10.

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

Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to schedule a public hearing at the next meeting for Judith Wardley (owner) and William Cervino (applicant) for 5200 Harper Road, PP# 951-15-003.

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

Nay: None

Motion Carried

#### MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

##### 1. Uptown Solon – Pier One

Mr. Frankland displayed the proposed plan and explained the Pier One store is requesting to change their awnings from a current striped pattern, which is not an earth tone color to a solid blue, which is also not an earth tone color. Mr. Frankland said it is an exterior modification that requires the Commission's approval, however, he did not believe a variance was necessary.

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

##### 2. Giant Eagle Market District

Mr. Frankland displayed a drawing and explained exterior equipment was added to the rear of the building facing north. He indicated on the plan where additional pine trees will be installed to screen the equipment.

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

Mr. Mazur asked Mr. Stolarsky for an update regarding Inactive Agenda Item B submitted by the Wurm Family.

Mr. Stolarsky sent a letter to the attorney processing the estate of Mr. Thomas Wurm in the Portage County Probate Court indicating this item is on the inactive agenda and has not received a response. Mr. Stolarsky recalled when Mr. Wurm submitted the application, there were questions regarding Mr. Wurm's authority to present the application as he was one of five owners of the property. Mr. Stolarsky does not foresee a problem if the item is removed from the agenda.

Mr. Newberry asked if it is possible to leave the item on the agenda considering it is in probate. Mr. Mazur preferred to remove it from the Inactive Agenda. Mr. Newberry agreed, but would like to hear a response from the applicant to prevent the applicant from sacrificing their application fee. Mr. Mazur said a motion to remove the item from the inactive agenda could include a waiver of the application fee if the application is again pursued.

Motion by Mr. Mazur, seconded by Mayor Drucker to remove Item B submitted by the Wurm Family from the Inactive Agenda with the contingency that if the applicant re-applies, the application fee will be waived.

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

Motion Carried

Mr. Mazur said Mrs. McConoughey sent a letter to the applicant of Inactive Agenda Item A, Mr. Kucinic asking for a response.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to remove Item A submitted by Mr. Kucinic from the Inactive Agenda.

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

Motion Carried

#### COMMENTS FROM THE COMMISSION:

Mayor Drucker announced Trick-or-Treat will be held on Thursday, October 31<sup>st</sup> between 6:00 P.M. and 8:00 P.M. Police, auxiliary and bike patrols will be present in the neighborhoods.

Mr. Newberry encouraged everyone to vote on Tuesday, November 5<sup>th</sup>.

#### COMMENTS FROM THE AUDIENCE:

Mr. Anthony Ianetta, 32760 Aurora Road, said he agrees with the earlier comments of Ms. Habbyshaw regarding the Liberty Ford site. He said the lights and noise are disturbing when he is trying to sleep.

Ms. Habbyshaw said the lights in the car wash turn on at 6:30 A.M. and go off about 9:15 to 9:30 P.M. She said the noise she is concerned with occurs when the

doors open. Ms. Habbyshaw advised the earliest trash removal has been at 5:55 A.M. in the summer. She believes the owner is willing to comply, however, cannot control other people.

Ms. Habbyshaw asked where and when vehicle and parts deliveries will be in regard to the plan.

Mr. Mazur said access space was made available for vehicle delivery in the rear of the building.

Ms. Habbyshaw advised parts delivery occurs in the driveway between the car wash and building and asked if it will continue. She again said her issues are the noise level and lights during working hours. She believes the building will be attractive, however, she wishes to protect the residents.

Mr. Mazur said Ms. Habbyshaw may also address the City Council at the November 4<sup>th</sup> meeting. He asked Councilwoman Richmond to represent Ms. Habbyshaw's concerns. Mr. Mazur asked that the location of the parts delivery be clarified at the Council meeting. Mr. Mazur advised the owner can stipulate when deliveries occur.

Ms. Habbyshaw said she confronted the previous owner and the truckers and asked if they would regulate delivery times to daylight hours. She spoke with the owner and the trucking company and received conflicting answers as to who set the delivery times. Mr. Mazur explained his experience with businesses in which delivery hours were regulated and enforced by the police.

Ms. Habbyshaw preferred not to inconvenience the police or keep them from other safety issues.

Mr. Mazur said the Commission has made their concerns known to Mr. Bumbu to enforce the regulations.

Ms. Habbyshaw thanked the Commission for addressing her concerns.

Mr. Newberry advised in lieu of calling the police, Ms. Habbyshaw can document the disturbance by video and forward the video to the zoning inspector.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 9:25 P.M.

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

Motion Carried

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Chairman

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Secretary