

**PLANNING & ZONING COMMISSION**  
**November 26, 2013 – 7:20 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. 33000 Solon Road – AT&T (tower owner) – Sprint (replacement antennas) - Site plan for new replacement antennas and equipment

**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:**

2. 34310 Aurora Road – ECHO Solon (Giant Eagle for Huntington Bank) – Site plan sign modification: Mr. Mazur said the applicant has submitted a revised plan based on the Commission's recommendations at the last meeting with the material and letter depth changes. However, the font style is still questionable and will be discussed during the meeting.

**NEW:**

3. 33438 Pettibone Road – Joseph Abate – re-approval of setback variances and a not parallel to the street variance: Mr. Mazur said this item failed at the Planning Commission two years ago and was overturned by the Council on appeal from the applicant.

Mr. Stolarsky said all of the contingencies that were placed on the approval by the Council have been met. The drainage easements and declaration of covenants were prepared and filed in a timely manner.

Mr. Mazur said he was made aware that the builder for the property might construct the house further back on the property. However, the Commission will only be

acting on the variances that were previously approved and any modifications to the plan would have to be considered by the Commission at a later date.

4. 33615 Aurora Road – Mid America Management – various sign variances and setback from right-of-way variances: Mr. Mazur said issues have been raised regarding the possibility of the new sign being located in the right-of-way. The Planning Department requested a survey be performed by the applicant and has yet to receive it. Therefore, he will recommend this item be tabled.

Mrs. Welch confirmed that the sign is not permitted in the right-of-way.

Mr. Stephen Fein, Mid America Management, was present and said he was just made aware of the request for a survey and asked for further clarification.

Mr. Frankland said the application only contained a drawing indicating the sign located out of the right-of-way. However, it is not a survey and if the Commission approved the sign in the location as shown on the drawing, it might actually be in the right-of-way. Mr. Frankland said this could lead to legal issues as the Law Director has said signs located in the right-of-way cannot be approved. He said the Planning Department has sent emails indicating a survey is needed as it cannot be determined on the drawing if the sign is located outside of the right-of-way.

Mr. Major Harrison, Mid America Management, was present and said he accessed the City website and the GIS map. He also received calculations from the Engineering Department regarding the right-of-way locations from Solon Road and Aurora Road and measured it out. Mr. Harrison said the existing sign is currently located in the public right-of-way and the proposed sign will be located outside of the right-of-way based on the measurements received from the Engineering Department. Mr. Harrison said an aerial site plan was formulated based on the calculations received from the Engineering Department.

Mr. Frankland said the lines on the GIS map could be off by a number of feet when displayed on a map. He said that he could not guarantee to the Commission that the sign will not be located in the right-of-way based on the information he received from the applicant. Mr. Frankland believes the Engineering Department could not guarantee this either.

Mrs. Welch said she advised Mr. Harrison of the width of the right-of-way but that a survey was necessary for precise measurements.

Mr. Mazur said it is his position that the item will not be discussed further until a survey is submitted and the item will likely be tabled.

5. 6134 Kruse Drive – Unit C (Liberty Bank) – L&Y Properties-Solon II – setback variances and site plan: Mr. Mazur said he is confused by the application since the picture of the trailer and ramp does not coincide with the drawing on the site plan labeled SP-1.

A representative for Liberty Bank said the picture is of a random trailer at another installation and the ramping is modular and can be changed as necessary to access parking spaces.

Mr. Mazur said he is also concerned about the flow of traffic and whether access will be restricted between the building and the trailer.

Mr. Frankland said the front yard setback variance has been re-calculated from 6' to 15'.

Mr. Mazur requested the Commission members consider cancelling the next meeting scheduled for December 24<sup>th</sup>.

Mr. Mazur said tonight will be Councilwoman Richmond's last meeting.

Mr. Mazur said the bollards issue and outdoor seating was discussed at a recent Safety & Public Properties Committee meeting and he requested an official notice regarding their findings on the subject from the Committee.

The caucus ended at 7:28 P.M. and the meeting convened at 7:30 P.M.

Chairman Mazur presided.

#### CHANGES TO THE AGENDA:

There were no changes to the agenda.

#### COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

#### APPROVAL OF MINUTES:

Motion by Mr. Bentley, seconded by Mr. Newberry to approve the minutes of the November 12, 2013 meeting.

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

Nay: None

Motion Carried

#### PENDING:

1. 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. Frankland said the landscape plan was only submitted yesterday and is being reviewed by the City's landscape architect. The approval of the landscape plan was

a contingency for approval and submission to the Council and it has not yet been approved by the City's landscape architect.

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. 34310 Aurora Road – ECHO Solon (Giant Eagle for Huntington Bank) 092-2013 6
- Site plan for sign modification

Mr. David Detar, Sign Erectors, was present representing the applicant. He said the manufacturer has changed the material and depth of the letters to match the rest of the letters on the building. However, the font style has not been changed.

Mr. Mazur said the issue is only with the font style, as it does not match the rest of the letters on the building, there is no issue with the green color of the Huntington logo.

Mr. Frankland displayed a sample of the Huntington font, which has only the H in upper case and the rest of the letters in lower case. He also displayed a sample of the font style originally approved for the building, which are all upper case letters and said all of the existing lettering on the building is in this style. If approved, the Huntington font will not match the existing lettering on the building.

Mr. Bentley said this font does not match the sign package previously approved for the building and he will not support the modification.

Mr. Newberry disagreed with Mr. Bentley and said Huntington Bank uses the same font style for all of their branches and this is part of the recognition for marketing the bank. He said if another business was located in this building; for example, Starbucks, their recognized lettering would not match the existing lettering either. He will support the modification.

Councilwoman Richmond agreed with Mr. Newberry.

Mayor Drucker thanked Mr. Detar for changing the material to brushed aluminum and changing the depth of the letters. Although another style font was previously approved for the building, she realizes that businesses have their own recognized logos and the City needs to be business-friendly. Therefore, she agrees with Mr. Newberry and Councilwoman Richmond and will also support the modification.

Mr. Mazur would like to have seen the font style match the existing lettering, however, he understands the importance of product identification and will reluctantly support the modification.

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve the site plan for sign modification for Huntington Bank.

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

Motion Carried

3. 34438 Pettibone Road – Joseph Abate 101-2013 1
- Re-approval of 8' minimum front yard setback variance
  - Re-approval of 2.4' minimum side yard setback variance (west)
  - Re-approval of 8' minimum side yard setback variance (east)
  - Re-approval of not parallel to the street variance

Mr. Joseph Abate, 34550 Pettibone Road, was present. Mr. Abate said all of the requested variances were approved two years ago and he is asking that the same variances be re-approved.

Mayor Drucker said although she did not support the variances at the Planning Commission two years ago, she will support them now as the variances were approved by the Council in 2011 when Mr. Abate appealed the decision of the Planning Commission. She respects the Council's decision and will support the request for the re-approval of the variances. Mayor Drucker said the re-approval is only for the requested variances, and if any changes are made to the setbacks, they would have to be reviewed by the Commission.

Mr. Abate said he understands that the re-approval is only for the requested variances and any changes would be determined by the new owners of the property, who would have to return to the Commission.

Mr. Mazur said he did not support the variances in 2011 and he will remain consistent and not support them now.

Mr. Bentley said he was not a member of the Commission in 2011 but has read and reviewed the minutes. In 2011, Mr. Abate was planning to build a home on one of the parcels and his son was going to build a home on the second parcel. Mr. Bentley asked Mr. Abate for clarification as to why only one of the homes was built.

Mr. Abate said his son never built a home because he moved out of state. Mr. Abate decided to sell the vacant parcel and now has a potential buyer, however, the previously approved variances for the property have since expired and he is seeking re-approval of the same variances. Once the property is sold, if the new owner seeks a change to the setbacks, he will have to submit an application to the Commission.

Mr. Mazur said the Commission is only considering the re-approval of the same setback variances approved by the Council in 2011 with the same contingencies associated with the approval.

Mr. Stolarsky said all of the contingencies associated with the previous approval have been met and the legal documents were all filed in a timely manner. This includes the Declaration of Covenants and Restrictions and the drainage easement

which runs with the parcel. Therefore, any subsequent owner would also be subject to the same restrictions and covenants.

Mr. Newberry said as a member of the Commission in 2011, he believed that the variances should be approved based on the statute standards for practical difficulty and undue hardship. Although there was much discussion regarding drainage, water flow, etc., he does not believe it is the purview of the Commission to make that judgment or a reason to deny the variances. Mr. Newberry will support the re-approval of the variances.

Motion by Mr. Mazur, seconded by Mayor Drucker to re-approve an 8' minimum front yard setback variance.

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

Motion by Mayor Drucker, seconded by Councilwoman Richmond to re-approve a 2.4' minimum side yard setback variance (west).

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

Motion by Councilwoman Richmond, seconded by Mr. Newberry to re-approve an 8' minimum side yard setback variance (east).

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

Motion by Mr. Newberry, seconded by Mr. Bentley to re-approve a not parallel to the street variance.

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

4. 33615 Aurora Road – Mid America Management 102-2013 6
- 13 sq ft maximum sign area variance
  - 10" maximum sign height variance
  - 3' – 10" maximum sign width variance
  - 8' minimum sign setback from right-of-way variance (Solon Boulevard)
  - 7' minimum sign setback from right-of-way variance (Aurora Road)

Motion by Mr. Mazur, seconded by Mr. Newberry to table consideration of Item 4.

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

5. 6134 Kruse Drive - Unit C (Liberty Bank) – L&Y Properties- 103-2013 6  
Solon II
- ~~6'~~ 15' front yard setback variance
  - 15' side yard setback variance
  - 10' parking lot setback from structure variance
  - Site plan for temporary trailer

Mr. Brian Fabo, Architect, was present representing the applicant. He said there was a fire in the building and the bank is unable to conduct business in it. He displayed a site plan and indicated where a temporary banking trailer is proposed. Mr. Fabo explained that due to the property elevation, stairs and a ramp assembly will be required for handicap access. He indicated the entrance and ramp location and noted this location was chosen due to its proximity to parking spaces. Mr. Fabo indicated the employee entrance and emergency exit and said a hand railing will be installed.

In response to Mr. Mazur's question regarding traffic flow, Mr. Fabo said there will be no thru traffic between the trailer and the building. However, the ATM lane will remain open and will be restricted to one way with the use of cones and signage.

Fire Lieutenant Eisenhuth said providing traffic is restricted to one way with appropriate signage, there should be no issues.

Mr. Frankland said a contingency can be added to the motion regarding restricting traffic.

Mr. Mazur said a time period should also be added to the motion.

Mr. Fabo believes 120 days is appropriate.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 15' front yard setback variance.

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

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 15' side 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 setback from structure variance.

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

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a site plan for the temporary trailer with the contingency that the ATM lane will be restricted to one-way traffic and the temporary trailer will remain for no longer than 120 days.

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

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

1. 31635 Aurora Road – Shankman and Associates

Mr. Frankland displayed a drawing of the building as it appears currently and a drawing of the proposed changes and upgrades to the building. He said the front entrance will be changed with new accents, windows will be added to the side of the building and the overhead doors will be replaced with windows.

Mr. Frankland said this will be an overall improvement and investment in the building.

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

2. 36200 Pettibone Road – The Annex

Mr. Frankland displayed a previously approved site plan indicating an area that was to remain as green space, however, was inadvertently paved. The Engineering Department said it does not impact the drainage calculations or the green space requirements.

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

3. 34310 Aurora Road – Giant Eagle

Mr. Frankland displayed a rendering of the awnings on the Giant Eagle and a photograph of snow guards. He said the proposal is to add snow guards to all of the awnings to prevent the snow from sliding off the awning onto customers.

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

4. 29001 Solon Road – Carlisle Brake and Friction

Mr. Frankland displayed an aerial view of the building and indicated the location in the rear of the building where a 500 gallon propane tank and chiller unit is proposed. He said it will be fenced in with a 6' chain-link style fence on a concrete pad. Mr. Frankland said the Fire Department should also review and approve the plan.

Mr. Mazur asked if the propane tank should be protected by bollards.

Mr. Frankland said the Fire Department will determine if bollards are necessary during their review.

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

Mr. Mazur recommended the Planning Commission meeting scheduled for December 24<sup>th</sup>, Christmas Eve, be cancelled.

Motion by Mr. Mazur, seconded by Mr. Newberry to cancel the Tuesday, December 24<sup>th</sup> Planning Commission meeting.

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

Motion Carried

Mr. Mazur asked the Clerk to request an official recommendation from the Safety and Public Properties Committee regarding their findings on bollards as they relate to outdoor seating for discussion by the Commission at the next meeting.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Annual Holiday Lighting will take place on Wednesday, November 27<sup>th</sup> at 7:00 P.M. in front of City Hall. The Solon Center for the Arts and the Solon Historical Society will be open and there will be performances and refreshments.

Mayor Drucker said the Lighting of the Menorah will take place on Wednesday, December 4<sup>th</sup> at 5:30 P.M. at the Chabad Jewish Center.

Mayor Drucker said the swearing in ceremony for herself and the three Council members will take place on Saturday, November 30<sup>th</sup> at 4:00 P.M. at The Solon Center for the Arts.

Mayor Drucker said tonight is Councilwoman Richmond's last meeting. She thanked her for her contributions and said she will be missed.

In turn, members of the Commission thanked Councilwoman Richmond for her service and wished her well in her future endeavors.

Councilwoman Richmond wished everyone a Happy Thanksgiving. She thanked the Commission for their kind words and said she has enjoyed serving on the Planning Commission.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to adjourn the meeting at 8:12 P.M.

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

Motion Carried

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Chairman

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Secretary